

1 [Mission Bay Owens Street at Park P1 Improvements]

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3 **Ordinance designating a portion of State Trust Parcel 2 adjacent to Park P1 for public**
 4 **right-of-way purposes; approving a map showing such areas and declaring such areas**
 5 **to be open public right-of-way; naming the new right-of-way (Channel); designating**
 6 **street grades, sidewalk widths, and street parking restrictions; accepting the**
 7 **irrevocable offer for the acquisition facilities; designating said facilities to public use**
 8 **and accepting for maintenance responsibilities and liability purposes, subject to**
 9 **specified limitations; accepting an agreement relating to temporary City access,**
 10 **subject to specified limitations; adopting findings that such actions are consistent with**
 11 **the City's General Plan, eight priority policy findings of City Planning Code section**
 12 **101.1, and the Mission Bay South Redevelopment Plan; accepting Department of**
 13 **Public Works Order No. 174,529 and authorizing official acts in connection with this**
 14 **ordinance.**

15 Note: Additions are *single-underline italics Times New Roman*;
 16 deletions are *strikethrough italics Times New Roman*.
 17 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough-normal~~.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings.

20 (a) All capitalized terms relating to Mission Bay shall have the terms ascribed to
 21 them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described
 22 therein, approved and adopted by the Board of Supervisors of the City and County of San
 23 Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in Clerk of the
 24 Board of Supervisors File No. 981441.

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1 (b) The San Francisco Redevelopment Agency, in a letter dated October 20, 2003,
2 determined that the street opening of Owens Street adjacent to Park P1, constructed pursuant
3 to Permit No. 01IE-455, dated September 28, 2001 (the "Project"), and other actions herein
4 set forth are consistent with the Mission Bay South Redevelopment Plan ("Plan") and Plan
5 Documents described therein and recommends Board of Supervisors approval. A copy of the
6 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
7 031957 and is incorporated by reference by reference as though fully set forth herein.

8 (c) The San Francisco Redevelopment Agency on February 28, 2003 signed and
9 accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the
10 Assignment is on file with the Clerk of the Board of Supervisors in File No. 031957
11 and is incorporated by reference as though fully set forth herein.

12 (d) The City Planning Department, in a letter dated April 15, 2003 determined that
13 the street opening of Owens Street adjacent to Park P1 and other actions herein set forth are
14 in conformance with the General Plan consistency findings of Case No. 96.771R, the eight
15 priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger
16 the need for subsequent environmental review pursuant the California Environmental Quality
17 Act ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of the
18 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.
19 031957 and is incorporated by reference as though fully set forth herein.

20 (e) In DPW Order No. 174,529, dated November 20, 2003, including the attached
21 A-17 Map No. 158, dated November 20, 2003 and entitled "Map Showing the Opening of the
22 Right of Way Channel at Park P1", and the Q-20 Drawing No.550, dated November 20, 2003
23 and entitled " Proposed Official Grades and Official Sidewalk on Channel West of Fourth
24 Street and Proposed Changes of Official Grades and Official Sidewalk on the Westerly Side of
25 Fourth Street North of Channel, ", the Director of the Department of Public Works certified

1 that: (1) the Owens Street at Park P1 street segment, (a) is currently a State Trust Parcel
2 subject to City jurisdiction, (b) has been inspected and was certified as complete on
3 November 3, 2003 and that the Project has been constructed in accordance with the Project
4 Plans and Specifications and all City codes, regulations, standards and Mission Bay South
5 Redevelopment Plan and Plan Documents governing this Project, and that such
6 improvements are ready for their intended use, (c) is recommended for formal acceptance of
7 acquisition facilities, designation of street grades, sidewalk widths, and acceptance for
8 maintenance purposes, and (2) a City access agreement is necessary for traffic routing
9 purposes over a temporary connector road. A copy of the DPW Order is on file with the Clerk
10 of the Board of Supervisors in File No. 031957 and is incorporated by reference as
11 though fully set forth herein.

12 Section 2. Adoptions, Approvals.

13 (a) The Board of Supervisors adopts as its own the consistency findings of the San
14 Francisco Redevelopment Agency in connection with the street opening of Owens Street
15 adjacent to Park P1, acceptance of Owens Street at Park P1 improvements and other actions
16 specified herein.

17 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
18 findings of the Planning Department in regard to the street opening of Owens adjacent to Park
19 P1, acceptance of Owens Street improvements at Park P1 and other actions specified herein.

20 (c) The Board of Supervisors has reviewed and approves the City Engineer's
21 certification and Director of the Department of Public Works recommendation concerning the
22 acceptance of the Catellus irrevocable offer of improvements, dated October 13, 2003 of the
23 Owens Street at Park P1 Improvements, maintenance and liability responsibilities for said
24 facilities and right-of-way, designating the street grades, sidewalk width, and street parking
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1 restrictions, and extension of the Agreement (Temporary City Access – Channel at P1 Park
2 Connector Road, dated August 12, 2002 (the "Connector Road Agreement").

3 Section 3. Designation of Right-of-Way Name, Acceptance of New Acquisition
4 Facilities, and Assumption of Maintenance Responsibilities.

5 (a) The Board of Supervisors approves the A -17 Map, designates that portion of
6 the State Trust Parcel 2, shown hatched on said A -17 Map, to be an open public right-of-way
7 dedicated to public use, designates the Street name as "Channel" and hereby directs the
8 Department of Public Works to revise the Official City Street Right-of-Way Maps in
9 accordance with this Ordinance.

10 (b) Pursuant to California Streets and Highways Code Section 1806 and San
11 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
12 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco
13 and Catellus Development Corporation, and the Department of Public Works Order
14 No.174,529, dated November 20, 2003, the Board of Supervisors hereby accepts the Catellus
15 irrevocable Offer of the Owens at Park P1 Improvements dated October 13, 2003 and
16 designates such facilities to public use and maintenance purposes, subject to the conditions
17 listed in subsection (c), but excluding therefrom those portions of the improvements which are
18 identified on the as-built drawings delivered to and on file with the City as "Pacific Gas &
19 Electric and Pacific Bell" facilities and those identified as the connector road as further
20 described in the Director of Public Works Order No. 174,529.

21 (c) The Board's acceptance of improvements pursuant to Subsection (a) are for the
22 Owens Street at Park P1 Improvements only and are subject to the Catellus Development
23 Corporation's warranty obligations under the Owens Street at Park P1 Project Permit No.
24 011E-455.

1 (d) The Owens Street at Park P1 Improvements accepted by the Board pursuant to
2 Subsection (a) and (b) are subject to the following: (1) acceptance is for the Project
3 infrastructure only, (2) the portion of street being accepted is the constructed street from back
4 of curb to back of curb, unless specified otherwise, (3) any privately maintained storm drain
5 and sewer facilities within the street area specifically constructed outside of this Project,
6 including but not limited to the facilities for the adjacent Giants parking lot are excluded, (4)
7 encroachments that are permitted, not permitted, or both are excluded from acceptance, (5)
8 the acceptance of the streets does not obviate, amend, alter, or in any other way affect
9 existing maintenance agreements between the City and parties to such maintenance
10 agreements and (6) acceptance is subject to Catellus' warranty obligations under the Project
11 Permit.

12 (e) Authority to accept the permanent Street Lighting components, which have not
13 been installed, is hereby delegated to the Director of Public Works acting on behalf of the
14 Board of Supervisors to accept said components in the future in accordance with the Mission
15 Bay South Acquisition Agreement.

16 (f) The Director of Public Works is authorized to take formal possession of
17 unassigned, unused or unsold conduits for purposes of marketing said facilities, directly or
18 indirectly, to appropriate utilities or other participants. The procedures under which the
19 Director implements this plan shall be the subject of a MOA to be developed between the
20 Department of Public Works and SFRA. Such MOA shall include the ability for the Director to
21 operate and maintain said facilities and to forward proceeds of any transaction to the
22 Community Facilities District (CCSF CFD #6), in accordance with the Acquisition Agreement
23 to be added to the Acquisition Funds. The MOA shall also provide for reimbursement from
24 CFD #6 of any reasonable and appropriate costs incurred by the Director for the management
25 of such facilities until leased or sold.

1 (g) The Board of Supervisors hereby acknowledges Catellus' Conditional
2 Assignment of all warranties and guaranties related to the construction of the above listed
3 Improvements.

4 (h) The Board of Supervisors hereby directs the Department of Public Works to add
5 this street segment to its Official Book of City Maintained Streets.

6 Section 4. Acceptance of Street Grades.

7 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
8 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
9 seq., chooses to follow its own procedures for the establishment of street grades and hereby
10 accepts and designates the street grades for that portion of Owens Street and Fourth Street,
11 both adjacent to Park P1, as set forth in the Department of Public Works Order No. 174,529,
12 Q-20 Drawing No. 550 and hereby directs the Department of Public Works to revise the
13 Official City Street Grade Maps in accordance with this Ordinance.

14 Section 5. Designation of Street Sidewalk Width.

15 (a) In accordance with the recommendation in Department of Public Works Order
16 No. 174,529, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of
17 Sidewalks", a copy of which is in the Clerk of the Board of Supervisors Book of General
18 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to
19 read as follows:

20 Section 15 . The width of sidewalks on the south side of Owens from the temporary
21 connector road construction line, east to Fourth Street and the west side of Fourth Street adjacent to
22 Park P1 shall be modified as shown on Department of Public Works Q-20 Drawing No. 550.

23 (b) The street sidewalk width designated by the Board pursuant to Subsection (a)
24 for the south side of Owen Street and west side of Fourth Street, both adjacent to Park P1,
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1 does not obviate, amend, alter, or in any other way affect the maintenance obligations of the
2 adjacent property owners.

3 (c) The Board of Supervisors hereby directs the Department of Public Works to add
4 this sidewalk segment to its Official Street Grade Maps in accordance with this Ordinance.

5 Section 6. Designation of Street Parking Restrictions.

6 (a) Pursuant to the Department of Public Works Order No. 174,529, the Board of
7 Supervisors hereby accepts the street parking recommendations listed in Subsection (b).

8 (b) The street parking recommendations below are designated by the City and
9 County of San Francisco:

10 (1) The North side of Owens Street at Park P1, from Fourth Street west to the
11 temporary connector road construction line shall allow parking.

12 (2) The South side of Owens Street at Park P1 from the temporary connector road
13 construction line East to Fourth Street shall have a "No Parking – Any Time" restriction.

14 Section 7. Acceptance of a Temporary City Access - Channel at P1 Connector Road
15 Agreement.

16 Pursuant to the Department of Public Works Order No. 174,529, dated November 20,
17 2003, the Board of Supervisors hereby approves the Temporary City Access - Channel at P1
18 Connector Road for access purposes, designates the agreement to be retroactive to the date
19 of the termination of the Agreement and exercises its option to extend the period of said
20 agreement beyond the one-year term pursuant to the terms and conditions therein. A copy of
21 the Agreement is on file with the Clerk of the Board of Supervisors in File No. 031957
22 and is incorporated by reference as though fully set forth herein.

23 Section 8. All actions heretofore taken by the officers of the City with respect to such
24 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
25 Director of Property, and Director of Public Works are hereby authorized and directed to take

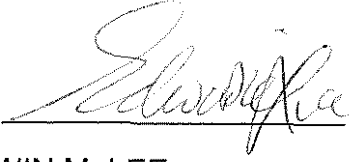
1 any and all actions that they or the City Attorney may deem necessary or advisable in order to
2 effectuate the purpose and intent of this Ordinance including, without limitation, the
3 recordation of this Ordinance, the accompanying A-17 Map, and miscellaneous agreements
4 and easements, including, but not limited to, the filing of the Ordinance, A-17 Map and
5 miscellaneous agreements and easements in the Official Records of the City and County of
6 San Francisco.

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RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

By: 

EDWIN M. LEE

Director of Public Works

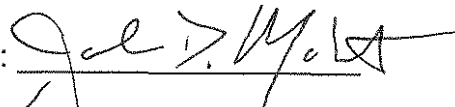
APPROVED AS TO FORM:

DENNIS J. HERRERA

City Attorney

DESIGNATION CERTIFIED BY:

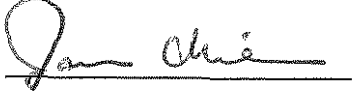
DEPARTMENT OF PUBLIC WORKS

By: 

JOHN D. MALAMUT

Deputy City Attorney

FOR

By: 

HARLAN L. KELLY, JR.

City Engineer

Name of Supervisor/Committee/Department
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 031957

Date Passed:

Ordinance designating a portion of State Trust Parcel 2 adjacent to Park P1 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way (Channel); designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance responsibilities and liability purposes, subject to specified limitations; accepting an agreement relating to temporary City access, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,529 and authorizing official acts in connection with this ordinance.

January 6, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval
Excused: 1 - Daly

January 13, 2004 Board of Supervisors — FINALLY PASSED

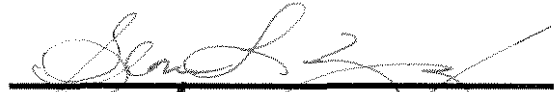
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval

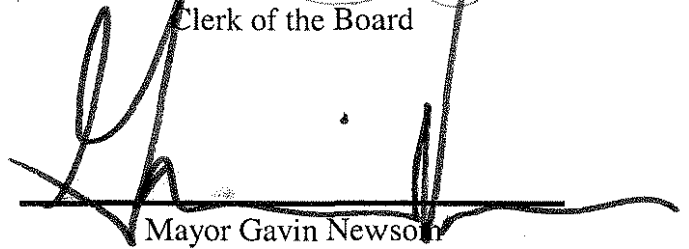
File No. 031957

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 13, 2004 by the Board of Supervisors of the City and County of San Francisco.

JAN 16 2004

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom