

1 [Mission Bay North Commons at Park P17 Improvements]

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3 **Ordinance designating a portion of State Trust Parcel adjacent to Park P17 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 Terry A. Francois**
6 **Boulevard; designating street grades, sidewalk widths, and street parking restrictions;**
7 **accepting the irrevocable offer for the acquisition facilities; designating said facilities**
8 **to public use and accepting for maintenance and liability purposes, subject to specified**
9 **limitations; adopting environmental findings and findings that such actions are**
10 **consistent with the City's General Plan, eight priority policy findings of City Planning**
11 **Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting**
12 **Department of Public Works Order No. 176,148 and authorizing official acts in**
13 **connection with this Ordinance.**

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

25 (b) The San Francisco Redevelopment Agency, in a letter dated June 16, 2006,
determined that the street opening of Terry A. Francois Boulevard adjacent to Park P17,

Supervisor Daly
Department of Public Works
BOARD OF SUPERVISORS

1 constructed pursuant to Permit No. 02IE-280 (the "Permit") for certain street improvements for
2 the "Mission Bay Project, San Francisco, CA., North Commons Street at Parks P16/17 –
3 Phase I" (the "Project") and other actions herein set forth are consistent with the Mission Bay
4 South Redevelopment Plan ("Plan") and Plan Documents described therein and recommends
5 Board of Supervisors approval. A copy of the Redevelopment Agency letter is on file with the
6 Clerk of the Board of Supervisors in File No. 061032 and is incorporated by reference
7 as though fully set forth herein.

8 (c) The San Francisco Redevelopment Agency on June 28, 2006 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. 061032
11 and is incorporated by reference as though fully set forth herein.

12 (d) The City Planning Department, in a letter dated June 29, 2006, determined that
13 the street opening of Terry A. Francois Boulevard adjacent to Park P17 and other actions
14 herein set forth are in conformance with the General Plan consistency findings and the eight
15 priority policies of Planning Code Section 101.1 of Case No. 96.771R, and that the
16 contemplated actions do not trigger the need for subsequent environmental review pursuant
17 the California Environmental Quality Act ("CEQA") (California Public Resources Code
18 Sections 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of
19 the Board of Supervisors in File No. 061032 and is incorporated by reference as
20 though fully set forth herein.

21 (e) In DPW Order No. 176,148, dated June 21, 2006, including the attached A-17
22 Map No. 138, dated April 24, 2006 and entitled "Map Showing the Opening of the Right of
23 Way Terry A. Francois Boulevard at Park P17", the Q-20 Drawing No. 638, dated April 24,
24 2006 and entitled " Proposed Official Grades on Terry A. Francois Boulevard at Park P17, and
25 the Q-20 Drawing No. 638, dated April 24, 2006 and entitled "Proposed Official Sidewalk

1 Widths on Terry A. Francois Boulevard at Park P17", the Director of the Department of Public
2 Works certified that the Terry A. Francois Boulevard at Park P17 street segment: (a) is
3 currently a State Trust Parcel subject to Port jurisdiction, (b) has been inspected and was
4 certified as complete on May 9, 2005 and that the Project has been constructed in accordance
5 with the Project Plans and Specifications and all City codes, regulations, standards and
6 Mission Bay South Redevelopment Plan and Plan Documents governing this Project, and that
7 such improvements are ready for their intended use, (c) is recommended for formal
8 acceptance of acquisition facilities, designation of street grades, sidewalk widths, and
9 acceptance for maintenance and liability purposes. A copy of the DPW Order is on file with
10 the Clerk of the Board of Supervisors in File No. 061032 and is incorporated by
11 reference as though fully set forth herein.

12 Section 2. Adoption of Findings.

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 Terry A. Francois
15 Boulevard adjacent to Park P17, acceptance of Terry A. Francois Boulevard adjacent to Park
16 P17 improvements and other actions 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 Terry A. Francois
19 Boulevard adjacent to Park P17, acceptance of Terry A. Francois Boulevard improvements
20 adjacent to Park P17 and other actions specified herein.

21 (c) The Board of Supervisors has reviewed and approves the City Engineer's
22 certification and Director of the Department of Public Works recommendation concerning the
23 acceptance of the FOCIL irrevocable offer of improvements, dated April 20, 2006 of the Terry
24 A. Francois Boulevard Improvements adjacent to Park P17, maintenance and liability
25

1 responsibilities for said facilities and right-of-way, designation of the street grades, sidewalk
2 width, and street parking restrictions.

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, 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 "Terry A. Francois Boulevard" and
8 hereby directs the Department of Public Works to revise the Official City Street Right-of-Way
9 Maps in 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 No.
14 176,148, dated June 21, 2006, the Board of Supervisors hereby accepts on behalf of the Port
15 of San Francisco the FOCIL irrevocable Offer, dated April 20, 2006 and designates all such
16 facilities to public use and maintenance purposes, subject to the conditions listed in
17 Subsections (c) and(d), 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 "SBC (also known
19 as Pacific Bell)" facilities and "Pacific Gas & Electric (also know as PG&E) gas facilities.

20 (c) The Board's acceptance of improvements pursuant to Subsection (b) are for the
21 Terry A. Francois Boulevard at Park P17 Project Improvements only and are subject to the
22 FOCIL's warranty obligations under the North Commons Street at Parks P16/17 – Phase I
23 Project Permit.

24 (d) The Terry A. Francois Boulevard at Park P17 Improvements accepted by the
25 Board pursuant to Subsection (b) are subject to the following: (1) the portion of street being

1 accepted is the constructed street from back of curb to back of curb, unless specified
2 otherwise, (2) encroachments that are permitted, not permitted, or both are excluded from
3 acceptance, and (3) the acceptance of the streets does not obviate, amend, alter, or in any
4 other way affect existing maintenance agreements between the City or Port and parties to
5 such maintenance.

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

10 (f) The Board of Supervisors hereby acknowledges FOCIL's Conditional
11 Assignment of all warranties and guaranties related to the construction of the above listed
12 Improvements.

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

15 Section 4. Acceptance of Street Grades.

16 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
17 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
18 seq., chooses to follow its own procedures for the establishment of street grades and hereby
19 accepts and designates the street grades for that portion of Terry A. Francois Boulevard at
20 Park P17, as set forth in the Department of Public Works Order No. 176,148, Q-20 Drawing
21 No. 638 and hereby directs the Department of Public Works to revise the Official City Street
22 Grade Maps in accordance with this Ordinance.

23 Section 5. Designation of Sidewalk Width.

24 (a) In accordance with the recommendation in Department of Public Works Order
25 No. 176,148, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of

1 Sidewalks", a copy of which is in the Clerk of the Board of Supervisors Book of General
2 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to
3 read as follows:

4 Section 15. The width of sidewalk on the east side of Terry A. Francois Boulevard
5 adjacent to Park P21 from the conform line, south to South Commons shall be a varying width of
6 sidewalk from 3.25-foot wide to 11.00-foot wide as shown on Department of Public Works Q-20
7 Drawing No.639.

8 (b) The sidewalk width designated by the Board pursuant to Subsection (a) for Terry
9 A. Francois Boulevard at Park P17, does not obviate, amend, alter, or in any other way affect
10 the maintenance obligations of the adjacent property owners.

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

13 Section 6. Designation of Street Parking Restrictions.

14 (a) Pursuant to the Department of Public Works Order No. 176,148, the Board of
15 Supervisors hereby designates both the east and west sides of Terry A. Francois Boulevard
16 as "No Parking – Any Time" restriction.

17 Section 7. The Mayor, Clerk of the Board, Director of Property, and Director of Public
18 Works are hereby authorized and directed to take any and all actions that they or the City
19 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
20 this Ordinance including, without limitation, the recordation of this Ordinance and the
21 accompanying A-17 Map, including, but not limited to, the filing of the Ordinance and A-17
22 Map in the Official Records of the City and County of San Francisco.

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: Fred Abadi
FRED V. ABADI, PH.D.
Director of Public Works

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: John D. Malamut
JOHN D. MALAMUT
Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: Robert P. Beck
Robert P. Beck
Deputy Director of Engineering, DPW



City and County of San Francisco

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

Tails Ordinance

File Number: 061032

Date Passed:

Ordinance designating a portion of State Trust Parcel adjacent to Park P17 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 Terry A. Francois Boulevard; 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 and liability purposes, subject to specified limitations; adopting environmental findings and 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. 176,148 and authorizing official acts in connection with this Ordinance.

September 26, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

October 3, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 061032

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 3, 2006
by the Board of Supervisors of the City and
County of San Francisco.

10/11/2006

Date Approved

Kay Gulbenkian
for
Gloria L. Young
Clerk of the Board

[Signature]
Mayor Gavin Newsom