

1 [Mission Bay – Owens Street and 16th Street Acceptance]

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3 **Ordinance accepting the dedication for right-of-way purposes of the additional portions**  
4 **of property adjacent to Owens Street and 16th Street, designating additional property**  
5 **for right-of-way purposes, approving a map showing such areas and declaring such**  
6 **areas to be open public right-of-way; naming the new right-of-way; designating street**  
7 **grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer**  
8 **for the acquisition facilities and declining the offer of the Pacific Gas & Electric**  
9 **facilities; designating said facilities for public use and maintenance purposes, subject**  
10 **to specified limitations; adopting findings that such actions are consistent with the**  
11 **City's General Plan, the eight priority policies of City Planning Code section 101.1, and**  
12 **the Mission Bay South Redevelopment Plan; accepting Department of Public Works**  
13 **Order No. 174,643 and authorizing official acts in 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.  
Board amendment deletions are ~~strikethrough-normal~~.

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

18 Section 1. Findings.

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

24 (b) The San Francisco Redevelopment Agency, in a letter dated February 4,  
25 2004, determined that the Owens Street and 16<sup>th</sup> Street widening, constructed pursuant to

1 Permit No. 011E-410, dated September 19, 2001, (the "Project"), and other related actions  
2 specified herein are consistent with the Mission Bay South Redevelopment Plan ("Plan") and  
3 Plan Documents described therein and recommends Board of Supervisors approval. A copy  
4 of the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File  
5 No. 040138 and is incorporated by reference by reference as though fully set forth  
6 herein.

7 (c) The San Francisco Redevelopment Agency on December 18, 2003  
8 signed and accepted the Catellus Conditional Assignment of Warranties and Guaranties. A  
9 copy of the Assignment is on file with the Clerk of the Board of Supervisors in File No.  
10 040138 and is incorporated by reference as though fully set forth herein.

11 (d) The City Planning Department, in a letter dated January 28, 2004  
12 determined that the Owens Street and 16<sup>th</sup> Street widening and other related actions specified  
13 herein are in conformance with the General Plan consistency findings of Case No. 96.771R,  
14 the eight priority policies of Planning Code Section 101.1 and the contemplated actions do not  
15 trigger the need for subsequent environmental review pursuant the California Environmental  
16 Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of the  
17 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.  
18 040138 and is incorporated by reference as though fully set forth herein.

19 (e) In DPW Order No. 174,643, dated January 28, 2004, including the  
20 attached A-17 Map No. 159, dated January 28, 2004 and entitled "MAP SHOWING THE  
21 WIDENING OF OWENS STREET NORTHWESTERLY OF 16<sup>TH</sup> STREET", the Drawing No.  
22 Q-20-617, dated January 28, 2004 and entitled "PROPOSED CHANGES OF OFFICIAL  
23 GRADES ON OWENS STREET, THE NORTH SIDE OF 16<sup>TH</sup> STREET EAST OF OWENS  
24 STREET, AND A PORTION OF FOURTH STREET NORTH OF 16<sup>TH</sup> STREET" and the  
25 Drawing No. Q-20-552, dated January 28, 2004 and entitled "PROPOSED CHANGES OF

1 OFFICIAL SIDEWALK WIDTH OF OWENS STREET AND PROPOSED OFFICIAL  
2 SIDEWALK WIDTH ON A PORTION OF FOURTH STREET NORTH OF 16<sup>TH</sup> STREET”, the  
3 Director and the City Engineer certified that the Owens Street & 16<sup>th</sup> Street improvement  
4 segments, (a) are currently existing streets, purposed additional right-of-way currently held as  
5 City Property under CLTA Parcel D12 or have been offered for dedication by Catellus Land  
6 and Development Corporation (“CLDC”), (b) have been inspected and were certified as  
7 complete on December 15, 2003 and that the Project has been constructed in accordance  
8 with the Project Plans and Specifications and all City codes, regulations, standards and  
9 Mission Bay South Redevelopment Plan and Plan Documents governing this Project, and that  
10 such improvements are ready for their intended use, (c) are recommended for formal  
11 acceptance of acquisition facilities and declining the offered Pacific Gas & Electric facilities,  
12 designation of street grades, sidewalk widths, and acceptance for maintenance purposes,. A  
13 copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No.  
14 040138 and is incorporated by reference as though fully set forth herein.

15 Section 2. Acceptance of Acquisition Facilities.

16 (a) The Board of Supervisors adopts as its own the consistency findings of  
17 the San Francisco Redevelopment Agency in connection with the Owens Street and 16<sup>th</sup>  
18 Street widening, acceptance of Owens Street and 16<sup>th</sup> Street improvements and other related  
19 actions specified herein.

20 (b) The Board of Supervisors adopts as its own the consistency findings and  
21 CEQA findings of the Planning Department in connection with the Owens Street and 16<sup>th</sup>  
22 Street widening, acceptance of Owens Street and 16<sup>th</sup> Street improvements and other related  
23 actions specified herein.

24 (c) The Board of Supervisors has reviewed and approves the City Engineer’s  
25 certification and Director’s recommendation concerning the acceptance of the CLDC

1 irrevocable offer of improvements, dated January 22, 2004 of the Owens Street and 16<sup>th</sup>  
2 Street Improvements, maintenance and liability responsibilities for said facilities and right-of-  
3 way and declining the offered Pacific Gas & Electric facilities, designation of the street grades,  
4 sidewalk widths, and street parking restrictions.

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

7 (a) The Board of Supervisors accepts the CLDC grant deeds and quitclaim  
8 deed of parcels to the City required for additional right-of-way and roadway purposes.

9 (b) The Board of Supervisors approves the A -17 Map, designates those  
10 portions of Owens Street, shown hatched on said A -17 Map, to be an open public right-of-  
11 way dedicated to public use, designates the street name "Owens Street" for the northeasterly  
12 side of Owens Street from 16<sup>th</sup> Street northwesterly to the Phase 1 construction line and  
13 hereby directs the Department of Public Works to revise the Official City Street Right-of-Way  
14 Maps in accordance with this Ordinance.

15 (c) Pursuant to California Streets and Highways Code Section 1806 and San  
16 Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June  
17 1, 2001 by and between the Redevelopment Agency of the City and County of San Francisco  
18 and Catellus Development Corporation, and the Department of Public Works Order No.  
19 174,643, dated January 28, 2004, the Board of Supervisors hereby accepts the CLDC  
20 irrevocable Offer of the Owens St. & 16<sup>th</sup> St. Improvements dated January 22, 2004, but  
21 declines the offer of the Pacific Gas & Electric facilities, and designates such facilities to  
22 public use and maintenance purposes, subject to the conditions listed in subsection (d & e),  
23 but excluding therefrom those portions of the improvements which are identified on the as  
24 built drawings delivered to and on file with the City as "SBC (formerly known as Pacific Bell),  
25 AT&T, Sentre 4 (also know as CDX-4) " facilities and also excepting the following facilities,

1 assigned and constructed on behalf of the Regents of the University of California, on Fourth  
2 Street: at Station 80+60, eight 4-inch conduits from Block 24 to Block 25 (as shown on the  
3 Plan Area Map for the Mission Bay South Redevelopment Plan) for UCSF Communications,  
4 at Station 80+65, eight 5-inch conduits from Block 24 to Block 25 for UCSF Normal Power,  
5 and at Station 80+77, one 4-inch conduit from Block 24 to Block 25 for UCSF Lighting and  
6 those identified as temporary and interim facilities described in the Director of Public Works  
7 Order No. 174,643.

8 (d) The Board's acceptance of improvements pursuant to Subsection (a) are  
9 for the Owens Street and 16<sup>th</sup> Street Improvements only and are subject to the warranty  
10 obligations under the Owens Street and 16<sup>th</sup> Street Project Permit No. 01IE-410.

11 (e) The Owens Street and 16<sup>th</sup> Street Improvements accepted by the Board  
12 pursuant to Subsection (c) are subject to the following: (1) acceptance is for the Project  
13 infrastructure only, (2) the portion of street being added and accepted for maintenance is the  
14 constructed street from the existing maintained street out to the associated new back of curb,  
15 unless specified otherwise, (3) encroachments that are permitted, not permitted, or both are  
16 excluded from acceptance and (4) the acceptance of the streets does not obviate, amend,  
17 alter, or in any other way affect existing maintenance agreements between the City and  
18 parties to such maintenance agreements.

19 (f) Authority to accept the permanent Street Lighting components which have  
20 not been installed is hereby delegated to the Director of Public Works acting on behalf of the  
21 Board of Supervisors to accept said components in the future in accordance with the Mission  
22 Bay South Acquisition Agreement.

23 (g) The Director of Public Works is authorized to take formal possession of  
24 unassigned, unused or unsold conduits, with the exception of Pacific Gas & Electric, for  
25 purposes of marketing said facilities, directly or indirectly, to appropriate utilities or other

1 participants. The procedures under which the Director implements this plan shall be the  
2 subject of a MOA to be developed between the City and SFRA. Such MOA shall include the  
3 ability for the Director to operate and maintain said facilities and to forward proceeds of any  
4 transaction to the Community Facilities District (CCSF CFD #6), in accordance with the  
5 Acquisition Agreement for addition into the Acquisition Funds. The MOA shall also provide for  
6 reimbursement from CFD #6 of any reasonable and appropriate costs incurred by the Director  
7 for the management of such facilities until leased or sold.

8 (h) The Board of Supervisors hereby acknowledges Catellus' Conditional  
9 Assignment of all warranties and guaranties related to the construction of the above listed  
10 Improvements.

11 (i) Authority is hereby delegated to the Director of Public Works acting on  
12 behalf of the Board of Supervisors to accept the UCSF sidewalk replacement or repairs in the  
13 future in accordance with the related Street Improvement Permit and the Mission Bay South  
14 Acquisition Agreement.

15 (j) The Board of Supervisors hereby acknowledges the "Third Amendment for  
16 Contribution of Real Property" between UCSF and Catellus dated June 23, 1999, Section 6.8,  
17 "Improvements in Public Rights of Way" in which The Regents agreed to be responsible for  
18 maintaining, at its sole cost and expense consistent with the custom and practice in the City,  
19 all street furniture installed by the Regents, landscaping and street trees, and sidewalk paving  
20 located in the public rights of way adjacent to the portions of the Campus Site owned by the  
21 Regents, from the edge of the Regents' property line to the curb line.

22 (k) The Board of Supervisors hereby directs the Department of Public Works  
23 to add these street segments to its Official Book of City Maintained Streets.

24 Section 4. Acceptance of Street Grades.  
25

1 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
2 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
3 seq., chooses to follow its own procedures for the establishment of street grades and hereby  
4 accepts and designates the street grades for that portion of Owens Street, 16<sup>th</sup> Street and a  
5 portion of Fourth Street, as set forth in the Department of Public Works Order No. 174,643,  
6 Drawing No. Q-20-617 and hereby directs the Department of Public Works to revise the  
7 Official City Street Grade Maps in accordance with this Ordinance.

8 Section 5. Designation of Street Sidewalk Widths.

9 (a) In accordance with the recommendation in Department of Public Works  
10 Order No. 174,643, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width  
11 of Sidewalks", a copy of which is in the Clerk of the Board of Supervisors Book of General  
12 Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to  
13 read as follows:

14 Section 15 . The width of sidewalks on the northeasterly side of Owens Street, from 16<sup>th</sup>  
15 Street to the Phase 1 construction line and a portion of Fourth Street, north of 16<sup>th</sup> Street shall be  
16 modified as shown on Department of Public Works Drawing No. Q-20-552.

17 (b) The street sidewalk widths designated by the Board pursuant to  
18 Subsection (a) for the northeasterly side of Owens Street, from 16<sup>th</sup> Street northwesterly to the  
19 Phase 1 construction line, and the portion of Fourth Street north of 16<sup>th</sup> Street, does not  
20 obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent  
21 property owners.

22 (c) The Board of Supervisors hereby directs the Department of Public Works  
23 to add this sidewalk segments to its Official Street Grade Maps in accordance with this  
24 Ordinance.

25 Section 6. Designation of Street Parking Restrictions.

1 Pursuant to the Department of Public Works Order No. 174,643, the Board of  
2 Supervisors hereby approves the following designated street parking restrictions:


3 The northeasterly side of Owens Street, from 16<sup>th</sup> Street northwesterly to the  
4 Phase 1 construction line and the north side of 16<sup>th</sup> Street, from Owens Street  
5 easterly to a point 85 feet east of the future Fourth Street intersection shall have  
6 "No Parking – Any Time"

7 Section 7. All actions heretofore taken by the officers of the City with respect to such  
8 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
9 Director of Property, and Director of Public Works are hereby authorized and directed to take  
10 any and all actions that they or the City Attorney may deem necessary or advisable in order to  
11 effectuate the purpose and intent of this Ordinance including, without limitation, the  
12 recordation of this Ordinance, and the accompanying A-17 Map, including, but not limited to,  
13 the filing of the Ordinance and A-17 Map in the Official Records of the City and County of San  
14 Francisco.



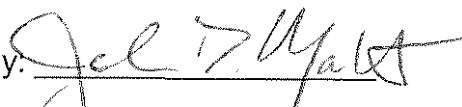
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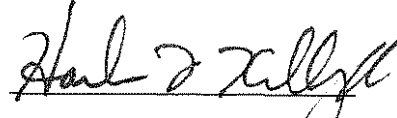
RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS

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

By:   
HARLAN L. KELLY, JR.  
City Engineer and Deputy  
Director of Engineering



# City and County of San Francisco

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

## Tails

## Ordinance

**File Number:** 040138

**Date Passed:**

Ordinance accepting the dedication for right-of-way purposes of the additional portions of property adjacent to Owens Street and 16th Street, designating additional property for 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; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,643 and authorizing official acts in connection with this Ordinance.

March 23, 2004 Board of Supervisors — PASSED ON FIRST READING

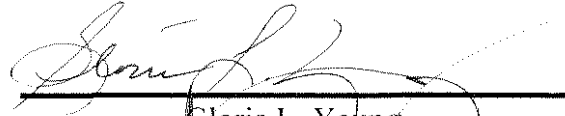
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

March 30, 2004 Board of Supervisors — FINALLY PASSED

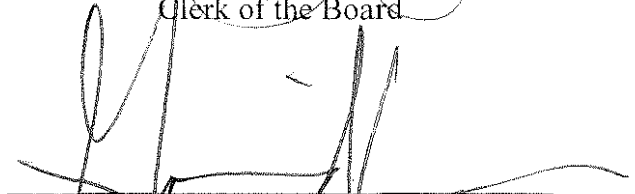
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval  
Absent: 1 - Maxwell

File No. 040138

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on March 30, 2004  
by the Board of Supervisors of the City and  
County of San Francisco.



Gloria L. Young  
Clerk of the Board



Mayor Gavin Newsom

APR 08 2004

Date Approved