

1 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]

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3 **Ordinance: 1) accepting an irrevocable offer for improvements and real property**
4 **related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant**
5 **deed for these purposes; 2) declaring such area to be open public right-of-way and**
6 **dedicating it for right-of-way and roadway purposes; 3) accepting maintenance and**
7 **liability for this area subject to certain limitations; 4) establishing sidewalk width**
8 **change for this area; 5) making findings, including environmental findings and general**
9 **plan and priority policy findings; and 6) authorizing official acts in connection with this**
10 **Ordinance.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are *strike-through italics Times New Roman*.
13 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

15 Section 1. Findings.

16 (a) On September 9, 2009, Joan Goodman Zimmerman, Trustee of the Joan
17 Goodman Zimmerman 1988 Revocable Trust ("Zimmerman") and Lowe's HIW, Inc. a
18 Washington corporation ("Lowe's") made an irrevocable offer of improvements and real
19 property along Bayshore Boulevard at Waterloo Street for right-of-way purposes ("Offer"). A
20 copy of said offer is on file with the Clerk of the Board of Supervisors in File No.
21 _____ and is incorporated herein by reference.

22 (b) In connection with this offer, the Department of Public Works has prepared a
23 sidewalk width change map Q-20-687, and DPW Order No. _____, dated
24 _____, 2011. The Director of the Department determined and City Engineer
25 certified that the improvements have been constructed in accordance with all City codes,

1 regulations, and standards, and that they are ready for their intended use. Consequently, the
2 Director of the Department recommends that the Board: 1) accept the Offer, including the
3 associated grant deed; 2) declare this area as open public right-of-way; 3) dedicate this area
4 for right-of-way and roadway purposes; and 4) accept maintenance and liability responsibility
5 for the improvements, subject to certain limitations. Copies of the DPW Order and the
6 sidewalk width change map are on file with the Clerk of the Board of Supervisors File No.
7 _____, and are incorporated herein by reference.

8 (c) In a letter dated February 12, 2010 (the "Planning Department Letter"), the City
9 Planning Department determined that (a) actions related to the acceptance of the
10 improvements and real property for right-of-way purposes, are, on balance, in conformity with
11 the General Plan and Planning Code Section 101.1 and (b) the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code Sections 21000 et seq.). A copy of the Planning Department Letter is on file
14 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated by
15 reference herein. The Board of Supervisors adopts as its own the Planning Department's
16 determination under the California Environmental Quality Act and the consistency findings as
17 set forth in the Planning Department Letter in connection with the actions herein.

18 Section 2. Adoptions and Approvals.

19 (a) The Board of Supervisors has reviewed and approves DPW Order No.
20 _____, dated _____, 2011, which includes the City Engineer's
21 certification and Director's recommendation concerning the acceptance of the Offer dated
22 _____, 2011; acceptance the improvements for public right-of-way and roadway
23 purposes and for City maintenance and liability responsibilities; and other related actions.

24 Section 3. Acceptance of Improvements and Assumption of Maintenance
25 Responsibilities.

1 (a) The Board of Supervisors accepts the Offer for improvements and real property for
2 right-of-way and roadway purposes, including the acceptance of the grant deed. The Board of
3 Supervisors hereby delegates authority to the Director of Property to execute the grant deed.

4 (b) Pursuant to California Streets and Highways Code Section 1806 and San
5 Francisco Administrative Code Sections 1.51 et seq., the Board of Supervisors hereby
6 dedicates the improvements described in the Offer to public use; designates such
7 improvements for right-of-way and roadway purposes; and accepts such improvements for
8 City maintenance and liability purposes, subject to the conditions listed in subsection (c).

9 (c) The improvements accepted by the Board pursuant to Subsections (a) - (b) are
10 subject to the following: (1) the portions of streets being accepted for right-of-way and
11 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified
12 otherwise, (2) acceptance of the improvements for City maintenance and liability purposes is
13 from back of curb to back of curb, unless specified otherwise, (3) encroachments that are
14 permitted, not permitted, or both are excluded from acceptance, and (4) the acceptance of
15 the streets does not obviate, amend, alter, or in any way affect existing maintenance
16 agreements between the City and parties to such agreements.

17 Section 4. Establishing Sidewalk Width Change.

18 In accordance with the Department of Public Works' Order No. _____, Board of
19 Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of
20 which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May
21 11, 1910, is hereby amended by adding thereto a new section to read as follows:

22 Section 1592 . The official sidewalk width on _____ shall be as shown on
23 Department of Public Works drawing Q-20-687, a copy of which is on file with the Clerk of the Board
24 of Supervisors in File No. _____.

25 Section 5. Authorization for Implementation.

1 All actions heretofore taken by the officers of the City with respect to such Ordinance
2 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of
3 Property and Director of Public Works are hereby authorized and directed to take any and all
4 actions which they or the City Attorney may deem necessary or advisable in order to
5 effectuate the purpose and intent of this Ordinance, including, but not limited to, recordation of
6 the grant deed and inclusion of this Ordinance and the accompanying Q-20 Map in the
7 Official Records of the City and County of San Francisco.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 John D. Malamut
13 Deputy City Attorney
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