

1 [Dedication for Public Use - Brewster Street Extension Project]

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3 **Ordinance dedicating the Brewster Street extension consisting of improvements on**  
4 **portions of Brewster Street and Martin Avenue in the Bernal Heights neighborhood to**  
5 **public use, declaring this area as shown on official Public Works drawings as open**  
6 **public right-of-way, and designating it for street and roadway purposes; establishing**  
7 **official sidewalk widths, public right-of-way widths, and street grades in connection**  
8 **with the Brewster Street extension; accepting the Brewster Street extension for City**  
9 **maintenance and liability; accepting a Public Works Order recommending dedication**  
10 **and acceptance of Brewster Street extension; authorizing official acts in connection**  
11 **with this Ordinance; affirming the Planning Department's determination under the**  
12 **California Environmental Quality Act; and making findings of consistency with the**  
13 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
17 **Board amendment additions** are in double-underlined Arial font.  
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
20 subsections or parts of tables.

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

20 Section 1. Background and Findings.

21 (a) In March 1998, Public Works ("PW") completed a project in the Bernal Heights  
22 neighborhood that realigned and extended Brewster Street and constructed a new roadway,  
23 named Martin Avenue ("the Brewster Street Extension Project"). The Brewster Street  
24 Extension Project was built entirely over City property (portions of Assessor's Block 5535,  
25 Lots 11-16; Block 5556, Lots 29-30; Block 5557, Lots 16-17; and Block 5635, Lot 23). In PW

1 Order No. 170,937, approved on March 11, 1998, the City Engineer and the PW Director  
2 certified that the Brewster Street Extension Project was completed in accordance with the  
3 plans and specifications therefor. A copy of PW Order No. 170,937 is on file with the Clerk of  
4 the Board of Supervisors in File No. 180282 and is incorporated herein by reference.

5 (b) The Planning Department, in a letter dated November 30, 2006 (the "Planning  
6 Department Letter," Planning Department Case No. 2006.1411R), determined that the  
7 Brewster Street Extension Project is, on balance, in conformance with the General Plan and  
8 the eight priority policies of Planning Code Section 101.1. The Planning Department also  
9 found that the Brewster Street Extension Project did not trigger the need for subsequent  
10 environmental review pursuant to the California Environmental Quality Act ("CEQA")  
11 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning  
12 Department Letter is on file with the Clerk of the Board of Supervisors in File No. 180282 and  
13 is incorporated herein by reference.

14 (c) The Real Estate Division, in a letter dated December 2, 2015, recommended that  
15 the City dedicate the portions of City property affected by the Brewster Street Extension  
16 Project as public right-of-way. A copy of the Real Estate Division's letter is on file with the  
17 Clerk of the Board of Supervisors in File No. 180282 and is incorporated herein by reference.

18 (d) In PW Order No. 187308, dated March 9, 2018, including Drawing Nos. A-17-154  
19 for Brewster Street and A-17-175 for Martin Avenue, dated March 8, 2018, and Drawing No.  
20 Q-20-554, dated July 19, 2016, the City Engineer and PW Director confirmed that all work on  
21 the Brewster Street Extension Project has been constructed in accordance with the plans and  
22 specifications therefor and all City codes, regulations, standards, and such improvements are  
23 ready for use as public right-of-way. In that PW Order, the PW Director recommended that  
24 the Board of Supervisors dedicate the area within the Brewster Street Extension Project to  
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1 public use, declare it as open public right-of-way, designate it for street and roadway  
2 purposes, and accept it for City maintenance and liability purposes.

3 (e) In PW Order No. 187308, the PW Director additionally recommended the  
4 establishment of public right-of-way widths, sidewalk widths, and street grades within the  
5 Brewster Street Extension Project in accordance with Drawing Nos. A-17-154 and A-17-175,  
6 and Drawing No. Q-20-554. Copies of the PW Order and abovementioned Drawings are on  
7 file with the Clerk of the Board of Supervisors in File No. 180282 and are incorporated herein  
8 by reference.

9 Section 2. Adoptions and Approvals.

10 (a) The Board of Supervisors adopts as its own the General Plan and Planning Code  
11 Section 101.1 consistency findings in the Planning Department Letter in connection with the  
12 Brewster Street Extension Project, and affirms the Planning Department’s determination that  
13 there is no need for subsequent environmental review.

14 (b) The Board of Supervisors has reviewed and approves PW Order No. 187308,  
15 including the City Engineer’s and PW Director’s determinations and recommendations to  
16 dedicate the area within the Brewster Street Extension Project to public use (the “Dedication  
17 Area”), declare it as open public right-of-way, designate it for street and roadway purposes,  
18 and accept it for City maintenance and liability purposes.

19 Section 3. Dedication of New Facilities and Assumption of Maintenance and Liability  
20 Responsibilities.

21 (a) Pursuant to California Streets and Highways Code Section 1806 and San  
22 Francisco Administrative Code Section 1.51, and PW Order No. 187308, the Board of  
23 Supervisors dedicates the area within the Brewster Street Extension Project to public use (the  
24 “Dedication Area”), declares it as open public right-of-way, and designates it for street and  
25 roadway purposes.

1 (b) The Board of Supervisors accepts the improvements in the Dedication Area for City  
2 maintenance and liability purposes, subject to subsection (c) of this Section 3.

3 (c) The Dedication Area that the Board of Supervisors has accepted pursuant to  
4 subsection (b) is subject to the following: (1) the portions of street being declared as open  
5 public right-of-way are from back of sidewalk to back of sidewalk, unless specified otherwise  
6 or as shown on the improvement plans; (2) acceptance for City maintenance and liability  
7 purposes is from back of curb to back of curb, unless specified otherwise; and (3) sidewalk  
8 maintenance is the responsibility of adjacent property owners in accordance with the Public  
9 Works Code.

10 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street  
11 Grades.

12 (a) In accordance with the PW Order No. 187308, the Board of Supervisors hereby  
13 establishes the official public right-of-way widths for the portions of Brewster Street and Martin  
14 Avenue within the Dedication Area as shown on PW Drawing Nos. A-17-154 and A-17-175.

15 (b) In accordance with PW Order No. 187308, Board of Supervisors Ordinance No.  
16 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board  
17 of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by  
18 adding thereto a new section to read as follows:

19 Section 1617. The width of sidewalks on Brewster Street and Martin Avenue, between Rutledge  
20 Street and Esmeralda Avenue, shall be modified as shown on the Public Works Drawing No. Q-20-554.

21 (c) The sidewalk widths established by the Board of Supervisors pursuant to  
22 subsection (b) of this Section 4 for the portions of Brewster Street and Martin Avenue within  
23 the Dedication Area do not obviate, amend, alter, or in any other way affect the maintenance  
24 obligations of the adjacent property owners as set forth in the Public Works Code.  
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1 (d) 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,  
3 shall follow its own procedures for the establishment of street grades. The Board of  
4 Supervisors hereby establishes the street grades for the portions of Brewster Street and  
5 Martin Avenue within the Dedication Area as set forth in PW Drawing Nos. A-17-154 and A-  
6 17-175.

7 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public  
8 Right-of-Way Widths, Sidewalk Widths, and Street Grades in accordance with this ordinance.

9 Section 5. Authorization for Implementation.

10 The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and PW Director  
11 are hereby authorized and directed to take any and all actions which they or the City Attorney  
12 may deem necessary or advisable in order to effectuate the purpose and intent of this  
13 ordinance, including, but not limited to, the filing of the ordinance, Drawing Nos. A-17-154 and  
14 A-17-175, and Drawing No. Q-20-554, in the Official Records of the City and County of San  
15 Francisco.

16 Section 6. Effective Date. This ordinance shall become effective 30 days after  
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
19 of Supervisors overrides the Mayor's veto of the ordinance.

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21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 ANDREW SHEN  
25 Deputy City Attorney

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