

1 [Right-of-way Acceptance – DeLong Street between San Diego and Santa Cruz Avenues]

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3 **Ordinance accepting offers from Habitat for Humanity San Francisco and the San**
4 **Francisco Bay Area Rapid Transit District for specified street improvements and**
5 **property for right-of-way purposes; designating said improvements and property for**
6 **public right-of-way purposes; approving a map showing such improvements and street**
7 **areas and declaring such areas to be dedicated open public right-of-way and officially**
8 **naming this street area as "DeLong Street"; accepting said improvements for public**
9 **maintenance and liability purposes, subject to specified limitations; officially adopting**
10 **sidewalk widths and grades for DeLong Street; adopting environmental findings and**
11 **finding that such actions are consistent with the City's General Plan and the eight**
12 **priority policies of City Planning Code section 101.1; and authorizing official acts in**
13 **connection with this ordinance.**

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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.
18 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings.

21 (a) Habitat for Humanity San Francisco (HHSF) and the San Francisco Bay Area
22 Rapid Transit District ("BART") have constructed certain street improvements along DeLong
23 Street westerly of Santa Cruz Avenue and easterly of San Diego Avenue. HHSF, in a letter
24 from its Vice President to the Director of the Department of Public Works, dated July 8, 2005,
25 has offered said improvements and property to the City, acting by and through the
Department of Public Works (Department), for right-of-way purposes and has requested that

1 the Board of Supervisors accept such improvements and property, designate the area for
2 public right-of-way purposes, and accept the area for public maintenance and liability
3 purposes. BART, in a letter from its from its President of the Board, dated April 6, 2006, has
4 offered said improvements and property to the City, Acting by and through the Department, for
5 public right-of-way purposes, and has requested that the Board of Supervisors accept such
6 improvements and property, designate the area for public right-of-way purposes, and accept
7 the area for public maintenance and liability purposes. A copy of said letters, the offers of
8 improvement, and grant deeds are on file with the Clerk of the Board of Supervisors in File
9 No. _____ and is incorporated herein by reference.

10 (b) The City Planning Department, in a letter dated _____, determined that
11 the street opening and other actions contemplated herein are in conformance with the
12 General Plan and the eight priority policies of Planning Code Section 101.1. A copy of the
13 Planning Department letter is on file with the Clerk of the Board of Supervisors in File No.
14 _____ and is incorporated by reference as though fully set forth herein.

15 (c) In DPW Order No. _____, dated _____, including the
16 attached A-17 map, dated _____, and entitled Recommendation for Formal
17 Acceptance of DeLong Street between San Diego and Santa Cruz Avenues," the Director of
18 the Department of Public Works and the City Engineer certified that the street improvements:
19 (a) that HHSF and BART constructed have been inspected, were certified as complete on
20 _____, 2003, and are identified on the A-17 map, (b) have been constructed to
21 include the official sidewalk width of 12.00 feet for the both sides of DeLong Street between
22 San Diego Avenue and Santa Cruz Avenue as shown on Department of Public Works
23 Drawing No. Q-20 map, (c) have been constructed in accordance with all City codes,
24 regulations, and standards, (d) are ready for their intended use, (e) are recommended for
25 designation for right-of-way purposes and dedicated to public use, and (f) are recommended

1 for acceptance for maintenance and liability purposes. A copy of the DPW Order, A-17 and
2 Q-20 Maps are on file with the Clerk of the Board of Supervisors in File No. _____
3 and are incorporated by reference as though fully set forth herein.

4 (d) The Planning Department has determined that the actions contemplated in this
5 Ordinance are in compliance with the California Environmental Quality Act (California Public
6 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
7 Board of Supervisors in File No. _____ and is incorporated herein by
8 reference.

9 (e) On _____, 2009, the Planning Commission, in Resolution
10 No. _____ approved and recommended for adoption by the Board this legislation
11 and adopted findings that it is consistent, on balance, with the City's General Plan and eight
12 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
13 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
14 _____, and is incorporated by reference herein.

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16 Section 2. Acceptance of Public Right-of-Way Improvements.

17 (a) The Board of Supervisors accepts HHSF's and BART's street improvements and
18 grant deeds for the property on which the improvements have been constructed as
19 recommended.

20 (b) The Board of Supervisors adopts as its own the consistency findings of the
21 Planning Department in connection with street acceptance and other actions set forth herein.

22 (c) The Board of Supervisors has reviewed and approves the City Engineer's
23 certification and Director of the Department of Public Works recommendation in DPW Order
24 No. _____ concerning HHSF's and BART's improvements and property.

25

1 Section 3. Designation of Open Public Right-of-Way, Acceptance of Street Improvements
2 for Maintenance Responsibilities, sidewalk width establishment, and grade establishment.

3 (a) The Board of Supervisors approves the A-17 Map, designates those portions of
4 DeLong shown hatched on said A-17 Map for right-of-way purposes and declares such areas
5 to be an open public right-of-way dedicated to public use, designates the street name as
6 "DeLong Street," and hereby directs the Department of Public Works to revise the Official City
7 Street Right-of-Way Maps in accordance with this Ordinance.

8 (b) Pursuant to California Streets and Highways Code Section 1806 and San
9 Francisco Administrative Code Sections 1.51 et seq., and the Department of Public Works
10 Order No. _____, dated _____, the Board of Supervisors hereby designates
11 that street areas shown on the A-17 map be accepted for public use, maintenance, and
12 liability purposes, subject to the conditions listed in subsection (c).

13 (c) The street improvements accepted by the Board pursuant to Subsection (a) and
14 (b) are subject to the following: (1) the portion of street being accepted is from back of curb to
15 back of curb, unless otherwise specified, (2) encroachments that are permitted, not permitted,
16 or both are excluded from acceptance, and (3) the acceptance of the streets does not obviate,
17 amend, alter, or in any other way affect existing maintenance agreements between the City
18 and parties to such maintenance agreements.

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

21 Section 4. Acceptance of Street Grades.

22 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
23 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.41.
24 et seq., chooses to follow its own procedures for the establishment of street grades and
25 hereby accepts and designates the street grades for that portion of DeLong Street between

1 San Diego Avenue and Santa Cruz Avenue, as set forth in Department of Public Works Order
2 No. _____, Q-20 Drawing No. _____, and hereby directs the Department of
3 Public Works to revise the Official City Street Grade Maps in accordance with this Ordinance.
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5 Section 5. Designation of Street Sidewalk Width

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

11 Section 15_____. The width of the sidewalk on the east and west sides of DeLong Street between
12 San Diego Avenue and Santa Cruz Avenue shall be as shown on Department of Public Works Q-20
13 Drawing No._____.
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15 Section 6. All actions heretofore taken by the officers of the City with respect to such
16 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
17 Director of Property, and Director of Public Works are hereby authorized and directed to take
18 any and all actions that they or the City Attorney may deem necessary or advisable in order to
19 effectuate the purpose and intent of this Ordinance including, without limitation, the
20 recordation of the grant deeds, this Ordinance, and the accompanying A-17 and Q-20 Maps in
21 the Official Records of the City and County of San Francisco.
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1 RECOMMENDED:
2 DEPARTMENT OF PUBLIC WORKS

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4 By: _____
5 EDWARD D. REISKIN
6 Director of Public Works

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

11
12 By: _____
13 ANDREW W. GARTH
14 Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
FUAD SWEISS
City Engineer

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