

1 [Potrero HOPE SF Project, Phase 1 - Accepting Portions of 25th Street and Connecticut
Street]

2
3 **Ordinance accepting an irrevocable offer of public improvements associated with**
4 **Potrero HOPE SF Project, Phase 1, including portions of 25th Street and Connecticut**
5 **Street (“Phase 1 Public Infrastructure”); dedicating the Phase 1 Public Infrastructure to**
6 **public use; designating such public infrastructure for street and roadway purposes;**
7 **establishing official public right-of-way widths and street grades; amending Ordinance**
8 **No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk**
9 **width on the abovementioned street areas; accepting the Phase 1 Public Infrastructure**
10 **for City maintenance and liability purposes, subject to specified limitations; adopting**
11 **findings under the California Environmental Quality Act; making findings of**
12 **consistency with the General Plan, and the eight priority policies of Planning Code,**
13 **Section 101.1; accepting a Public Works Order recommending various actions in**
14 **regard to the public infrastructure improvements; and authorizing official acts, as**
15 **defined herein, in connection with this Ordinance.**

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

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

22 Section 1. Background and Findings.

23 (a) This ordinance is related to the development of the Potrero HOPE SF Project (the
24 “Project”), a public housing transformation collaborative effort aimed at disrupting

1 intergenerational poverty, reducing social isolation, and creating vibrant mixed-income
2 communities without mass displacement of current residents.

3 (b) The acceptance of the public infrastructure improvements is within the scope of the
4 Final Environmental Impact Report (“FEIR”) for the Potrero HOPE SF Project dated
5 December 10, 2015, prepared pursuant to the California Environmental Quality Act (California
6 Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission
7 certified the FEIR on December 10, 2015 by Motion No. 19529. The Planning Commission in
8 Motion No. 19530 adopted findings, as required by CEQA, regarding the alternatives,
9 mitigation measures, significant environmental effects analyzed in the FEIR, a statement of
10 overriding considerations for approval of the Project, and a proposed mitigation monitoring
11 and reporting program. Copies of these motions are on file with the Clerk of the Board of
12 Supervisors in File No. 161308 and incorporated herein by reference.

13 (c) The Board of Supervisors further finds that pursuant to the CEQA Guidelines
14 (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162
15 and 15164, the actions contemplated herein are consistent with, and within the scope of, the
16 Project analyzed in the FEIR, and that (1) no substantial changes are proposed in the Project
17 and no substantial changes have occurred with respect to the circumstances under which this
18 Project will be undertaken that would require major revisions to the FEIR due to the
19 involvement of any new significant environmental effects or a substantial increase in the
20 severity of previously identified effects and (2) no new information of substantial importance
21 that was not known and could not have been known with the exercise of reasonable diligence
22 at the time the FEIR was certified as complete shows that the Project will have any new
23 significant effects not analyzed in the FEIR, or a substantial increase in the severity of any
24 effect previously examined, or that new mitigation measures or alternatives previously found
25 not to be feasible would in fact be feasible and would substantially reduce one or more

1 significant effects of the Project, or that mitigation measures or alternatives which are
2 considerably different from those analyzed in the FEIR would substantially reduce one or
3 more significant effects on the environment.

4 (d) In a letter dated June 6, 2022, the Planning Department found that the acceptance
5 of the public infrastructure and real property associated with Potrero HOPE SF Phase 1,
6 including portions of 25th Street and Connecticut Street (“Phase 1 Public Infrastructure”), and
7 other actions set forth in this ordinance are, on balance, in conformance with the General Plan
8 and the eight priority policies of Planning Code Section 101.1. A copy of the Planning
9 Department letter is on file with the Clerk of the Board of Supervisors in File No. 220706.

10 (e) In Public Works Order No. 206650, dated June 7, 2022 (“PW Order No. 206650 ”),
11 the City Engineer certified and the Interim Public Works Director (the “PW Director”)
12 recommended that: (1) Bridge-Potrero Community Associates LLC, a California limited liability
13 company (“BRIDGE”) and the HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN
14 FRANCISCO, a public body corporate and politic (“SFHA”), have irrevocably offered the
15 Phase 1 Public Infrastructure and real property, respectively, to the City and County of San
16 Francisco (“City”) as set forth in the BRIDGE Irrevocable Offer of Improvements, dated June
17 23, 2022 and recorded on June 23, 2022, as Document No. 2022062235 (collectively, the
18 “BRIDGE Offer”); (2) Public Works inspected the Phase 1 Public Infrastructure and
19 determined it to be complete as of May 27, 2021; (3) the Phase 1 Public Infrastructure has
20 been constructed in accordance with the Plans and Specifications and all City codes,
21 regulations, and standards governing the Phase 1 Public Infrastructure; and (4) this Phase 1
22 Public Infrastructure is ready for its intended use.

23 (f) The PW Director and City Engineer also recommended to the Board of Supervisors
24 that it accept the Phase 1 Public Infrastructure for public use; designate such public
25 infrastructure for street and roadway purposes; and accept it for City maintenance and liability

1 purposes. The PW Director and City Engineer recommended that acceptance of the Phase 1
2 Public Infrastructure for maintenance and liability purposes be subject to the following
3 conditions: (1) the portions of streets being accepted for street and roadway purposes are
4 from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the
5 Plans and Specifications for the Phase 1 Public Infrastructure; (2) acceptance of the Phase 1
6 Public Infrastructure for City maintenance and liability purposes is from back of curb to back of
7 curb, unless specified otherwise, and sidewalk maintenance is the responsibility of the
8 adjacent property owners in accordance with the Public Works Code; (3) encroachments that
9 are permitted, not permitted, or both, are excluded from acceptance; (4) the acceptance of the
10 streets does not obviate, amend, alter, or in any way affect existing maintenance agreements
11 between the City and parties to such agreements; (5) BRIDGE conditional assignment of all
12 warranties and guaranties to the City related to the construction of the Phase 1 Public
13 Infrastructure and its warranty obligations under Street Improvement Permit No. 16IE-1082,
14 and (6) the acceptance shall be expressly conditioned on the Project applicant obtaining an
15 encroachment permit or other authorization from the City to maintain encroachments in the
16 public right-of-way that are the applicant's responsibility. Copies of PW Order No. 206650 are
17 on file with the Clerk of the Board of Supervisors in File No. 220706 and are incorporated
18 herein by reference.

19 (g) In PW Order No. 206650, the PW Director and City Engineer also recommended
20 establishment of sidewalk widths and street grades on portions of 25th Street and Connecticut
21 Street in accordance with Drawing No. Q-20-1181 in addition to amending Board of
22 Supervisors' Ordinance No. 1061 on sidewalk widths.

23

24 Section 2. Adoptions and Approvals.

25

1 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
2 Plan and Planning Code Section 101.1 consistency findings in the Planning Department
3 Letter, as referenced in Section 1(b)-(d) of this ordinance, in connection with the acceptance
4 of the Phase 1 Public Infrastructure and other actions specified in this ordinance.

5 (b) The Board of Supervisors has reviewed and approves PW Order No. 206650,
6 including the City Engineer's certification and PW Director's recommendation, as referenced
7 in Section 1(e)-(g) of this ordinance, concerning the acceptance of Phase 1 Public
8 Infrastructure, and other actions set forth in the PW Order No. 206650.

9
10 Section 3. Acceptance of Public Infrastructure and Assumption of Maintenance and
11 Liability Responsibilities.

12 (a) Pursuant to California Streets and Highways Code Section 1806 and San
13 Francisco Administrative Code Sections 1.51 et seq., and PW Order 206650, the Board of
14 Supervisors hereby accepts and dedicates the Phase 1 Public Infrastructure for public use.

15 (b) The Board of Supervisors hereby accepts the Phase 1 Public Infrastructure for City
16 maintenance and liability purposes, subject to the conditions listed in subsections (c) and (d),
17 below.

18 (c) The Phase 1 Public Infrastructure accepted pursuant to subsections (a)-(b), above,
19 is subject to the following conditions: (1) the portions of streets being accepted for street and
20 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified
21 otherwise or as shown on the Plans and Specifications for the Phase 1 Public Infrastructure;
22 (2) acceptance of the Phase 1 Public Infrastructure for City maintenance and liability purposes
23 is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is
24 the responsibility of adjacent property owners in accordance with the Public Works Code; (3)
25 encroachments that are permitted, not permitted, or both, are excluded from acceptance; (4)

1 the acceptance of the streets does not obviate, amend, alter, or in any way affect existing
2 maintenance agreements between the City and parties to such agreements; and (5) the
3 acceptance is expressly conditioned on the Project applicant obtaining an encroachment
4 permit or other authorization from the City to maintain encroachments in the public right-of-
5 way that are the applicant's responsibility.

6 (d) The Board of Supervisors hereby acknowledges BRIDGE conditional assignment
7 of all warranties and guaranties to the City related to the construction of the Phase 1 Public
8 Infrastructure and that its acceptance of this Phase 1 Public Infrastructure is subject to
9 BRIDGE warranty obligations under Street Improvement Permit No. 16IE-1082.

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11 Section 4. Establishment of Sidewalk Widths and Street Grades.

12 (a) In accordance with PW Order No. 206650, the Board of Supervisors hereby
13 establishes the official public right-of-way widths for portions of 25th Street and Connecticut
14 Street as shown on Drawing No. Q-20-1181.

15 (b) In accordance with PW Order No. 206650, 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 1639. The width of sidewalks on portions of 25th Street and Connecticut Street shall be
20 modified as shown on the Public Works Drawing No. Q-20-1181, dated June 7, 2022.

21 (c) The sidewalk widths established pursuant to subsection (b), above, for portions of
22 25th Street and Connecticut Street do not obviate, amend, alter, or in any other way affect the
23 maintenance obligations of the adjacent property owners as set forth in the Public Works
24 Code.

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 et
3 seq., chooses to follow its own procedures for the establishment of street grades. The Board
4 of Supervisors hereby establishes the street grades for portions of 25th Street and
5 Connecticut Street as set forth in Drawing No. Q-20-1182.

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

8
9 Section 5. Authorization for Implementation. The Mayor, Clerk of the Board of
10 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to
11 take any and all actions which they or the City Attorney may deem necessary or advisable in
12 order to effectuate the purpose and intent of this ordinance, including, but not limited to, the
13 filing of the ordinance and Drawing Nos. Q-20-1181 and Q-20-1182 in the Official Records of
14 the City and County of San Francisco.

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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 DAVID CHIU, City Attorney

23 By: /s/ Robb Kapla
24 ROBB KAPLA
25 Deputy City Attorney

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