

1 [De Long Street - Public Right-of-Way Acceptance - Establishing Official Sidewalk Widths and  
2 Street Grades]

3 **Ordinance approving funding and an offer of dedication and grant deed for real**  
4 **property from the Bay Area Rapid Transportation District for De Long Street between**  
5 **Santa Cruz and San Diego Avenues; conditionally accepting this segment of De Long**  
6 **Street for maintenance and liability; delegating to the Public Works Director the**  
7 **authority, upon completion of this Street segment to: 1) declare it as open public right-**  
8 **of-way, 2) dedicate it to public use, 3) designate it for street and roadway purposes, 4)**  
9 **finally accept this Street segment for City maintenance and liability purposes, subject**  
10 **to specified limitations, and 5) establish official public right-of-way widths and street**  
11 **grades; waiving the application of Ordinance No. 1061, entitled “Regulating the Width**  
12 **of Sidewalks,” to allow establishment of official sidewalk widths through administrative**  
13 **action; adopting findings under the California Environmental Quality Act; making**  
14 **findings of consistency with the General Plan, and the eight priority policies of**  
15 **Planning Code, Section 101.1; accepting a Public Works Order recommending various**  
16 **actions in regard to De Long Street; and authorizing official acts in connection with this**  
17 **Ordinance to be taken by the Public Works Director and other San Francisco officers,**  
18 **as defined herein.**

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

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

1 Section 1. Background and Findings.

2 (a) This legislation involves the land dedication of, upgrade to, and City acceptance for  
3 maintenance and liability of a segment of De Long Street between Santa Cruz and San Diego  
4 Avenues (the “De Long Street Segment”) near the Daly City Bay Area Rapid Transit District  
5 (“BART”) Station. The public improvements on the De Long Street Segment are not complete  
6 at this time; however, BART has submitted an Offer of Dedication for real property underlying  
7 the De Long Street Segment and a deed for this property (“BART Offer of Dedication”) to  
8 allow the City and County of San Francisco (the “City”) to own, construct, and accept this  
9 Street Segment. In addition, BART is contributing \$75,000 to the City for work related to  
10 Public Works’ construction and acceptance of this Street Segment. The BART Offer of  
11 Dedication is on file with the Clerk of the Board of Supervisors in File No. 240906 and  
12 incorporated herein by reference

13 (b) In a letter dated October 11, 2024, the Planning Department determined that the  
14 actions contemplated in this ordinance comply with the California Environmental Quality Act  
15 (“CEQA”) (California Public Resources Code Sections 21000 et seq.).

16 (c) In this same letter, the Planning Department found that the acceptance of the real  
17 property associated with the De Long Street Segment and acceptance of this Street Segment  
18 for maintenance and liability purposes and other actions set forth in this ordinance are, on  
19 balance, in conformance with the General Plan and the eight priority policies of Planning Code  
20 Section 101.1. A copy of the Planning Department letter is on file with the Clerk of the Board  
21 of Supervisors in File No. 240906 and incorporated herein by reference.

22 (d) In Public Works Order (“PW Order”) No. \_\_\_\_\_, dated \_\_\_\_\_, 2024,  
23 the Public Works Director and City Engineer (collectively, “PW Director”) recommended that  
24 the Board of Supervisors: (1) accept the BART Offer of Dedication, its associated deed for fee  
25 title, and the BART contribution toward the project of \$75,000; (2) authorize the use of San

1 Francisco County Transportation Authority grant funds of up to \$350,000 for the City's design  
2 and construction of the De Long Street Segment; and (3) conditionally accept for City  
3 maintenance and liability purposes the De Long Street Segment, subject to its completion,  
4 inspection, and certification that it has been constructed in accordance with all provisions of  
5 the Municipal Code, City regulations, and standards, and is ready for its intended use. A copy  
6 of the PW Order is on file with the Clerk of the Board of Supervisors in File No.  
7 \_\_\_\_\_ and incorporated herein by reference.

8 (e) The PW Director also recommended that the Board of Supervisors delegate the  
9 authority to the PW Director to declare the De Long Street Segment as open public right-of-  
10 way; dedicate the De Long Street Segment to public use; designate the Street Segment for  
11 street and roadway purposes; and accept it for City maintenance and liability purposes,  
12 subject to certain exceptions, upon completion of this Street Segment as set forth in  
13 subsection (d) above. The PW Director recommends that the acceptance of the De Long  
14 Street Segment for maintenance and liability purposes be subject to the following exceptions:  
15 (1) the portions of the De Long Street Segment being accepted for street and roadway  
16 purposes are from back of sidewalk to back of sidewalk, unless specified otherwise; (2)  
17 acceptance of the De Long Street Segment for City maintenance and liability purposes is from  
18 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the  
19 responsibility of the adjacent property owners in accordance with the Public Works Code; and  
20 (3) encroachments that are permitted, not permitted, or both, are excluded from acceptance.

21 (f) In PW Order No. \_\_\_\_\_, the PW Director further recommended that the  
22 Board of Supervisors delegate the authority to the PW Director to establish public right-of-way  
23 widths, sidewalk widths, and street grades on the De Long Street Segment, at the time of the  
24 Street Segment's completion as set forth in subsection (d) above, and adopt any associated  
25 official maps such as an A-17 Map for public right-of-way width and a Q-20 Drawing for

1 sidewalk width and street grades. As part of this delegation, the PW Director recommended  
2 that the Board of Supervisors waive Ordinance No. 1061 on official sidewalk widths and  
3 authorize the PW Director to administratively establish the official sidewalk widths. The basis  
4 for this recommendation to delegate various actions to the PW Director is to allow for  
5 expedited processing of the De Long Street Segment public improvements and to facilitate a  
6 timely construction schedule for the upgrade to this Street Segment.

7 (g) In PW Order No. \_\_\_\_\_, the County Surveyor determined that BART's  
8 fee title transfer of its real property to the City qualifies as an exempt conveyance under  
9 California Government Code Section 66428(a)(2) and public policy does not dictate the need  
10 for a parcel map to effectuate this conveyance.

11 (h) In a letter dated October 16, 2024, the Director of the Real Estate Division of the  
12 Office of the City Administrator (the "Director of RED") requested that the Board of  
13 Supervisors accept the BART Offer and approve the deed for the De Long Street Segment. A  
14 copy of the Director of RED letter is on file with the Clerk of the Board of Supervisors in File  
15 No. 240906.

16  
17 Section 2. Adoptions and Approvals.

18 (a) The Board of Supervisors adopts as its own the CEQA findings and the General  
19 Plan and Planning Code Section 101.1 consistency findings in the Planning Department  
20 Letter, as referenced in Sections 1(b) and (c) of this ordinance, in connection with the  
21 acceptance of the De Long Street Segment and other actions specified in this ordinance.

22 (b) The Board of Supervisors has reviewed and approves PW Order No. \_\_\_\_\_,  
23 including the County Surveyor's, City Engineer's, and PW Director's acknowledgements and  
24 recommendations, as referenced in Sections 1(d)-(g) of this ordinance, concerning the BART  
25 Offer of Dedication, the De Long Street Segment, and other actions set forth in the PW Order.

1           Section 3. Approval of the BART Offer of Dedication for Real Property and Partial  
2 Funding for the De Long Street Segment and Conditional Acceptance of the De Long Street  
3 Segment for City Maintenance and Liability.

4           (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco  
5 Administrative Code Sections 1.51 et seq., and Public Works Order No. \_\_\_\_\_, the Board  
6 of Supervisors hereby accepts the BART Offer to allow Public Works' design and construction  
7 of the De Long Street Segment on City property, including partial funding toward Public  
8 Works' upgrade to the Street Segment. The Board of Supervisors also accepts grant funding  
9 from the San Francisco Transportation Authority to allow Public Works to design and  
10 construct the De Long Street Segment. In addition, the Board of Supervisors conditionally  
11 accepts the De Long Street Segment for City maintenance and liability purposes subject to its  
12 completion, inspection, and certification that it has been constructed in accordance with all  
13 provisions of the Municipal Code, City regulations, and standards, and is ready for its intended  
14 use.

15           (b) The BART Offer also includes real property for right-of-way purposes underlying  
16 the De Long Street Segment, which is evidenced by a deed from BART for this property. The  
17 Board of Supervisors hereby accepts the deed and directs the Director of RED to take official  
18 acts associated with approving and recording this deed.

19           (c) The Board of Supervisors hereby conditionally accepts the De Long Street  
20 Segment for City maintenance and liability purposes, subject to the conditions listed in Section  
21 3(d) and delegates certain authority to the PW Director as set forth in Sections 4 and 5 of this  
22 ordinance to declare the De Long Street Segment as open public right-of-way; dedicate the  
23 De Long Street Segment to public use; designate this Street Segment for street and roadway  
24 purposes; and accept it for City maintenance and liability purposes, subject to certain  
25 exceptions.

1 (d) The Board of Supervisors conditionally accepts the De Long Street Segment  
2 pursuant to the delegation in Sections 4 and 5 of this ordinance and the following conditions:  
3 (1) the portions of the Street Segment being accepted for street and roadway purposes are  
4 constructed from back of sidewalk to back of sidewalk, unless specified otherwise; (2)  
5 acceptance of the De Long Street Segment for City maintenance and liability purposes is from  
6 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the  
7 responsibility of adjacent property owners in accordance with the Public Works Code; and (3)  
8 encroachments that are permitted, not permitted, or both, are excluded from acceptance.  
9

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

12 (a) The Board of Supervisors hereby authorizes the PW Director to establish Public  
13 Right-of-Way Widths, Sidewalk Widths, and street grades for the De Long Street Segment  
14 and adopt the official maps in connection with these actions as set forth in Sections 4 and 5 of  
15 this ordinance.

16 (b) In furtherance of PW Order No. \_\_\_\_\_, the Board of Supervisors hereby  
17 waives application of Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a  
18 copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in  
19 effect May 11, 1910, and authorizes the PW Director to administratively establish official  
20 sidewalk widths for the De Long Street Segment and record the sidewalk establishment in the  
21 City's official records.

22 (c) The sidewalk widths that the PW Director will establish pursuant to subsections (a)  
23 and (b) above for the De Long Street Segment shall not obviate, amend, alter, or in any other  
24 way affect the maintenance obligations of the adjacent property owners as set forth in the  
25 Public Works Code, including its Section 706.

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 authorizes the PW Director to establish the official street grades for the De  
5 Long Street Segment and show this on an official map associated with this Street Segment.  
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7 Section 5. Delegation to the Public Works Director to Accept the De Long Street  
8 Segment.

9 (a) Based on the PW Director recommendation in PW Order No. \_\_\_\_\_, the  
10 Board of Supervisors determines that it would be efficient to eliminate the need for future  
11 Board of Supervisors actions related to accepting the De Long Street Segment through  
12 delegation of authority to the PW Director, upon completion of the upgrade to this Street  
13 Segment and the satisfaction of other conditions described in Sections 1(d) and 3(a), to  
14 dedicate the improvements to public use; designate the improvements for street and roadway  
15 purposes; adopt Public Right-of-Way Widths, Sidewalk Widths, and street grades and any  
16 related official PW maps for the De Long Street Segment; and accept the improvements for  
17 City maintenance and liability purposes, subject to the maintenance responsibility of fronting  
18 property owners pursuant to the Public Works Code, including, but not limited to, Public  
19 Works Code Section 706, along with other actions necessary for or related to acceptance of  
20 the public improvements.

21 (b) Notwithstanding Administrative Code Sections 1.51 et seq. and in furtherance of  
22 California Streets and Highways Code Section 1806, the Board of Supervisors hereby  
23 delegates to the PW Director, in consultation with other affected City departments, the  
24 authority, upon completion of the De Long Street Segment and the PW Director's certification  
25 that the improvements are complete and ready for their intended use, to take all official acts in

1 regard to the De Long Street Segment that are identified in the Public Works Order No.  
2 \_\_\_\_\_ and described above in subsection (a).

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4 Section 6. Authorization for Implementation. The Mayor, Clerk of the Board of  
5 Supervisors, Director of RED, and PW Director are hereby authorized and directed to take  
6 any and all actions which they or the City Attorney may deem necessary or advisable in order  
7 to effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of  
8 the ordinance and the PW Map A-17 and Drawing Q-20, when completed, in the Official  
9 Records of the City.

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11 Section 7. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

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17 APPROVED AS TO FORM:  
18 DAVID CHIU, City Attorney

19 By: /s/ JOHN D. MALAMUT  
20 JOHN D. MALAMUT  
21 Deputy City Attorney

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