



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 204824

Recommending the formal acceptance of an irrevocable offer of public infrastructure and real property associated with Hunters View Phase 1 public infrastructure improvements, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road (“HV1 Public Infrastructure”); dedicating the HV1 Public Infrastructure for public use; designating City property and additional property as shown on official Public Works maps as open public right-of-way for street and roadway purposes; ; accepting the HV1 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; and amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk width on the abovementioned street areas.

WHEREAS, HV PARTNERS 1, LP, a California limited partnership (“HV PARTNERS 1”) and the HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body corporate and politic (“SFHA”), have irrevocably offered the HV1 Public Infrastructure and real property, respectively, to the City and County of San Francisco (“City”) as set forth in the HV PARTNERS 1 Irrevocable Offer of such HV1 Public Infrastructure, dated _____, 2021, and SFHA’s Offer of Dedication (for real property) dated January 13, 2011, and recorded on February 15, 2011, as Document No. 2011-J135661 and updated on _____, 2021 (collectively, “HV PARTNERS 1 Offer”); and

WHEREAS, The HV PARTNERS 1 Offer also included real property for right-of-way purposes underlying Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road, which will be evidenced by a grant deed from SFHA for this property; and

WHEREAS, On May 9, 2017, Public Works inspected the HV1 Public Infrastructure and the City Engineer determined it to be complete in accordance with the Plans and Specifications and all City codes, regulations, and standards governing the HV1 Public Infrastructure and ready for its intended use; and

WHEREAS, The Acting Public Works Director (hereinafter the “Public Works Director” or “Director”) recommends and the City Engineer certifies to the Board of Supervisors that the HV1 Public Infrastructure as shown on Map A-17-182, dated May 6, 2021 and Drawing Q-20-1085, dated May 24, 2021, be dedicated to public use, and designated as open public right-of-way for street and roadway purposes. Public Works recommends that the Board of Supervisors accept the HV1 Public Infrastructure for City maintenance and liability purposes in accordance with Streets and Highways Code Sections 1806 and San Francisco Administrative Code 1.51 et seq. and subject to the exceptions specified herein; and

WHEREAS, Map A-17-182 shows the official public right-of-way widths for Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road and sidewalk widths established as shown on Map A-17-182 do not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners as set forth in the Public Works Code; and

WHEREAS, Drawing Q-20-1085 shows the street grades for Acacia Avenue, Catalina Street, and those portions of Fairfax Avenue, Ironwood Way, and Middle Point Road; and

WHEREAS, On December 10, 2008, the Department of City Planning determined that the acceptance of the public infrastructure and real property associated with the HV1 Public Infrastructure and associated actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1; and

WHEREAS, The proposed street acceptance for City maintenance and liability and other actions related to the HV1 Public Infrastructure within the scope of the Final Environmental Impact Report (“FEIR”) for the Hunters View Project (the “Project”) and an addendum dated January 16, 2020, both prepared pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission certified the FEIR on June 12, 2008 by Motion No. 17617. The Planning Commission in by Motion Nos. 17618 and 17621 adopted findings, as required by CEQA, regarding the alternatives, mitigation measures, significant environmental effects analyzed in the FEIR, a statement of overriding considerations for approval of the Project, and a proposed mitigation monitoring and reporting program. The Planning Commission on February 20, 2020, in Motion No. 20663, adopted the addendum and additional findings as required under CEQA. Planning Commission Motion Nos. 17618, 17621, and 20663 are collectively referred to as the “Planning Commission CEQA Findings;” and

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

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to accept the HV1 Public Infrastructure and Real Property for City maintenance and liability purposes
2. Map A-17-182
3. Map Q-20-1085
4. Offer of Dedication including a Grant Deed for Real Property

5. Offer of Improvements for the HV1 Public Infrastructure

The Director recommends that the Board of Supervisors approve the legislation to accept the HV PARTNERS 1 Offer. Hereinafter, the Director's recommendation also includes the City Engineer's certification of actions under the City Engineer's authority.

The Director further recommends that the Board of Supervisors approve the legislation to dedicate HV1 Public Infrastructure to public use, designate it as open public right-of-way for street and roadway purposes, and accept it for City maintenance and liability purposes subject to the following:

1. The portions of streets being designated as open public right of way for street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for the HV1 Public Infrastructure;
2. Acceptance of the HV1 Public Infrastructure for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of the adjacent property owners in accordance with the Public Works Code;
3. Encroachments that are permitted, not permitted, or both, are excluded from acceptance;
4. The acceptance of the streets does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements;
5. HV PARTNERS 1 conditional assignment of all warranties and guaranties to the City related to the construction of the HV1 Public Infrastructure and its warranty obligations under Street Improvement Permit No. 11IE-0336; and
6. The acceptance shall be expressly conditioned on the Project applicant obtaining an encroachment permit or other authorization from the City to maintain encroachments in the public right-of-way that are the applicant's responsibility.

The Director recommends that the Board of Supervisors approve the legislation accepting the grant deed from SFHA and authorizing the Director of Real Property to execute and record said deed.

The Director recommends that the Board of Supervisors approve the legislation establishing public right-of-way widths, sidewalk widths, and street grades on Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road in accordance with Map No. A-17-182 and Drawing No. Q-20-1085. Notwithstanding California Streets and Highways Code Sections 800 et seq., and in accordance with San Francisco Administrative Code Sections 1.51 et seq. the Director recommends that the Board of Supervisors elect to follow its own procedures for the establishment of street grades.

The Director recommends that the Board of Supervisors approve the legislation to amend Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, by adding thereto a new section to read as follows: Section 1621. The width of sidewalks on Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road shall be modified as shown on the Public Works Drawing Q-20-1085, dated May 24, 2021.

The Director recommends that the Board of Supervisors approve the legislation and direct Public Works to revise the Official Public Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with the legislation.

X

DocuSigned by:

John Thomas

Thomas, John
Manager, ITF

X

DocuSigned by:

Patrick Rivera

Rivera, Patrick
Bureau Manager

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Albert Ko

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Ko, Albert J
City Engineer

X

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Alaric Degrafinried

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Degrafinried, Alaric
Acting Director