

[Public Works Code - Mission Rock - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades]

Ordinance accepting irrevocable offers of public infrastructure associated with the Mission Rock Project Phase 1A, including improvements located within portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes, as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk width on Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street; accepting a Public Works Order recommending various actions regarding the public infrastructure improvements; amending the Public Works Code to require excavation permits for all excavation work performed in the Mission Rock Special Use District, regardless of whether it can be completed within a period of 24 hours or would qualify for other existing exemptions; delegating limited authority to the Public Works Director to accept specified infrastructure; authorizing official acts, as defined, in connection with this Ordinance; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

2 Section 1. Background and Findings.

3 (a) This ordinance addresses the Board of Supervisors' acceptance of and other
4 official acts for certain public infrastructure associated with Phase 1A of the Mission Rock
5 project ("Project"). The Project area is generally bounded by Mission Rock Street, Third
6 Street, Terry A. Francis Boulevard, and China Basin Park. The infrastructure accepted by this
7 ordinance includes improvements located within portions of Bridgeview Way, Dr. Maya
8 Angelou Lane, Toni Stone Crossing, and Third Street. The infrastructure constructed also
9 includes those improvements within certain Port of San Francisco pedestrian passageways
10 known as "paseos," which are located in the Project area and are open to the public, but
11 which are not offered to the City and County of San Francisco (the "City") for acceptance and
12 public dedication by the Board of Supervisors ("Board").

13 (b) California Statutes of 1968, Chapter 1333 ("Burton Act") and San Francisco
14 Charter Section 4.114 and Appendix B empower the Port Commission to use, conduct,
15 operate, maintain, manage, regulate, and control the lands within Port Commission jurisdiction
16 subject to the public trust.

17 (c) The Project is subject to that certain Disposition and Development Agreement
18 between the City, acting by and through its Port Commission ("Port"), and Seawall Lot 337
19 Associates, LLC, a Delaware limited liability company, approved by the Board of Supervisors
20 through the passage of Resolution No. 42-18 and partially assigned to Mission Rock
21 Horizontal Sub (Phase I), L.L.C., a Delaware limited liability company (the "Subdivider"), and
22 recorded in the official records of the Assessor-Recorder of the City and County of San
23 Francisco ("Official Records") on August 17, 2018 as Document No. 2018-K656938 (as
24 amended, "DDA") and that certain Development Agreement between the City and the
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1 Subdivider, which the Board approved through Ordinance No. 33-18 (“Development
2 Agreement”).

3 (d) On December 13, 2019, the Department of Public Works (“Department”) issued
4 Public Works Order (“Order”) No. 202368, which approved Tentative Map No. 9443 and
5 imposed certain terms and conditions on the Subdivider’s use of lightweight cellular concrete
6 (“LCC”) in the public right-of-ways on the Project site given that LCC is a new material for use
7 in streets accepted into the City street system. In regard to the LCC, Order No. 202368
8 required the Subdivider to provide an “Initial Warranty,” that would cover the failure of the
9 “LCC Infrastructure” wherever it exists for a period of two years from the date of issuance of
10 the last Notice of Completion for all LCC Infrastructure for the applicable Project phase. In
11 addition, Order No. 202368 requires Subdivider to provide an “Extended Warranty” that
12 covers all “Failures” of the LCC Infrastructure for a period of three years from the date of the
13 expiration of the Initial Warranty. In addition, Order No. 202368 required that Subdivider’s use
14 of LCC Infrastructure comply with performance criteria to be issued subsequent to Order
15 No. 202368.

16 (e) On March 13, 2023, the Department issued Order No. 207782, which established
17 the Mission Rock Phase 1A Monitoring Plan and Performance Criteria for Infrastructure that
18 the Subdivider must comply with according to Order No. 202368.

19 (f) On June 2, 2020, in Motion M20-60, the Board approved Final Map No. 9443, which
20 provides for a 16-lot subdivision, with lots intended for residential, commercial, open space,
21 and public right-of-way uses. In the same motion, the Board approved the public improvement
22 agreement associated with said Final Map (the “Public Improvement Agreement”) and
23 authorized the Director of Public Works and City Engineer (collectively, the “Director”) and the
24 City Attorney to execute and file the Public Improvement Agreement and conditionally accept
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1 the offers of improvements, subject to completion of the improvements and further Board
2 action.

3 (g) In conjunction with Final Map No. 9443, Subdivider irrevocably offered the public
4 infrastructure associated with Phase 1A of the Mission Rock Project to the City and the Port,
5 as clarified and supplemented in the Amended and Restated Offer of Improvements, recorded
6 in the Official Records on March 18, 2025 as Document No. 2025019816 (the "Offer of City
7 Improvements") and the Amended and Restated Offer of Improvements, recorded in the
8 Official Records on March 18, 2025 as Document No. 2025019812 (the "Offer of Port
9 Improvements"). Public Works, in Street Improvement Permit No. 20 IE-00486, dated
10 October 1, 2020, prepared by BKF Engineers, entitled "Mission Rock Phase I Street
11 Improvement Plans," as modified by Instructional Bulletins #1 through #13 (as modified, the
12 "Street Improvement Permit") approved construction of the improvements identified in the
13 Offer of City Improvements that would be offered for acceptance by the City (collectively,
14 "Phase 1A Public Infrastructure") as well as improvements that would be offered for
15 acceptance by the Port. The Phase 1A Public Infrastructure includes improvements located
16 within portions of Bridgeview Way, Dr. Maya Angelou Lane, and Toni Stone Crossing
17 (collectively, the "Streets") and the utility, roadway, and sidewalk improvements installed
18 within a portion of Third Street located outside of the Phase 1A area. Certain public
19 improvements included in the Offer of Port Improvements and Street Improvement Permit are
20 assets that are or will be owned by the Port and which are not being accepted pursuant to this
21 legislation. As used in this ordinance "Phase 1A Public Infrastructure" excludes these Port
22 assets. The Phase 1A Public Infrastructure also includes San Francisco Public Utilities
23 Commission ("SFPUC") infrastructure (including electrical meter and conduits, stormwater and
24 domestic water systems, and streetlights) and Municipal Transportation Agency infrastructure
25 (including traffic signal poles, push buttons, and appurtenances), and San Francisco Public

1 Works infrastructure (including curb ramp wings which are part of curb ramps constructed in
2 Third Street near Channel Street) on Port jurisdictional property outside of the proposed City
3 public right-of-ways (collectively, the “City Improvements on Port Streets”), as described in the
4 Offer of City Improvements.

5 (h) Public Works inspected the Phase 1A Public Infrastructure, and on
6 November 21, 2024, the City Engineer issued a Conditional Notice of Completion for the
7 Phase 1A Public Infrastructure (which the Conditional Notice of Completion refers to as the
8 Mission Rock Phase 1A Public Improvements), finding that subject to the exceptions that had
9 been approved in Order No. 210720 to allow for the deferral of the completion of certain
10 improvements specified in Order No. 210720, the Phase 1A Public Infrastructure had been
11 completed in compliance with the Public Improvement Agreement and the Street
12 Improvement Permit. As part of the Conditional Notice of Completion, the City Engineer also
13 determined that the Phase 1A Public Infrastructure is ready for its intended use.

14 (i) In companion legislation, the Board will consider approval of encroachment permits
15 for the Port and privately-owned encroachments within and upon the Streets under Public
16 Works Code Sections 786 et seq. The privately-owned encroachments consist of
17 infrastructure facilities installed to enable Mission Rock Utilities, Inc., a Delaware corporation,
18 to maintain its district system utility infrastructure, which would be governed by a master
19 encroachment permit (“MRU MEP”). The maintenance of Port encroachments would be
20 separately governed by an interdepartmental master encroachment permit (the “IMEP”). The
21 companion legislation is on file with the Clerk of the Board of Supervisors in File No. 250187.

22 (j) In Order No. 211444, dated February 20, 2025 (the “Phase 1A Order”), the Director
23 recommends that the Board accept the Offer of City Improvements, which includes the
24 Phase 1A Public Infrastructure; dedicate the Phase 1A Public Infrastructure for public use;
25 designate the Phase 1A Public Infrastructure for street and roadway purposes, as applicable;

1 and accept the Phase 1A Public Infrastructure for City maintenance and liability purposes,
2 subject to certain exceptions. The Director recommends that acceptance of the Phase 1A
3 Public Infrastructure for maintenance and liability purposes be subject to the following
4 conditions: (1) the portions of streets being accepted for street and roadway purposes are
5 from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the
6 plans and specifications for the Phase 1A Public Infrastructure and the Street Improvement
7 Permit (the "Permit Materials"); (2) acceptance of the Phase 1A Public Infrastructure for City
8 maintenance and liability purposes is from back of curb to back of curb, unless specified
9 otherwise, and sidewalk maintenance is the responsibility of the adjacent property owner(s) or
10 encroachment permittee(s) in accordance with the Public Works Code; (3) encroachments
11 that are already or anticipated to be included in encroachment permits (including the IMEP
12 and the MRU MEP), not permitted, or both, are excluded from acceptance; (4) acceptance of
13 the Streets does not obviate, amend, alter, or in any way affect existing maintenance
14 agreements between the City and parties to such agreements; and (5) Subdivider's
15 conditional assignment of all warranties and guaranties to the City related to the construction
16 of the Phase 1A Public Infrastructure and their warranty obligations under the Street
17 Improvement Permit.

18 (k) In the Order, the Director also recommends establishment of official public right-of-
19 way widths, sidewalk widths, and street grades on portions of the Streets in accordance with
20 Map A-17-229, dated October 22, 2024, and Drawing Q-20-1215, dated September 27, 2024.
21 Further, the Director recommends that the Board amend Ordinance No. 1061 on official
22 sidewalk widths in accordance with Drawing Q-20-1215. The Offer of Improvements, Order,
23 draft Map, and Drawing referenced above are on file with the Clerk of the Board in File
24 No. 250186 and incorporated herein by reference.

1 (l) In Order No. 210720, dated July 16, 2024, the Director conditionally approved a
2 request to defer certain scopes of work including traffic signalization infrastructure and
3 connected streetlights and certain documentation typically required prior to issuance of a
4 Notice of Completion and the Board's consideration for acceptance ("Deferred Infrastructure").
5 That order set forth the conditions of approval of the deferral, including criteria for when the
6 Deferred Infrastructure must be completed. In the Phase 1A Order, the Director
7 recommended that the Board delegate the authority to the Director, in consultation with
8 applicable City agencies, to approve and accept the Deferred Infrastructure once it has been
9 completed to the satisfaction of the Director. Public Works Order No. 210720 is on file with
10 the Clerk of the Board of Supervisors in File No. 250186 and incorporated herein by
11 reference.

12 (m) On February 11, 2025, the Port Commission held a public hearing and adopted
13 Resolution Nos. 25-05 and 25-06 to take various actions and make recommendations
14 including regarding the Board of Supervisors consideration of accepting Phase 1A Public
15 Infrastructure for City maintenance and liability and regarding the Port and private
16 encroachments described above. The Port Commission Resolutions are on file with the Clerk
17 of the Board of Supervisors in File No. 250186 and incorporated herein by reference.

18
19 Section 2. Environmental and Land Use Findings.

20 (a) In a letter dated February 6, 2025, the Planning Department determined that the
21 actions contemplated in this ordinance comply with the California Environmental Quality Act
22 (California Public Resources Code Sections 21000 et seq.) and that the contemplated actions
23 are within the scope of the prior environmental review and do not trigger the need for
24 subsequent environmental review. Said determination is on file with the Clerk of the Board of
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Supervisors in File No. 250186 and is incorporated herein by reference. The Board affirms this determination.

(b) In this same letter, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own.

Section 3. Port Commission Actions and Public Works Actions.

(a) The Board has reviewed and approves the Phase 1A Order, including the Director's recommendations, as referenced in Section 1 of this ordinance, concerning the acceptance of Phase 1A Public Infrastructure, and other actions set forth in the Phase 1A Order.

(b) The Board has reviewed, acknowledges, and approves the actions of the Port Commission in its Resolution Nos. 25-05 and 25-06 regarding the Phase 1A Public Infrastructure, as well as the MRU MEP and the IMEP for encroachments for which the Port will assume liability and which the Port will own and maintain.

Section 4. Acceptance of Public Infrastructure and Assumption of Maintenance and Liability Responsibilities.

(a) Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., the Board hereby accepts the Offer of City Improvements (excluding any Port improvements and private encroachments as identified therein) and dedicates the Phase 1A Public Infrastructure for public use, including the City Improvements on Port Streets.

1 (b) The Board hereby designates the Streets for street and roadway purposes and
2 accepts the Streets into the City's street system.

3 (c) The Board hereby accepts the Phase 1A Public Infrastructure, including the City
4 Improvements on Port Streets, for City maintenance and liability purposes, subject to the
5 conditions listed in Section 4(d) below.

6 (d) The Phase 1A Public Infrastructure accepted and designated pursuant to Section
7 4(a) through 4(c) above is subject to the following conditions:

8 (1) The portions of streets being accepted for street and roadway purposes are
9 constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as
10 shown in the Permit Materials for the Phase 1A Public Infrastructure.

11 (2) Acceptance of the Phase 1A Public Infrastructure for City maintenance and
12 liability purposes (with the exception of the City Improvements on Port Streets) is from back of
13 curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
14 responsibility of adjacent property owners or encroachment permittees in accordance with the
15 Public Works Code.

16 (3) Encroachments that are already or anticipated to be included in an
17 encroachment permit application or will be permitted (including the IMEP and MRU MEP), not
18 permitted, or both, are excluded from acceptance.

19 (4) The acceptance of the Phase 1A Public Infrastructure does not obviate,
20 amend, alter, or in any way affect existing maintenance agreements between the City and
21 parties to such agreements.

22 (5) Subdivider's conditional assignment of all warranties and guaranties to the
23 City related to the construction of the Phase 1A Public Infrastructure and their warranty
24 obligations.

1 Section 5. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street
2 Grades.

3 (a) In accordance with the Order, the Board hereby establishes the official public right-
4 of-way widths for portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing,
5 and Third Street as shown on Public Works Map A-17-229 and Drawing Q-20-1215.

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

10 Section 1648. The width of sidewalks on portions of Bridgeview Way, Dr. Maya Angelou Lane,
11 and Toni Stone Crossing shall be established as shown on the Public Works Drawing Q-20-1215, dated
12 September 27, 2024. In addition, the width of sidewalks on portions of Third Street shall be modified as
13 shown on the Public Works Drawing Q-20-1215, dated September 27, 2024.

14 (c) The sidewalk widths established pursuant to Section 5(b) above for Bridgeview
15 Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street do not obviate, amend,
16 alter, or in any other way affect the maintenance obligations of the adjacent property owners
17 or encroachment permittees as set forth in the Public Works Code.

18 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
19 Board, in accordance with San Francisco Administrative Code Sections 1.51 et seq., chooses
20 to follow its own procedures for the establishment of street grades. The Board of Supervisors
21 hereby establishes the street grades for portions of Bridgeview Way, Dr. Maya Angelou Lane,
22 Toni Stone Crossing, and Third Street as set forth in Public Works Drawing Q-20-1215.

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

1 Section 6. Article 2.4 of the Public Works Code is hereby amended by revising Section
2 2.4.2, to read as follows:

3 **SEC. 2.4.2. PERMITS REQUIRED TO EXCAVATE.**

4 (a) It is unlawful for any person to make or to cause or permit to be made any
5 excavation in any public right-of-way that is under the jurisdiction of the Department of Public
6 Works without first obtaining from the Department a permit authorizing such excavation.

7 (b) The Department shall issue a permit to excavate only if the owner has the legal
8 authority to occupy and use the public right-of-way for the purposes identified in the
9 application for the permit and the owner and its agent, if any, are in compliance with this
10 Article 2.4.

11 (c) No permit to excavate shall be required when an excavation is to be completed
12 within a period of 24 hours or less to install a parking meter, street light, street tree, traffic
13 sign, traffic signal, or utility pole or to repair a utility box in a sidewalk; or when an excavation
14 is in connection with the construction or maintenance of a subsidewalk basement; or when an
15 excavation is performed for the sole purpose of repairing a sidewalk. The exemption from
16 permits under this subsection (c) shall not apply in the Mission Rock Special Use District established
17 by Planning Code Section 249.80.

18 (d) Permit requirements pertaining to emergency excavation are addressed in Section
19 2.4.22.

20 (e) The Department shall issue permits to excavate that allow the permittee to use
21 microtrenching to install fiber-optic facilities in the public right-of-way, subject to any orders,
22 regulations, or standard plans and specifications the Department may adopt.

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25 Section 7. Delegation to Approve and Accept Deferred Infrastructure.

1 In regard to the Deferred Infrastructure, the Board of Supervisors hereby delegates the
2 authority to the Director and the City Engineer, in consultation with applicable City agencies,
3 to approve and accept the finalized Deferred Infrastructure once it is complete to the
4 satisfaction of the Director and the City Engineer.

5
6 Section 8. Authorization for Implementation.

7 The Mayor, Clerk of the Board of Supervisors, Executive Director of the Port, and the
8 Director and the City Engineer are hereby authorized and directed to take any and all actions
9 which they or the City Attorney may deem necessary or advisable in order to effectuate the
10 purpose and intent of this ordinance, including, but not limited to, approving any amended
11 offers of improvements based on as-built conditions and filing of the ordinance, Map A-17-
12 229, and Drawing Q-20-1215 in the Official Records of the City and County of San Francisco.

13
14 Section 9. Effective Date.

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

19
20 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

1 APPROVED AS TO FORM:
2 DAVID CHIU, City Attorney

3 By: /s/ Christopher T. Tom
4 CHRISTOPHER T. TOM
 Deputy City Attorney

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