

File No. 110467

Committee Item No. _____
Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date April 26, 2011

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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Completed by: Joy Lamug
Completed by: _____

Date April 21, 2011
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Accept & Expend State Grant – Jefferson Street Redesign 30% Engineering—\$65,000.]

2
3 **Resolution authorizing the San Francisco Planning Department to retroactively accept**
4 **and expend a grant in the amount of \$65,000 from the Association of Bay Area**
5 **Governments (ABAG) for the period April 1, 2011 through January 1, 2012 in order to**
6 **complete 30% design documents for the redesign of Jefferson Street from Powell**
7 **Street to Hyde Street.**

8
9 WHEREAS, The Association of Bay Area Governments (ABAG) awarded the Planning
10 Department funding for Jefferson Street Redesign 30% Engineering in the amount of \$65,000,
11 for the period April 1, 2011 through January 1, 2012; and

12 WHEREAS, This funding will allow the Planning Department to bring the pedestrian-
13 priority reconfiguration of Jefferson Street between Powell Street and Hyde Street, as
14 described in the approved Fisherman's Wharf Public Realm Plan, from conceptual design to
15 30% engineering drawings, which qualify the Jefferson Street improvements for regional
16 funding sources; and

17 WHEREAS, An ASO amendment is not required as the grant funding will be used to
18 provide partial reimbursement for existing positions in the Planning Department; and

19 WHEREAS, The grant terms allow billing of indirect costs of \$4,043; now, therefore, be
20 it

21 RESOLVED, That the Planning Department is hereby authorized to retroactively accept
22 and expend a grant in the amount of \$65,000 from ABAG; and, be it

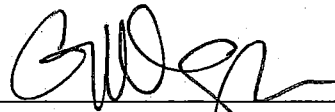
23 FURTHER RESOLVED, That the Planning Department is hereby authorized to
24 retroactively accept and expend the grant funds pursuant to San Francisco Administrative
25 Code section 10.170-1; and, be it


1 FURTHER RESOLVED, That the Director of Planning, or a designee, is authorized to
2 enter into the grant agreement on behalf of the City.

3
4 RECOMMENDED:

5 
6 _____
7 John Rahaim, Director
8 San Francisco Planning Department

APPROVED:

9 
10 _____
11 For Edwin Lee, Mayor

12 
13 _____
14 Office of the Controller

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Director, Planning Department
DATE: April 4, 2011
SUBJECT: Accept and Expend Resolution for Association of Bay Area Governments, Bay Trail Project Grant
GRANT TITLE: Planning Grant: Jefferson Street Redesign 30% Engineering

Attached please find the original and 4 copies of each of the following:

- Proposed grant resolution; original signed by Department, Mayor, Controller, City Attorney
- Grant information form, including disability checklist
- Grant application
- Grant budget
- Letter of Intent or grant award letter from funding agency
- Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted ordinance:

Name: Keith DeMartini

Phone: 575-9118

Interoffice Mail Address: 1650 Mission Street, Suite 400

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective July 2006)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying ordinance:

1. Grant Title: Jefferson Street Redesign 30% Engineering
2. Department: San Francisco Planning Department
3. Contact Person: Keith DeMartini, Sheila Nickolopoulos Telephone: 575-9118, 575-9089

4. Grant Approval Status (check one):

Approved by funding agency Not yet approved

5. Amount of Grant Funding Approved or Applied for: \$65,000

6a. Matching Funds Required: None

b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: State Coastal Conservancy

b. Grant Pass-Through Agency (if applicable): Association of Bay Area Governments, Bay Trail Project

8. Proposed Grant Project Summary:

As the City prepares to host the America's Cup in 2013, Fisherman's Wharf will likely be the most frequented destination by race visitors along the Northeast Waterfront. This is an opportunity to improve pedestrian and cycling facilities in the Wharf to both meet the needs of the America's Cup and provide a public legacy that San Francisco would continue to benefit from for decades. The approved reconfiguration of Jefferson Street as envisioned in the Fisherman's Wharf Public Realm Plan (FWPRP) is the central focus of such changes in Fisherman's Wharf. In recognition of this, the Planning Department has assembled funding to make the Jefferson Street improvements construction ready.

The Planning Department has worked with the community and the Port for more than two years to develop a new design for Jefferson Street that elevates the importance of pedestrians and cyclists by reallocating right-of-way from automobiles to these other users. The new pedestrian-priority design of Jefferson Street is based on the Shared Space concept. While still innovative in North America, Shared Space design is spreading quickly in areas where pedestrians and cyclists are the primary street users and cars represent a small minority. Cars are still allowed, but pedestrians and cyclists have priority, so streets are designed to resemble a public plaza more than a regular street. Safety is ensured through the very slow travel speeds of the small number of vehicles using the street.

The San Francisco Bay Trail funds will advance the design from the conceptual stage to 30% engineering drawings. The Planning Department will work closely with MTA and DPW to complete the project. As project manager, Planning staff will ensure continuity between the conceptual design and the first stage of engineering drawings.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: 04/01/2011

End-Date: 01/01/2012

10. Number of new positions created and funded: N/A.

11. Explain the disposition of employees once the grant ends? N/A

12a. Amount budgeted for contractual services: \$0

b. Will contractual services be put out to bid? N/A

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? N/A

d. Is this likely to be a one-time or ongoing request for contracting out? N/A

13a. Does the budget include indirect costs? Yes No

b1. If yes, how much? \$4,043

b2. How was the amount calculated? 95% of salary, as allowed by the funder

c1. If no, why are indirect costs not included?

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? N/A

14. Any other significant grant requirements or comments:

****Disability Access Checklist*****

15. This Grant is intended for activities at (check all that apply):

Existing Site(s)

Existing Structure(s)

Existing Program(s) or Service(s)

Rehabilitated Site(s)

Rehabilitated Structure(s)

New Program(s) or Service(s)

New Site(s)

New Structure(s)

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: Joanna Fraguli
(Name)

Date Reviewed: 4/12/2011

Department Approval: Joanna Fraguli, Mayor's Office on Disability
(Name) (Title)

[Signature]
(Signature)

[Signature] for John Kahary, Director
Planning Department

Proposition 84 Bay Trail Grant Application

**Jefferson Street Redesign: 30 Percent Engineering Drawings
Submitted by: The San Francisco Planning Department
January 18, 2011**

Included:

1. Grant application
2. Project Map
3. Detailed project area map with trail segment clearly marked
4. Project budget
5. Project schedule
6. Environmental review date: April 2011
7. Letters of support
8. Digital photos of project site (emailed to Bay Trail staff person)



**SAN FRANCISCO BAY TRAIL
Grant Application**



The San Francisco Bay Trail Project is soliciting grant applications for trail planning and construction projects that will complete gaps in the Bay Trail.

Grant Program Basics: Local, State or federal government agencies, special districts and nonprofit organizations are eligible. The program favors construction of Bay Trail gaps, matching or in-kind contributions, innovative solutions and partnerships. Feasibility, design or technical studies that overcome obstacles to future trail development are also eligible. See www.baytrail.org for more information about the program and to view examples of previously awarded grants.

Note: The following are not eligible: a) trail projects required as part of a permit approval or as mitigation for another project, or b) permitting costs.

Applicant Information

Lead Agency Name San Francisco Planning Department
Address 1650 Mission Street, 4th floor suite 400, San Francisco CA 94103
Contact Name/Title Neil Hrushowy, Planner, Project Manager for the Fisherman's Wharf Public Realm Plan
Phone Number (415) 386-1745 **Fax number**
E-mail neil.hrushowy@sfgov.org

Project Information

Project Title Jefferson Street Redesign, 30% Engineering Drawings
Project Location Jefferson Street, between Powell Street and Hyde Street
Length of Trail Segment ~4000' **Does project close gap?** Yes
State Senate District District 3 **State Assembly District** 13th District
Congressional District 8th District
Project Partners San Francisco Port Authority; SF MTA; SF DPW; Fisherman's Wharf Community Benefit District

Proposed Start Date March 1, 2011 **Proposed Completion Date** November 30, 2011
Grant Request \$65,000 **Total Project Cost** \$120,000

Matching Contributions

Amount \$25,000 **Funding Source** Fisherman's Wharf CBD
Amount \$30,000 **Funding Source** SF Port Authority
Amount **Funding Source**

In-kind Contributions
(provide descriptions & values)

Local Plans that Support Project Fisherman's Wharf Public Realm Plan

Signature _____ **Date** January 18, 2011

Project Description – Include information about whether project meets Bay Trail Design Guidelines, is accessible to people with disabilities, connects to existing trails and shoreline destinations, serves as an alternative transportation route and facilitates community access and connections.

As the City continues to prepare itself to host the America's Cup in 2013, Fisherman's Wharf will likely be the most frequented destination by race visitors along the Northeast Waterfront. This provides the unique opportunity to advance improvements to the pedestrian and cycling facilities in the Wharf area that both meet the needs of The America's Cup and provide a public legacy that San Francisco would continue to benefit from for decades. The soon-to-be approved reconfiguration of Jefferson Street as envisioned in the Fisherman's Wharf Public Realm Plan (FWPRP) is the central focus of such changes in Fisherman's Wharf. In recognition of this, the Planning Department has assembled funding to make the Jefferson Street improvements construction ready. The Planning Department is requesting \$65,000 from the San Francisco Bay Trail to assist in the next steps of the Jefferson Street Plan.

The San Francisco Bay Trail money would be used to advance the design from the conceptual stage to 30% engineering drawings. The Fisherman's Wharf CBD has agreed to contribute \$25,000 and the Port has been asked to contribute \$30,000. The Bay Trail's money would bolster the CBD's and the Port's, and enable this project to advance, when combined with the design's environmental clearance, to being eligible for The America's Cup funds.

The Planning Department has completed the Fisherman's Wharf Public Realm Plan. The Draft Public Realm Plan, which includes the redesign of Jefferson Street, was circulated in June 2010 and the final plan will begin adoption in May 2011. The final environmental review document will be released in April, 2011.

With the assistance of San Francisco Bay Trail, Planning has worked with the community and the Port for more than two years to develop a new design for Jefferson Street that elevates the importance of pedestrians and cyclists by reallocating right-of-way from automobiles to these other users. The key element of the new Jefferson Street is its pedestrian-priority design that is based on the Shared Space concept. While still innovative in North America, Shared Space design is spreading quickly in areas where pedestrians and cyclists are the primary street users and cars represent a small minority. Cars are still allowed, but pedestrians and cyclists have priority in the space, which is designed to resemble more a public plaza than a regular street. Safety is ensured through the very slow travel speeds of the small number of vehicles using the street.
(continued on next page).

Attachments

1. **Project location map** (use maps on baytrail.org)
2. **Detailed project area map with trail segment clearly marked**
3. **Project budget**
4. **Project schedule**
5. **Environmental review: date (or expected date) environmental document adopted or certified**
6. **Letters of support** (If awarded, project grantee will be required to provide letters of support from legislators.)
7. **Digital photos of project site** (e-mail to Bay Trail staff person)

Send two copies of the proposal form and attachments to **San Francisco Bay Trail Project**, c/o Association of Bay Area Governments, P.O. Box 2050, Oakland, CA 94604.

Please direct questions to Bay Trail Project staff:

Laura Thompson, Project Manager, San Mateo and Santa Clara counties, laurat@abag.ca.gov, 510-464-7935

Maureen Gaffney: San Francisco, Marin, Napa, Sonoma and Solano counties, maureeng@abag.ca.gov, 510-464-7909

Lee Huo: Alameda and Contra Costa counties, leeh@abag.ca.gov, 510-464-7915

(continued from previous page)

Pedestrian-priority design, from its use of alternative paving materials, to the placement of landscaping, seating, lighting and other street furnishings, and the lack of traffic control devices that traditionally delineate pedestrian space from vehicle space, does require an attention to detail above and beyond normal roadway design. In conversations with Dan Hodapp, Senior Urban Designer for the Port, the Planning Department has decided that an outside designer from a private firm with prior experience in pedestrian-priority design should be hired to assist and provide detailed guidance to DPW staff as they develop the engineering drawings. Planning would remain the project manager during this phase to ensure continuity between the conceptual design and the first stage of engineering drawings. At the further recommendation of Mr. Hodapp, the Planning Department will seek the Port's Waterfront Design Committee design advice at key steps in the process. This partnership between the Planning Department, the Port, DPW and an outside expert will ensure the tremendous work invested in developing the innovative conceptual design is maintained and enhanced through the engineering drawings.

The process is envisioned to take up to 6 months from the time the senior designer is hired. A survey of the street could be initiated immediately, even before DPW Landscape staff is assigned. There would be two community workshops: the first would present an early draft of the design and seek public input to make sure the design remains true to the conceptual design; the second would present the 30-percent design and seek further input and refinement. During this time, implementation funding would be vigorously pursued and hopefully secured. This would allow for a seamless transition from 30-percent drawings to final engineering drawings and construction.

There is tremendous political and community momentum behind the Jefferson Street design, as evidenced by the Fisherman's Wharf CBD's willingness to contribute \$25,000 towards the engineering drawings. The opportunity to have Jefferson Street ready by 2013 further motivates the City and the public. We, as always, appreciate the long-term commitment of The Bay Trail to this project and look forward to continuing to work together.

Point Bonita Lighthouse

Land End

Point of View Light from

Sunset Blvd

Novato

San Francisco

Presidio

Lincoln Blvd

Divisadero

Marina

Fell

Franklin

73rd St

17th St

24th St

25th St

Capital Bldg

Warrent Water Cove Park

Chase Bank Ferry Terminal

South Beach Harbor

San Francisco Oakland Bay Bridge

Yerba Buena Island

Treasure Island

High 80

Portview Park

Mirida Harbor Shoreline Pt

Alameda Point

GGI Ferry to Sausalito

Aliso and Gato Piers to Alameda

St 38 Interfront

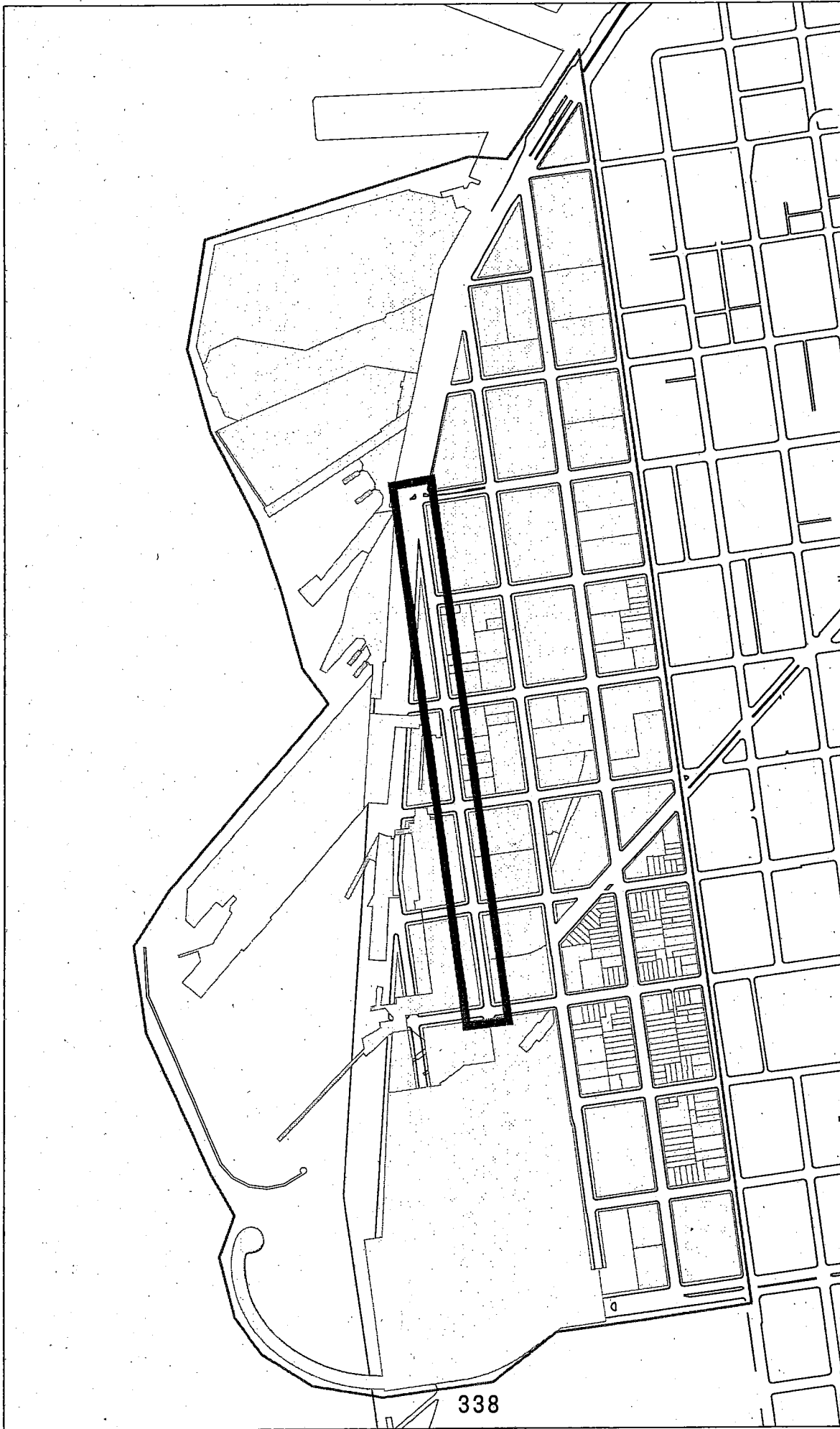
Ferry Building

Bar

Bar

California

San Francisco Oakland Bay Bridge



Fisherman's Wharf - Street Network

1 inch equals 400 feet

**Bay Trail Grant Application, Jefferson Street Engineering Drawings
Budget**

	Rate Hours	Amount	Notes:
DPW		\$72,080	
Survey		\$30,000	Detailed map of street with existing elements and slope.
Cost Estimate for DPW Work		\$15,000	To provide estimate for DPW's work on 30% design.
Landscape Designer II	120	\$15,600	Will be responsible for creating the documents. Will attend three design charrettes and work closely with outside design expert.
Project Manager II	40	\$6,480	Will provide project oversight and coordination with all DPW staff.
Materials and Expenses		\$5,000	
MTA		\$7,850	
5241 Engineer	40	\$6,360	Will attend three design charrettes and provide project team with MTA comments on the design.
Manager V	10	\$1,490	Will provide project oversight and coordination with all MTA staff.
Planning Department		\$7,800	
Planner III	60	\$7,800	
Private Firm		\$27,500	
Senior Urban Designer	100	\$22,500	
Staff Urban Designer	20	\$2,500	
Materials and Expenses		\$2,500	
Total		\$115,230	
Funding Sources			
San Francisco Bay Trail		\$65,000	
San Francisco Port Authority		\$30,000	
Fisherman's Wharf CBD		\$25,000	
Total		\$120,000	

Planning Department Bay Trail Grant Application - Timeline

	2011	March	April	May	June	July	August	September	October	November	December
DPW work estimate											
Street survey											
Base map preparation											
Hire outside expert											
Community workshop - continuity of vision					*						
First charrette - street layout and geometries					*						
First draft											
Second charrette - detailed design of street elements							*				
Second draft											
Third charrette - shared space refinements								*			
Third draft											
Final draft											*
Community workshop - final presentation											*

Fisherman's Wharf

COMMUNITY BENEFIT DISTRICT

January 18, 2011

Maureen Gaffney
San Francisco Bay Trail Project
P.O. Box 2050
Oakland, CA 94604
Dear Sirs,

Re: Support for SF Planning Grant Request for Fisherman's Wharf Public Realm Plan

Hello Ms. Gaffney,

On behalf of the Fisherman's Wharf Community Benefit District (FWCBD) and its Board of Directors, we are writing in support of the grant request submitted by the SF Planning Department for \$66,000 to bring public realm plans from conceptual stage to 30% engineering drawings. The results of this grant, when combined with the design's environmental clearance, would make the project "shovel ready" and eligible for America's Cup funds.

Since its formation in 2005, the FWCBD has been successful in uniting property and businesses owners on the landside with the tenants of the Port of San Francisco on the portside of the district to move forward with a common purpose. The FWCBD has partnered closely with the SF Planning Department on the Fisherman's Wharf Public Realm Plans and together have secured unanimous support from all major stake holders on the Wharf to move forward and create the much needed Shared Space on Jefferson Street included in this plan. With the assistance of San Francisco Bay Trail, SF Planning has worked with the community and the Port for more than two years to develop a new design for Jefferson Street that elevates the importance of pedestrians and cyclists by reallocating right-of-way from automobiles to these other users. Fisherman's Wharf welcomes over 15 million people a year into our district and this pedestrian and bicycle priority design will significantly upgrade the area and benefit the entire city of San Francisco.

The FWCBD has worked collaboratively with the SF Planning Department on the development of the Public Realm Plan by hosting many Community forums and meetings. The FWCBD has also committed financial resources to the project including contributing \$25,000 toward the cost of the Environmental Impact Report currently being conducted. In addition, the FWCBD Board of Directors has approved an additional \$25,000 that will be a matching contribution to this grant request under consideration.

We sincerely support this grant request of the San Francisco Bay Trail and thank you for your consideration.

Thank You


David Berbey
President


John Henry
Chair, Planning Committee


Kevin Carroll
Executive Director

Cc: Dean Macris, David Alumbaugh, Neil Hrushowy

2801 Leavenworth Street, Second Floor, Suite B-16 | San Francisco, CA 94133
T 415.673.3530 | F 415.673.2527 | www.visitfishermanswharf.com



January 18, 2011

Maureen Gaffney
Association of Bay Area Governments, Bay Trail Project
P.O.Box 2050
Oakland, CA 94604-2050

Re: Support for SF Planning Grant Request for Fisherman's Wharf Public Realm Plan

Dear Ms. Gaffney:

On behalf of the 12,000 members of the San Francisco Bicycle Coalition (SFBC) I writing in support of the grant request submitted by the SF Planning Department for \$65,000 to bring the Fisherman's Wharf Public Realm Plan from conceptual stage to 30% engineering drawings. The results of this grant, when combined with the design's environmental clearance, would make the project "shovel ready" and eligible for America's Cup funds.

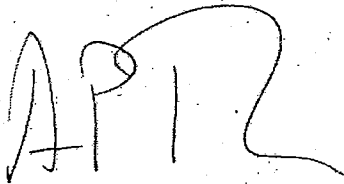
Jefferson Street is an important link in the Bay Trail and a heavily-bicycled segment of San Francisco's street system. Improving the Bay Trail for bicycle riders of all ages and abilities along the San Francisco shoreline, from the Golden Gate Bridge to Hunters Point, is a top priority for the SFBC, and we're eager to bring all meaningful energy and attention to the business of improving and elevating it to a world-class bikeway for everyone.

Although Fisherman's Wharf is visited by millions of people every year, with hundreds of thousands of bicycle rentals taking place, at present Jefferson Street is an unpleasant and difficult environment for bicycle riding, a one-way street with obstacles and hazards and motor vehicle traffic compromising what should be a priceless bike ride beside the Bay. The Fisherman's Wharf Public Realm Plan will bring a redesign of Jefferson Street that elevates the importance of pedestrians and cyclists by reallocating right-of-way from automobiles to these other users.

The key element of the Jefferson Street design is the pedestrian-priority perspective that is based on the "shared street"; while still innovative in North America, shared street design is spreading quickly in areas where pedestrians and cyclists are the primary street users and cars represent a small minority. Vehicular access is still allowed, but pedestrians and cyclists have priority in the space, which is designed to resemble more a public plaza than a regular street. Safety is ensured through the very slow travel speeds of the small number of vehicles using the street.

We fully support this grant request of the San Francisco Bay Trail Project and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'ATR' with a large, sweeping flourish extending to the right.

Andy Thornley
Program Director

cc: Neil Hrushowy, SF Planning Department

**San Francisco Planning Department
Grant Budget**

Project Name: Jefferson Street Redesign 30% Engineering
Funder Name: Association of Bay Area Governments, Bay Trail Project
Project Duration: Start: 04.01.11 End: 01.01.12

Job Class	Job Class Title	Subject	FTE	Annual Salary	Grant Amount	Total Project	Notes
Salaries							
5291	Planner III	00101	0.04	\$ 94,978	\$ 4,255	\$ 4,255	
Subtotal					\$ 4,255	\$ 4,255	
Fringe		01300		40%	\$ 1,702	\$ 1,702	
Indirect		95%			\$ 4,043	\$ 4,043	
Services by Other Departments		081PW			\$ 50,280	\$ 50,280	
		081PT			\$ 4,720	\$ 4,720	
Total					\$ 65,000	\$ 65,000	

Services by Other
 Departments
 Public Works 081PW
 MTA 081PT



February 15, 2011

Mr. Neil Hrushowy
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: Funding Decision Regarding Jefferson Street Redesign, 30% Engineering Drawings

Dear Mr. Hrushowy:

It is a pleasure to inform you that the above-referenced project has officially been awarded a grant of \$65,000 under the San Francisco Bay Trail Project's competitive Regional Development Program. The grant awards were made on February 9, 2011 by the Bay Trail Steering Committee.

Attached is a draft contract for the Jefferson Street Redesign Bay Trail grant. Once the contract is signed, the next step will be the drafting and approval of the work program. The work program outlines on a task by task basis the items that the Bay Trail grant will pay for. The work program must be approved by ABAG and the Coastal Conservancy, and becomes the basis for reimbursement to the San Francisco Planning Department.

If you have any questions regarding the grant process in the meantime, please feel free to contact me at (510) 464-7909 or by e-mail at maureng@abag.ca.gov.

Thank you for your interest in the Bay Trail grant program. We look forward to working with you on this exciting project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maureen Gaffney".

Maureen Gaffney
Bay Trail Planner

cc: Ann Buell, Coastal Conservancy

**ASSOCIATION OF BAY AREA GOVERNMENTS
BAY TRAIL PROJECT**

PLANNING GRANT AGREEMENT

Jefferson Street Redesign 30% Engineering

Grantee's full, legal name: City of San Francisco Planning Department

Address: 1650 Mission Street, Suite 400, San Francisco, CA 94103

Phone No.: (415) 386-1745

Name of Contact: Neil Hrushowy

Title of Contact: Planner/Project Manager

I. SCOPE OF AGREEMENT

Pursuant to Chapter 9 of Division 21 of the California Public Resources Code, the State Coastal Conservancy ("the Conservancy") awarded grant funds to be administered by the Association of Bay Area Governments (ABAG) for development of the Bay Trail Project. ABAG grants to **The San Francisco Planning Department** ("the Grantee") a sum not to exceed **sixty five thousand dollars (\$65,000)**, Proposition 84 funds, the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006", subject to the terms and conditions of this Agreement, to prepare **30% Design Documents for the Redesign of Jefferson Street between Taylor and Hyde** ("the Project") for the area, shown on Exhibit A, which is incorporated by reference and attached. The Project description is attached as Exhibit B, which is incorporated by reference.

The Grantee shall carry out the Project in accordance with this agreement and a work program to be approved by ABAG pursuant to this agreement. The Grantee shall provide any funds beyond those granted under this agreement which are needed to complete the Project.

II. CONDITIONS PRECEDENT TO COMMENCEMENT OF PROJECT AND DISBURSEMENT

The Grantee shall not commence the Project and ABAG shall not be obligated to disburse any funds under this agreement unless and until the following conditions precedent have been met:

- A. A resolution has been adopted by the **San Francisco Board of Supervisors** authorizing the execution of this agreement and approving its terms and conditions.
- B. ABAG has approved in writing:
 - 1. The work program for the Project.
 - 2. All contractors that the Grantee intends to employ in connection with the Project.

III. TERM OF AGREEMENT

This agreement shall be deemed executed and effective when signed by both parties and together with the resolution described in the "CONDITIONS PRECEDENT TO COMMENCEMENT OF PROJECT AND DISBURSEMENT" section of this agreement.

This agreement shall run from its effective date through **January 1, 2012** (the "completion date") unless otherwise terminated or amended as provided in this agreement. All work shall be completed by the completion date.

STANDARD PROVISIONS

I. WORK PROGRAM

If all or part of the Project to be funded under this agreement will be performed by third parties ("contractors") under contract with the Grantee, then the Grantee shall, prior to initiating any request for proposals or other solicitation, submit the solicitation package for review and written approval of ABAG. Upon approval by ABAG, the Grantee shall proceed with the solicitation process. Prior to final selection, the Grantee shall submit to ABAG for written approval the names of all contractors that the Grantee intends to hire.

Prior to commencement of the Project, the Grantee shall submit a detailed work program to ABAG for review and written approval as to its consistency with the terms of this agreement. The work program shall include:

- A. The specific tasks to be performed.
- B. A schedule of completion for the Project, specifically listing the completion date for each Project component and a final Project completion date.
- C. A detailed project budget ("Project Budget"). The Project Budget shall describe all labor and materials costs to be incurred to complete each component of the Project. For each Project component, the Project Budget shall list all intended funding sources including ABAG's grant, the Grantee's required contribution and all other sources of monies, materials, or labor.

The work program shall have the same force and effect as if included in the text of this agreement. However, the work program may be modified without amendment of this agreement upon the Grantee's submission of a modified work program and ABAG's written approval of it. If this agreement and the work program are inconsistent, the agreement shall control.

The Grantee shall carry out the Project in accordance with the approved work program.

II. COORDINATION AND MEETINGS

The Grantee shall coordinate with ABAG staff and shall participate in meetings and other communications as necessary to ensure coordination.

III. WORK PRODUCTS

All materials and work products produced by the Grantee as a result of this agreement are the property of ABAG and the Conservancy.

IV. COSTS AND DISBURSEMENTS

Upon determination by ABAG that all "CONDITIONS PRECEDENT TO COMMENCEMENT OF PROJECT AND DISBURSEMENT" have been fully met, ABAG shall disburse to the Grantee, in accordance with the approved Project Budget, a total amount not to exceed the amount of this grant, as follows:

The provision of this section with a check mark, "x" or equivalent mark opposite it will apply at the commencement of the agreement.

MONTHLY INVOICES

Disbursements shall be made on the basis of costs incurred to date, less ten percent (10%), upon the Grantee's satisfactory progress in accordance with the approved work program and upon submission of a "Request for Disbursement" form, which shall be submitted no more frequently than monthly but no less frequently than quarterly. Disbursement of the ten percent (10%) withheld shall be made upon (1) the Grantee's satisfactory completion of the Project, compliance with the "PROJECT COMPLETION" section of this agreement, and submission of a fully executed final "Request for Disbursement" form; and (2) ABAG's acceptance of the Project.

COMPLETION OF EACH PROJECT TASK

Disbursement shall be made on the basis of costs incurred to date, less ten percent (10%), upon the Grantee's satisfactory completion of each project task identified in the approved work program. The final disbursement, together with amounts earlier withheld, shall be made upon the Grantee's satisfactory completion of the Project and compliance with the "PROJECT COMPLETION" section of this agreement and upon ABAG's acceptance of the Project.

COMPLETION OF PROJECT

Disbursement shall be made on the basis of costs incurred, upon the Grantee's satisfactory completion of the Project and compliance with the "PROJECT COMPLETION" section of this agreement and upon ABAG's acceptance of the Project.

The Grantee shall request disbursements by filing with ABAG fully executed "Request for Disbursement" forms (available from ABAG). The Grantee shall submit the final form within thirty (30) days after the completion date provided in the "TERM OF AGREEMENT" section, above. The Grantee shall state on the form its name and address, the date of the submission, the amount of the invoice, the period during which the work was actually done, and an itemized description of all work done for which disbursement is requested. The form shall be signed by an authorized representative of the Grantee. Additionally, each form shall be accompanied by any supporting invoices or other source documents from contractors that the Grantee engaged to complete any portion of the Project funded under this agreement, and by written substantiation of completion of the portion of the Project for which disbursement is requested. With each form, the Grantee shall also submit a supporting progress report summarizing the current status of the Project and comparing it to the status required by the work program (budget, timeline, task, etc). Failure to fully

execute and submit a "Request for Disbursement" form, including attachment of supporting documents, will relieve ABAG of its obligation to disburse funds to the Grantee unless and until all deficiencies in the form are rectified.

V. EXPENDITURE OF FUNDS AND ALLOCATION OF FUNDING AMONG BUDGET ITEMS

The Grantee shall expend funds in the manner described in the approved Project Budget. The allocation of ABAG's total grant among the items in the Project Budget may vary by as much as ten percent (10%) without approval by ABAG. Any difference of more than ten percent (10%) must be approved in writing by ABAG. ABAG may withhold payment for changes in particular budget items which exceed the amount allocated in the Project Budget by more than ten percent (10%) and which have not received the approval required above. The total amount of this grant may not be increased except by amendment to this agreement. Any increase in the funding for any particular budget item shall mean a decrease in the funding for one or more other budget items unless there is a written amendment to this agreement.

VI. PROJECT COMPLETION

The Grantee shall complete the Project by the completion date provided in the "TERM OF AGREEMENT" section, above. Upon completion of the Project, the Grantee shall supply ABAG with two copies of evidence of completion by submitting: (1) any other work products specified in the work program for the Project; and (2) a fully executed final "Request for Disbursement" form. Within forty-five (45) days of Grantee's compliance with this paragraph, ABAG shall determine whether the Project has been satisfactorily completed. If ABAG determines that the Project has been satisfactorily completed, ABAG shall issue to the Grantee a letter of acceptance of the Project. The Project shall be deemed complete as of the date of the letter of acceptance.

VII. EARLY TERMINATION AND FAILURE TO PERFORM

If the Grantee fails to complete the Project in accordance with this agreement, or fails to fulfill any other obligations of this agreement prior to the termination date, the Grantee shall be liable for immediate repayment to ABAG of all amounts disbursed by ABAG under this agreement. ABAG may, at its sole discretion, consider extenuating circumstances and not require repayment for work partially completed. This paragraph shall not be deemed to limit any other remedies ABAG may have for breach of this agreement.

VIII. LIABILITY

- A. The Grantee shall be responsible for, indemnify and save harmless ABAG, the Bay Trail Project and State of California ("the State"), their members, directors, officers, agents and employees, from any and all liabilities, claims, demands, damages or costs resulting from, growing out of, or in any way connected with or incident to this agreement, except for active negligence of ABAG, its members, directors, officers, agents or employees. The duty of the Grantee to indemnify and save harmless includes the duty to defend as set forth in Civil Code Section 2778.

PUBLIC ENTITY GRANTEES: This agreement supersedes the Grantee's right as a public entity to indemnity (see Gov. Code Section 895.2) and contribution (see Gov. Code Section 895.6) as set forth in Gov. Code Section 895.4.

- B. The Grantee waives any and all rights to any type of express or implied indemnity or right of contribution from the State, its officers, agents or employees, for any liability resulting from growing out of, or in any way connected with or incident to this agreement.

Nothing in this agreement is intended to create in the public or any member of it rights as a third party beneficiary under this agreement.

IX. AUDITS/ACCOUNTING/RECORDS

The Grantee shall maintain standard financial accounts, documents, and records relating to implementation of the Project. The Grantee shall retain these documents for three (3) years following the date of final disbursement by ABAG under this agreement, regardless of the termination date. The documents shall be subject to examination and audit by ABAG and the Bureau of State Audits during this period. The Grantee may use any accounting system which follows the guidelines of "Generally Accepted Accounting Practices" published by the American Institute of Certified Public Accountants.

X. NONDISCRIMINATION

During the performance of this agreement, the Grantee and its contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religion, color, national origin, ancestry, disability, medical condition, marital status, age (over 40) or denial of family-care leave, medical-care leave, or pregnancy-disability leave. The Grantee and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The Grantee and its contractors shall comply with the provisions of the Fair Employment and Housing Act (Govt. Code Sections 12900 *et seq.*) and the applicable regulations (California Code of Regulations, Title 2, Sections 7285.0 *et seq.*). The regulations of the Fair Employment and Housing Commission regarding Contractor Nondiscrimination and Compliance (Chapter 5 of Division 4 of Title 2 of the California Code of Regulations), are incorporated into this agreement. The Grantee and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. This nondiscrimination clause shall be included in all contracts and subcontracts entered into to perform work provided for under this agreement.

XI. INDEPENDENT CAPACITY

The Grantee, and the agents and employees of the Grantee, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of ABAG.

XII. ASSIGNMENT

Without the written consent of ABAG, this agreement is not assignable by the Grantee in whole or in part.

XIII. TIMELINESS

Time is of the essence in this agreement.

XIV. ABAG'S DESIGNEE

ABAG designates Laura Thompson as project manager who shall have authority to act on behalf of ABAG with respect to this agreement.

XV. AMENDMENT

Except as expressly provided in this agreement, no change in this agreement shall be valid unless made in writing and signed by the parties to the agreement. No oral understanding or agreement not incorporated in this agreement shall be binding on any of the parties.

XVI. LOCUS

This agreement is deemed to be entered into in the County of Alameda.

The parties have caused this agreement to be executed by their respective officers, duly authorized, the provisions of which agreement are effective as of the 1st day of April, 2011.


ASSOCIATION OF BAY AREA GOVERNMENTS

By 
Ezra Rapport, Executive Director

APPROVED AS TO FORM

By 
Kenneth K. Moy, Legal Counsel

GRANTEE

By 
Thomas Di Santo, CAO

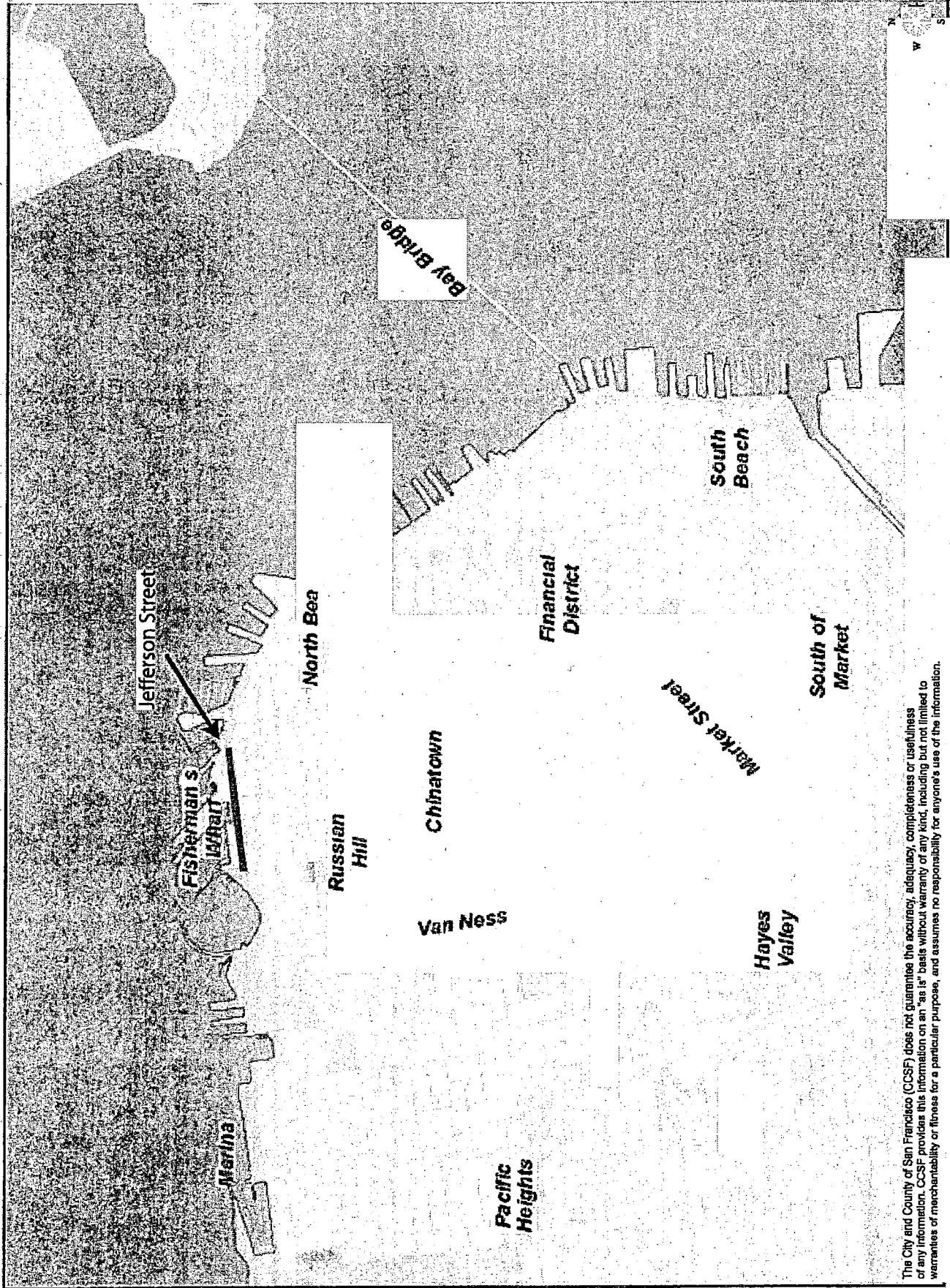
APPROVED AS TO FORM

By _____

EXHIBIT A

Project Location

Jefferson Street



The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

Printed: 7 April, 2011

EXHIBIT B

Project Description

Grant will fund the completion of 30% design documents for the redesign of Jefferson Street from Powell Street to Hyde Street to a bicycle/pedestrian dominated environment.

