

Public Works Order No. _____

Determination to recommend that the Board of Supervisors approve legislation authorizing the Director of Property to agree to acquire and accept the State of California’s relinquishment of all its right, title, and interest in the sidewalk, roadway, and other right-of-way improvements and real property comprising a portion of State Highway Route 101 located northeast of the Bayshore Boulevard overcrossing and southwest of the intersection of Third Street and Meade Avenue; authorizing the placement of such sidewalk, roadway, and other right-of-way improvements and real property, upon acquisition, under the jurisdiction of the Department of Public Works; authorizing additional official City actions required to complete the State’s relinquishment of such sidewalk, roadway, and other right-of-way improvements and real property; waiving the required 90-days’ notice of intention to relinquish set forth in State law.

WHEREAS, As described herein and discussed in greater detail in the proposed ordinance (“Bayshore Offramp Relinquishment Ordinance”) and the General Plan Referral transmitted with this order, the State of California (“Caltrans”) desires to relinquish to the City and County of San Francisco (“City”), at no cost to the City and without warranty, all of Caltrans’ right, title, and interest in a portion of sidewalk, roadway, and other right-of-way improvements and real property comprising a portion of the State highway offramp located southwest of the intersection of Third Street and Meade Avenue and northeast of the Bayshore Boulevard overcrossing (together the “Bayshore Offramp Improvements and Property”), as depicted in the map sheets titled “Right of Way Relinquishment, REL. NO. 56146”; and

WHEREAS, San Francisco Public Works (“Public Works”) and the Bayview Hill Neighborhood Association have engaged in planning efforts with neighborhood residents in southeast San Francisco and have collaborated to design streetscape improvements including but not limited to lighted gateway signage and right-of-way improvements and hardscaping, and landscape improvements, including but not limited to an irrigation system and tree plantings, to be constructed or installed in the area located on or about the Bayshore Offramp Improvements and Property; and

WHEREAS, The proposed streetscape and landscape improvements are intended to be installed by Public Works to demarcate and beautify a prominent physical entrance to the Bayview-Hunters Point neighborhood, revitalizing a vacant lot that is currently underutilized and overgrown with vegetation; and

WHEREAS, Presently, Caltrans has sole authority to approve and issue permits for activities on the State highway right-of-way, including the Bayshore Offramp Improvements and Property, and Caltrans does not issue encroachment permits to allow decorative features within the boundaries of the State highway right-of-way; and

WHEREAS, Pursuant to the Agreement for Maintenance of State Highways in the City of San Francisco approved by the City and County of San Francisco (“City”) on June 10, 2009, pursuant to Board of Supervisors Resolution No. 209-09, and as amended on October 27, 2011

(“Delegated Maintenance Agreement”), Caltrans delegated to the City certain maintenance responsibilities over the State Highways located within the City’s jurisdiction as authorized pursuant to the California Streets and Highways Code, including maintenance of signals and safety lighting that are part of the Bayshore Offramp Improvements and Property; and

WHEREAS, Pursuant to the Delegated Maintenance Agreement, the City currently performs certain maintenance of the Bayshore Offramp Improvements and Property, and Caltrans reimburses the City for such maintenance work; however, the City has not been delegated authority to authorize the construction of streetscape and landscape improvements on Highway 101 under the Delegated Maintenance Agreement; and

WHEREAS, The City has adopted policies such as the Better Streets Plan, which took effect on January 16, 2011 pursuant to Ordinance No. 310-10, and the City continues to implement the Better Streets Plan and other efforts to revitalize neighborhoods and activate spaces along streets and sidewalks throughout the City; and City residents and neighborhood stakeholders have expressed much interest in revitalizing and activating the Bayshore Offramp Improvements and Property; and

WHEREAS, Caltrans has now proposed to relinquish to the City, at no cost to the City and without warranty, all of Caltrans’ right, title, and interest in and to the Bayshore Offramp Improvements and Property after the City enacts this ordinance, and following approval of the relinquishment by the California Transportation Commission (“CTC”) by way of a resolution; and

WHEREAS, Caltrans has requested that the City agree to provide Caltrans with 90 days’ prior notice of any proposed changes to the configuration of the two-lane roadway portion of the Third Street roadway portion of the Bayshore Offramp Improvements and Property, and that the City, subject to the City’s authority under the City Charter, endeavor to protect the continuity of the operation of Highway 101 and the northbound offramp portion of the Bayshore Offramp Improvements and Property while the portion of Highway 101 abutting the Bayshore Offramp Improvements and Property remains in operation as a State Highway; and

WHEREAS, Caltrans has provided and Public Works has reviewed a copy of the proposed California Transportation Commission (“CTC”) resolution (“CTC Resolution”) and of the other documents required to effectuate the State’s relinquishment and the City’s acceptance of the Bayshore Offramp Improvements and Property, and it is anticipated that the CTC will consider passage of the CTC Resolution in 2020; and

WHEREAS, after passage of a resolution in substantial conformance with the proposed CTC Resolution, the relinquishment of Caltrans’ right, title, and interest in and to the Bayshore Offramp Improvements and Property to the City would become effective upon the recordation of a certified copy of the approved CTC Resolution by the City Assessor-Recorder (“Effective Date of Relinquishment”).

NOW THEREFORE BE IT ORDERED THAT:

The Director recommends that the Board of Supervisors approve legislation: (i) authorizing the Director of Property to accept all of Caltrans' right, title, and interest in and to the Bayshore Offramp Improvements and Property upon the CTC's approval of a resolution in substantial conformance with the proposed CTC Resolution, and place the Bayshore Offramp Improvements and Property under the jurisdiction of Public Works; (ii) approving any amendments to the Delegated Maintenance Agreement contemplated or required to conform to this ordinance and the approved CTC Resolution; (iii) acknowledging the City's agreement to provide Caltrans with 90 days' prior notice of any proposed changes to the configuration of the two-lane roadway portion of the Third Street roadway portion of the Bayshore Offramp Improvements and Property and the City's agreement to endeavor to protect the continuity of the operation of Highway 101 and the northbound offramp portion of the Bayshore Offramp Improvements and Property while the portion of Highway 101 abutting the Bayshore Offramp Improvements and Property remains in operation as a State Highway, subject to the City's authority under the City Charter; and (iv) authorizing waiver of the requirement that Caltrans provide the City 90-days' notice regarding the relinquishment of the Bayshore Offramp Improvements and Property pursuant to California Streets and Highways Code Section 73

The preceding recommendation is based on the Director's review of the following documents either attached hereto or referenced herein:

1. Draft Bayshore Offramp Relinquishment Ordinance
2. Draft California Transportation Commission Resolution
3. Caltrans Maps titled "Right of Way Relinquishment, REL. NO. 56146" (dated August 2016), Sheets 1 through 2

The Director recommends the Board of Supervisors approve all actions set forth herein and heretofore taken by the Officers of the City with respect to the Bayshore Offramp Relinquishment Ordinance. The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of the Bayshore Offramp Relinquishment Ordinance.

Approved:

Recommended:

Mohammed Nuru
Public Works Director

Bruce Storrs
City and County Surveyor