

1 [Pier 70 - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths
and Street Grades]

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3 **Ordinance accepting irrevocable offers of public infrastructure associated with the**
4 **Pier 70 Project, 28-acre site Phase 1, including improvements located within portions of**
5 **20th, 21st, 22nd, Illinois, Louisiana, and Maryland Streets; dedicating this infrastructure**
6 **to public use; designating this public infrastructure for street and roadway purposes,**
7 **as applicable; accepting the public infrastructure for City maintenance and liability**
8 **purposes, subject to specified limitations; establishing official public right-of-way**
9 **widths and street grades; amending Ordinance No. 1061 entitled “Regulating the Width**
10 **of Sidewalks” to establish official sidewalk width on 20th, 21st, 22nd, Louisiana, and**
11 **Maryland Streets; accepting a Public Works Order recommending various actions in**
12 **regard to the public infrastructure improvements; delegating limited authority to the**
13 **Public Works Director to accept specified infrastructure; authorizing official acts, as**
14 **defined, in connection with this Ordinance; adopting findings under the California**
15 **Environmental Quality Act; and making findings of consistency with the General Plan,**
16 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

25

1 Section 1. Background and Findings.

2 (a) This ordinance addresses the Board of Supervisors acceptance of and other official
3 acts for certain public infrastructure associated with the Pier 70 Project at the 28-acre site,
4 Phase 1 (“Project”). The Project area is generally bounded by 20th, 22nd, Maryland, and
5 Illinois Streets. The infrastructure accepted by this ordinance includes improvements located
6 within portions of 20th, 21st, 22nd, Illinois, Louisiana, and Maryland Streets and certain
7 utilities located outside of the public right-of-way on a Port of San Francisco street.

8 (b) California Statutes of 1968, Chapter 1333 (“Burton Act”) and San Francisco
9 Charter Section 4.114 empower the Port Commission to use, conduct, operate, maintain,
10 manage, regulate, and control the lands within Port Commission jurisdiction subject to the
11 public trust.

12 (c) The Project is subject to that certain Disposition and Development Agreement
13 between the City and County of San Francisco, acting by and through its Port Commission
14 (“Port”) and FC PIER 70, LLC, a Delaware limited liability company (“FC Pier 70” or
15 “Subdivider”), recorded in the Official Records of the City and County of San Francisco on
16 May 25, 2018 as Document No. 2018-K619435 approved by the Board of Supervisors through
17 the passage of Resolution No. 401-17, as amended, (“DDA”) and that certain Development
18 Agreement between the City and County of San Francisco (“City”) and FC Pier 70, which the
19 Board of Supervisors approved through Ordinance No. 224-17 (“Development Agreement”).

20 (d) On October 6, 2020, in Motion M20-147, the Board of Supervisors approved Final
21 Map No. 9585, which provides for an 18-lot subdivision with 306 residential condominium
22 units and 70 commercial condominium units. In the same motion, the Board of Supervisors
23 approved the Public Improvement Agreement associated with this Final Map and authorized
24 the Director of Public Works and the City Attorney to execute and file the Public Improvement
25

1 Agreement and conditionally accept the Offers of Improvements, subject to completion and
2 further Board of Supervisors action.

3 (e) In conjunction with Final Map No. 9585, FC Pier 70 irrevocably offered the public
4 infrastructure associated with Phase 1 of the Pier 70 Project to the City, as clarified and
5 supplemented in its Amended and Restated Offer of Improvements, recorded in the Official
6 Records of the City and County of San Francisco on January 25, 2024 as Document No.
7 2024009693 (the "Offer of Improvements"). Public Works, in Street Improvement Permit No.
8 19 IE-00245, dated March 13, 2019, approved construction of the improvements identified in
9 the Offer of Improvements (collectively, "Phase 1 Public Infrastructure"). The Phase 1 Public
10 Infrastructure includes improvements located within portions of 20th, 21st, 22nd, Louisiana,
11 and Maryland Streets (collectively, the "Streets") and the traffic signal conduit located within a
12 portion of Illinois Street. The Phase 1 Public Infrastructure also includes San Francisco Public
13 Utilities Commission ("SFPUC") infrastructure (including electrical power substructure;
14 stormwater, sewer, domestic water, recycled water, and auxiliary water systems; and
15 streetlights) and specific Municipal Transportation Agency improvements (including signage
16 and striping) on Port jurisdictional property outside of the proposed City public right-of-ways,
17 specifically, on Louisiana Street between 20th and 21st Streets (collectively, the "City
18 Improvements on Port Street"), more specifically described in the Offer of Improvements.

19 (f) Public Works inspected the Phase 1 Public Infrastructure, and the City Engineer
20 issued of a series of conditional Notices of Completion for public improvements beginning on
21 March 4, 2022 finding that the Infrastructure was complete in accordance with the
22 Improvement Plans and Specifications shown in Street Improvement Permit No. 19 IE-00245
23 prepared by BKF Engineers, entitled "Pier 70 - Phase 1," as modified by Instructional Bulletins
24 #1 through #13, and all City codes, regulations, and standards governing the Phase 1 Public
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1 Infrastructure. As part of the Notices of Completion, the City Engineer also determined that
2 the Phase 1 Public Infrastructure is ready for its intended use.

3 (g) In order to provide immediate reliability and adequate operational performance for
4 its high voltage Bay Corridor Distribution and Transmission project that serves the Southeast
5 portion of the City including Pier 70, the SFPUC, with the consent of FC Pier 70, has
6 performed certain work on the joint trench in 20th Street between Illinois and Michigan Streets
7 in advance of the Board of Supervisors action to accept the Phase 1 Public Infrastructure.
8 Public Works recommends that the Board of Supervisors retroactively accept this joint trench
9 and related work to address the critical connection that was necessary for electrical reliability
10 and allow the City to assume responsibility for this SFPUC work in advance of passage of this
11 ordinance by the Board of Supervisors.

12 (h) In companion legislation, the Board of Supervisors will consider Port and private
13 encroachments on the Streets under Public Works Code Sections 786 et seq. The private
14 encroachments are for FC Pier 70 for excess conduit in a joint trench and authorization for FC
15 Pier 70, a Homeowners Association, or other entity to assume sidewalk maintenance
16 responsibility. The companion legislation is on file with the Clerk of the Board of Supervisors
17 in File No. _____ and is incorporated herein by reference.

18 (i) In Public Works Order _____, dated _____, 2024 (the "PW
19 Order"), the Public Works Director (the "PW Director") and City Engineer recommend to the
20 Board of Supervisors that it accept the Offer of Improvements for the Phase 1 Public
21 Infrastructure, which includes the City Improvements on Port Street, and accept such
22 Infrastructure for public use; designate such Infrastructure for street and roadway purposes,
23 as applicable; and accept it for City maintenance and liability purposes, subject to certain
24 exceptions. The PW Director and City Engineer recommend that acceptance of the Phase 1
25 Public Infrastructure for maintenance and liability purposes be subject to the following

1 conditions: (1) the portions of streets being accepted for street and roadway purposes are
2 from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the
3 Plans and Specifications for the Phase 1 Public Infrastructure; (2) acceptance of the Phase 1
4 Public Infrastructure for City maintenance and liability purposes is from back of curb to back of
5 curb, unless specified otherwise, and sidewalk maintenance is the responsibility of the
6 adjacent property owner(s) or encroachment permittee(s) in accordance with the Public Works
7 Code; (3) encroachments that are or will be permitted (including Port encroachments and
8 private encroachments on the Streets), not permitted, or both, are excluded from acceptance;
9 (4) the acceptance of the Streets does not obviate, amend, alter, or in any way affect existing
10 maintenance agreements between the City and parties to such agreements; and
11 (5) Subdivider's conditional assignment of all warranties and guaranties to the City related to
12 the construction of the Phase 1 Public Infrastructure and their warranty obligations under
13 Street Improvement Permit No. 19 IE-00245. The PW Order is on file with the Clerk of the
14 Board of Supervisors in File No. _____ and is incorporated herein by reference.

15 (j) In the PW Order, the PW Director and City Engineer also recommend establishment
16 of official public right-of-way widths, sidewalk widths, and street grades on portions of the
17 Streets in accordance with draft Map A-17-222 and Drawing Q-20-1194, both dated March 8,
18 2023. Further, the PW Director and City Engineer recommend that the Board of Supervisors
19 amend Ordinance No. 1061 on official sidewalk widths in accordance with Drawing Q-20-
20 1194. The draft Map and Drawing referenced above are on file with the Clerk of the Board of
21 Supervisors in File No. 240087 and are incorporated herein by reference.

22 (k) In the PW Order, the PW Director and City Engineer also recommend that the
23 Board of Supervisors retroactively accept for maintenance and liability purposes the joint
24 trench and work related to the Bay Corridor Distribution and Transmission project in a portion
25 of 20th Street between Illinois and Michigan Streets for the reasons specified above.

1 (l) In PW Order No. 205012, dated June 24, 2021, the PW Director approved deferring
2 acceptance of a one-foot wide strip of sidewalk along a portion of Maryland and 22nd Streets
3 (“Deferred Infrastructure”). The PW Director and City Engineer recommend that the Board of
4 Supervisors delegate the authority to the PW Director, in consultation with applicable City
5 agencies, to approve and accept the Deferred Infrastructure once it is complete to the
6 satisfaction of the PW Director.

7 (m) On January 23, 2024, the Port Commission held a public hearing and adopted
8 Resolution Nos. 24-03 and 24-04 to take various actions and make recommendations
9 regarding the Board of Supervisors consideration of accepting Phase 1 Public Infrastructure
10 for City maintenance and liability and the Port and private encroachments described above.
11 Copies of the Port Commission Resolutions are on file with the Clerk of the Board of
12 Supervisors in File No. 240087 and are incorporated herein by reference.

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14 Section 2. Environmental and Land Use Findings.

15 (a) In a letter dated January 25, 2024, the Planning Department determined that the
16 actions contemplated in this ordinance comply with the California Environmental Quality Act
17 (California Public Resources Code Sections 21000 et seq.) and that the contemplated actions
18 are within the scope of the prior environmental review and do not trigger the need for
19 subsequent environmental review. Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. 240087 and is incorporated herein by reference. The Board affirms
21 this determination.

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

1 Section 3. Public Works and Port Commission Actions.

2 (a) The Board of Supervisors has reviewed and approves PW Order No. _____,
3 including the City Engineer’s certification and PW Director’s recommendations, as referenced
4 in Section 1 of this ordinance, concerning the acceptance of Phase 1 Public Infrastructure,
5 and other actions set forth in the PW Order.

6 (b) The Board of Supervisors has reviewed, acknowledges, and approves the
7 actions of the Port Commission in its Resolution Nos. 24-03 and 24-04 in regard to the Phase
8 1 Public Infrastructure, as well as the private encroachments and those Port encroachments
9 that the Port will own and assume responsibility for maintenance and liability.

10
11 Section 4. Acceptance of Public Infrastructure and Assumption of Maintenance and
12 Liability Responsibilities.

13 (a) Pursuant to California Streets and Highways Code Section 1806 and San
14 Francisco Administrative Code Sections 1.51 et seq., and PW Order No. _____, the
15 Board of Supervisors hereby accepts the Offer of Improvements and dedicates the Phase 1
16 Public Infrastructure for public use, including the City Improvements on Port Street.

17 (b) The Board of Supervisors hereby designates the Streets for street and roadway
18 purposes.

19 (c) The Board of Supervisors hereby accepts the Phase 1 Public Infrastructure,
20 including the City Improvements on Port Street, for City maintenance and liability purposes,
21 subject to the conditions listed in Section 4(d) below.

22 (d) The Phase 1 Public Infrastructure accepted and designated pursuant to Section
23 4(a) through (c) above is subject to the following conditions:

1 (1) The portions of streets being accepted for street and roadway purposes are
2 constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as
3 shown on the permit materials for the Phase 1 Public Infrastructure.

4 (2) Acceptance of the Phase 1 Public Infrastructure for City maintenance and
5 liability purposes (with the exception of the City Improvements on Port Street) is from back of
6 curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
7 responsibility of adjacent property owners or encroachment permittees in accordance with the
8 Public Works Code.

9 (3) Encroachments that are or will be permitted (including Port encroachments
10 and private encroachments on the Streets), not permitted, or both, are excluded from
11 acceptance.

12 (4) Acceptance of maintenance and liability for the joint trench in 20th Street
13 between Michigan and Illinois Streets and related work on trench and sidewalk restoration as
14 part of the Bay Corridor Distribution and Transmission project is retroactive such that it is
15 effective _____, 2024.

16 (5) The acceptance of the Phase 1 Public Infrastructure does not obviate,
17 amend, alter, or in any way affect existing maintenance agreements between the City and
18 parties to such agreements.

19 (6) Subdivider's conditional assignment of all warranties and guaranties to the
20 City related to the construction of the Phase 1 Public Infrastructure and their warranty
21 obligations.

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

3 (a) In accordance with the PW Order, the Board of Supervisors hereby establishes the
4 official public right-of-way widths for portions of 20th, 21st, 22nd, Louisiana, and Maryland
5 Streets as shown on Public Works draft Map A-17-222 and Drawing Q-20-1194.

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

10 Section 1643. The width of sidewalks on portions of 20th, 21st, 22nd, Louisiana, and Maryland
11 Streets shall be modified as shown on the Public Works Drawing Q-20-1194.

12 (c) The sidewalk widths established pursuant to Section 5(b) above for 20th, 21st,
13 22nd, Louisiana, and Maryland Streets do not obviate, amend, alter, or in any other way affect
14 the maintenance obligations of the adjacent property owners or encroachment permittees as
15 set forth in the Public Works Code.

16 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
17 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
18 seq., chooses to follow its own procedures for the establishment of street grades. The Board
19 of Supervisors hereby establishes the street grades for portions of 20th, 21st, 22nd,
20 Louisiana, and Maryland Streets as set forth in Public Works Drawing Q-20-1194.

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

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25 Section 6. 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 PW Director, in consultation with applicable City agencies, to approve and
3 accept the finalized Deferred Infrastructure once it is complete to the satisfaction of the PW
4 Director.

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6 Section 7. Authorization for Implementation.

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

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14 Section 8. 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.

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20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ HEATHER GOODMAN
23 HEATHER GOODMAN
24 Deputy City Attorney

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