

LEGISLATIVE DIGEST

[Real Property Acquisition - Highway Offramp Improvements and Real Property - Southwest of Third Street and Meade Avenue]

Ordinance authorizing the Director of Property 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 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; adopting the Planning Department's determination that such acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The State of California, acting by and through its Department of Transportation ("Caltrans"), currently exercises regulatory jurisdiction over State Highway Route 101 including a portion that Caltrans has now proposed to relinquish to the City: a portion of sidewalk, roadway, and other right-of-way improvements and real property comprising a portion of the highway offramp located southwest of the intersection of Third Street and Meade Avenue and northeast of the Bayshore Boulevard overcrossing (the "Bayshore Offramp Improvements and Property"). Presently, Caltrans has sole authority to approve and issue permits for activities on State highway right-of-way, and Caltrans does not issue encroachment permits to allow decorative features within the boundaries of the State highway right-of-way.

Amendments to Current Law

Caltrans has informed the City that Caltrans wishes 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. This ordinance is the first of multiple steps required to effectuate the relinquishment of the Bayshore Offramp Improvements and Property from Caltrans to the City pursuant to California Streets and Highways Code Section 73. This ordinance would authorize the Director of Property to acquire and accept the State of California's relinquishment of all its right, title, and interest in and to the Bayshore Offramp Improvements and Property.

In addition, the ordinance would: (1) waive the required 90-days' notice of intention to relinquish set forth in California Streets and Highways Code Section 73; (2) authorize the 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, (3) authorize the Director of Property to place the Bayshore Offramp Improvements and Property, upon acquisition by the City, under the jurisdiction of the Department of Public Works; (4) authorize Director of Public Works to amend the Delegated Maintenance Agreement, as may be contemplated or required to conform with this ordinance; (5) authorize additional official City actions required to complete the relinquishment of the Bayshore Offramp Improvements and Property, dedicate the Bayshore Offramp Improvements and Property to public use for street and roadway purposes, and provide Caltrans with 90 days' prior notice of any proposed changes to the configuration of the two-lane roadway portion of the Bayshore Offramp Improvements and Property; (6) adopt the Planning Department's determination that such acquisition is consistent with the General Plan and the eight priority policies of Planning Code, Section 101.1; and (7) adopt the Planning Department's determination under the California Environmental Quality Act.

To complete the relinquishment of the Bayshore Offramp Improvements and Property, after the enactment of this ordinance, the California Transportation Commission ("CTC") would need to adopt a resolution authorizing the relinquishment of the Bayshore Offramp Improvements and Property (currently a portion of State Highway Right-of-Way) consistent with this ordinance. The relinquishment of the Bayshore Offramp Improvements and Property would become effective only upon the recordation of a certified copy of the approved CTC resolution authorizing the relinquishment of the Bayshore Offramp Improvements and Property. The CTC resolution would be recorded along with a certificate of acceptance executed by the City's Director of Property.

Background Information

San Francisco 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. The proposed streetscape and landscape improvements will be installed by Public Works and are intended 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.