

LEGISLATIVE DIGEST
(Substituted, 03/05/2024)

[Pier 70, Public Works Code - Street and Public Infrastructure Acceptance, Official Sidewalk Widths and Street Grades, Sidewalk Maintenance for Certain Long-Term Lessees]

Ordinance accepting irrevocable offers of public infrastructure associated with the Pier 70 Project, 28-acre site Phase 1, including improvements located within portions of 20th, 21st, 22nd, Illinois, Louisiana, and Maryland Streets; 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 20th, 21st, 22nd, Louisiana, and Maryland Streets; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; delegating limited authority to the Public Works Director to accept specified infrastructure; amending the Public Works Code to assign responsibility for sidewalk maintenance and liability from the Port of San Francisco to its long-term lessees in the Pier 70 Special Use District; 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.

Existing Law

The Board of Supervisors passed Ordinance No. 224-17, which approved a Development Agreement for the Pier 70, 28-acre site Phase 1 Project. This Ordinance and related legislation established a process by which FC Pier 70, LLC (“Developer”) would construct specified public infrastructure and dedicate this infrastructure to the City or to the Port (the City acting by and through the Port Commission). Required infrastructure that the Developer dedicates to the City is referred to as “City Assets”. Upon dedication of City Assets, the City would initiate the local and State law procedures to accept the City Assets as public, establish the street areas as open public right-of-way, accept the street areas and other City Assets for City maintenance and liability purposes, subject to certain limitations, and take related actions. In addition, Board of Supervisors’ Ordinance No. 1061 established the official sidewalk widths throughout San Francisco. Ordinance No. 1061 is uncodified, but can be located in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, which is on file with the Clerk of the Board of Supervisors. Public Works Code Section 706 requires that fronting property owners are responsible for sidewalk maintenance and liability where the sidewalk abuts their property.

Amendments to Current Law

This legislation would accept offers of dedication for the City Assets including various street improvements at the Pier 70 project site that comprise portions of 20th, 21st, 22nd, Louisiana, and Maryland Streets, and certain utilities located in Illinois Street and outside of the public right-of-way on a Louisiana Street, a Port of San Francisco street between 20th and 21st Streets (collectively, the “City Assets”). The Ordinance also would declare the street right-of-way open to the public; dedicate the City Assets to public use; designate right-of-way areas for street and roadway purposes; and accept the City Assets for maintenance and liability purposes, subject to specified limitations. The legislation would establish official right-of-way as shown on Map A-17-222 and Drawing Q-20-1194; establish official street grades and sidewalk widths as shown on Drawing Q-20-1194; and amend Board of Supervisors Ordinance No. 1061 on sidewalk widths consistent with Drawing Q-20-1194. These legislative actions would be in accordance with the procedures established in applicable local and State law to accept streets for City maintenance and liability. The Ordinance would delegate to the Public Works Director authority to accept a currently unfinished strip of the sidewalks on Maryland and 22nd Streets, pending completion of deferred improvements. This legislation would amend Public Works Code Section 706 regarding fronting property owner responsibility for sidewalk maintenance and liability to assign these responsibilities to the Port’s long-term lessees (35 years or more) in the Pier 70 Special Use District, as defined in Planning Code Section 249.79. This Ordinance would make certain findings related to the legislation, including environmental findings and findings that the legislation is consistent with the General Plan, and the priority policy findings of the Planning Code Section 101.1.

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