

## LEGISLATIVE DIGEST

[De Long Street - Public Right-of-Way Acceptance - Establishing Official Sidewalk Widths and Street Grades]

**Ordinance approving funding and an offer of dedication and grant deed for real property from the Bay Area Rapid Transportation District for De Long Street between Santa Cruz and San Diego Avenues; conditionally accepting this segment of De Long Street for maintenance and liability; delegating to the Public Works Director the authority, upon completion of this Street segment to: 1) declare it as open public right-of-way, 2) dedicate it to public use, 3) designate it for street and roadway purposes, 4) finally accept this Street segment for City maintenance and liability purposes, subject to specified limitations, and 5) establish official public right-of-way widths and street grades; waiving the application of Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to allow establishment of official sidewalk widths through administrative action; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; accepting a Public Works Order recommending various actions in regard to De Long Street; and authorizing official acts in connection with this Ordinance to be taken by the Public Works Director and other San Francisco officers.**

### Existing Law

De Long Street currently is an unaccepted street between Santa Cruz and San Diego Avenues near the Daly City BART Station. This segment of De Long Street (the “De Long Street Segment”) is not built to City standards and is considered an unaccepted street under Public Works Code Article 9, where the adjacent property owners are responsible for the maintenance and liability of the street to its centerline where the street is adjacent to their property. BART owns fee title to the land underlying this Street Segment. When establishing new or modified public streets, San Francisco follows the procedures in California Streets and Highways Code Sections 1806 (street acceptance) and 8000 et seq. (street grades) and San Francisco Administrative Code Sections 1.51 et seq. 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.

### Amendments to Current Law

This ordinance would accept an offer and deed for fee title from BART for the property underlying the De Long Street Segment. It also would accept grant funds for the design and upgrade of the De Long Street Segment from BART and the San Francisco Transportation Authority. The legislation would conditionally accept the De Long Street Segment for City maintenance and liability subject to Public Works completion of the upgrade of this Street

Segment to City standard. The ordinance would delegate to the Public Works Director the authority to take all steps associated with this street acceptance including dedicating the completed Street Segment to public use, designating it for street and roadway purposes, finally accepting it for City maintenance and liability, and establishing the official public right-of-way widths, sidewalk widths, and street grades along with associated official maps and drawings. In regard to sidewalk widths, the legislation would waive application of Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to allow the Public Works Director to administratively establish the sidewalk widths on the De Long Street Segment. The ordinance would adopt environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

#### Background Information

The San Francisco Transportation Authority and BART have granted funds (\$350,000 and \$75,000, respectively) to the City to design and upgrade this Street Segment to City standard so that it can be accepted for City maintenance and liability.

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