

File No. 240906

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: October 21, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract / DRAFT Mills Act Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Public Works Letter – October 18, 2024</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Real Estate Division Letter – October 16, 2024</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BART Offer of Dedication Letter - March 18, 2024</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning General Plan Referral – October 15, 2024</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referrals CEQA and FYI – September 25, 2024</u> |
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Prepared by: John Carroll

Date: October 18, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[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, as defined herein.

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

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

1 Section 1. Background and Findings.

2 (a) This legislation involves the land dedication of, upgrade to, and City acceptance for
3 maintenance and liability of a segment of De Long Street between Santa Cruz and San Diego
4 Avenues (the “De Long Street Segment”) near the Daly City Bay Area Rapid Transit District
5 (“BART”) Station. The public improvements on the De Long Street Segment are not complete
6 at this time; however, BART has submitted an Offer of Dedication for real property underlying
7 the De Long Street Segment and a deed for this property (“BART Offer of Dedication”) to
8 allow the City and County of San Francisco (the “City”) to own, construct, and accept this
9 Street Segment. In addition, BART is contributing \$75,000 to the City for work related to
10 Public Works’ construction and acceptance of this Street Segment. The BART Offer of
11 Dedication is on file with the Clerk of the Board of Supervisors in File No. 240906 and
12 incorporated herein by reference

13 (b) In a letter dated October 11, 2024, the Planning Department determined that the
14 actions contemplated in this ordinance comply with the California Environmental Quality Act
15 (“CEQA”) (California Public Resources Code Sections 21000 et seq.).

16 (c) In this same letter, the Planning Department found that the acceptance of the real
17 property associated with the De Long Street Segment and acceptance of this Street Segment
18 for maintenance and liability purposes and other actions set forth in this ordinance are, on
19 balance, in conformance with the General Plan and the eight priority policies of Planning Code
20 Section 101.1. A copy of the Planning Department letter is on file with the Clerk of the Board
21 of Supervisors in File No. 240906 and incorporated herein by reference.

22 (d) In Public Works Order (“PW Order”) No. _____, dated _____, 2024,
23 the Public Works Director and City Engineer (collectively, “PW Director”) recommended that
24 the Board of Supervisors: (1) accept the BART Offer of Dedication, its associated deed for fee
25 title, and the BART contribution toward the project of \$75,000; (2) authorize the use of San

1 Francisco County Transportation Authority grant funds of up to \$350,000 for the City's design
2 and construction of the De Long Street Segment; and (3) conditionally accept for City
3 maintenance and liability purposes the De Long Street Segment, subject to its completion,
4 inspection, and certification that it has been constructed in accordance with all provisions of
5 the Municipal Code, City regulations, and standards, and is ready for its intended use. A copy
6 of the PW Order is on file with the Clerk of the Board of Supervisors in File No.
7 _____ and incorporated herein by reference.

8 (e) The PW Director also recommended that the Board of Supervisors delegate the
9 authority to the PW Director to declare the De Long Street Segment as open public right-of-
10 way; dedicate the De Long Street Segment to public use; designate the Street Segment for
11 street and roadway purposes; and accept it for City maintenance and liability purposes,
12 subject to certain exceptions, upon completion of this Street Segment as set forth in
13 subsection (d) above. The PW Director recommends that the acceptance of the De Long
14 Street Segment for maintenance and liability purposes be subject to the following exceptions:
15 (1) the portions of the De Long Street Segment being accepted for street and roadway
16 purposes are from back of sidewalk to back of sidewalk, unless specified otherwise; (2)
17 acceptance of the De Long Street Segment for City maintenance and liability purposes is from
18 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
19 responsibility of the adjacent property owners in accordance with the Public Works Code; and
20 (3) encroachments that are permitted, not permitted, or both, are excluded from acceptance.

21 (f) In PW Order No. _____, the PW Director further recommended that the
22 Board of Supervisors delegate the authority to the PW Director to establish public right-of-way
23 widths, sidewalk widths, and street grades on the De Long Street Segment, at the time of the
24 Street Segment's completion as set forth in subsection (d) above, and adopt any associated
25 official maps such as an A-17 Map for public right-of-way width and a Q-20 Drawing for

1 sidewalk width and street grades. As part of this delegation, the PW Director recommended
2 that the Board of Supervisors waive Ordinance No. 1061 on official sidewalk widths and
3 authorize the PW Director to administratively establish the official sidewalk widths. The basis
4 for this recommendation to delegate various actions to the PW Director is to allow for
5 expedited processing of the De Long Street Segment public improvements and to facilitate a
6 timely construction schedule for the upgrade to this Street Segment.

7 (g) In PW Order No. _____, the County Surveyor determined that BART's
8 fee title transfer of its real property to the City qualifies as an exempt conveyance under
9 California Government Code Section 66428(a)(2) and public policy does not dictate the need
10 for a parcel map to effectuate this conveyance.

11 (h) In a letter dated October 16, 2024, the Director of the Real Estate Division of the
12 Office of the City Administrator (the "Director of RED") requested that the Board of
13 Supervisors accept the BART Offer and approve the deed for the De Long Street Segment. A
14 copy of the Director of RED letter is on file with the Clerk of the Board of Supervisors in File
15 No. 240906.

16
17 Section 2. Adoptions and Approvals.

18 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
19 Plan and Planning Code Section 101.1 consistency findings in the Planning Department
20 Letter, as referenced in Sections 1(b) and (c) of this ordinance, in connection with the
21 acceptance of the De Long Street Segment and other actions specified in this ordinance.

22 (b) The Board of Supervisors has reviewed and approves PW Order No. _____,
23 including the County Surveyor's, City Engineer's, and PW Director's acknowledgements and
24 recommendations, as referenced in Sections 1(d)-(g) of this ordinance, concerning the BART
25 Offer of Dedication, the De Long Street Segment, and other actions set forth in the PW Order.

1 Section 3. Approval of the BART Offer of Dedication for Real Property and Partial
2 Funding for the De Long Street Segment and Conditional Acceptance of the De Long Street
3 Segment for City Maintenance and Liability.

4 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco
5 Administrative Code Sections 1.51 et seq., and Public Works Order No. _____, the Board
6 of Supervisors hereby accepts the BART Offer to allow Public Works' design and construction
7 of the De Long Street Segment on City property, including partial funding toward Public
8 Works' upgrade to the Street Segment. The Board of Supervisors also accepts grant funding
9 from the San Francisco Transportation Authority to allow Public Works to design and
10 construct the De Long Street Segment. In addition, the Board of Supervisors conditionally
11 accepts the De Long Street Segment for City maintenance and liability purposes subject to its
12 completion, inspection, and certification that it has been constructed in accordance with all
13 provisions of the Municipal Code, City regulations, and standards, and is ready for its intended
14 use.

15 (b) The BART Offer also includes real property for right-of-way purposes underlying
16 the De Long Street Segment, which is evidenced by a deed from BART for this property. The
17 Board of Supervisors hereby accepts the deed and directs the Director of RED to take official
18 acts associated with approving and recording this deed.

19 (c) The Board of Supervisors hereby conditionally accepts the De Long Street
20 Segment for City maintenance and liability purposes, subject to the conditions listed in Section
21 3(d) and delegates certain authority to the PW Director as set forth in Sections 4 and 5 of this
22 ordinance to declare the De Long Street Segment as open public right-of-way; dedicate the
23 De Long Street Segment to public use; designate this Street Segment for street and roadway
24 purposes; and accept it for City maintenance and liability purposes, subject to certain
25 exceptions.

(d) The Board of Supervisors conditionally accepts the De Long Street Segment pursuant to the delegation in Sections 4 and 5 of this ordinance and the following conditions: (1) the portions of the Street Segment being accepted for street and roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified otherwise; (2) acceptance of the De Long Street Segment for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of adjacent property owners in accordance with the Public Works Code; and (3) encroachments that are permitted, not permitted, or both, are excluded from acceptance.

Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street Grades.

(a) The Board of Supervisors hereby authorizes the PW Director to establish Public Right-of-Way Widths, Sidewalk Widths, and street grades for the De Long Street Segment and adopt the official maps in connection with these actions as set forth in Sections 4 and 5 of this ordinance.

(b) In furtherance of PW Order No. _____, the Board of Supervisors hereby waives application of Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, and authorizes the PW Director to administratively establish official sidewalk widths for the De Long Street Segment and record the sidewalk establishment in the City's official records.

(c) The sidewalk widths that the PW Director will establish pursuant to subsections (a) and (b) above for the De Long Street Segment shall not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners as set forth in the Public Works Code, including its Section 706.

1 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
2 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
3 seq., chooses to follow its own procedures for the establishment of street grades. The Board
4 of Supervisors authorizes the PW Director to establish the official street grades for the De
5 Long Street Segment and show this on an official map associated with this Street Segment.
6

7 Section 5. Delegation to the Public Works Director to Accept the De Long Street
8 Segment.

9 (a) Based on the PW Director recommendation in PW Order No. _____, the
10 Board of Supervisors determines that it would be efficient to eliminate the need for future
11 Board of Supervisors actions related to accepting the De Long Street Segment through
12 delegation of authority to the PW Director, upon completion of the upgrade to this Street
13 Segment and the satisfaction of other conditions described in Sections 1(d) and 3(a), to
14 dedicate the improvements to public use; designate the improvements for street and roadway
15 purposes; adopt Public Right-of-Way Widths, Sidewalk Widths, and street grades and any
16 related official PW maps for the De Long Street Segment; and accept the improvements for
17 City maintenance and liability purposes, subject to the maintenance responsibility of fronting
18 property owners pursuant to the Public Works Code, including, but not limited to, Public
19 Works Code Section 706, along with other actions necessary for or related to acceptance of
20 the public improvements.

21 (b) Notwithstanding Administrative Code Sections 1.51 et seq. and in furtherance of
22 California Streets and Highways Code Section 1806, the Board of Supervisors hereby
23 delegates to the PW Director, in consultation with other affected City departments, the
24 authority, upon completion of the De Long Street Segment and the PW Director's certification
25 that the improvements are complete and ready for their intended use, to take all official acts in

1 regard to the De Long Street Segment that are identified in the Public Works Order No.
2 _____ and described above in subsection (a).

3
4 Section 6. Authorization for Implementation. The Mayor, Clerk of the Board of
5 Supervisors, Director of RED, and PW Director are hereby authorized and directed to take
6 any and all actions which they or the City Attorney may deem necessary or advisable in order
7 to effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of
8 the ordinance and the PW Map A-17 and Drawing Q-20, when completed, in the Official
9 Records of the City.

10
11 Section 7. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ JOHN D. MALAMUT
20 JOHN D. MALAMUT
Deputy City Attorney

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23
24
25

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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Carla Short, Director | Director's Office

carla.short@sfdpw.org | T. 628.271.3078 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

RE: De Long Street Conditional Acceptance and Delegation of Authority to Public Works

To the Honorable Members of the Board of Supervisors:

Public Works supports the abovementioned legislation regarding the acceptance of De Long Street between Santa Cruz and San Diego Avenues (the "De Long Street Segment") for City maintenance and liability after this Street Segment is designed and constructed. The basis for Public Works support for the delegation of various actions to the Public Works Director and City Engineer is to allow for expedited processing of the De Long Street Segment public improvements and to facilitate a timely construction schedule for the upgrade to this Street Segment.

On behalf of Public Works, I recommend that the Board of Supervisors: (1) accept the BART Offer of Dedication, its associated deed for fee title, and the BART contribution toward the De Long Street Segment upgrade of \$75,000; (2) authorize the use of San Francisco County Transportation Authority grant funds of up to \$350,000 for Public Works to design and construct this Street Segment; and (3) conditionally accept for City maintenance and liability purposes the De Long Street Segment, subject to its completion, inspection, and certification that it has been constructed in accordance with all provisions of the Municipal Code, City regulations, and standards, and is ready for its intended use.

In order to accomplish this, I recommend that the Board of Supervisors delegate the authority to the City Engineer and my Office to declare the De Long Street Segment as open public right-of-way; dedicate the De Long Street Segment to public use; designate the Street Segment for street and roadway purposes; and accept it for City maintenance and liability purposes, subject to certain exceptions, upon completion of this Street Segment as set forth above. In addition, I recommend that the acceptance of the De Long Street Segment for maintenance and liability purposes be subject to the following exceptions: (1) the portions of the De Long Street Segment being accepted for street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified otherwise; (2) acceptance of the De Long Street Segment for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of the adjacent property owners in accordance with the Public Works Code; and (3) encroachments that are permitted, not permitted, or both, are excluded from acceptance.

Further, I recommend that the Board of Supervisors delegate the authority to the City Engineer and my Office to establish public right-of-way widths, sidewalk widths, and street grades on the De Long Street Segment, at the time of the Street Segment's completion as set forth above, and adopt any associated official maps such as an A-17 Map for public right-of-way width and a Q-20 Drawing for sidewalk width and street grades. In order to officially change sidewalk width, I recommend that the Board of Supervisors waive Ordinance No. 1061 on official sidewalk widths and authorize my Office to administratively establish the official sidewalk widths.

Thank you for your consideration of this important legislation.

DocuSigned by:

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10/18/2024 | 9:59:12 AM PDT

Carla Short, Director
San Francisco Public Works



October 16, 2024

RE: Offer of Dedication for DeLong Street

To the Honorable Board of Supervisors:

The San Francisco Bay Area Rapid Transit District ("BART") desires to dedicate a portion of DeLong Street (the "DeLong Street Segment"), between Santa Cruz and San Diego Avenues, near the Daly City BART Station, to the City and County of San Francisco ("City"). (See Attachment 1, Legal Description of proposed 14,340 sf street segment of approximately.)

The Real Estate Division of the City Administrator's Office supports the proposed transaction and requests the Board of Supervisors approve the Ordinance and accept BART's Offer of Dedication and the Deed with the conditions as set forth in the Ordinance.

The City's Public Works Director and City Engineer have recommended that the Board of Supervisors accept BART's Offer of Dedication, associated Deed, and BART's \$75,000 contribution toward the Project to upgrade the street segment and construct sidewalks to City standards. In addition, the Ordinance authorizes the use of San Francisco County Transportation Authority grant funds of up to \$350,000 for the City's design and construction of the DeLong Street Segment. Project costs, provided by the Department of Public Works ("DPW"), are less than \$350,000. Accordingly, upgrading the street segment and construction of the sidewalks arising from the dedication is a zero cost to the City while the City is transferred over 14,000 sf of property for zero expense.

In light of PW Director's Letter, the Planning Department's determination that the actions contemplated in the Ordinance comply with CEQA, and the gain of an improved street segment and sidewalks, RED supports the Ordinance and requests the Board approve it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrico Q. Penick".

Andrico Q. Penick
Director of Property



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

2150 Webster Street, 9th Floor
Oakland, CA 94612
(510) 464-6000

2024

March 18, 2024

Bevan Dufty
PRESIDENT

Mark Foley
VICE PRESIDENT

Robert Powers
GENERAL MANAGER

Claudia J. Gorham
Deputy Managing Director
Real Estate Division
City and County of SF
25 Van Ness, Suite 400
San Francisco, CA 94102

DIRECTORS

Debora Allen
1ST DISTRICT

Mark Foley
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn,
Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

RE: Offer of Dedication for DeLong Street

Dear Ms. Gorham,

The San Francisco Bay Area Rapid Transit District desires to dedicate a portion of DeLong Street to the City and County of San Francisco.

Enclosed is the original, and a copy for conforming, of the BART executed deed for the dedication of a portion of DeLong Street. After acceptance and recording, please provide me with a conformed copy of the deed at jbasuin@bart.gov.

If you have any questions, please do not hesitate to contact via email or at (510) 301-9675.

Regards,

A handwritten signature in blue ink that reads "Joseph M. Basuino".

Joseph M. Basuino, SR/WA
Director- Real Estate and Property Management

Cc via email: E. Lee (BOS)
J. Malamut (CAT)
B. Robertson

**RECORDING REQUESTED BY
and when recorded mail to:**

**City and County of San Francisco
Real Estate Division
25 Van Ness Avenue
Suite 400
San Francisco, CA 94102**

**OFFER OF DEDICATION
(DeLong Street – Street Purposes)**

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, a rapid transit district (“Grantor”), being the fee title owner of record of the herein described property, does hereby irrevocably offer to dedicate to the City and County of San Francisco, a municipal corporation, and its successors and assigns, for public street and roadway purposes, the real property situated in the City and County of San Francisco, State of California, described in Exhibit A attached hereto, and shown on “RECORD MAPS OF RIGHT OF WAY – BAY AREA RAPID TRANSIT DISTRICT – CITY & COUNTY OF SAN FRANCISCO” filed February 14, 1977 in Book 5 of the Parcel Maps, at Pages 27 and 28, together with all improvements and public utility facilities located thereon or thereunder.

It is understood and agreed that: (i) upon acceptance of this offer of dedication of real property and public improvements and facilities, the City and County of San Francisco shall own and be responsible for maintenance of the offered public improvements and facilities, and (ii) the City and County of San Francisco and its successors or assigns, shall incur no liability or obligation whatsoever with respect to such offer of dedication or real property and public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered parcel of land or any improvements thereon or thereunder, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

WITNESS the hand of its President of the Board, and District Secretary and the seal of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, this seventh day of March, 2024.

(SEAL)



SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT

A handwritten signature in blue ink, reading 'Bevan Dufty'.

Bevan Dufty
President of the Board

A handwritten signature in blue ink, reading 'April B.A. Quintanilla'.

April B.A. Quintanilla
District Secretary

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Alameda

On March 7, 2024 before me, Joseph M. Basuino, Notary Public
(insert name and title of the officer)

personally appeared Devan Duffy and April B.A. Quintanilla,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Joseph M. Basuino

(Seal)

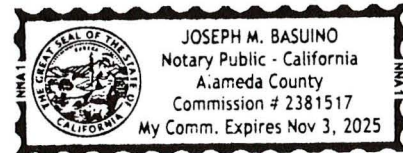


EXHIBIT A

PARCEL ONE

The southeasterly triangular portion of Block 16, according to map entitled "Map of Hillcrest," filed August 18, 1910, in Book "E" and "F" of Maps at Page 132, in the office of the Recorder of the City and County of San Francisco, State of California and labeled "R/W FOR STREET RELOCATION" and designated "M2A-3" on Sheet MRW 2A of the "RECORD MAPS OF RIGHT OF WAY - BAY AREA RAPID TRANSIT DISTRICT - CITY & COUNTY OF SAN FRANCISCO" filed February 14, 1977 in Book 5 of the Parcel Maps at Page 27 in said office of the Recorder.

PARCEL TWO

All that portion of Block 10, according to map entitled "Map of Hillcrest," filed August 18, 1910, in Book "E" and "F" of Maps at Page 132, in the office of the Recorder of the City and County of San Francisco, State of California and being a 46 foot wide strip of land labeled "R/W FOR STREET RELOCATION" and designated "M3-1" on Sheet MRW 3 of the "RECORD MAPS OF RIGHT OF WAY - BAY AREA RAPID TRANSIT DISTRICT - CITY & COUNTY OF SAN FRANCISCO" filed February 14, 1977 in Book 5 of the Parcel Maps at Page 28 in said office of the Recorder.

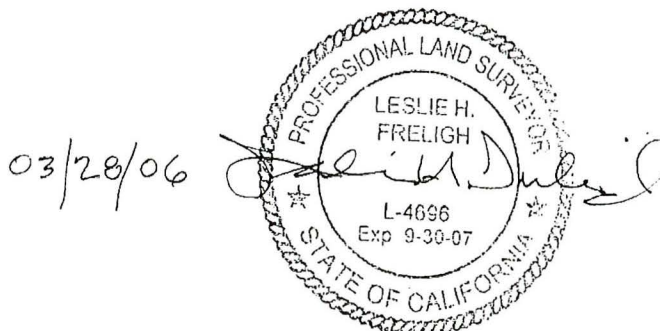
EXCEPTING THEREFROM all of the underlying fee conveyed to Habitat for Humanity San Francisco by grant deed recorded December 23, 2004, as Series H877112 in the aforesaid office of the Recorder.

PARCEL THREE

The northwesterly portions of Lot 30, in Block 7, according to map entitled "Map of Hillcrest," filed August 18, 1910, in Book "E" and "F" of Maps at Page 132, and Lot 8 in Block "R" of Mission Street Land Co., according to the map recorded July 31, 1895, in Book 1 of Maps, Pages 195 and 196, in the office of the Recorder of the City and County of San Francisco, State of California and labeled "R/W for St Relocation" and designated "M3-2" on Sheet MRW 3 of the "RECORD MAPS OF RIGHT OF WAY - BAY AREA RAPID TRANSIT DISTRICT - CITY & COUNTY OF SAN FRANCISCO" filed February 14, 1977 in Book 5 of the Parcel Maps at Page 28 in said office of the Recorder.

Subject to special assessments, if any, restrictions, reservations, easements and other matters of record.

Description Prepared by:
Les Freligh, PLS # 4696
License Expiration Date:
September 30, 2007



Reminder:

Certificate of Acceptance Needs to be Included prior to Recording

Do not record this page.



GENERAL PLAN REFERRAL

October 15, 2024

Case No.: 2024-008740GPR
Address: De Long Street, between Santa Cruz and San Diego Avenues
Block/Lot No.: Block 7174, various lots
Staff Contact: Amnon Ben-Pazi – (628) 652-7428
amnon.ben-pazi@sfgov.org

Recommended By:

Joshua Switzky, Deputy Director of Citywide Policy for
Rich Hillis, Director of Planning

Recommendation: Finding the project, on balance, is **in conformity** with the General Plan

Please note that a General Plan Referral is a determination regarding the project's consistency with the Eight Priority Policies of Planning Code Section 101.1 and conformity with the Objectives and Policies of the General Plan. This General Plan Referral is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

Project Description

De Long Street currently is an unaccepted street between Santa Cruz and San Diego Avenues in San Francisco 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.

The Project 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 County Transportation Authority. The City 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.

Environmental Review

The project was cleared under the Better Streets Plan Project Mitigated Negative Declaration, adopted 9/15/10, Case No. 2007.1238E.

General Plan Compliance and Basis for Recommendation

As described below, the proposed BART quitclaim deed conveyance for property to CCSF and the creation of a new segment of De Long Street on this property that the City will accept for maintenance and liability purposes when completed are consistent with the Eight Priority Policies of Planning Code Section 101.1 and are, on balance, in conformity with the Objectives and Policies of the General Plan.

Note: General Plan Objectives are shown in **BOLD UPPER CASE** font; Policies are in **Bold** font; staff comments are in *italic* font.

TRANSPORTATION ELEMENT

OBJECTIVE 24

DESIGN EVERY STREET IN SAN FRANCISCO FOR SAFE AND CONVENIENT WALKING

POLICY 24.1

Every surface street in San Francisco should be designed consistent with the Better Streets Plan for safe and convenient walking, including sufficient and continuous sidewalks and safe pedestrian crossings at reasonable distances to encourage access and mobility for seniors, people with disabilities and children.

The De Long Street Segment is not built to City standards and is considered an unaccepted street, where the adjacent property owners are responsible for the maintenance and liability of the street. The Project would improve the De Long Street Segment and convert it into a City street benefiting from City maintenance, enhancing safety and convenience for all users.

The existing sidewalks on the De Long Street Segment are continuous but do not meet the Better Streets minimum width of 10' for neighborhood residential street sidewalks and should therefore be considered deficient. The Project would not widen these existing sidewalks. In the future, when funding allows or the street is otherwise being reconstructed, the sidewalks should be considered for widening as feasible given right-of-way constraints per the Better Streets Plan.

Planning Code Section 101 Findings

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The Project would have no effect on existing neighborhood-serving retail uses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The Project would have no effect on existing housing. It would enhance neighborhood character by improving the segment of De Long Street to meet City standards.

3. That the City's supply of affordable housing be preserved and enhanced;

The Project would have no effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The Project would improve a segment of De Long Street. It would have no effect on commuter traffic, MUNI transit service, or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The Project would have no effect on the City's industrial or service sectors or on future opportunities for resident employment or ownership in these sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The Project would improve a segment of De Long Street to meet City standards, contributing to the City's preparedness to protect against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The Project would have no effect on the City's landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The Project would have no effect on the City's parks and open space and their access to sunlight and vistas.

Recommendation: Finding the project, on balance, is in conformity with the General Plan

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: September 25, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240906
De Long Street - Public Right-of-Way Acceptance - Establishing Official Sidewalk Widths and Street Grades

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☒ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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MEMORANDUM

TO: Carla Short, Director, Public Works
Andrico Penick, Director, Real Estate Division

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: September 25, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on September 17, 2024.

File No. 240906

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, as defined herein.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

cc:
Offices of Chair Melgar and Supervisor Safai
David Steinberg, Public Works
Ian Schneider, Public Works

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

2024 SEP 17 PM 3:59

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☒ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safai

Subject:

De Long Street Acceptance

Long Title or text listed:

De Long Street public right-of-way acceptance approving funding and an Offer of Dedication and Grant Deed for real estate property from the Bay Area Rapid Transportation District for De Long Street between Santa Cruz and San Diego Avenue

Signature of Sponsoring Supervisor:

