

LEGISLATIVE DIGEST

[Public Works Code - Mission Rock - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades]

Ordinance accepting irrevocable offers of public infrastructure associated with the Mission Rock Project Phase 1A, including improvements located within portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street; 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 Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street; accepting a Public Works Order recommending various actions regarding the public infrastructure improvements; amending the Public Works Code to require excavation permits for all excavation work performed in the Mission Rock Special Use District, regardless of whether it can be completed within a period of 24 hours or would qualify for other existing exemptions; delegating limited authority to the Public Works Director to accept specified infrastructure; 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 Resolution No. 42-18 that approved the Disposition and Development Agreement between the City, acting by and through its Port Commission (“Port”), and Seawall Lot 337 Associates, LLC, a Delaware limited liability company (“Developer”), which was partially assigned to Mission Rock Horizontal Sub (Phase I), L.L.C., a Delaware limited liability company (the “Subdivider”) to build the Mission Rock project (“Project”). The Board of Supervisors passed Ordinance No. 33-18, which approved a Development Agreement for the Project. This Ordinance and related legislation established a process by which the Developer or its assignee would be required to construct specified public infrastructure and dedicate this infrastructure to the City or to the Port (the City acting by and through the Port Commission). Following the completion of the construction of the required infrastructure, the City would initiate the local and State law procedures to accept the infrastructure that Subdivider had offered for dedication to the City (the “Phase 1A Public Infrastructure”) and to dedicate the Phase 1A Public Infrastructure for public use, establish the street areas as open public right-of-way, accept the street areas and the Phase 1A Public Infrastructure for City maintenance and liability purposes, subject to certain limitations, and take related actions. Historically, 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

- *Environmental and Land Use Findings.* This Ordinance would make certain findings including findings pursuant to the California Environmental Quality Act and findings that the actions contemplated in the Ordinance are consistent with the General Plan, and the priority policy findings of the Planning Code Section 101.1.
- *Acceptance and Public Dedication of Phase 1A Public Infrastructure.* The Phase 1A Public Infrastructure addressed in this Ordinance includes, but is not limited to, improvements located within portions of Bridgeview Way, Dr. Maya Angelou Lane, and Toni Stone Crossing (collectively, the "Streets") and the utility, roadway, and sidewalk improvements installed within a portion of Third Street located outside of the Phase 1A area. The Phase 1A Public Infrastructure includes San Francisco Public Utilities Commission infrastructure (including electrical meter and conduits, stormwater and domestic water systems, and streetlights), Municipal Transportation Agency infrastructure (including traffic signal poles, push buttons, and appurtenances), and Public Works infrastructure (including curb ramp wings which are part of curb ramps constructed in Third Street near Channel Street) on Port jurisdictional property outside of the proposed City public right-of-ways (collectively, the "City Improvements on Port Streets"). This Ordinance would approve the Public Works Order by which the Director of Public Works and the City Engineer (collectively, the "Director") made certain recommendations about the City's acceptance and public dedication of the Phase 1A Public Infrastructure. By this Ordinance, the Board of Supervisors would accept and dedicate the Phase 1A Public Infrastructure for public use, designate the Streets for street and roadway purposes and accepts the Streets into the City's street system, and accept the Phase 1A Public Infrastructure, including the City Improvements on Port Streets, for City maintenance and liability purposes, subject to specified conditions in the Ordinance.
- *Establishing New Public Streets and Official Sidewalk Grades and Widths.* This Ordinance would establish official right-of-way as shown on Map A-17-229 and Drawing Q-20-1215; establish official street grades and sidewalk widths as shown on Drawing Q-20-1215; and amend Board of Supervisors Ordinance No. 1061 on sidewalk widths consistent with Drawing Q-20-1215.
- *Deferred Infrastructure.* In regard to the Deferred Infrastructure – comprised of traffic signalization infrastructure and connected streetlights and certain documentation typically required prior to issuance of a Notice of Completion and the Board's consideration for acceptance – this Ordinance would delegate authority to the Director and the City Engineer, in consultation with applicable City agencies, to approve and accept the finalized Deferred Infrastructure once it is fully completed.

- *Removing Excavation Code Exemptions in Mission Rock Special Use District.* This Ordinance would amend Section 2.4.2 of the Public Works Code to provide that certain exemptions from obtaining an excavation permit – such as where specified excavation work is to be completed within a period of 24 hours or less or when an excavation is performed for the sole purpose of repairing a sidewalk – would not apply in the Mission Rock Special Use District established by Planning Code Section 249.80.

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