

1 [Geneva Avenue Widening - Public Street Dedication and Acceptance - Establishing Official
2 Sidewalk Widths]

3 **Ordinance accepting public infrastructure on Geneva Avenue associated with the**
4 **affordable housing project at 2340 San Jose Avenue; dedicating this public**
5 **infrastructure for public use; designating the public infrastructure for public street and**
6 **roadway purposes; accepting the public infrastructure for City maintenance and**
7 **liability purposes, subject to specified limitations; establishing official public right-of-**
8 **way width and street grade; amending Ordinance No. 1061 entitled “Regulating the**
9 **Width of Sidewalks” to establish official sidewalk widths on a portion of Geneva**
10 **Avenue; accepting a Public Works Order recommending various actions regarding the**
11 **public infrastructure; waiving Administrative Code, Chapter 23, and authorizing an**
12 **interdepartmental transfer of City property from the Mayor’s Office of Housing and**
13 **Community Development to Public Works; authorizing official acts, as defined, in**
14 **connection with this Ordinance; adopting findings under the California Environmental**
15 **Quality Act; and making findings of consistency with the General Plan, and the eight**
16 **priority policies of Planning Code, Section 101.1.**

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

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

25 Section 1. Background and General Findings.

1 (a) This ordinance addresses the Board of Supervisors' (the "Board") acceptance of
2 and other official acts for certain public infrastructure associated with the widening of Geneva
3 Avenue (the "Public Infrastructure") adjacent to 2340 San Jose Avenue and 260 Geneva
4 Avenue.

5 (b) On April 11, 2016, the Mayor's Office of Housing and Community Development
6 ("MOHCD") issued a Request For Qualifications for a qualified developer to work with the City
7 and County of San Francisco (the "City") to develop 100% affordable family housing and a
8 ground floor commercial and community-serving space on a vacant parcel that the City owns
9 located at 2340 San Jose Avenue, Assessor Parcel Block No. 6973, Lot 039 (the "MOHCD
10 Parcel"), and commonly known as Balboa Park Upper Yard or Kapuso (the "Project").
11 Through a competitive process, the joint development team of Related California ("Related")
12 and Mission Housing Development Corporation ("MHDC") was chosen as co-developers of
13 the Project (collectively, the "Project Sponsors"). The City ground leased the MOHCD Parcel
14 to Balboa Park Housing Partners, L.P., an affiliate of Related and MHDC (the "Lessee"), on
15 July 2, 2021 to facilitate the development of the Project. The Project started construction in
16 July 2021, and was fully occupied by the end of 2023. The Project consists of 131 units of
17 affordable housing for low- and moderate-income households (between 50 and
18 approximately 110% Area Median Income).

19 (c) The Board of Supervisors approved various actions related to the creation of and
20 funding for this Project, including Resolution Nos. 278-21, 279-21, and 280-21, copies of
21 which are on file with the Clerk of the Board in File Nos. 210503, 210569, and 210570,
22 respectively.

23 (d) Adjacent to the MOHCD Parcel, the Lessee constructed and completed new street
24 and sidewalk paving, curbs, and gutter on Geneva Avenue that comprise the Public
25 Infrastructure. MOHCD and the Lessee desire to dedicate the Public Infrastructure for public

1 use. The Lessee quitclaimed its interest in the real property, including the Public
2 Infrastructure, to the City pursuant to a quitclaim deed recorded in the official City records on
3 June 6, 2024 as document no. 2024043496.

4 (e) In Public Works Order no. 212779, dated April 17, 2026 (the “PW Order”), the
5 Public Works Director, with certification from the City Engineer and the County Surveyor
6 (collectively, the “Director”), recommended that the Board approve legislation to accept this
7 Infrastructure for public use, subject to the exceptions identified below. The Director further
8 recommended that the Board approve the ordinance to dedicate the Public Infrastructure to
9 public use, designate it as open public right-of-way for street and roadway purposes, and
10 accept it for City maintenance and liability purposes, subject to the following conditions:

11 (1) The portions of Geneva Avenue being accepted for street and roadway
12 purposes are constructed from back of sidewalk, unless specified otherwise or as shown on
13 the permit materials for the Public Infrastructure;

14 (2) Acceptance of the Public Infrastructure for City maintenance and liability
15 purposes is from back of curb, unless specified otherwise, and sidewalk maintenance is the
16 responsibility of adjacent property owners or, in this case, any MOHCD lessees in accordance
17 with the Public Works Code; and

18 (3) Acceptance of the Project Sponsors’ conditional assignment of all warranties
19 and guaranties to the City related to the construction of the Public Infrastructure and its
20 warranty obligations under any street improvement permit.

21 (f) In the PW Order, the Director also recommended establishment of official public
22 right-of-way widths, sidewalk widths, and street grades on portions of the street in accordance
23 with Public Works Map A-17-232 and Public Works Drawing Q-20-1214. Further, the Director
24 recommended that the Board amend Ordinance No. 1061 entitled “Regulating the Width of
25 Sidewalks,” regarding official sidewalk widths in accordance with Drawing Q-20-1214.

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Section 2. Environmental and Land Use Findings.

(a) In a letter dated March 27, 2019, the Planning Department determined that the acceptance of the Public Infrastructure and associated actions comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). For purposes of this ordinance, the Board adopts these findings as its own. A copy of this letter is on file with the Clerk of the Board in File No. 260419 and incorporated by reference herein.

(b) In the same letter, the Planning Department determined that the acceptance of the Public Infrastructure and associated actions are, on balance, in conformity with the General Plan and eight priority policies of Planning Code Section 101.1. For purposes of this ordinance, the Board adopts these findings as its own.

Section 3. Public Works Actions.

The Board has reviewed and approves PW Order No. 212779, including the Director’s recommendations, as referenced in Section 1 of this ordinance, concerning the acceptance of Public Infrastructure and other actions set forth in the PW Order.

Section 4. Acceptance of Public Infrastructure and Assumption of Maintenance and Liability Responsibilities.

(a) Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., the Board hereby dedicates the Public Infrastructure for public use.

(b) The Board hereby designates or re-designates the new portions of Geneva Avenue for street and roadway purposes and accepts these into the City’s street system.

1 (c) The Board’s acceptance of the Public Infrastructure in subsections 4(a) and (b)
2 above is subject to the following conditions:

3 (1) The portions of Geneva Avenue being accepted for street and roadway
4 purposes are constructed from back of sidewalk, unless specified otherwise or as shown on
5 the permit materials for the Public Infrastructure.

6 (2) Acceptance of the Public Infrastructure for City maintenance and liability
7 purposes is from back of curb, unless specified otherwise, and sidewalk maintenance is the
8 responsibility of adjacent property owners or, in this case, the City’s lessees in accordance
9 with the Public Works Code; and

10 (3) Project Sponsors’ conditional assignment of all warranties and guaranties to
11 the City related to the construction of the Public Infrastructure and their warranty.

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13 Section 5. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street
14 Grades.

15 (a) In accordance with the PW Order, the Board hereby establishes the official public
16 right-of-way widths for a portion of Geneva Avenue, as shown on Public Works
17 Map A-17-232.

18 (b) In accordance with the PW Order, Ordinance No. 1061, entitled “Regulating the
19 Width of Sidewalks,” a copy of which is in the Clerk of the Board Book of General Ordinances,
20 in effect May 11, 1910, is hereby amended by adding a new section, Section 1647, to read as
21 follows:

22 Section 1647. The width of sidewalks on portions of Geneva Avenue shall be changed as shown
23 on the Public Works Drawing Q-20-1214.

1 (c) The sidewalk widths established herein do not obviate, amend, alter, or in any
2 other way affect the maintenance obligations of the adjacent property owners as set forth in
3 the Public Works Code.

4 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
5 Board, in accordance with Administrative Code Sections 1.51 et seq., chooses to follow the
6 City's own procedures for the establishment of street grades. The Board hereby establishes
7 the street grades for portions of Geneva Avenue as set forth in Public Works
8 Drawing Q-20-1214.

9 (e) The Board hereby directs Public Works to revise the Official Public Right-of-Way,
10 Sidewalk Width, and Street Grade maps in accordance with this ordinance.

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12 Section 6. Interdepartmental Transfer from MOHCD to Public Works.

13 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
14 Supervisors hereby approves an interdepartmental transfer of the City's real property that the
15 Public Infrastructure occupies adjacent to 2340 San Jose Avenue from MOHCD to Public
16 Works. This area containing the Public Infrastructure is shown as Lot A within Assessor
17 Parcel Block No. 6973, Lot 039 on Record of Survey 12215 related to 2340 San Jose Avenue.
18 A copy of Record of Survey 12215 is on file with the Clerk of the Board in File No. 260419 and
19 incorporated herein by reference.

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21 Section 7. Authorization for Implementation.

22 The Mayor, Clerk of the Board of Supervisors, Director of Property, and Director are
23 hereby authorized and directed to take any and all actions which they or the City Attorney may
24 deem necessary or advisable in order to effectuate the purpose and intent of this ordinance,
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1 including, but not limited to, effectuating the interdepartmental transfer of property and filing of
2 the ordinance, Map A-17-232, and Drawing Q-20-1214 in the Official Records of the City.

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4 Section 8. Effective Date.

5 This ordinance shall become effective on the 31st day after enactment. Enactment
6 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
7 does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors
8 overrides the Mayor’s veto of the ordinance.

9
10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/ John D. Malamut
13 JOHN D. MALAMUT
14 Deputy City Attorney

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