

1 [Acacia Street - Dedication as Public Right-of-Way and Acceptance of Sidewalk and Roadway  
2 Improvements for Maintenance and Liability]

3 **Ordinance accepting Acacia Street and the irrevocable offer of improvements on**  
4 **Acacia Street for City maintenance and liability, subject to specified limitations;**  
5 **dedicating Acacia Street and improvements thereon to public use, declaring this area**  
6 **as shown on official Public Works drawings as open public right-of-way, and**  
7 **designating it for street and roadway purposes; establishing official sidewalk widths,**  
8 **public right-of-way widths, and street grades for Acacia Street; accepting two Public**  
9 **Works Orders making recommendations and certifications related to the Acacia Street**  
10 **improvements; authorizing official acts in connection with this Ordinance; adopting the**  
11 **Planning Department's determinations under the California Environmental Quality Act;**  
12 **and making findings of consistency with the General Plan, and the eight priority**  
13 **policies of Planning Code, Section 101.1.**

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

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

22 Section 1. Background and Findings.

23 (a) According to Public Works Order No. 186329, dated September 13, 2017, certain  
24 construction work and improvements ("Improvements"), as specified in said Public Works  
25 Order, were completed on August 14, 2017, on a portion of unaccepted City right-of-way  
comprised of Acacia Street, between Velasco Street and the northern boundary of San Mateo

1 County (the "Dedication Area"), pursuant to permits issued by Public Works, and said  
2 Improvements were completed in accordance with the plans and specifications and to the  
3 satisfaction of the Public Works Director.

4 (b) In Public Works Order No. 187731, the Public Works Director and the City  
5 Engineer certified that the Improvements were completed in compliance with all City codes,  
6 regulations, and standards, and that the Improvements are ready for their intended use.

7 (c) In addition, in Public Works Order No. 187731, the Public Works Director  
8 recommended that the Board of Supervisors approve the legislation to: (1) approve Public  
9 Works Drawing No. A-17-180 (a copy of which is on file with the Clerk of the Board of  
10 Supervisors in File No. 180637 and which is incorporated herein by reference); (2) accept the  
11 Dedication Area as shown on Public Works Drawing No. A-17-180 and the irrevocable offer of  
12 Improvements for City maintenance and liability; (3) establish official sidewalk widths, public  
13 right-of-way widths, and street grades for Acacia Street pursuant to Public Works Drawing No.  
14 A-17-180; (4) dedicate the Improvements and the Dedication Area to public use; (4) declare  
15 the Dedication Area as open public right-of-way; (5) designate the Dedication Area and  
16 Improvements for street and roadway purposes; (6) approve all actions set forth herein and  
17 heretofore taken by the Officers of the City with respect to this dedication; and (7) authorize  
18 the Mayor, Clerk of the Board, Director of Real Estate, County Surveyor, and Public Works  
19 Director to take any and all actions which they or the City Attorney may deem necessary or  
20 advisable to effectuate the purpose and intent of this ordinance.

21 (d) The Planning Department, in a determination dated September 19, 2016 ("CEQA  
22 Determination"), has determined that the actions contemplated in this ordinance comply with  
23 the California Environmental Quality Act (California Public Resources Code Sections 21000 et  
24 seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No.  
25 180637 and is incorporated herein by reference.

1 (e) The Planning Department, in the General Plan Referral (Case No. 2016-009041  
2 GPR, dated October 26, 2016), determined that the actions contemplated in this ordinance  
3 are consistent, on balance, with the City's General Plan and eight priority policies of Planning  
4 Code Section 101.1. A copy of the General Plan Referral is on file with the Clerk of the Board  
5 of Supervisors in File No. 180637, and is incorporated herein by reference.

6 Section 2. Adoptions and Approvals.

7 (a) The Board of Supervisors adopts as its own the General Plan and Planning Code  
8 Section 101.1 consistency findings in the General Plan Referral in connection with the  
9 acceptance of the Improvements and other actions specified in this ordinance.

10 (b) The Board of Supervisors adopts as its own the Planning Department's  
11 determinations in the CEQA Determination.

12 (c) The Board of Supervisors has reviewed and hereby approves Public Works Order  
13 Nos. 186329 and 187731, including the City Engineer's and the Public Works Director's  
14 determinations and recommendations to dedicate the Dedication Area to public use, declare it  
15 as open public right-of-way, designate it for street and roadway purposes, and accept it for  
16 City maintenance and liability purposes.

17 Section 3. Dedication of Improvements and Assumption of Maintenance Liability  
18 Responsibilities.

19 (a) Pursuant to California Streets and Highways Code Section 1806 and San  
20 Francisco Administrative Code Section 1.51 et seq., and Public Works Order Nos. 186329  
21 and 187731, the Board of Supervisors dedicates the Dedication Area, declares it as open  
22 public right-of-way, and designates it for street and roadway purposes.

23 (b) The Board of Supervisors accepts the Improvements in the Dedication Area for  
24 City maintenance and liability purposes, subject to subsection (c) of this Section 3.

1 (c) The Dedication Area that the Board of Supervisors has accepted pursuant to  
2 subsection (b) is subject to the following: (1) the portions of street being declared as open  
3 public right-of-way are from back of sidewalk to back of sidewalk, unless specified otherwise  
4 or as shown on the improvement plans; (2) acceptance for City maintenance and liability  
5 purposes is from back of curb to back of curb, unless specified otherwise; and (3) sidewalk  
6 maintenance is the responsibility of adjacent property owners in accordance with the Public  
7 Works Code.

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

10 (a) In accordance with Public Works Order No. 187731, the Board of Supervisors  
11 hereby establishes the official public right-of-way widths for the portions of Acacia Street  
12 within the Dedication Area as shown on Public Works Drawing No. A-17-180.

13 (b) In accordance with Public Works Order No. 187731, Board of Supervisors  
14 Ordinance No. 1061, approved December 18, 1903 and titled "Regulating the Width of  
15 Sidewalks," a copy of which is in the Book of General Ordinances of the Clerk of the Board of  
16 Supervisors, is hereby amended by adding thereto a new section to read as follows:

17 Section 1618. The width of sidewalks on Acacia Street, between Velasco Street and the  
18 northern boundary of San Mateo County, shall be modified as shown on the Public Works Drawing No.  
19 A-17-180.

20 (c) The sidewalk widths established pursuant to subsection (b) of this Section 4 for the  
21 portions of Acacia Street within the Dedication Area do not obviate, amend, alter, or in any  
22 other way affect the maintenance obligations of the adjacent property owners as set forth in  
23 the Public Works Code.

24 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the  
25 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et

1 seq., shall follow its own procedures for the establishment of street grades. The Board of  
2 Supervisors hereby establishes the street grades for the portions of Acacia Street within the  
3 Dedication Area as set forth in Public Works Drawing No. A-17-180.

4 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public  
5 Right-of-Way Widths, Sidewalk Widths, and Street Grades in accordance with this ordinance.

6 Section 5. Authorization for Implementation.

7 The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and Public  
8 Works Director are hereby authorized and directed to take any and all actions that they or the  
9 City Attorney may deem necessary or advisable in order to effectuate the purpose and intent  
10 of this ordinance, including, but not limited to, the filing of the ordinance and Drawing No. A-  
11 17-180 in the Official Records of the City and County of San Francisco.

12 Section 6. Effective Date. This ordinance shall become effective 30 days after  
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
15 of Supervisors overrides the Mayor's veto of the ordinance.

16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:

19   
20 CHRISTOPHER T. TOM  
21 Deputy City Attorney

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City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Ordinance

File Number: 180637

Date Passed: October 08, 2019

Ordinance accepting Acacia Street and the irrevocable offer of improvements on Acacia Street for City maintenance and liability, subject to specified limitations; dedicating Acacia Street and improvements thereon to public use, declaring this area as shown on official Public Works drawings as open public right-of-way, and designating it for street and roadway purposes; establishing official sidewalk widths, public right-of-way widths, and street grades for Acacia Street; accepting two Public Works Orders making recommendations and certifications related to the Acacia Street improvements; authorizing official acts in connection with this Ordinance, as defined herein; adopting the Planning Department's determinations 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.

September 23, 2019 Land Use and Transportation Committee - RECOMMENDED

October 01, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

October 08, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee  
Excused: 2 - Haney and Walton

File No. 180637

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
10/8/2019 by the Board of Supervisors of  
the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

London N. Breed  
Mayor

Date Approved