

1 [Street Vacation Order - Hunters View Phase 2 - West Point Road]

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3 **Ordinance ordering the vacation of a portion of West Point Road and various public**
4 **service easements for the Hunters View Phase 2 development; quitclaiming the**
5 **City's interest in the vacation areas to the San Francisco Housing Authority;**
6 **reserving easement rights for the benefit of the City for its utilities; accepting a**
7 **Department of Public Works Order concerning the street vacation; and authorizing**
8 **official acts in connection with this Ordinance making environmental findings and**
9 **findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1.**

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

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

19 Section 1. Findings.

20 (a) On February 25, 2014, the Board of Supervisors adopted Resolution No. 051-
21 14, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 140029,
22 being a Resolution declaring its intention to order the vacation of a portion of West Point
23 Road and various public service easements (collectively the "Vacation Area"); reserving an
24 easement for the benefit of the City for various utilities. The location and extent of the
25 Vacation Area and Reservation is shown on the Department of Public Works' SUR Map

1 No. 2013-02, dated December 31, 2013, copy of said map is on file with the Clerk of the
2 Board of Supervisors in File No. 140031 and is incorporated herein by reference.

3 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
4 Department of Public Works a certified copy of the Resolution of Intention, and the Director
5 of the Department of Public Works did cause notice of adoption of such Resolution to be
6 posted and published in the manner required by law.

7 (c) When such matter was considered as scheduled by the Board of Supervisors at
8 its regular meeting held in the City Hall, San Francisco, on March 18, 2014, at 3:00 P.M.,
9 the Board heard all persons interested in such vacation.

10 (d) The vacation of the Vacation Area is part of an action to implement the Hunters
11 View Phase 2 Project. The Hunters View Phase 2 Project will subdivide land into 5
12 developable lots with new public streets and will provide 377 residential units and 1
13 commercial unit.

14 (e) In accordance with the actions contemplated herein, this Board adopted
15 Resolution No. 051-14, concerning findings pursuant to the California Environmental
16 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said
17 Resolution is on file with the Clerk of the Board of Supervisors in File No. 140029 and is
18 incorporated herein by reference.

19 (f) In a letter dated July 5, 2013 (the "Planning letter"), the City Planning
20 Department determined that the proposed vacation and other actions contemplated herein
21 are consistent with the General Plan and the priority policies of Planning Code, Section
22 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No.
23 140031 and is incorporated by reference as though fully set forth herein. The Board of
24 Supervisors adopts as its own the consistency findings of the Planning Letter.

1 (g) In DPW Order No. 182,055, dated December 24, 2013, a copy of which is on
2 file with the Clerk of the Board of Supervisors in File No. 140031, the Director of the
3 Department of Public Works determined: (1) the Vacation Area is no longer necessary for
4 the City's present or prospective future public street and sidewalk purposes; (2) in
5 accordance with Streets and Highways Code, Section 892 and 8314, the right-of-way and
6 parts thereof proposed for vacation are no longer useful as a nonmotorized transportation
7 facility, as defined in Section 887, because the design of the Hunters View Project
8 contains new facilities for bicycle and pedestrian movement that are equal to or in excess
9 of what may currently exist; (3) the proposed quitclaim of public right-of-way is consistent
10 with the Hunters View Project; (4) the value of such exchange for future public right-of-way
11 and other public benefits is equal to or in favor of the City; and (5) there are no physical
12 public or private utility facilities within the Vacation Area except for Pacific Gas and Electric
13 Company (PG&E) for power transmission purposes and other City utilities. A copy of the
14 DPW Order is on file with the Clerk of the Board of Supervisors in File No. 140031. The
15 Board of Supervisors adopts as its own and incorporates by reference herein as if fully set
16 forth, the recommendations of the Director of the Department of Public Works as set forth
17 in DPW Order No. 182,055 concerning the vacation of the Vacation Area, reservation of
18 easements, and other actions in furtherance thereof.

19 (h) The vacation of the Vacation Area is being taken pursuant to California Streets
20 and Highways Code, Sections 8300 et seq. and Public Works Code, Section 787(a).

21 (i) From all the evidence submitted at the public hearing noticed in the Resolution
22 No. 051-14 and the associated materials on file with the Clerk of the Board in File No.
23 140029, the Board of Supervisors finds that the Vacation Area, as described in said
24 Resolution, is no longer necessary for the City's use for public streets or as bicycle
25 transportation facilities as defined in Streets and Highways Code, Sections 890, et seq.,

1 subject to the existing easement rights in favor of PG&E and the City's reservation of rights
2 for City utilities and other conditions described in this Ordinance.

3 (j) The public interest, convenience and necessity require that the City reserve from
4 the vacation of the Vacation Area a non-exclusive easement for City utilities in, upon, and
5 over that certain portion of the Vacation Area, in which their respective in-place and
6 functioning facilities are located, to the extent necessary to maintain, operate, repair and
7 remove existing lines of pipe, conduits, cables, wires, poles, and other convenient
8 structures, equipment and fixtures for various City utilities, together with reasonable
9 access to the foregoing facilities for the purposes set forth above. The public interest,
10 convenience and necessity, does not require that the City reserve from the vacation of the
11 Vacation Area any other easements except as mentioned above. The existing PG&E
12 Easement is unaffected by the vacation of the Vacation Area and will remain in effect until
13 such time PG&E quitclaims its rights to the easement.

14 (k) The public interest and convenience require that the vacation be done as
15 declared in the Resolution No. 051-14.

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17 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on
18 SUR Map No. 2013-02 is hereby ordered vacated in the manner described in the
19 Resolution No. 051-14, as modified herein, and pursuant to California Streets and
20 Highways Code Sections 8300 et seq. and Public Works Code section 787(a).

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22 Section 3. The vacation of the Vacation Area is conditioned upon retaining the
23 existing PG&E easement for its facilities and the reservation of the non-exclusive
24 easement for the benefit of the City for utilities, in, upon, and over that certain portion of
25 the Vacation Area, in which its in-place and functioning facilities are located, to the extent

1 necessary to maintain, operate, repair and remove existing lines of pipe, conduits, cables,
2 wires, poles, and other convenient structures, equipment and fixtures for the operation of
3 various City utilities, together with reasonable access to the foregoing facilities for the
4 purposes set forth above and shall terminate with the dedication and acceptance of
5 replacement facilities. The PG&E easement shall remain in effect according to its terms.
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7 Section 4. The Board of Supervisors hereby authorizes the Director of Property to
8 execute a City quitclaim deed to the San Francisco Housing Authority for the Vacation
9 Area, including therein the reservation of the non-exclusive easement for the benefit of the
10 City for utilities and acknowledgement of the existing PG&E Easement subject to the terms
11 and conditions set forth herein.
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13 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
14 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance,
15 and the Board of Supervisors hereby urges the Director of Public Works to proceed in the
16 manner required by law. The Clerk of the Board also is hereby directed to transmit to the
17 Director of Public Works a certified copy of this Ordinance so that this Ordinance may be
18 recorded together with any other documents necessary to effectuate this Ordinance.
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20 Section 6. The Board of Supervisors hereby authorize and direct the Clerk of the
21 Board, Director of Property, and Director of Public to take any and all actions which they or
22 the City Attorney may deem necessary or advisable in order to effectuate the purpose and
23 intent of this Ordinance (including, without limitation, the filing of the Ordinance in the
24 Official Records of the City and County of San Francisco and confirmation of satisfaction
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1 of any of the conditions to the effectiveness of the vacation of the Vacation Area hereunder
2 and confirmation of the granting of the easement(s) reserved hereunder pursuant to
3 Section 3 of this Ordinance and execution and delivery of any evidence of the same, which
4 shall be conclusive as to the satisfaction of such conditions upon signature by any such
5 City official or his or her designee).

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

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13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 John D. Malamut
17 Deputy City Attorney
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