


BOARD of SUPERVISORS



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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: September 15, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160961

Ordinance ordering the summary street vacation of a portion of 25th Street, which is generally bounded by Assessor's Parcel Block No. 4241, Lot No. 002 to the north, Seawall Lot 355 (portions of Assessor's Parcel Block No. 4298, Lot No. 002, Assessor's Parcel Block No. 4299, Lot No. 001, and Assessor's Parcel Block No. 4300, Lot No. 001) to the south, Michigan Street to the west, and Seawall Lot 356 (Assessor's Parcel Block No. 1399, Lot No. 000) to the east, to facilitate construction of a temporary Navigation Center for homeless residents; authorizing the operation of a Navigation Center on the vacated portion of 25th Street for more than two years pursuant to Administrative Code, Section 106.3(b); affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment
 Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

1 [Summary Street Vacation - 25th Street - Temporary Navigation Center for Homeless
2 Residents]

3 **Ordinance ordering the summary street vacation of a portion of 25th Street, which is**
4 **generally bounded by Assessor's Parcel Block No. 4241, Lot No. 002 to the north,**
5 **Seawall Lot 355 (portions of Assessor's Parcel Block No. 4298, Lot No. 002, Assessor's**
6 **Parcel Block No. 4299, Lot No. 001, and Assessor's Parcel Block No. 4300, Lot No. 001)**
7 **to the south, Michigan Street to the west, and Seawall Lot 356 (Assessor's Parcel Block**
8 **No.1399, Lot No. 000) to the east, to facilitate construction of a temporary Navigation**
9 **Center for homeless residents; authorizing the operation of a Navigation Center on the**
10 **vacated portion of 25th Street for more than two years pursuant to Administrative**
11 **Code, Section 106.3(b); affirming the Planning Department's determination under the**
12 **California Environmental Quality Act; adopting findings that the actions contemplated**
13 **in this Ordinance are consistent with the General Plan, and the eight priority policies of**
14 **Planning Code, Section 101.1; and authorizing official acts in connection with this**
15 **Ordinance.**

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

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

24 Section 1. Findings.

25 (a) A significant number of people in San Francisco cannot obtain adequate or
appropriate shelter. According to the San Francisco biennial "Point-in-Time" homeless count

1 and survey taken in January 2015, there were 6,686 adults and 853 youth without a place to
2 live, constituting a total of 7,539 homeless residents. Between the January 2013 homeless
3 count and survey and the January 2015 homeless count and survey, the number of homeless
4 people rose in seven of the 11 San Francisco supervisorial districts. A 10-year trend of
5 comparable Point-in-Time data (excluding the targeted youth count) identified a 7% increase
6 in the number of homeless people in San Francisco between 2005 and 2015.

7 (b) As San Francisco's homeless population ages, additional health services are
8 needed to address the homeless population's deteriorating health. According to the January
9 2015 homeless count and survey, 22% of the homeless were between the ages of 51 and 60,
10 up from 14% in 2013, and 8% were 61 or older, up from 3% in 2013.

11 (c) The inability to obtain adequate or appropriate shelter threatens the health, safety,
12 and welfare of homeless people. Homelessness is an independent risk factor for a number of
13 illnesses through its association with exposure to harsh weather, high stress levels, sleep
14 deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and poor
15 nutrition. For example, sleep deprivation impairs cognitive processes and increases the risk
16 of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke,
17 and diabetes.

18 (d) The City has partnered and collaborated with community-based nonprofit
19 organizations serving the homeless to develop and implement new strategies to shelter and
20 identify housing for difficult-to-serve homeless populations, including residents of
21 encampments, people who have not accessed the traditional shelter system, the long-term
22 homeless population, and Homeward Bound clients. Since 2015, the City has successfully
23 piloted a temporary Homeless Shelter model (the "Navigation Center" model) that reduces
24 barriers to participation and seeks to connect clients to stable income, public benefits, and
25 permanent housing outside of the Navigation Center. This ordinance would facilitate the

1 expansion of the Navigation Center model and the successful transition of difficult-to-serve
2 homeless populations to services and permanent housing.

3 (e) According to Administrative Code Chapter 106 (effective as of July 31, 2016
4 pursuant to Ordinance No. 117-16), the City is required to open and operate no fewer than six
5 Navigation Centers within twenty-four months of the effective date of Ordinance No. 117-16,
6 develop plans for the equitable distribution of shelter and housing resources, and identify
7 sustainable revenue sources for the development of new permanent housing for homeless
8 individuals. Administrative Code Section 106.3(b) requires Board of Supervisors'
9 authorization to operate a Navigation Center for over two years.

10 (f) California Streets and Highways Code Sections 8300 et seq. and San Francisco
11 Public Works Code Section 787(a) establish the process for the Board of Supervisors to
12 vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and
13 8334.5 provide that the legislative body of a local agency may proceed with an expedited
14 process to summarily vacate an excess right-of-way of a street under certain circumstances.
15 Due to the vital need to find locations for temporary homeless shelters and the fact that such a
16 location has been identified on a portion of public right-of-way, the Board of Supervisors
17 determines that it would be in the best interests of the City to temporarily vacate that street
18 area to allow for the establishment of a Navigation Center. The conventional street vacation
19 process as set forth in the Streets and Highways Code Sections 8300 et seq. and as
20 recognized in Public Works Code Section 787(a) would delay the expedited establishment of
21 this Navigation Center. However, in recognition of the importance of providing public notice
22 and the opportunity for public comment on the street vacation and establishment of the
23 Navigation Center, the Board of Supervisors will provide notice of this street vacation following
24 the same procedures it uses for summary street vacations.
25

1 (g) The portion of 25th Street to be vacated is more particularly shown on the Public
2 Works ("PW") SUR Map No. _____, dated _____, 20__ (the "Vacation
3 Area"). A copy of this map is on file with the Clerk of the Board of Supervisors in File
4 No. _____ and is incorporated herein by reference.

5 (h) The Vacation Area is located on property under the jurisdiction of the Port
6 Commission. By its approval of Resolution No. ___ on September __, 2016, the Port
7 Commission determined that the Vacation Area is not needed for public trust purposes,
8 including access to San Francisco Bay, and the proposed use of the Vacation Area for a
9 temporary Navigation Center is an acceptable interim use of Port of San Francisco property.

10 (i) The physical attributes of the Vacation Area satisfy the requirements necessary for
11 a summary street vacation under Streets and Highways Code Sections 8334 and 8334.5.
12 These attributes are as follows: the Vacation Area is not necessary for street purposes as (1)
13 the Vacation Area does not continue through Seawall Lot 356, and therefore, is a dead end,
14 and (2) the Vacation Area is excess right-of-way not required for street purposes or for access
15 to San Francisco Bay. In addition, the Vacation Area is not needed for public trust purposes
16 and the proposed use is an acceptable interim use of Port of San Francisco property. There
17 are no in-place functioning utilities that would be affected by the street vacation, and
18 therefore, the Vacation Area qualifies for summary street vacation under Streets and
19 Highways Code Section 8334.5. Based on these factors and the need to temporarily house
20 homeless residents based on public health and safety considerations, the Vacation Area may
21 be summarily vacated in accordance with Streets and Highways Code Sections 8334 and
22 8334.5 and the established public noticing and hearing procedures of the Clerk of the Board
23 of Supervisors for summary street vacations.

24 (j) The vacation of the Vacation Area would enable construction of a Navigation Center
25 on the Vacation Area to offer crucial services and amenities to the City's homeless residents.

1 (k) In PW Order No. _____, dated _____, 2016, the Director of
2 Public Works (the "PW Director") determined (1) the Vacation Area may be vacated based on
3 the factors identified in this Section 1 and the other findings set forth below; (2) the Vacation
4 Area is unnecessary for the City's present or prospective public street, sidewalk, and service
5 easement purposes; (3) there are no in-place functioning public or private utilities that will be
6 affected by the vacation of the Vacation Area, based on the absence of any objections from
7 any utility company or entity to the street vacation; (4) the public interest, convenience, and
8 necessity do not require that any easements or other rights be reserved for any public or
9 private utility facilities that may be in place in the Vacation Area; and (5) any rights based
10 upon any such public or private utility facilities identified in the preceding (3) and (4) shall be
11 extinguished automatically upon the effectiveness of the vacation. The PW Director also
12 found that the street vacation shall be temporary and recommended that the City reserve, and
13 except from vacation, an easement in the Vacation Area for future street use pursuant to
14 Streets and Highways Code Section 8340. The PW Director also recommended that the
15 Vacation Area cease to be vacated and revert to street use and publicly dedicated street and
16 right-of-way as authorized under Streets and Highways Code Section 8340 upon the earliest
17 of any of the following occurrences:

18 (1) 42 months from the Effective Date of this ordinance; or

19 (2) the expiration, termination, abandonment, and/or revocation of the
20 Conditional Use authorization required to operate the Navigation Center on the Vacation Area;
21 or

22 (3) the above-referenced Conditional Use authorization is not issued within eight
23 months of the Effective Date of this ordinance; or

24 (4) the expiration, termination, abandonment, and/or revocation of the
25 Memorandum of Understanding or similar instrument between the Port Commission and the

1 Department of Homelessness and Supportive Housing (“DHS”); or

2 (5) a determination by the DHS Director and the PW Director that an
3 equivalent number of permanent shelter beds has been created at an alternate location or
4 locations and all homeless residents housed at the subject temporary Navigation Center will
5 have access to such location or locations.

6 A copy of this PW Order is on file with the Clerk of the Board of Supervisors in File
7 No. _____ and is incorporated herein by reference.

8 (l) Pursuant to California Streets and Highways Code Section 892, the PW Director in
9 PW Order No. _____ also finds that the Vacation Area is currently not necessary for
10 non-motorized transportation, as there are numerous other streets in the immediate area
11 available for such transportation and those members of the public availing themselves of non-
12 motorized transportation will not be inconvenienced by the street vacation. Further, the public
13 convenience, necessity, and welfare would be enhanced by the proposed use of the vacated
14 street for a temporary Navigation Center.

15 (m) The PW Director recommends that the Board of Supervisors approve the
16 temporary vacation of the Vacation Area: (1) subject to the City’s reservation of an easement
17 in the Vacation Area, which shall be excepted from the vacation, for future street use pursuant
18 to Streets and Highways Code Section 8340; and (2) to take effect and be implemented by
19 the City on the Effective Date of this ordinance.

20 (n) The PW Director recommends that the Board of Supervisors adopt as its own the
21 recommendations of the PW Director as set forth in PW Order No. _____
22 concerning the vacation of the Vacation Area. The Board hereby incorporates herein such
23 recommendations and findings by reference as though fully set forth herein. The Board of
24 Supervisors adopts as its own the recommendations and findings in PW Order No.
25 _____.

1 (o) In a letter dated _____, 2016 (the "Planning Letter"), the
2 Planning Department determined that the actions contemplated in this ordinance are exempt
3 from the California Environmental Quality Act (California Public Resources Code Sections
4 21000 et seq.). The Board hereby affirms this determination. A copy of said letter is on file
5 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
6 by reference.

7 (p) On _____, 2016, after a duly noticed public hearing, the Planning
8 Commission, in Resolution No. _____, adopted findings that the actions contemplated
9 in this ordinance are consistent, on balance, with the City's General Plan and the eight priority
10 policies of Planning Code Section 101.1. A copy of said Resolution is on file with the Clerk of
11 the Board of Supervisors in File No. _____, and is incorporated herein by reference.
12 The Board of Supervisors adopts these findings as its own.

13 (q) The Clerk of the Board published and the Department of Public Works posted
14 notice of a public hearing on the street vacation action that is the subject of this ordinance.
15 Evidence of this public notice is on file with the Clerk of the Board of Supervisors in File No.
16 _____.

18 Section 2. Conditional and Temporary Vacation

19 (a) Notwithstanding California Streets and Highways Code Sections 8300 et seq. for
20 conventional street vacations, the Board of Supervisors, in accordance with San Francisco
21 Administrative Code Sections 1.51 et seq. and in light of the significant need to temporarily
22 house homeless people due to public health and safety considerations, chooses to follow its
23 own procedures for vacating the subject street in order to provide adequate public notice and
24 an opportunity for public comment. The actions contemplated in this ordinance are being
25

1 taken in accordance with the provisions of Streets and Highways Code Sections 8300 et seq.
2 for summary street vacations.

3 (b) Pursuant to California Streets and Highways Code Sections 8300 et seq., the
4 Vacation Area, as shown on SUR Map No. _____, is hereby ordered temporarily
5 vacated upon the Effective Date of this ordinance and subject to the conditions described in
6 Sections 2(c) and 2(e) below.

7 (c) The temporary vacation of the Vacation Area: (1) shall be subject to the City's
8 reservation of an easement in the Vacation Area, which shall be excepted from the vacation,
9 for future street use pursuant to Streets and Highways Code Section 8340; and (2) shall
10 become effective and be implemented by the City on the Effective Date of this ordinance.

11 (d) Pursuant to Administrative Code Section 106.3(b), the Board of Supervisors hereby
12 authorizes the operation of a Navigation Center in the Vacation Area for more than two years.

13 (e) The Board of Supervisors finds that the Vacation Area is unnecessary for present
14 or prospective public street use; provided, however, that the street vacation is temporary and
15 the Vacation Area shall cease to be vacated and shall revert to street use and its status as
16 publicly dedicated street and right-of-way, as authorized under California Streets and
17 Highways Code Section 8340, upon the earliest of any of the following occurrences:

18 (1) 42 months from the Effective Date of this ordinance; or

19 (2) the expiration, termination, abandonment, and/or revocation of the
20 Conditional Use authorization required to operate the Navigation Center on the Vacation Area;
21 or

22 (3) the above-referenced Conditional Use authorization is not issued within eight
23 months of the Effective Date of this ordinance; or

1 (4) the expiration, termination, abandonment, and/or revocation of the
2 Memorandum of Understanding or similar instrument between the Port Commission and
3 DSHS; or

4 (5) a determination by the DSHS Director and the PW Director that an
5 equivalent number of permanent shelter beds has been created at an alternate location or
6 locations and all the homeless residents housed at the subject temporary Navigation Center
7 will have access to such location or locations.

8 (f) The public interest and convenience require that the vacation proceed as declared
9 in this ordinance.

10
11 Section 3. Official Acts in Connection with this Ordinance.

12 (a) The Board of Supervisors hereby authorizes and directs the Mayor, the Clerk of the
13 Board of Supervisors, the PW Director, the County Surveyor, the Port Director, and the
14 Director of the Division of Real Estate to take any and all actions which they or the City
15 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
16 this ordinance (including, without limitation, the filing of this ordinance in the Official Records
17 of the City and County of San Francisco).

18 (b) This ordinance shall be recorded immediately upon the Effective Date of this
19 ordinance.

20
21 Section 4. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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24
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 Christopher T. Tom
8 Deputy City Attorney

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