

1 [Summary Street Vacation, New Sidewalks, and Property Transfer - Michigan Street]

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3 **Ordinance ordering the summary street vacation of portions of Michigan Street**
4 **generally along Assessor's Parcel Block No. 4110, Lot No. 001 and Block No. 4111, Lot**
5 **No. 004; quitclaiming the City's interest in certain portions of Michigan Street to the**
6 **Port; establishing new official sidewalks on Michigan Street by amending Ordinance**
7 **No. 1061, entitled "Regulating the Width of Sidewalks;" accepting a Public Works Order**
8 **concerning the street vacation and establishment of new sidewalks; waiving the**
9 **provisions of Administrative Code, Chapter 23, for interdepartmental transfer of**
10 **property; authorizing official acts in connection with this Ordinance, as defined herein;**
11 **affirming the Planning Department's determination under the California Environmental**
12 **Quality Act; and adopting findings that the actions contemplated in this Ordinance are**
13 **consistent with the General Plan, and the eight priority policies of Planning Code,**
14 **Section 101.1.**

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

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

23 Section 1. Environmental and Land Use Findings.

24 (a) On August 24, 2017, the Planning Commission, by Motion No. 19976, certified
25 the Final Environmental Impact Report (Final EIR) for the 28-Acre Pier 70 Mixed-Use project
(Project) as being accurate, complete, and in compliance with the California Environmental

1 Quality Act (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines,
2 and Chapter 31 of the Administrative Code. At the same hearing, the Planning Commission,
3 by Resolution No. 19977, adopted findings with respect to the approval of the Project (CEQA
4 Findings). These CEQA Findings include the rejection of alternatives, a statement of
5 overriding considerations, and a mitigation monitoring and reporting program among other
6 administrative record documents. At the same hearing, the Planning Commission, by
7 Resolution No. 19978, found that the Project, including the actions contemplated in this
8 ordinance, are consistent, on balance, with the City's General Plan and eight priority policies
9 of Planning Code Section 101.1. The Board of Supervisors in Ordinance No. 227-17 adopted
10 these environmental findings as its own. Copies of said motion, resolutions, and ordinance
11 are on file with the Clerk of the Board of Supervisors in File No. 170930, and are incorporated
12 herein by reference.

13 (b) The Board of Supervisors finds:

14 (1) The actions proposed for approval under this ordinance present no
15 substantial changes to the Project that will require major revisions in the Final EIR due to the
16 involvement of new significant environmental effects or a substantial increase in the severity
17 of previously identified significant effects.

18 (2) The actions proposed for approval under this ordinance present no
19 substantial changes with respect to the circumstances under which the Project was approved
20 that will require major revisions to the Final EIR due to the involvement of new significant
21 environmental effects or a substantial increase in the severity of previously identified
22 significant effects.

23 (3) No new information of substantial importance, which was not known and
24 could not have been known in the exercise of reasonable diligence at the time the Final EIR
25 was certified, has become available which indicates that: (A) the Project will have significant

1 effects not discussed in the Final EIR, (B) significant environmental effects will be
2 substantially more severe than shown in the Final EIR, (C) mitigation measures or alternatives
3 found not to be feasible would in fact be feasible, and would substantially reduce one or more
4 significant effects of the project, or (D) mitigation measures or alternatives which are
5 considerably different from those in the Final EIR would substantially reduce one or more
6 significant effects on the environment.

7 As a consequence of the above findings, the Board of Supervisors relies on the CEQA
8 findings adopted in Ordinance No. 227-17 for purposes of the actions in this ordinance. The
9 Board of Supervisors further finds that the actions in this ordinance are consistent, on
10 balance, with the City's General Plan and eight priority policies of Planning Code Section
11 101.1.

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13 Section 2. General Findings.

14 (a) The Project would include between 1,100 and 2,150 residential units, a
15 maximum of between 1 million and 2 million gross square feet of commercial-office use, and
16 up to 500,000 gross square feet of retail-light industrial-arts use. The Project would also
17 include construction of transportation and circulation improvements, new and upgraded
18 utilities and infrastructure, geotechnical and shoreline improvements, between 3,215 to 3,345
19 off-street parking spaces in proposed buildings and district parking structures, and nine acres
20 of publicly-owned open space.

21 (b) On October 20, 2017, the Port Commission, by Resolution No. 17-52, approved
22 the vacation of portions of Michigan Street under Port jurisdiction and the potential sale of
23 Parcel K North, and urged the County Surveyor and Director of Property to take all steps
24 necessary to effectuate the purpose and intent of the resolution. A copy of said Resolution is
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1 on file with the Clerk of the Board of Supervisors in File No. 180854, and is incorporated
2 herein by reference.

3 (c) On November 9, 2017, the Board of Supervisors, in Resolution No. 401-17,
4 approved a Disposition and Development Agreement (DDA) between the Port and FC Pier 70,
5 LLC for the development of a portion of the Project. Under the DDA, the Port is required to
6 offer Parcel K North for sale at or above its fair market value established by a proprietary
7 appraisal and specify that the successful bidder must close escrow on the sale within 15
8 months after the date of the Board of Supervisors' approval of the sale, with resulting
9 proceeds used to pay for entitlement costs associated with the Project. A copy of said
10 resolution is on file with the Clerk of the Board of Supervisors in File No. 170986, and is
11 incorporated herein by reference.

12 (d) Vacating portions of Michigan Street is necessary to effectuate the Project
13 approvals.

14 (e) The areas to be vacated by this ordinance are portions of Michigan Street
15 currently under the jurisdiction of the City, acting by and through the Department of Public
16 Works (Public Works) and by and through the Port Commission, and are as depicted in SUR
17 Map No. 2018-003 (collectively, Vacation Areas). A copy of SUR Map No. 2018-003 is on file
18 with the Clerk of the Board of Supervisors in File No. 180854 and is incorporated herein by
19 reference.

20 (f) Following the vacation of the approximately 12-foot-wide portion of Michigan
21 Street adjacent to Assessor's Parcel No. 4110-001, the Port, Public Works, and the County
22 Surveyor intend to create five new parcels: the Plaza Parcel, Parcel K North, the 21st Street
23 right-of-way extension parcel, Lot J, and Parcel K South. As part of this process, the Port
24 intends to merge the portion of the vacated area adjacent to Lot A and create the Plaza
25 Parcel. The Port and City intend to create Parcel K North by having the Port merge the

1 portion of the vacated area adjacent to Lot 1 and north of the Pueblo line with Lot 1, and the
2 City merge the portion of the vacated area adjacent to Lot 1 and south of the Pueblo line with
3 Lot 1. The City will transfer the portion of the vacated area south of the Pueblo line to the
4 eventual buyer of Parcel K North.

5 (g) Following the vacation of the approximately 20.6-foot-wide strip portion of
6 Michigan Street adjacent to Assessor's Parcel 4111-004, south of the Pueblo line, Public
7 Works intends to transfer this portion of the vacated area to the Port. The Port and the
8 County Surveyor then intend to merge this land with Assessor's Parcel No. 4111-004 and
9 adjoining land under the jurisdiction of the Port. The Port currently holds a minor sidewalk
10 encroachment permit from Public Works (conditional use permit 14MSE-0343) for this space.

11 (h) California Streets and Highways Code Sections 8300 et seq. and Public Works
12 Code Section 787(a) set forth the procedures that the City follows to vacate public streets and
13 public service easements. California Streets and Highways Code Sections 8314, 8334, and
14 8334.5, respectively, allow a summary vacation if the subject area is not needed for purposes
15 of a non-motorized transit facility, constitutes excess right-of-way, and when there are no in-
16 place functioning utilities.

17 (i) On November 28, 2017, Public Works sent notice of the proposed street
18 vacation to the Department of Technology, Municipal Transportation Agency, Fire
19 Department, and Public Utilities Commission, as well as AT&T, Sprint, and Pacific Gas and
20 Electric.

21 (j) In connection with the summary vacation provided in this ordinance, Public
22 Works prepared drawing Q-20-1030 concerning sidewalk widths and Public Works Order No.
23 188335 dated August 24, 2018. In Public Works Order No. 188335, the Director of Public
24 Works and City Engineer determined: (1) the Vacation Area as shown on SUR Map No. 2018-
25 003 is excess right-of-way and unnecessary for the City's present or prospective street or

1 highway purposes; (2) there are no physical public or private functioning utilities in the
2 Vacation Area; (3) the Vacation Area is not needed for purposes of a non-motorized transit
3 facility; (4) no City agency or utility opposed vacating the Vacation Area; (5) the width of the
4 Michigan Street right-of-way shall be adjusted in the official public right-of-way width maps in
5 accordance with SUR Map No. 2018-003; and (6) the proposed sidewalks would be
6 constructed in accordance with all City codes, regulations, and standards. A copy of Public
7 Works Order No. 188335 and Public Works drawing Q-20-1030 are on file with the Clerk of
8 the Board of Supervisors in File No. 180854 and are incorporated herein by reference

9 (k) The public interest, convenience, and necessity does not require that the City
10 reserve from the vacation of the Vacation Area any easements.

11 (l) The Board adopts as its own, the findings and recommendations of the Public
12 Works Director as set forth in Public Works Order No. 188335 concerning the summary
13 vacation of the Vacation Area and other actions in furtherance thereof, and the Board hereby
14 incorporates herein such recommendations and findings by reference.

15 (m) The street vacation actions are conducted under the general vacation
16 procedures of the California Streets and Highways Code Sections 8300 et seq. and Public
17 Works Code Section 787(a).

18 (n) Vacating the Vacation Areas will require the establishment of new sidewalk
19 areas along Michigan Street. These sidewalks are shown in Public Works drawing Q-20-
20 1030.

21 (o) The Department of Real Estate has consented to the real property transactions
22 described in this ordinance.

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24 Section 3. Street Vacation.
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1 (a) For the reasons stated in Section 2, vacating the Vacation Areas as depicted in
2 SUR Map No. 2018-003 will serve the public interest, convenience, and necessity.

3 (b) Pursuant to California Streets and Highways Code, Sections 8300 et seq. and
4 Public Works Code Section 787(a), the Board hereby summarily vacates the Vacation Area as
5 described in this ordinance, as shown on SUR Map No. 2018-003, and authorizes and directs
6 the Clerk of the Board of Supervisors and the Director of Real Estate to record or cause to be
7 recorded a certified copy of this ordinance as provided in California Streets and Highways
8 Code Section 8325(a). On recordation of this ordinance, the vacation shall be effective
9 without any further action by the Board. From and after the date this ordinance is recorded,
10 the Vacation Area no longer constitutes a public right-of-way.

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12 Section 4. Sidewalk Establishment.

13 In accordance with Public Works Order 188335, Board of Supervisors Ordinance No.
14 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board
15 of Supervisors' Book of General Ordinances, in effect May 11, 1910, is hereby amended by
16 adding thereto a new section to read as follows:

17 Section 1620. The official sidewalk width on the westerly portion of Michigan Street from 20th
18 Street extending southward to the 21st Street right-of-way shall be as shown on Public Works drawing
19 Q-20-1030, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 180854.

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21 Section 5. Real Property Transfer from Department of Real Estate to the Port.

22 (a) The Board of Supervisors authorizes the Director of Public Works, and the
23 Director of Real Estate, each on behalf of the City, to transfer to the Port the City's interest in
24 the approximately 20.6-foot-wide strip portion of Michigan Street adjacent to Assessor's
25 Parcel 4111-004, south of the Pueblo line vacated as part of this ordinance, and the portion of

1 Michigan Street south of the Pueblo line that remains a right-of-way subject to Public Works'
2 jurisdiction.

3 (b) Such transfer of property shall not be subject to Chapter 23 of the Administrative
4 Code.

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6 Section 6. Official Acts in Connection with the Legislation.

7 The Mayor, Clerk of the Board, Director of Real Estate, County Surveyor, and Director
8 of Public Works are hereby authorized and directed to take any and all actions which they or
9 the City Attorney may deem necessary or advisable in order to effectuate the purpose and
10 intent of this ordinance (including, without limitation, revising official public right-of-way and
11 sidewalk maps; the filing of this ordinance in the Official Records of the City and County of
12 San Francisco; and execution and delivery of any evidence of the same).

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

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20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 AUSTIN M. YANG
24 Deputy City Attorney

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