

1 [Street Vacation - Potrero HOPE SF Project - Phase 2]

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3 **Ordinance ordering the vacation of streets in the Potrero HOPE SF Project - Phase 2**
4 **(Blocks A and B) site, generally bounded by 25th Street on the north, 26th Street on the**
5 **south, Wisconsin Street on the west, and Connecticut Street on the east; allowing a**
6 **reservation of rights for electric utilities access at the southwest corner of 25th Street**
7 **and Wisconsin Street and required pedestrian access; authorizing the City to quitclaim**
8 **its interest in the vacation areas to the San Francisco Housing Authority; affirming the**
9 **Planning Department’s determination under the California Environmental Quality Act;**
10 **adopting findings that the actions contemplated in this Ordinance are consistent with**
11 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
12 **authorizing official acts in connection with this Ordinance, as defined herein, including**
13 **transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public**
14 **Works Director for purposes of recordation of property rights.**

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 ~~*italics Times New Roman font*~~.
18 **Board amendment additions** are in Arial font.
19 **Board amendment deletions** are in ~~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. Findings.

24 (a) California Streets and Highways Code Sections 8300 et seq. and San Francisco
25 Public Works Code Section 787(a) set forth the procedures that the City and County of San
Francisco (“City”) follows to vacate public streets.

1 (b) On July 30, 2019, the City adopted Resolution No. 362-19 (“Resolution of
2 Intention”), declaring the City’s intent to vacate the following portions of public streets within
3 the Potrero HOPE SF Project – Phase 2: the South 1 foot of 25th Street between Wisconsin
4 Street and Connecticut Street; the West 5 feet of Connecticut Street between 25th Street and
5 26th Street; the North 8 feet of 26th Street between Connecticut Street and Wisconsin Street;
6 and the East 4.75 feet of Wisconsin Street between 25th Street and 26th Street – all as shown
7 on the map of Potrero Low Rent Housing Project Showing Street Opening, Book O of Maps,
8 page 16 (the “Vacation Area”). The Resolution of Intention is on file with the Clerk of the
9 Board of Supervisors in File No. 190712 and is incorporated herein by reference.

10 (c) The Board of Supervisors finds it appropriate and in the public interest to pursue
11 the street vacation described above as part of the Potrero HOPE SF Project, one of the
12 nation’s first large-scale public housing transformation collaboratives aimed at disrupting
13 intergenerational poverty, reducing social isolation, and creating vibrant mixed-income
14 communities without mass displacement of current residents.

15 (d) The location and extent of the Vacation Area are more particularly shown on the
16 Public Works (“PW”) SUR Map No. 2019-003, dated June 17, 2019. A copy of this map is on
17 file with the Clerk of the Board of Supervisors in File No. 190707 and is incorporated herein by
18 reference.

19 (e) The Clerk of the Board of Supervisors has transmitted to the Director of Public
20 Works (“PW Director”) a certified copy of the Resolution of Intention, and the PW Director has
21 caused notice of adoption of said resolution to be posted in the manner required by law.

22 (f) When such matter was considered as scheduled by the Board of Supervisors at its
23 regular meeting on September 3, 2019, the Board heard all persons interested in the vacation
24 of the Vacation Area.

1 (g) The vacation of the Vacation Area is necessary to fulfill the objectives of the
2 Potrero HOPE SF Project – Phase 2, as enacted in Ordinance No. 15-17, which includes the
3 above mentioned development plan and related approvals. Ordinance No. 15-17 is on file
4 with the Clerk of the Board of Supervisors in File No. 161161.

5 (h) The City proposes to quitclaim its interest in the Vacation Area to the San
6 Francisco Housing Authority (“SFHA”) to help facilitate the development of the Potrero HOPE
7 SF Project – Phase 2.

8 (i) Within active streets that remain open, pedestrian access shall be maintained on at
9 least one side where adjacent to an active construction area.

10 (j) In PW Order No. 201415, dated June 18, 2019, on file with the Clerk of the Board of
11 Supervisors in File No. 190707, the PW Director determined (1) the Vacation Area is
12 unnecessary for the City's present or prospective public street, sidewalk, and service
13 easement purposes; (2) the public interest, convenience, and necessity require a temporary
14 reservation of rights for utilities access in the Vacation Area, to be extinguished upon the
15 City's acceptance of equivalent replaced or relocated utilities and reservation of rights for
16 pedestrian access to Assessor's Parcel Block No. 4285B-001 using Assessor's Parcel Block
17 No. 4285B-002, to be extinguished upon merger of the parcels; (3) in accordance with
18 California Streets and Highways Code Sections 892 and 8314, the Vacation Area is no longer
19 useful as a nonmotorized transportation facility; (4) the consent of all property owners
20 adjacent to the Vacation Area was obtained; and (5) it is a policy matter for the Board of
21 Supervisors to quitclaim the City's interest in the Vacation Area to SFHA.

22 (k) The Board of Supervisors adopts as its own the recommendations of the PW
23 Director as set forth in PW Order No. 201415 concerning the vacation of the Vacation Area
24 and other actions in furtherance thereof and the Board hereby incorporates such
25 recommendations and findings by reference as though fully set forth herein.

1 (l) On December 10, 2015, by Motion No. 19529, the Planning Commission certified
2 the Final Environmental Impact Report ("FEIR") for the Potrero HOPE SF Project (Planning
3 Case No. 2010.0515E) as accurate, complete, and in compliance with the California
4 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.,
5 "CEQA") and Administrative Code Chapter 31. Said Motion is on file with the Clerk of the
6 Board of Supervisors in File No. 161308 and is incorporated herein by reference.

7 (m) On December 10, 2015, by Motion No. 19530, the Planning Commission approved
8 CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program
9 ("MMRP"), under Case No. 2010.0515ETZ/GPR, for approval of the Potrero HOPE SF
10 Project. Said Motion is on file with the Clerk of the Board of Supervisors in File No. 161308,
11 and is incorporated herein by reference.

12 (n) On December 10, 2015, by Motion No. 19531, the Planning Commission adopted
13 findings establishing that the Potrero HOPE SF Project is, on balance, consistent with the
14 General Plan, and Planning Code Section 101.1. Said Motion is on file with the Clerk of the
15 Board of Supervisors in File No. 161308, and is incorporated herein by reference.

16 (o) On December 10, 2015, by adopting Resolution Nos. 19792, 19793, 19794, and
17 19795, the Planning Commission recommended to the Board of Supervisors that the Board
18 approve General Plan Amendments, Planning Code Text Amendments, Zoning Map
19 Amendments, and a Development Agreement between the City, SFHA, and BRIDGE-Potrero
20 Community Associates, LLC, respectively. Said Resolutions are on file with the Clerk of the
21 Board of Supervisors in File No. 161308, and are incorporated herein by reference.

22 (p) In February 2017, the City enacted Ordinance Nos. 13-17, 14-17, 15-17 and 19-17
23 (Board File Nos. 161159, 161160, 161161, 161308) approving Planning Code Text
24 Amendments, Zoning Map Amendments, the Development Agreement, and General Plan
25 Amendments, respectively relating to the Potrero HOPE SF Project.

1 (q) In a letter dated June 14, 2019 (“Planning Letter”), the Planning Department
2 determined that the proposed vacation of the Vacation Area and other actions contemplated
3 in this ordinance are consistent with the General Plan and priority policies of Planning Code
4 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
5 No. 190707 and is incorporated herein by reference as though fully set forth herein. The
6 Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

7 (r) Also in the Planning Letter, the Planning Department determined that the actions
8 contemplated in this ordinance comply with CEQA. The Board hereby affirms this
9 determination for the reasons stated therein.

10 (s) In a letter dated July 3, 2019, the Director of Property for the Real Estate Division
11 made a recommendation on the real property transaction related to the street vacation. This
12 letter is on file with the Clerk of the Board of Supervisors in File No. 190707 and incorporated
13 herein by reference.

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15 Section 2. Street Vacation.

16 (a) The Board of Supervisors hereby vacates the Vacation Area, as shown on SUR
17 Map No. 2019-003, pursuant to California Streets and Highways Code Sections 8300 et seq.
18 and Public Works Code Section 787(a).

19 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
20 or prospective public use, subject to:

21 (1) The reservation of rights for pedestrian access to Assessor’s Parcel Block
22 No. 4285B-001 using Assessor’s Parcel Block No. 4285B-002, which will terminate upon
23 merger of the two parcels; and
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1 (2) The reservation of rights for existing PG&E electrical facilities, which will
2 terminate on the earlier of relocation of the facilities, termination of service to customers
3 through the facilities, or City's acceptance of public right of way in the Vacation Area.

4 (c) The street vacation and reservation of rights for PG&E electric utilities and
5 pedestrian access shall be effective automatically without the requirement for further action.
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7 Section 3. Real Property Transaction; Delegation of Authority.

8 The Board of Supervisors adopts the recommendations of the Director of Property.
9 Notwithstanding the provisions of Administrative Code Chapter 23, the Board of Supervisors
10 approves the City's quitclaim of its interests in the Vacation Area and delegates to the Director
11 of Property, in consultation with the City Attorney's Office, the authority to make nonmaterial
12 changes in, and to finalize and execute, the quitclaim deed(s) on behalf of the City, conveying
13 the Vacation Area to SFHA in accordance with the terms set forth in this ordinance. A copy of
14 the draft quitclaim deed is on file with the Clerk of the Board of Supervisors in File No. 190707
15 and is incorporated herein by reference.
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17 Section 4. Official Acts in Connection with this Ordinance.

18 (a) The Mayor, Clerk of the Board of Supervisors, Director of Property, County
19 Surveyor, and PW Director are hereby authorized and directed to take any and all actions
20 which they or the City Attorney may deem necessary or advisable to effectuate the purpose
21 and intent of this ordinance (including, without limitation, the filing of this ordinance in the
22 Official Records of the City; confirmation of satisfaction of the conditions to the effectiveness
23 of the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of
24 the same, which shall be conclusive as to the satisfaction of the conditions upon signature by
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1 any such City official or the official's designee, and completion and recordation of
2 quitclaim(s)).

3 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.
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5 Section 5. The Clerk of the Board of Supervisors is hereby directed to transmit to the
6 PW Director a certified copy of this ordinance so that the ordinance may be recorded together
7 with any other documents necessary to effectuate the ordinance.
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9 Section 6. This ordinance shall become effective 30 days after enactment. Enactment
10 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
11 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
12 overrides the Mayor's veto of the ordinance.
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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: _____
17 ROBB W. KAPLA
18 Deputy City Attorney

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