

BOARD of SUPERVISORS



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MEMORANDUM

TO: Carla Short, Interim Director, Public Works
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency
Andrico Penick, Director, Real Estate Division
William Blackwell, Acting City and County Surveyor, Office of the City and County Surveyor

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: May 18, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Walton on May 10, 2022:

File No. 220543

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, conditioned upon the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors' approval of the interdepartmental transfer of the vacation area to SFMTA, to facilitate the improvement of the MUNI Metro East maintenance facility; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; 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 furtherance of this Ordinance, as defined herein.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

Board of Supervisors
Land Use and Transportation Committee
Referral
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cc: David Steinberg, Public Works
Bryan Dahl, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
Adrian VerHagen, Office of the City and County Surveyor
Jason Wong, Public Works

1 [Summary Street Vacation - Michigan Street in Connection with MUNI Metro East
2 Improvements - Interdepartmental Property Transfer]

3 **Ordinance ordering the summary street vacation of a portion of Michigan Street,**
4 **generally bounded by Assessor’s Parcel Block No. 4298 to the north and west,**
5 **Assessor’s Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south,**
6 **conditioned upon the San Francisco Municipal Transportation Agency (“SFMTA”)**
7 **Board of Directors’ approval of the interdepartmental transfer of the vacation area to**
8 **SFMTA, to facilitate the improvement of the MUNI Metro East maintenance facility;**
9 **approving the interdepartmental transfer of the vacation area from Public Works to**
10 **SFMTA, subject to the approval of the SFMTA Board of Directors; affirming the**
11 **Planning Department’s determination under the California Environmental Quality Act;**
12 **adopting findings that the actions contemplated in this Ordinance are consistent with**
13 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
14 **authorizing official acts in furtherance of this Ordinance, as defined herein.**

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. Findings.

24 (a) California Streets and Highways Code Sections 8300 et seq. and San Francisco
25 Public Works Code Section 787(a) establish the process for the Board of Supervisors to
vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and

1 8334.5 provide that the legislative body of a local agency may summarily vacate an excess
2 right-of-way of a street, under certain circumstances. The actions contemplated in this
3 ordinance are being taken in accordance with Streets and Highways Code Sections 8300 et
4 seq. and Public Works Code Section 787(a).

5 (b) The location and extent of the area to be vacated is a portion of Michigan Street
6 that is generally bounded by Assessor's Parcel Block No. 4298 to the north and west,
7 Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, as
8 depicted on Department of Public Works ("Public Works") SUR Map No. 2021-006, dated May
9 3, 2021 (the "Vacation Area"). A copy of this map is on file with the Clerk of the Board of
10 Supervisors in File No. _____ and is incorporated herein by reference.

11 (c) The Vacation Area is a paved portion of Michigan Street that terminates in front of
12 the San Francisco Municipal Transportation Agency's ("SFMTA") MUNI Metro East
13 maintenance facility ("MUNI Metro East"). The Vacation Area is not necessary for active
14 street purposes now or in the future as: (1) the Vacation Area has been impassable and has
15 not been maintained using public funds for five consecutive years; (2) all properties that abut
16 the Vacation Area to the west and the north are already part of MUNI Metro East and are
17 intended to be improved along with the Vacation Area after the Vacation Area is transferred
18 from Public Works to SFMTA; (3) the Vacation Area has never been used, and is not useful,
19 as a nonmotorized transportation facility under Streets and Highways Code Sections 892 and
20 8314 as there are other such facilities available in close proximity; (4) MUNI Metro East is
21 served by several roadways, so the Vacation Area is excess right-of-way; (5) there are no in-
22 place functioning public utility facilities in the Vacation Area; and (6) Public Works sent notice
23 of the proposed street vacation to the Department of Technology, SFMTA, the Fire
24 Department, the San Francisco Public Utilities Commission, the San Francisco Planning
25 Department, AT&T, Sprint, Comcast Cable Corp., Point to Point, Inc., XO Communications,

1 Verizon Communications, Inc., CenturyLink/Level Three Communications, Shasta Consulting
2 Group, Inc., ExteNet Systems, Inc., and Pacific Gas and Electric. No City agency, utility
3 company, or other notice recipient objected to the proposed vacation. Based on these
4 factors, the Vacation Area may be summarily vacated in accordance with Streets and
5 Highways Code Sections 8334 and 8334.5.

6 (d) The vacation of the Vacation Area, and the jurisdictional transfer of the Vacation
7 Area from Public Works to SFMTA, would facilitate improvements and upgrades to and the
8 expansion of MUNI Metro East.

9 (e) In Public Works Order No. 205457, the Interim Director of Public Works determined
10 that: (1) the Vacation Area may be summarily vacated based on the factors identified in
11 subsection (c) above and the other findings set forth below; (2) the Vacation Area is
12 unnecessary for the City's present or prospective public street, sidewalk, and service
13 easement purposes; (3) there will be no physical public or private utilities affected by the
14 vacation of the Vacation Area, based on the absence of any objections from any utility
15 company and notice recipient, and the fact that the public interest, convenience, and
16 necessity do not require any easements or other rights be reserved for any public or private
17 utility facilities that may be in place in the Vacation Area; (4) any rights based upon any public
18 or private utility facilities shall be extinguished automatically upon the effectiveness of the
19 vacation; and (5) it is a policy matter for the Board of Supervisors to approve the
20 interdepartmental property transfer of the Vacation Area from Public Works to SFMTA. A
21 copy of this Public Works Order is on file with the Clerk of the Board of Supervisors in File No.
22 _____ and is incorporated herein by reference.

23 (f) In Order No. 205457, pursuant to California Streets and Highways Code Sections
24 892 and 8314, the Interim Director of Public Works also found that the Vacation Area is
25 currently not accessible to or necessary for non-motorized transportation because there are

1 adjacent streets available for such transportation, and because those members of the public
2 availing themselves of non-motorized transportation will not be inconvenienced by the street
3 vacation.

4 (g) The Interim Director of Public Works recommends that the Board of Supervisors
5 adopt as its own the recommendations set forth in Public Works Order No. 205457 concerning
6 the vacation of the Vacation Area and other actions in furtherance thereof. The Board hereby
7 incorporates such recommendations and findings by reference as though fully set forth herein.

8 (h) In a letter dated March 31, 2021, (the "Planning Letter"), the Planning Department
9 determined that the proposed vacation of the Vacation Area and other actions contemplated
10 in this ordinance are consistent with the General Plan and priority policies of Planning Code
11 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
12 No. _____ and is incorporated herein by reference. The Board of Supervisors adopts
13 as its own the findings in the Planning Letter.

14 (i) In the Planning Letter, the Planning Department also determined that the Project is
15 within the scope of the project evaluated under the Third Street Light Rail Project/Central
16 Subway Final Supplemental Environmental Impact Statement/Final Supplemental
17 Environmental Impact Report adopted in August 2008 (Planning Case No. 1996.281E) ("Third
18 Street Light Rail Project/Central Subway FSEIS/FSEIR") pursuant to the California
19 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). A
20 copy of the Third Street Light Rail Project/Central Subway FSEIS/FSEIR is on file with the
21 Clerk of the Board of Supervisors in File No. 210548. The Board of Supervisors further finds
22 that no substantial changes are proposed by the Project or the circumstances under which the
23 Project is undertaken that would cause new significant environmental effects or any increase
24 in the severity of previously identified significant effects. The Board further finds that there is
25 no new information of substantial importance showing that the Project would have any

1 significant effects not discussed in the Third Street Light Rail Project/Central Subway
2 FSEIS/FSEIR, or that significant effects would be substantially more severe, or that new or
3 different mitigation measures or alternatives would substantially reduce one or more
4 significant effects of the Project. Consequently, the Board hereby adopts the Planning
5 Department's environmental findings in the Third Street Light Rail Project/Central Subway
6 FSEIS/FSEIR as its own for purposes of this ordinance.

7

8 Section 2. Summary Street Vacation.

9 (a) The Vacation Area, as shown on SUR Map No. 2021-006, is hereby ordered
10 summarily vacated pursuant to California Street and Highways Code Sections 8300 et seq.,
11 including Sections 8334 and 8334.5, and San Francisco Public Works Code Section 787(a).
12 The vacation of the Vacation Area shall not take effect until: (1) the SFMTA Board of Directors
13 has approved the interdepartmental transfer of the Vacation Area to SFMTA, and (2) Public
14 Works and SFMTA have provided written confirmation that they are prepared to have the
15 Vacation Area transferred into the jurisdiction of SFMTA.

16 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
17 active public street use or prospective public street use.

18 (c) The public interest and convenience require that the vacation be done as declared
19 in this ordinance.

20

21 Section 3. Interdepartmental Property Transfer from Public Works to SFMTA.

22 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
23 Supervisors hereby approves the interdepartmental property transfer of the Vacation Area
24 from Public Works to SFMTA subject to the SFMTA Board of Directors' approval of the
25 transfer, and directs the Director of the Division of Real Estate to modify the City's records

LEGISLATIVE DIGEST

[Summary Street Vacation - Michigan Street in Connection with MUNI Metro East Improvements - Interdepartmental Property Transfer]

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, conditioned upon the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors' approval of the interdepartmental transfer of the vacation area to SFMTA, to facilitate the improvement of the MUNI Metro East maintenance facility; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; 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 furtherance of this Ordinance, as defined herein.

Existing Law

The area to be vacated is a portion of Michigan Street that is generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south ("Vacation Area"). The Vacation Area consists of a paved portion of Michigan Street that terminates in front of the San Francisco Municipal Transportation Agency's ("SFMTA") MUNI Metro East maintenance facility ("MUNI Metro East"). The Vacation Area is currently under the jurisdiction of the Department of Public Works ("Public Works").

Amendments to Current Law

By this ordinance, the Board of Supervisors would make findings and take actions required to vacate the Vacation Area subject to certain conditions. The vacation would not take effect until: (1) the SFMTA Board of Directors has approved the interdepartmental transfer of the Vacation Area to SFMTA, and (2) Public Works and SFMTA have provided written confirmation that they are prepared to have the Vacation Area transferred into the jurisdiction of SFMTA.

Background Information

The vacation of the Vacation Area and the jurisdictional transfer to SFMTA would facilitate improvements and upgrades to and the expansion of MUNI Metro East.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton

Subject:

Summary Street Vacation - Michigan Street in Connection with MUNI Metro East Improvements - Interdepartmental Property Transfer

The text is listed:

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, as part of the improvement of the MUNI Metro East maintenance facility, subject to the approval of the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; 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 furtherance of this Ordinance, as defined herein.

Signature of Sponsoring Supervisor: /s/ Shamann Walton