



San Francisco Public Works
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Public Works Order No: 211010

**CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PUBLIC WORKS**

IMPLEMENTING AND INTERPRETING ORDINANCE NO. 22-19 (SUNNYDALE MASTER VACATION ORDINANCE) REGARDING THE PHASED VACATION OF PORTIONS OF EXISTING STREETS THROUGHOUT THE ENTIRETY OF THE SUNNYDALE HOPE SF PROJECT, WHICH MAY INCLUDE PORTIONS OF STREETS AND EASEMENTS BOTH WITHIN AND IMMEDIATELY OUTSIDE OF THE A PARTICULAR PHASE’S FINAL MAP BOUNDARY LINES.

Background

The streets and easements subject to this order are to be vacated and quitclaimed to the San Francisco Housing Authority to facilitate the Sunnydale HOPE SF project (“Project”). The subject streets and easements include all of the public streets within the Project area, specifically, portions of Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and Santos Street and easements over Assessors Block Nos. 6310, 6311, 6312, 6313, 6314, and 6315 as more particularly shown on Public Works SUR Map No. 2018-002 (“Vacation Area”). A copy of the SUR Map is attached hereto for reference. The intent of these vacations is to support the phased reconstruction and realignment of streets and utilities for the entirety of the Project, which is anticipated to span approximately ten phases.

In the Sunnydale Master Vacation Ordinance, adopted by the Board of Supervisors as Ordinance No. 22-19 (“Ordinance”), the Board of Supervisors vacated the Vacation Area, with conditions on the effectiveness of the vacation that ensure an incremental, phase-by-phase street vacation process throughout the development of the entire Project. In the Ordinance, the Board of Supervisors specified that the vacation would become effective upon recordation of the Final Map for the subject phase of the Project (“Phase Final Map”) and upon satisfaction of certain conditions. The conditions, set forth in Section 2 of the Ordinance, are: 1) Board of Supervisors’ approval of the Phase Final Map, 2) recording of a quitclaim deed to the San Francisco Housing Authority with reserved easements for active utilities, 3) maintaining pedestrian access for streets that remain open, as specified, and 4) that the vacation shall be implemented only as to the street and easement areas shown on the corresponding Phase Final Map. Pursuant to Section 2(d) of the Ordinance, the vacation, “shall be effective automatically and without the requirement for further action, at the time of recording of each corresponding phased Final Map upon satisfaction of the conditions listed above.” Accordingly, the street vacation will only become effective for the portion of the Vacation Area shown on the Phase Final Map.

Pursuant to Section 3 of the Ordinance, the Board of Supervisors delegated authority to the Director of Property, in consultation with the City Attorney’s Office, to make nonmaterial changes to, and to finalize and execute, quitclaim deeds necessary to carry out each phase of the vacation authorized by the Ordinance.

Pursuant to Section 4 of the Ordinance, the Director of Property, County Surveyor, and the Public Works Director, among others, are authorized and directed to take any and all actions which they or the City

Attorney deem necessary or advisable to effectuate the purpose and intent of the Ordinance. They may, for example, confirm the satisfaction of the conditions required to effectuate the vacation.

This Project presents unique mapping and street vacation matters not present in other projects. Over several phases, the Project will realign streets and create new parcels in a more grid-like, rectilinear pattern that will be a significant departure from the existing conditions. To accommodate the unique phasing plan and street realignment required for this Project, certain reconstruction work will occur on street segments that are partially within and partially outside of the Phase Final Map boundary for many, if not all, phases. Once the streets are realigned, certain street and easement areas will be appropriate for vacation, a portion of which will fall outside of the Phase Final Map area.

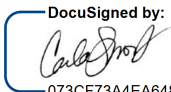
Determination

The Director of Public Works, in consultation with the City Attorney and County Surveyor, has determined that, for any phase of the Project, it may be necessary and appropriate to vacate simultaneously, upon recordation of the Phase Final Map, portions of the Vacation Area that are within the Phase Final Map boundary as well as certain portions of the Vacation Area that are immediately outside of the Phase Final Map boundary. These additional areas outside the Phase Final Map boundary may be vacated along with the adjacent portions of the Vacation Area that are within the Phase Final Map boundary, provided that the areas outside of the Phase Final Map boundary are part of the reconstruction area included in the Street Improvement Permit and authorized under the Public Improvement Agreement associated with the Phase Final Map. The areas to be vacated, including both those within and those immediately outside of the Phase Final Map boundary, will be shown on the Phase Final Map or the informational sheets of the Phase Final Map. Vacating these areas both within and immediately outside of the Phase Final Map boundary is necessary to effectuate the purpose of the Ordinance to vacate streets and easements in phases to facilitate the Project.

In addition, the Director of Public Works, in consultation with the City Attorney and County Surveyor, has determined that, when finalizing the vacation for any phase of the Project associated with the corresponding Phase Final Map as described above, the City may record a quitclaim deed to the San Francisco Housing Authority that reserves therefrom certain temporary rights to allow continuation of one or more street uses or components until adequate alternative public improvements are available based on a determination of the Director of Public Works and affected City departments. The reservation of rights may include, for example, easements for public access, emergency vehicle access, and utilities. Such a reservation of rights is necessary to effectuate the purpose of the Ordinance to vacate streets and easements in phases to facilitate the Project, while reserving access where needed.

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