

1 [Summary Street Vacation for Various Streets - Hunters View Phase 3 Project]

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 3 **Ordinance ordering the summary vacation of streets in the Hunters View project site,**  
 4 **generally bounded by Evans Avenue on the north, Innes Avenue on the south, Hudson**  
 5 **Avenue on the west, and Hunters Point Boulevard on the east, as part of the Hunters**  
 6 **View Phase 3 Project in the Hunters Point neighborhood; authorizing the City to**  
 7 **quitclaim its interest in the vacation areas (Assessor’s Parcel Block No. 4624, Lot Nos.**  
 8 **442 and 443) to the San Francisco Housing Authority notwithstanding the requirements**  
 9 **of Administrative Code, Chapter 23; affirming the Planning Commission’s**  
 10 **determination under the California Environmental Quality Act; adopting findings that**  
 11 **the actions contemplated in this Ordinance are consistent with the General Plan, and**  
 12 **eight priority policies of Planning Code, Section 101.1; and authorizing official acts in**  
 13 **connection with this Ordinance, as defined herein.**

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

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

22 Section 1. Findings.

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

1 (b) The Board of Supervisors finds it appropriate and in the public interest to pursue  
2 the summary street vacations for Wills Street, West Point Road, Hare Street, a portion of  
3 Middle Point Road (Assessor’s Parcel Block No. 4624, Lot 442), and a portion of Ingalls Street  
4 (Assessor’s Parcel Block No. 4624, Lot 443) as part of the Hunters View Phase 3 Project, a  
5 public housing transformation collaborative effort aimed at disrupting intergenerational  
6 poverty, reducing social isolation, and creating vibrant mixed-income communities without  
7 mass displacement of current residents.

8 (c) The location and extent of the area to be vacated (the “Vacation Area”) includes the  
9 abovementioned streets within the Hunters View Phase 3 Project site in the Hunters Point  
10 neighborhood. The Vacation Area is more particularly shown on the Public Works (“PW”)  
11 SUR Map No. 2019-007, dated August 26, 2020. A copy of this map is on file with the Clerk  
12 of the Board of Supervisors in File No. 201184 and is incorporated herein by reference.

13 (d) The City proposes to quitclaim its interest in the Vacation Area to the Housing  
14 Authority of the City and County of San Francisco (“SFHA”) to help facilitate the development  
15 of the Hunters View Phase 3 Project.

16 (e) In PW Order No. 20363, dated September 17, 2020, the PW Acting Director (“PW  
17 Director”) determined and the City Engineer certified that: (1) the Vacation Area is  
18 unnecessary for the City’s present or prospective public street, sidewalk, and service  
19 easement purposes; (2) the public interest, convenience, and necessity do not require any  
20 easements or other rights be reserved for any public or private utility facilities that are in place  
21 in the Vacation Area and that any rights based upon any such public or private utility facilities  
22 not specifically excepted shall be extinguished upon the effectiveness of the vacation; (3) in  
23 accordance with California Streets and Highways Code Sections 892 and 8314, the Vacation  
24 Area is no longer useful as a public street, sidewalk, or nonmotorized transportation facility  
25 because there are other such facilities available in close proximity and the project will provide

1 new streets as alternate routes that serve this purpose; (4) PW obtained the consent from all  
2 property owners adjacent to the Vacation Area agreeing to the street vacation; and (5) it is a  
3 policy matter for the Board of Supervisors to quitclaim the City's interest in the Vacation Area  
4 to SFHA. A copy of this Order is on file with the Clerk of the Board of Supervisors in File No.  
5 201184 and is incorporated herein by reference.

6 (f) In PW Order No. 203623, the PW Director also found that the street vacation  
7 qualifies for a summary street vacation for the following reasons:

8 (1) Under California Streets and Highways Code Section 8330, the street  
9 vacation would not (A) cut off all access to a person's property which, prior to the street  
10 vacation and relocation to new street areas, adjoined the street or (B) terminate a public  
11 service easement.

12 (2) Under California Streets and Highways Code Section 8334(a), the portions  
13 of Middle Point Road and Ingalls Street to be vacated are excess right-of-way of a street not  
14 required for street or highway purposes.

15 (3) Under California Streets and Highways Code Section 8334(b), Wills Street,  
16 West Point Road, and Hare Street are portions of streets that lie within a property under one  
17 ownership and do not continue through such ownership or end touching property of another.

18 (4) Under California Streets and Highways Code Section 8334.5, there are no  
19 in-place public utility facilities that are in use and would be affected by the vacation.

20 (g) The Director of Real Property, in a letter dated August 31, 2020, found that the new  
21 streets that the Hunters View Phase 3 Project will provide to the City are equal to or greater  
22 than the area of streets in the Vacation Area, and therefore, recommends that it is within the  
23 public interest to proceed with a quit claim of the City's interest in the Vacation Area  
24 notwithstanding the requirements of Administrative Code Chapter 23. A copy of the Director  
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1 of Real Property’s letter and a draft quitclaim deed are on file with the Clerk of the Board of  
2 Supervisors in File No. 201184.

3 (h) The proposed street vacation is within the scope of the Final Environmental Impact  
4 Report (“FEIR”) for the Hunters View Project (the “Project”) and an addendum dated January  
5 16, 2020, both prepared pursuant to the California Environmental Quality Act (California  
6 Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission  
7 certified the FEIR on June 12, 2008 by Motion No. 17617. The Planning Commission in by  
8 Motion Nos. 17618 and 17621 adopted findings, as required by CEQA, regarding the  
9 alternatives, mitigation measures, significant environmental effects analyzed in the FEIR, a  
10 statement of overriding considerations for approval of the Project, and a proposed mitigation  
11 monitoring and reporting program. The Planning Commission on February 20, 2020, in  
12 Motion No. 20663, adopted the addendum and additional findings as required under CEQA.  
13 Planning Commission Motion Nos. 17618, 17621, and 20663 are collectively referred to as  
14 the “Planning Commission CEQA Findings.” Copies of these motions are on file with the  
15 Clerk of the Board of Supervisors in File No. 201184 and incorporated herein by reference.

16 (i) As part of its Motion No. 20663, the Planning Commission reviewed the street  
17 vacation and found pursuant to the CEQA Guidelines (California Code of Regulations Title 14,  
18 Sections 15000 et seq.), including Sections 15162 and 15164, that the actions contemplated  
19 herein are consistent with, and within the scope of, the Project analyzed in the FEIR and  
20 addendum, and that (1) no substantial changes are proposed in the Project and no substantial  
21 changes have occurred with respect to the circumstances under which this Project will be  
22 undertaken that would require major revisions to the FEIR due to the involvement of any new  
23 significant environmental effects or a substantial increase in the severity of previously  
24 identified effects and (2) no new information of substantial importance that was not known and  
25 could not have been known with the exercise of reasonable diligence at the time the FEIR

1 was certified as complete shows that the Project will have any new significant effects not  
2 analyzed in the FEIR, or a substantial increase in the severity of any effect previously  
3 examined, or that new mitigation measures or alternatives previously found not to be feasible  
4 would in fact be feasible and would substantially reduce one or more significant effects of the  
5 Project, or that mitigation measures or alternatives which are considerably different from those  
6 analyzed in the FEIR would substantially reduce one or more significant effects on the  
7 environment. The Board of Supervisors adopts the Planning Commission CEQA Findings as  
8 its own.

9 (j) As part of Planning Commission Motion No. 20663, the Planning Commission also  
10 revised the Conditional Use/Large Project Authorization/Downtown Project Authorization for  
11 the Project and found the proposed vacation of the Vacation Area and other actions  
12 contemplated in this ordinance are consistent with the General Plan and priority policies of  
13 Planning Code Section 101.1. For purposes of this legislation, the Board of Supervisors  
14 adopts the Planning Commission General Plan and Planning Code Section 101.1 findings as  
15 its own and incorporates them herein by reference.

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17 Section 2. Summary Street Vacation.

18 (a) The Board of Supervisors adopts the findings of the PW Director as its own,  
19 including the findings that support the summary street vacation that is the subject of this  
20 ordinance.

21 (b) The Board of Supervisors, subject to the conditions described in Section 1 of this  
22 ordinance, finds that the Vacation Area is unnecessary for present or prospective public use.

23 (c) The Board of Supervisors hereby summarily vacates the Vacation Area, as shown  
24 on SUR Map No. 2019-007, pursuant to California Streets and Highways Code Sections 8300  
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1 et seq., in particular Sections 8330, 8334, and 8334.5, and San Francisco Public Works Code  
2 Section 787(a).

3 (d) The public interest and convenience require that the summary street vacation be  
4 done as declared in this ordinance.

5 (e) The summary street vacation shall be effective automatically and without the  
6 requirement for further action.

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8 Section 3. Real Property Transaction; Delegation of Authority.

9 (a) Notwithstanding the requirements of Administrative Code Chapter 23, the Board  
10 approves a quit claim of the City's interest in the Vacation Area (Assessor's Parcel Block No.  
11 4624, Lots 442 and 443) and conveyance of this property to the SFHA.

12 (b) The Board of Supervisors delegates to the Director of Property, in consultation with  
13 the City Attorney's Office, the authority to make nonmaterial changes in, and to finalize and  
14 execute, the quitclaim deed(s) for the Vacation Area on behalf of the City to SFHA in  
15 accordance with the terms set forth in this ordinance.

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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  
25 any such City official or the official's designee, and completion and recordation of quitclaim(s).

1 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.

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

14 By: /s/ John D. Malamut  
15 JOHN D MALAMUT  
16 Deputy City Attorney

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