

1 [Street Vacation for Various Streets - Sunnydale HOPE SF Project]

2

3 **Ordinance ordering the vacation of streets and an certain easements in the Sunnydale**

4 **HOPE SF Project site, generally bounded by Assessor’s Parcel Block No. 6220310 on**

5 **the north, Velasco Avenue and Assessor’s Parcel Block Nos. 6332 and 6331 on the**

6 **south, Assessor’s Parcel Block Nos. 6220 and 6316 on the west, and Hahn Street on**

7 **the east, and including Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and**

8 **Santos Street, as part of the Sunnydale HOPE SF Project; reserving various public**

9 **utility and access easement rights in favor of the City ~~and private property owners~~;**

10 **authorizing the City to quitclaim its interest in the vacation areas to the Housing**

11 **Authority; affirming the Planning Department’s determination under the California**

12 **Environmental Quality Act; adopting findings that the actions contemplated in this**

13 **Ordinance are consistent with the General Plan, and eight priority policies of Planning**

14 **Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as**

15 **defined herein, including transmittal of the Ordinance by the Clerk of the Board of**

16 **Supervisors to the Public Works Director for purposes of recordation of property**

17 **rights.**

18 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

19 **Additions to Codes** are in *single-underline italics Times New Roman font*.

20 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

21 **Board amendment additions** are in double-underlined Arial font.

22 **Board amendment deletions** are in ~~strikethrough Arial font~~.

23 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

25 Section 1. Findings.

1 (a) California Streets and Highways Code Sections 8300 et seq. and San Francisco  
2 Public Works Code Section 787(a) set forth the procedures that the City and County of San  
3 Francisco ("City") follows to vacate public streets and public service easements.

4 (b) On November 2, 2018, the City adopted Resolution No. 360-18 ("Resolution of  
5 Intention"), declaring the City's intention to vacate the following streets and easements within  
6 the Sunnydale HOPE SF Project ~~along with public service easements in the vacated streets~~  
7 ~~or along them:~~ Sunnydale Avenue; Blythdale Avenue; Brookdale Avenue; and Santos  
8 Street; 3-foot wide streetlight easements in Blocks 6310, 6311, 6312, 6313, 6314, and 6315;  
9 a 10-foot wide sewer easement in Block 6311; and a portion of a 30-foot wide sewer  
10 easement in Block 6312. ~~A 10-foot wide sewer easement in Assessor's Parcel Block No.~~  
11 ~~6311 is also intended to be vacated.~~ The Resolution of Intention is on file with the Clerk of the  
12 Board of Supervisors in File No. 180858 and is incorporated herein by reference.

13 (c) The Board of Supervisors finds it appropriate and in the public interest to pursue  
14 the street and easement ~~vacations described above~~ of Sunnydale Avenue, Blythdale Avenue,  
15 ~~Brookdale Avenue, and Santos Street~~ as part of the Sunnydale HOPE SF Project, the nation's  
16 first large-scale public housing transformation collaborative aimed at disrupting  
17 intergenerational poverty, reducing social isolation, and creating vibrant mixed-income  
18 communities without mass displacement of current residents. The streets and easements will  
19 be vacated in phases that correspond to the Final Map Phases of the Sunnydale HOPE SF  
20 Project.

21 (d) The location and extent of the area to be vacated (the "Vacation Area") includes  
22 the entirety of Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, ~~and Santos Street,~~  
23 and easements or portions of easements in Blocks 6310, 6311, 6312, 6313, 6414, and 6315  
24 within the Sunnydale HOPE SF Project site and is more particularly shown on the Public  
25 Works ("PW") SUR Map No. 2018-002, dated ~~August 27, 2018~~ December 19, 2018. A copy of

1 this map is on file with the Clerk of the Board of Supervisors in File No. 180860 and is  
2 incorporated herein by reference.

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

6 (f) When such matter was considered as scheduled by the Board of Supervisors at its  
7 regular meeting on January 29, 20198, the Board heard all persons interested in the vacation  
8 of the Vacation Area.

9 (g) The vacation of the Vacation Area is necessary to fulfill the objectives of the  
10 Sunnydale HOPE SF Project, as enacted in Ordinance No. 18-17, which includes the  
11 abovementioned development plan and related approvals. Ordinance No. 18-17 is on file with  
12 the Clerk of the Board of Supervisors in File No. 161164, and is incorporated herein by  
13 reference.

14 (h) The public interest, convenience, and necessity require that the City reserve from  
15 the proposed vacation of the Vacation Area easements for the benefit of the City to maintain  
16 active utilities. The reserved easements will be extinguished by quitclaim deed upon  
17 acceptance of the replacement facilities or earlier at PW Director's discretion based on  
18 consultation with the affected City departments. Additionally, interim access provisions for  
19 MUNI and emergency vehicles shall be included in the Final Map for any phase in which the  
20 City deems such provisions are necessary.

21 (i) The City proposes to quitclaim its interest in the Vacation Area to the San  
22 Francisco Housing Authority ("SFHA") to help facilitate the development of the Sunnydale  
23 HOPE SF Project. Because many of these streets and easements will remain in use until  
24 specified times, the Vacationed Area shall not be vacated until certain conditions are satisfied,  
25 as follows:

1 (1) Board of Supervisors approval of the Final Map for the corresponding  
2 phase.

3 (~~2~~) Recording of quitclaim deed with reserved ~~Prior to the vacation~~  
4 ~~corresponding of each phased final map, interim access easements shall be approved and~~  
5 ~~maintained for active utilities access, MUNI lines, and emergency vehicles.~~

6 (~~2~~) Within active streets that remain open, pedestrian access shall be  
7 maintained on at least one side where adjacent to an active construction area.

8 (4) The vacation shall be implemented only as to the street and easement areas  
9 that are shown on the approved Final Map for the corresponding phase.

10 ~~(3) PUC Easement. Effectiveness of the vacation is conditioned on the~~  
11 ~~construction, inspection, and determination of completion of the replacement utilities.~~

12 (j) In PW Order No. 188360, dated September 4, 2018, on file with the Clerk of the  
13 Board of Supervisors in File No. 180860, the PW Director determined (1) the Vacation Area is  
14 unnecessary for the City's present or prospective public street, sidewalk, and service  
15 easement purposes; (2) the public interest, convenience, and necessity ~~do not~~ require  
16 reservation of any public utility easements or other rights be reserved for any for public or  
17 private utility facilities that are in place in the Vacation Area, and any rights based upon any  
18 such those public or private utility easements facilities shall be extinguished by quitclaim  
19 deed automatically upon acceptance of replacement facilities by the City or earlier at PW  
20 Director's discretion based on consultation with affected City departments ~~the effectiveness of~~  
21 ~~the vacation subject to the conditions specified in this ordinance;~~ (3) in accordance with  
22 California Streets and Highways Code Sections 892 and 8314, the Vacation Area is no longer  
23 useful as a nonmotorized transportation facility; (4) the consent of all property owners  
24 adjacent to the Vacation Area was obtained; and (5) it is a policy matter for the Board of  
25 Supervisors to quitclaim the City's interest in the Vacation Area to SFHA.

1           (kj) The PW Director also recommends that the effectiveness of each phase of the  
2 street and easement vacation be conditioned on ~~simultaneous~~-recording of the City's  
3 quitclaim deed immediately prior to recording of corresponding Final Map. The Board of  
4 Supervisors adopts as its own the recommendations of the PW Director as set forth in PW  
5 Order No. 188360 concerning the vacation of the Vacation Area and other actions in  
6 furtherance thereof and the Board hereby incorporates such recommendations and findings  
7 by reference as though fully set forth herein.

8           (lk) On July 9, 2015, by Motion No. 19409, the Planning Commission certified the Final  
9 Environmental Impact Report ("FEIR") for the Sunnydale HOPE SF Project (Planning Case  
10 No. 2010.0305E) as accurate, complete, and in compliance with the California Environmental  
11 Quality Act (California Public Resources Code Sections 21000 et seq., "CEQA") and  
12 Administrative Code Chapter 31. Said Motion is on file with the Clerk of the Board of  
13 Supervisors in File No. 161309 and is incorporated herein by reference.

14           (m) On June 16, 2016, the Planning Department issued an Addendum to the FEIR,  
15 that included the addition of Parcel Q to the original Sunnydale HOPE SF Description; the  
16 Planning Department determined that no additional environmental impacts, or impacts of  
17 greater severity would occur, as a result of this addition, and that the analysis and conclusions  
18 from the FEIR remained valid.

19           (n) On November 17, 2016, by Motion No. 19784, the Planning Commission  
20 approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting  
21 Program ("MMRP"), under Case No. 2010.0305ENV, for approval of the Sunnydale HOPE SF  
22 Project; said Motion is on file with the Clerk of the Board of Supervisors in File No. 161309,  
23 and is incorporated herein by reference.

24           (o) On November 17, 2016, by Motion No. 19785, the Planning Commission adopted  
25 findings establishing that the Sunnydale HOPE SF Project is, on balance, consistent with the

1 General Plan, and Planning Code Section 101.1; said Motion is on file with the Clerk of the  
2 Board of Supervisors in File No. 171197, and is incorporated herein by reference.

3 (p) On November 17, 2016, by adopting Resolution Nos. 19786, 19787, 19788, and  
4 19789, the Planning Commission recommended to the Board of Supervisors that the Board  
5 approve General Plan Amendments, Planning Code Text Amendments, Zoning Map  
6 Amendments, and a Development Agreement between the City, SFHA, and Sunnydale  
7 Development Co., LLC, respectively; said Resolutions are on file with the Clerk of the Board  
8 of Supervisors in File No. 161309, and are incorporated herein by reference.

9 (q) In February 2017, the City enacted Ordinance Nos. 20-17, 16-17, 17-17, and 18-  
10 17 (File Nos. 161309, 161162, 161163, and 161164) approving General Plan Amendments,  
11 Planning Code Text Amendments, Zoning Map Amendments, and the Development  
12 Agreement respectively relating to the Sunnydale HOPE SF Project.

13 (r) In a letter dated February 27, 2018 (“Planning Letter”), the Planning Department  
14 determined that the proposed vacation of the Vacation Area and other actions contemplated  
15 in this ordinance are consistent with the General Plan and priority policies of the Planning  
16 Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors  
17 in File No. 180860 and is incorporated herein by reference as though fully set forth herein.  
18 The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

19 (s) Also in the Planning Letter, the Planning Department determined that the actions  
20 contemplated in this ordinance comply with CEQA. The Board hereby affirms this  
21 determination for the reasons stated therein.

22 (t) The Public Utilities Commission approved the easement vacation on January 22,  
23 2019 through Resolution No. 19-0024. A copy of that resolution is contained in Board of  
24 Supervisors File No. 180860, and is incorporated herein by reference.

1 Section 2. Street and Easement Vacation.

2 (a) The Board of Supervisors hereby ~~conditionally~~ vacates the Vacation Area, as  
3 shown on SUR Map No. 2018-002, pursuant to California Streets and Highways Code  
4 Sections 8300 et seq. and Public Works Code Section 787(a), and upon satisfaction of the  
5 following conditions:

6 (1) Board of Supervisors approval of the Final Map for the corresponding  
7 phase.

8 ~~(2) Recording of quitclaim deed with reserved~~ Prior to the vacation  
9 ~~corresponding of each phased final map, interim access easements shall be approved and~~  
10 ~~maintained for active utilities access, MUNI lines, and emergency vehicles.~~

11 ~~(3)~~ Within active streets that remain open, pedestrian access shall be  
12 maintained on at least one side where adjacent to an active construction area.

13 (4) The vacation shall be implemented only as to the street and easement areas  
14 that are shown on the approved Final Map for the corresponding phase.

15 ~~(3) PUC Easement. Effectiveness of the vacation is conditioned on the~~  
16 ~~construction, inspection, and determination of completion of the replacement utilities.~~

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

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

21 (d) The ~~S~~street and easement ~~V~~vacation shall be effective automatically and without  
22 the requirement for further action, ~~for~~ at the time of recording of each corresponding phased  
23 ~~f~~Final mMap ~~as to all of the Vacation Area, upon satisfaction of the conditions listed above.~~

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

1           The Board of Supervisors delegates to the Director of ~~Property~~the Division of Real  
2 ~~Estate~~, in consultation with the City Attorney's Office, the authority to make nonmaterial  
3 changes in, and to finalize and execute, the quitclaim deed(s) for each phase of the vacation  
4 on behalf of the City to SFHA in accordance with the terms set forth in this ordinance. A copy  
5 of the draft quitclaim deed~~termination~~ is on file with the Clerk of the Board of Supervisors in  
6 File No. 180860 and is incorporated herein by reference. The Board of Supervisors also  
7 delegates to the PW Director and Director of Property, in consultation with the City Attorney's  
8 Office, the authority to make nonmaterial changes in, and to finalize and execute, the  
9 quitclaim deed(s) for the easements reserved within the Vacation Area in accordance with the  
10 terms set forth in this ordinance. Director of Property shall cause such quitclaim to be  
11 recorded against the subject property upon satisfaction of conditions above.

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13           Section 4. Official Acts in Connection with this Ordinance.

14           (a) The Mayor, Clerk of the Board of Supervisors, Director of ~~Property~~the Division of  
15 ~~Real Estate~~, County Surveyor, and PW Director are hereby authorized and directed to take  
16 any and all actions which they or the City Attorney may deem necessary or advisable to  
17 effectuate the purpose and intent of this ordinance (including, without limitation, the filing of  
18 this ordinance in the Official Records of the City; confirmation of satisfaction of the conditions  
19 to the effectiveness of the vacation of the Vacation Area hereunder; and execution and  
20 delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the

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1 conditions upon signature by any such City official or the official's designee, and completion  
2 and recordation of quitclaim(s)).

3 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.  
4

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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