

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

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3 **Ordinance ordering the vacation of streets and an easement in the Sunnydale HOPE SF**
 4 **Project site, generally bounded by Assessor's Parcel Block No. 6310 on the north,**
 5 **Velasco Avenue and Assessor's Parcel Block Nos. 6332 and 6331 on the south,**
 6 **Assessor's Parcel Block Nos. 6220 and 6316 on the west, and Hahn Street on the east,**
 7 **and including Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and Santos**
 8 **Street, as part of the Sunnydale HOPE SF Project; reserving various easement rights in**
 9 **favor of the City and private property owners; authorizing the City to quitclaim its**
 10 **interest in the vacation areas to the Housing Authority; affirming the Planning**
 11 **Department's determination under the California Environmental Quality Act; adopting**
 12 **findings that the actions contemplated in this Ordinance are consistent with the**
 13 **General Plan, and eight priority policies of Planning Code, Section 101.1; and**
 14 **authorizing official acts in connection with this Ordinance, as defined herein, including**
 15 **transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public**
 16 **Works Director for purposes of recordation of property.**

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

24 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 _____, 2018, the City adopted Resolution No. _____
5 ("Resolution of Intention"), declaring the City's intention to vacate the following streets 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 Street.
8 A 10-foot wide sewer easement in Assessor's Parcel Block No. 6311 is also intended to be
9 vacated. The Resolution of Intention is on file with the Clerk of the Board of Supervisors in File
10 No. 180858 and is incorporated herein by reference.

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

18 (d) The location and extent of the area to be vacated (the "Vacation Area") includes
19 the entirety of Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and Santos Street
20 within the Sunnydale HOPE SF Project site and is more particularly shown on the Public
21 Works ("PW") SUR Map No. 2018-002, dated August 27, 2018. A copy of this map is on file
22 with the Clerk of the Board of Supervisors in File No. 180860 and is incorporated herein by
23 reference.

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

4 (f) When such matter was considered as scheduled by the Board of Supervisors at its
5 regular meeting on _____, 2018, the Board heard all persons interested in
6 the vacation of the Vacation Area.

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

12 (h) The City proposes to quitclaim its interest in the Vacation Area to the San
13 Francisco Housing Authority ("SFHA") to help facilitate the development of the Sunnydale
14 HOPE SF Project. Because many of these streets and easements will remain in use until
15 specified times, the Vacated Area shall not be vacated until certain conditions are satisfied, as
16 follows:

17 (1) Prior to the vacation of each phase, interim access shall be approved and
18 maintained for active utility access, MUNI lines, and emergency vehicles.

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

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

23 (i) In PW Order No. 188360, dated September 4, 2018, on file with the Clerk of the
24 Board of Supervisors in File No. 180860, the PW Director determined (1) the Vacation Area is
25 unnecessary for the City's present or prospective public street, sidewalk, and service

1 easement purposes; (2) the public interest, convenience, and necessity do not require any
2 easements or other rights be reserved for any public or private utility facilities that are in place
3 in the Vacation Area, and any rights based upon any such public or private utility facilities
4 shall be extinguished automatically upon the effectiveness of the vacation subject to the
5 conditions specified in this ordinance; (3) in accordance with California Streets and Highways
6 Code Sections 892 and 8314, the Vacation Area is no longer useful as a nonmotorized
7 transportation facility; (4) the consent of all property owners adjacent to the Vacation Area
8 was obtained; and (5) it is a policy matter for the Board of Supervisors to quitclaim the City's
9 interest in the Vacation Area to SFHA.

10 (j) The PW Director also recommends that the effectiveness of each phase of the
11 street vacation be conditioned on simultaneous recordation of the City's quitclaim deed. The
12 Board of Supervisors adopts as its own the recommendations of the PW Director as set forth
13 in PW Order No. 188360 concerning the vacation of the Vacation Area and other actions in
14 furtherance thereof and the Board hereby incorporates such recommendations and findings
15 by reference as though fully set forth herein.

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

22 (l) On June 16, 2016, the Planning Department issued an Addendum to the FEIR, that
23 included the addition of Parcel Q to the original Sunnydale HOPE SF Description; the
24 Planning Department determined that no additional environmental impacts, or impacts of
25

1 greater severity would occur, as a result of this addition, and that the analysis and conclusions
2 from the FEIR remained valid.

3 (m) On November 17, 2016, by Motion No. 19784, the Planning Commission approved
4 CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program
5 (“MMRP”), under Case No. 2010.0305ENV, for approval of the Sunnydale HOPE SF Project;
6 said Motion is on file with the Clerk of the Board of Supervisors in File No. 161309, and is
7 incorporated herein by reference.

8 (n) On November 17, 2016, by Motion No. 19785, the Planning Commission adopted
9 findings establishing that the Sunnydale HOPE SF Project is, on balance, consistent with the
10 General Plan, and Planning Code Section 101.1; said Motion is on file with the Clerk of the
11 Board of Supervisors in File No. 171197, and is incorporated herein by reference.

12 (o) On November 17, 2016, by adopting Resolution Nos. 19786, 19787, 19788, and
13 19789, the Planning Commission recommended to the Board of Supervisors that the Board
14 approve General Plan Amendments, Planning Code Text Amendments, Zoning Map
15 Amendments, and a Development Agreement between the City, SFHA, and Sunnydale
16 Development Co., LLC, respectively; said Resolutions are on file with the Clerk of the Board
17 of Supervisors in File No. 161309, and are incorporated herein by reference.

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

22 (q) In a letter dated February 27, 2018 (“Planning Letter”), the Planning Department
23 determined that the proposed vacation of the Vacation Area and other actions contemplated
24 in this ordinance are consistent with the General Plan and priority policies of the Planning
25 Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors

1 in File No. 180860 and is incorporated herein by reference as though fully set forth herein.
2 The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

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

6
7 Section 2. Vacation.

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

12 (1) Prior to the vacation of each phase, interim access shall be approved and
13 maintained for active utility access, MUNI lines, and emergency vehicles.

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

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

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

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

22 (d) The Street Vacation shall be effective automatically and without the requirement for
23 further action, as to all of the Vacation Area, upon satisfaction of the conditions listed above.

24
25 Section 3. Real Property Transaction; Delegation of Authority.

1 The Board of Supervisors delegates to the Director of the Division of Real Estate, in
2 consultation with the City Attorney's Office, the authority to make nonmaterial changes in, and
3 to finalize and execute, the quitclaim deed(s) for each phase of the vacation on behalf of the
4 City to SFHA in accordance with the terms set forth in this ordinance. A copy of the draft
5 quitclaim determination is on file with the Clerk of the Board of Supervisors in File No. 180860
6 and is incorporated herein by reference.

7
8 Section 4. Official Acts in Connection with this Ordinance.

9 (a) The Mayor, Clerk of the Board of Supervisors, Director of the Division of Real
10 Estate, County Surveyor, and PW Director are hereby authorized and directed to take any and
11 all actions which they or the City Attorney may deem necessary or advisable to effectuate the
12 purpose and intent of this ordinance (including, without limitation, the filing of this ordinance in
13 the Official Records of the City; confirmation of satisfaction of the conditions to the
14 effectiveness of the vacation of the Vacation Area hereunder; and execution and delivery of
15 any evidence of the same, which shall be conclusive as to the satisfaction of the conditions
16 upon signature by any such City official or the official's designee, and completion and
17 recordation of quitclaim(s)).

18 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.
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20 Section 5. The Clerk of the Board of Supervisors is hereby directed to transmit to the
21 PW Director a certified copy of this ordinance so that the ordinance may be recorded together
22 with any other documents necessary to effectuate the ordinance.
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24 Section 6. This ordinance shall become effective 30 days after enactment. Enactment
25 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or

1 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
2 overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 ROBB W. KAPLA
8 Deputy City Attorney

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