

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0024

WHEREAS, The Sunnydale HOPE SF Project (Project) is a public purpose, master-planned revitalization of the Sunnydale-Velasco public housing site into a new mixed-income housing development with affordable and market rate housing, community and retail spaces, and new infrastructure, including streets, utilities, and open spaces; and

WHEREAS, The 50-acre Project site is located in Visitacion Valley bounded generally by Assessor's Parcel Block No. 6220 on the north, Velasco Avenue and Assessor's Parcel Block Nos. 6332 and 6331 on the south, Assessor's Parcel Block Nos. 6220 and 6316 on the west, and Hahn Street on the east, and including Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and Santos Street (Project Site); and

WHEREAS, The Project Site and buildings located thereon are owned and operated by the San Francisco Housing Authority (SFHA) and contain 775 units of public housing; and

WHEREAS, The City and County of San Francisco (City), through the San Francisco Public Utilities Commission (SFPUC), owns easements that encumber real property in the Project Site, including three-foot wide streetlight easements in Blocks 6310, 6311, 6312, 6313, 6314, and 6315; a 10-foot wide sewer easement in Block 6311; and a portion of a 30-foot wide sewer easement in Block 6312 (together, the Easements); and

WHEREAS, The City is vacating and quitclaiming to SFHA streets within the Project Site and will reserve interim public utility easements for active facilities; and

WHEREAS, In 2016, the City, the SFHA and Sunnydale Development Co., LLC (Developer), entered into a Development Agreement (DA), to which the SFPUC consented by Resolution No. 16-0262. In consenting to the DA, the SFPUC agreed to the City's acceptance of the dedication of new infrastructure within public streets and easements serving the Project and constructed in accordance with the DA (Replacement Infrastructure), as well as the termination of the City's interests in the Easements; and

WHEREAS, The Project has requested that the City terminate the SFPUC's interest in the Easements in phases corresponding to the development, and convey all of City's right, title, and interest in the Easements to the SFHA so the Project may proceed with construction; and

WHEREAS, SFPUC staff has reviewed the SFPUC facilities within the Easements and determined that the Easements are comprised of SFPUC facilities that will be replaced by new SFPUC facilities (Replacement Infrastructure) of equal or greater value in the newly constructed public right-of-way and easements; and

WHEREAS, The SFPUC will have no further use for such SFPUC facilities in the Easements and interim reserved public utility easements once the Replacement Infrastructure is built; and

WHEREAS, The SFPUC has determined that vacation of the SFPUC's interests in the Easements is within the scope of the FSEIR, and that these documents are adequate for the SFPUC's use in authorizing the General Manager to negotiate and execute Quitclaim Deeds. The FSEIR and other materials that are part of the record of this approval are available for public review at the offices of the Planning Department, 1650 Mission Street, 4th, suite 400, San Francisco, CA; and

WHEREAS, California Streets and Highways Code Section 8300 *et seq.* and San Francisco Public Works Code Section 787(a) set forth the procedures that the City follows to vacate public service easements. In accordance with the prescribed procedures, the San Francisco Board of Supervisors will consider authorization of an ordinance providing for the conditional vacation of the Easements; and

WHEREAS, The Project will be developed in phases, with each phase subject to a final map, and termination of the SFPUC's interest in the Easements will only occur following Board of Supervisors approval of a final map for the corresponding phase; and

WHEREAS, The City, acting through the Planning Department, fulfilled the procedural requirements of the California Environmental Quality Act (CEQA; Cal. Pub. Res. Code Section 21000 *et seq.*) and the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*). An Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was prepared for the SF Hope Sunnydale Project (Planning Department Case No. 2010.0305E) and a Final EIR/EIS (FEIR/EIS) was certified by the Planning Commission on July 9, 2015 by Motion No. M-19409; and

WHEREAS, On November 11, 2016, the Planning Commission adopted the CEQA findings, including a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program (MMRP) and approved the Project by Motion No. M-19784; and

WHEREAS, On December 13, 2016, this Commission, by Resolution No. 16-0262, consented to the DA between the City, the SFHA and Sunnydale Development Co., LLC as it relates to matters under the SFPUC's jurisdiction, and adopted findings, pursuant to the California Environmental Quality Act (CEQA), including a statement of overriding considerations and a Mitigation and Monitoring and Reporting Program (MMRP). The proposed easement vacations are within the scope of the project considered in the Final EIR; and

WHEREAS, There have been no substantial changes to the project since approval, or changes in circumstance that would result in new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FSEIR; now, therefore, be it

RESOLVED, That this Commission hereby finds that, upon meeting the relevant conditions set forth in California Streets and Highways Code Section 8300 *et seq.* and San Francisco Public Works Code Section 787(a), the Easements and interim reserved public utility easements are conditionally surplus and unnecessary for any prospective SFPUC utility uses, as provided by the DA; and be it

FURTHER RESOLVED, That this Commission hereby finds that the Easements will be surplus to the SFPUC's utility needs and vacated on the General Manager's determination that either (1) the Easement facilities have been replaced with the Replacement Infrastructure, or (2) the City is reserving sufficient interim rights for the Easement facilities that will terminate on acceptance of the Replacement Infrastructure or earlier, at the Public Works Director's discretion and after consultation with the SFPUC General Manager; and be it

FURTHER RESOLVED, That this Commission hereby finds that the reserved interim public utility easements will be surplus to the SFPUC's utility needs and may be terminated on acceptance of the Replacement Infrastructure or earlier, at the Public Works Director's discretion and after consultation with the SFPUC General Manager; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager of the SFPUC and/or City's Director of Property to negotiate the terms of the Easement quitclaim deeds; and be it

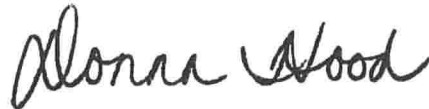
FURTHER RESOLVED, That this Commission hereby ratifies, approves and authorizes all actions heretofore taken by any City official in connection with the Easement vacation; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Property to enter into any amendments or modifications to the Easement quitclaim deeds, including without limitation, the exhibits, that the General Manager or Director of Property determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Easement quitclaim deeds or this resolution; and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That, upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the SFPUC General Manager to execute and deliver the quitclaim deeds conveying the SFPUC's interests in the Easements to the SFHA; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the General Manager of the SFPUC to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of January 22, 2019.



Secretary, Public Utilities Commission