

1 [Hunters View Phase 1 - Accepting Acacia Avenue, Catalina Street, and Portions of Fairfax Avenue, Ironwood Way, and Middle Point Road]

2
3 **Ordinance accepting an irrevocable offer of public infrastructure and real property**
4 **associated with Hunters View Phase 1 public infrastructure improvements, including**
5 **Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and**
6 **Middle Point Road (“HV1 Public Infrastructure”); declaring City property and additional**
7 **property as shown on official Public Works maps as open public right-of-way;**
8 **dedicating the HV1 Public Infrastructure to public use; designating such public**
9 **infrastructure for street and roadway purposes; establishing official public right-of-way**
10 **widths and street grades; amending Ordinance No. 1061 entitled “Regulating the Width**
11 **of Sidewalks” to establish official sidewalk width on the abovementioned street areas;**
12 **accepting the HV1 Public Infrastructure for City maintenance and liability purposes,**
13 **subject to specified limitations; adopting findings under the California Environmental**
14 **Quality Act; making findings of consistency with the General Plan, and the eight**
15 **priority policies of Planning Code, Section 101.1; accepting a Public Works Order**
16 **recommending various actions in regard to the public infrastructure improvements;**
17 **and authorizing official acts in connection with this Ordinance, as defined herein.**

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
24 subsections or parts of tables.

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

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1 Section 1. Background and Findings.

2 (a) This legislation is related to the development of the Hunters View HOPE Project, a
3 public housing transformation collaborative effort aimed at disrupting intergenerational
4 poverty, reducing social isolation, and creating vibrant mixed-income communities without
5 mass displacement of current residents (the “Project”).

6 (b) The proposed acceptance of the public infrastructure improvements is within the
7 scope of the Final Environmental Impact Report (“FEIR”) for the Hunters View Project (the
8 “Project”) and an addendum dated January 16, 2020, both prepared pursuant to the California
9 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.)
10 (“CEQA”). The Planning Commission certified the FEIR on June 12, 2008 by Motion No.
11 17617. The Planning Commission in Motion Nos. 17618 and 17621 adopted findings, as
12 required by CEQA, regarding the alternatives, mitigation measures, significant environmental
13 effects analyzed in the FEIR, a statement of overriding considerations for approval of the
14 Project, and a proposed mitigation monitoring and reporting program. The Planning
15 Commission on February 20, 2020, in Motion No. 20663, adopted the addendum and
16 additional findings as required under CEQA. Planning Commission Motion Nos. 17618,
17 17621, and 20663 are collectively referred to as the “Planning Commission CEQA Findings.”
18 Copies of these motions are on file with the Clerk of the Board of Supervisors in File No.
19 210596 and incorporated herein by reference.

20 (c) The Board of Supervisors further finds that pursuant to the CEQA Guidelines
21 (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162
22 and 15164, that the actions contemplated herein are consistent with, and within the scope of,
23 the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are
24 proposed in the Project and no substantial changes have occurred with respect to the
25 circumstances under which this Project will be undertaken that would require major revisions

1 to the FEIR due to the involvement of any new significant environmental effects or a
2 substantial increase in the severity of previously identified effects and (2) no new information
3 of substantial importance that was not known and could not have been known with the
4 exercise of reasonable diligence at the time the FEIR was certified as complete shows that
5 the Project will have any new significant effects not analyzed in the FEIR, or a substantial
6 increase in the severity of any effect previously examined, or that new mitigation measures or
7 alternatives previously found not to be feasible would in fact be feasible and would
8 substantially reduce one or more significant effects of the Project, or that mitigation measures
9 or alternatives which are considerably different from those analyzed in the FEIR would
10 substantially reduce one or more significant effects on the environment. The Board of
11 Supervisors adopts the Planning Commission CEQA Findings as its own.

12 (d) In a letter dated December 10, 2008, the City Planning Department found that the
13 acceptance of the public infrastructure and real property associated with Hunters View Phase
14 1, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way,
15 and Middle Point Road (“HV1 Public Infrastructure”) and other actions set forth in this
16 ordinance are, on balance, in conformance with the General Plan and the eight priority
17 policies of Planning Code Section 101.1. For purposes of this legislation, the Board of
18 Supervisors adopts the Planning Commission General Plan and Planning Code Section 101.1
19 findings as its own and incorporates them herein by reference. A copy of the Planning
20 Department letter is on file with the Clerk of the Board of Supervisors in File No. 210596.

21 (e) In Public Works (“PW”) Order No. 204824, dated May 6, 2021, including Map A-17-
22 182, dated May 6, 2021, and Drawing Q-20-1085, dated May 24, 2021, the City Engineer
23 certified and the Acting Public Works Director (the “PW Director”) recommended that: (1) HV
24 PARTNERS 1, LP, a California limited partnership (“HV PARTNERS 1”) and the HOUSING
25 AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body corporate

1 and politic (“SFHA”), have irrevocably offered the HV1 Public Infrastructure and real property,
2 respectively, to the City and County of San Francisco (“City”) as set forth in the HV
3 PARTNERS 1 Irrevocable Offer of such HV1 Public Infrastructure, dated September 27, 2016,
4 and SFHA’s Offer of Dedication (for the real property) dated January 13, 2011, and recorded
5 on February 15, 2011, as Document No. 2011-J135661 (collectively, “HV PARTNERS 1
6 Offer”); (2) Public Works inspected the HV1 Public Infrastructure and determined it to be
7 complete as of May 9, 2017; (3) the HV1 Public Infrastructure has been constructed in
8 accordance with the Plans and Specifications and all City codes, regulations, and standards
9 governing the HV1 Public Infrastructure; and (4) this HV1 Public Infrastructure is ready for its
10 intended use.

11 (f) The PW Director and City Engineer also recommended to the Board of Supervisors
12 that it declare the HV1 Public Infrastructure and associated property as shown on official
13 Public Works maps as open public right-of-way; dedicate the HV1 Public Infrastructure to
14 public use; designate such public infrastructure for street and roadway purposes; and accept it
15 for City maintenance and liability purposes. The PW Director and City Engineer
16 recommended that acceptance of the HV1 Public Infrastructure for maintenance and liability
17 purposes be subject to the following conditions: (1) the portions of streets being accepted for
18 street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified
19 otherwise or as shown on the Plans and Specifications for the HV1 Public Infrastructure; (2)
20 acceptance of the HV1 Public Infrastructure for City maintenance and liability purposes is from
21 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
22 responsibility of the adjacent property owners in accordance with the Public Works Code; (3)
23 encroachments that are permitted, not permitted, or both, are excluded from acceptance; (4)
24 the acceptance of the streets does not obviate, amend, alter, or in any way affect existing
25 maintenance agreements between the City and parties to such agreements; (5) HV

1 PARTNERS 1 conditional assignment of all warranties and guaranties to the City related to
2 the construction of the HV1 Public Infrastructure and its warranty obligations under Street
3 Improvement Permit No. 11IE-0336, and (6) the acceptance shall be expressly conditioned on
4 the Project applicant obtaining an encroachment permit or other authorization from the City to
5 maintain encroachments in the public right-of-way that are the applicant's responsibility.
6 Copies of the PW Order and HV PARTNERS 1 Offer, including a grant deed for real property,
7 the PW Map A-17-182 and Drawing Q-20-1085 are on file with the Clerk of the Board of
8 Supervisors in File No. 210596 and are incorporated herein by reference.

9 (g) In Public Works Order No. 204824, the PW Director and City Engineer also
10 recommended establishment of public right-of-way widths, sidewalk widths, and street grades
11 on Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and
12 Middle Point Road in accordance with Map A-17-182 and Drawing Q-20-1085 in addition to
13 amending Board of Supervisors' Ordinance No. 1061 on sidewalk widths.

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15 Section 2. Adoptions and Approvals.

16 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
17 Plan and Planning Code Section 101.1 consistency findings in the Planning Department
18 Letter, as referenced in Section 1(b)-(d) of this ordinance, in connection with the acceptance
19 of the HV1 Public Infrastructure and other actions specified in this ordinance.

20 (b) The Board of Supervisors has reviewed and approves PW Order No. 204824,
21 including the City Engineer's certification and PW Director's recommendation, as referenced
22 in Section 1(e)-(g) of this ordinance, concerning the acceptance of the HV PARTNERS 1
23 Offer, HV1 Public Infrastructure, and other actions set forth in the Public Works Order.

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1 Section 3. Acceptance of Public Infrastructure and Assumption of Maintenance and
2 Liability Responsibilities.

3 (a) Pursuant to California Streets and Highways Code Section 1806 and San
4 Francisco Administrative Code Sections 1.51 et seq., and Public Works Order No. 204824,
5 the Board of Supervisors hereby accepts the HV PARTNERS 1 Offer and dedicates the HV1
6 Public Infrastructure for public use.

7 (b) The HV PARTNERS 1 Offer also included real property for right-of-way purposes
8 underlying Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way,
9 and Middle Point Road, which is evidenced by a grant deed from SFHA for this property. The
10 Board of Supervisors hereby accepts the grant deed and authorizes the Director of Real
11 Property to execute and record said deed.

12 (c) The Board of Supervisors hereby approves PW Map A-17-182, declares the areas
13 shown hatched on said Map A-17-182 as open public right-of-way, and designates these
14 areas for street and roadway purposes.

15 (d) The Board of Supervisors hereby accepts the HV1 Public Infrastructure for City
16 maintenance and liability purposes, subject to the conditions listed in subsections (e) and (f),
17 below.

18 (e) The HV1 Public Infrastructure accepted pursuant to subsections (a)-(d), above, is
19 subject to the following conditions: (1) the portions of streets being accepted for street and
20 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified
21 otherwise or as shown on the Plans and Specifications for the HV1 Public Infrastructure; (2)
22 acceptance of the HV1 Public Infrastructure for City maintenance and liability purposes is from
23 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
24 responsibility of adjacent property owners in accordance with the Public Works Code; (3)
25 encroachments that are permitted, not permitted, or both, are excluded from acceptance; (4)

1 the acceptance of the streets does not obviate, amend, alter, or in any way affect existing
2 maintenance agreements between the City and parties to such agreements; and (5) the
3 acceptance is expressly conditioned on the Project applicant obtaining an encroachment
4 permit or other authorization from the City to maintain encroachments in the public right-of-
5 way that are the applicant's responsibility.

6 (f) The Board of Supervisors hereby acknowledges HV PARTNERS 1 conditional
7 assignment of all warranties and guaranties to the City related to the construction of the HV1
8 Public Infrastructure and that its acceptance of this HV1 Public Infrastructure is subject to HV
9 PARTNERS 1 warranty obligations under Street Improvement Permit No. 11IE-0336.

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11 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street
12 Grades.

13 (a) In accordance with PW Order No. 204824, the Board of Supervisors hereby
14 establishes the official public right-of-way widths for Acacia Avenue, Catalina Street, and
15 portions of Fairfax Avenue, Ironwood Way, and Middle Point Road as shown on PW Map A-
16 17-182.

17 (b) In accordance with PW Order No. 204824, Board of Supervisors Ordinance No.
18 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board
19 of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by
20 adding thereto a new section to read as follows:

21 Section 1621. The width of sidewalks on Acacia Avenue, Catalina Street, and portions of
22 Fairfax Avenue, Ironwood Way, and Middle Point Road shall be modified as shown on the Public
23 Works Drawing Q-20-1085, dated May 24, 2021.

24 (c) The sidewalk widths established pursuant to subsection (b), above, for Acacia
25 Avenue, Catalina Street, and those portions of Fairfax Avenue, Ironwood Way, and Middle

1 Point Road do not obviate, amend, alter, or in any other way affect the maintenance
2 obligations of the adjacent property owners as set forth in the Public Works Code.

3 (d) Notwithstanding California Streets and Highways Code Sections 800 et seq., the
4 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
5 seq., chooses to follow its own procedures for the establishment of street grades. The Board
6 of Supervisors hereby establishes the street grades for Acacia Avenue, Catalina Street, and
7 those portions of Fairfax Avenue, Ironwood Way, and Middle Point Road as set forth in the
8 PW Drawing Q-20-1085.

9 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public
10 Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

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12 Section 5. Authorization for Implementation. The Mayor, Clerk of the Board of
13 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to
14 take any and all actions which they or the City Attorney may deem necessary or advisable in
15 order to effectuate the purpose and intent of this ordinance, including, but not limited to, the
16 filing of the ordinance and the PW Map A-17-182 and Drawing Q-20-1085 in the Official
17 Records of the City and County of San Francisco.

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1 Section 6. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

7 By: /s/ John D. Malamut
8 JOHN D. MALAMUT
9 Deputy City Attorney

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