

RECORDING REQUESTED BY:

Board of Supervisors of the City and County
of San Francisco

WHEN RECORDED MAIL TO:

Office of the Clerk of the Board of
Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Attn: Angela Calvillo, Clerk of the Board

(Space above this line reserved for Recorder's Use)

TITLE(S)

File No. 220543 - Ordinance No. 165-22

**Summary Street Vacation - Michigan Street in Connection with MUNI Metro East
Improvements - Interdepartmental Property Transfer**

(Recordation not subject to fee pursuant to Administrative Code, Section 23.19(b))


(Separate page pursuant to Government Code, Section 27361.6)

BOARD of SUPERVISORS



City Hall
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San Francisco, CA 94102-4689
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MEMORANDUM

Date: September 22, 2022
To: Joaquín Torres, Assessor-Recorder, Office of the Assessor-Recorder
From:  Angela Calvillo, Clerk of the Board, Office of the Clerk of the Board
Subject: Summary Street Vacation - Michigan Street in Connection with MUNI
Metro East Improvements - Interdepartmental Property Transfer
(File No. 220543)

On July 26, 2022, the Board of Supervisors finally passed Ordinance No. 165-22, sponsored by Supervisor Walton and approved by Mayor London N. Breed on July 28, 2022.

A copy of the Ordinance is being forwarded to you, pursuant to Ordinance No. 165-22.

If you have any questions or concerns, please contact Erica Major, Assistant Clerk, at (415) 554-4441 or by email at: Erica.Major@sfgov.org.

c: Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

EM:

[Summary Street Vacation - Michigan Street in Connection with MUNI Metro East Improvements - Interdepartmental Property Transfer]

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, conditioned upon the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors' approval of the interdepartmental transfer of the vacation area to SFMTA, to facilitate the improvement of the MUNI Metro East maintenance facility; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein.

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

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

Section 1. Findings.

(a) California Streets and Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a) establish the process for the Board of Supervisors to vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and

1 8334.5 provide that the legislative body of a local agency may summarily vacate an excess
2 right-of-way of a street, under certain circumstances. The actions contemplated in this
3 ordinance are being taken in accordance with Streets and Highways Code Sections 8300 et
4 seq. and Public Works Code Section 787(a).

5 (b) The location and extent of the area to be vacated is a portion of Michigan Street
6 that is generally bounded by Assessor's Parcel Block No. 4298 to the north and west,
7 Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, as
8 depicted on Department of Public Works ("Public Works") SUR Map No. 2021-006, dated May
9 3, 2021 (the "Vacation Area"). A copy of this map is on file with the Clerk of the Board of
10 Supervisors in File No. 220543 and is incorporated herein by reference.

11 (c) The Vacation Area is a paved portion of Michigan Street that terminates in front of
12 the San Francisco Municipal Transportation Agency's ("SFMTA") MUNI Metro East
13 maintenance facility ("MUNI Metro East"). The Vacation Area is not necessary for active
14 street purposes now or in the future as: (1) the Vacation Area has been impassable and has
15 not been maintained using public funds for five consecutive years; (2) all properties that abut
16 the Vacation Area to the west and the north are already part of MUNI Metro East and are
17 intended to be improved along with the Vacation Area after the Vacation Area is transferred
18 from Public Works to SFMTA; (3) the Vacation Area has never been used, and is not useful,
19 as a nonmotorized transportation facility under Streets and Highways Code Sections 892 and
20 8314 as there are other such facilities available in close proximity; (4) MUNI Metro East is
21 served by several roadways, so the Vacation Area is excess right-of-way; (5) there are no in-
22 place functioning public utility facilities in the Vacation Area; and (6) Public Works sent notice
23 of the proposed street vacation to the Department of Technology, SFMTA, the Fire
24 Department, the San Francisco Public Utilities Commission, the San Francisco Planning
25 Department, AT&T, Sprint, Comcast Cable Corp., Point to Point, Inc., XO Communications,

1 Verizon Communications, Inc., CenturyLink/Level Three Communications, Shasta Consulting
2 Group, Inc., ExteNet Systems, Inc., and Pacific Gas and Electric. No City agency, utility
3 company, or other notice recipient objected to the proposed vacation. Based on these
4 factors, the Vacation Area may be summarily vacated in accordance with Streets and
5 Highways Code Sections 8334 and 8334.5.

6 (d) The vacation of the Vacation Area, and the jurisdictional transfer of the Vacation
7 Area from Public Works to SFMTA, would facilitate improvements and upgrades to and the
8 expansion of MUNI Metro East.

9 (e) In Public Works Order No. 205457, the Interim Director of Public Works determined
10 that: (1) the Vacation Area may be summarily vacated based on the factors identified in
11 subsection (c) above and the other findings set forth below; (2) the Vacation Area is
12 unnecessary for the City's present or prospective public street, sidewalk, and service
13 easement purposes; (3) there will be no physical public or private utilities affected by the
14 vacation of the Vacation Area, based on the absence of any objections from any utility
15 company and notice recipient, and the fact that the public interest, convenience, and
16 necessity do not require any easements or other rights be reserved for any public or private
17 utility facilities that may be in place in the Vacation Area; (4) any rights based upon any public
18 or private utility facilities shall be extinguished automatically upon the effectiveness of the
19 vacation; and (5) it is a policy matter for the Board of Supervisors to approve the
20 interdepartmental property transfer of the Vacation Area from Public Works to SFMTA. A
21 copy of this Public Works Order is on file with the Clerk of the Board of Supervisors in File No.
22 220543 and is incorporated herein by reference.

23 (f) In Order No. 205457, pursuant to California Streets and Highways Code Sections
24 892 and 8314, the Interim Director of Public Works also found that the Vacation Area is
25 currently not accessible to or necessary for non-motorized transportation because there are

1 adjacent streets available for such transportation, and because those members of the public
2 availing themselves of non-motorized transportation will not be inconvenienced by the street
3 vacation.

4 (g) The Interim Director of Public Works recommends that the Board of Supervisors
5 adopt as its own the recommendations set forth in Public Works Order No. 205457 concerning
6 the vacation of the Vacation Area and other actions in furtherance thereof. The Board hereby
7 incorporates such recommendations and findings by reference as though fully set forth herein.

8 (h) In a letter dated March 31, 2021, (the "Planning Letter"), the Planning Department
9 determined that the proposed vacation of the Vacation Area and other actions contemplated
10 in this ordinance are consistent with the General Plan and priority policies of Planning Code
11 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
12 No. 220543 and is incorporated herein by reference. The Board of Supervisors adopts as its
13 own the findings in the Planning Letter.

14 (i) In the Planning Letter, the Planning Department also determined that the Project is
15 within the scope of the project evaluated under the Third Street Light Rail Project/Central
16 Subway Final Supplemental Environmental Impact Statement/Final Supplemental
17 Environmental Impact Report adopted in August 2008 (Planning Case No. 1996.281E) ("Third
18 Street Light Rail Project/Central Subway FSEIS/FSEIR") pursuant to the California
19 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). A
20 copy of the Third Street Light Rail Project/Central Subway FSEIS/FSEIR is on file with the
21 Clerk of the Board of Supervisors in File No. 210548. The Board of Supervisors further finds
22 that no substantial changes are proposed by the Project or the circumstances under which the
23 Project is undertaken that would cause new significant environmental effects or any increase
24 in the severity of previously identified significant effects. The Board further finds that there is
25 no new information of substantial importance showing that the Project would have any

1 significant effects not discussed in the Third Street Light Rail Project/Central Subway
2 FSEIS/FSEIR, or that significant effects would be substantially more severe, or that new or
3 different mitigation measures or alternatives would substantially reduce one or more
4 significant effects of the Project. Consequently, the Board hereby adopts the Planning
5 Department's environmental findings in the Third Street Light Rail Project/Central Subway
6 FSEIS/FSEIR as its own for purposes of this ordinance.
7

8 Section 2. Summary Street Vacation.

9 (a) The Vacation Area, as shown on SUR Map No. 2021-006, is hereby ordered
10 summarily vacated pursuant to California Street and Highways Code Sections 8300 et seq.,
11 including Sections 8334 and 8334.5, and San Francisco Public Works Code Section 787(a).
12 The vacation of the Vacation Area shall not take effect until: (1) the SFMTA Board of Directors
13 has approved the interdepartmental transfer of the Vacation Area to SFMTA, and (2) Public
14 Works and SFMTA have provided written confirmation that they are prepared to have the
15 Vacation Area transferred into the jurisdiction of SFMTA.

16 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
17 active public street use or prospective public street use.

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

21 Section 3. Interdepartmental Property Transfer from Public Works to SFMTA.

22 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
23 Supervisors hereby approves the interdepartmental property transfer of the Vacation Area
24 from Public Works to SFMTA subject to the SFMTA Board of Directors' approval of the
25 transfer, and directs the Director of the Division of Real Estate to modify the City's records

concerning City property ownership and jurisdiction accordingly. Until such transfer occurs, the Vacation Area shall remain under the jurisdiction of Public Works.

Section 4. Official Acts in Connection with this Ordinance.

(a) The Mayor, Clerk of the Board of Supervisors, Interim Director of Public Works, Acting City and County Surveyor, and the Director of the Division of Real Estate are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of this ordinance (including, without limitation, the filing of this ordinance in the Official Records of the City and County of San Francisco and modification of the City's property ownership designation in accordance with the interdepartmental property transfer).

(b) Immediately upon the effective date of this ordinance, this ordinance shall be recorded.

Section 5. Effective Date.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
Christopher Tom
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220543

Date Passed: July 26, 2022

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, conditioned upon the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors' approval of the interdepartmental transfer of the vacation area to SFMTA, to facilitate the improvement of the MUNI Metro East maintenance facility; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein.

July 11, 2022 Land Use and Transportation Committee - RECOMMENDED

July 19, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 26, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220543

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/26/2022 by the Board of Supervisors of
the City and County of San Francisco.



London N. Breed
Mayor



Angela Calvillo
Clerk of the Board

7/28/22

Date Approved