

1 [Street Vacation Order - McCoppin Hub City Plaza Project - McCoppin Street]

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3 **Ordinance vacating a portion of McCoppin Street west of Valencia Street that is**
4 **generally bounded by Highway 101 to the west, Valencia Street to the east, Assessor's**
5 **Block No. 3503, Lot No. 003 to the north, and Assessor's Block No. 3502, Lot No. 113 to**
6 **the south, for the purposes of the McCoppin Hub City Plaza Project; reducing the**
7 **official sidewalk width on the southerly side of McCoppin Street, establishing a new**
8 **sidewalk on the easterly side of Valencia Street adjacent to the street vacation area,**
9 **and reducing the official right-of-way width of this portion of McCoppin Street;**
10 **approving an interdepartmental transfer of the vacated area from the Department of**
11 **Public Works to the Division of Real Estate; making findings under the California**
12 **Environmental Quality Act and adopting findings that the vacation and public right-of-**
13 **way changes are consistent with the General Plan, and the eight priority policies of City**
14 **Planning Code, Section 101.1; and authorizing actions in furtherance of this Ordinance.**

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

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

23 Section 1. Findings.

24 (a) On July 29, 2014, the Board of Supervisors adopted Resolution No. 292-14
25 (Resolution of Intention), being a resolution declaring the intention of the Board of Supervisors
to vacate a portion of McCoppin Street that is generally bounded by Highway 101 to the west,

1 Valencia Street to the east, Assessor's Block 3503 Lot 003 to the north, and Assessor's Block
2 3502 Lot 113 to the south (the "Vacation Area").

3 (b) The location and extent of the Vacation Area is more particularly described on the
4 Department of Public Works SUR Map No. 2014-001, dated June 5, 2014. A copy of said
5 map is on file with the Clerk of the Board of Supervisors in File No. 140657.

6 (c) The Clerk of the Board of Supervisors did transmit to the Department of Public
7 Works (DPW) Director a certified copy of the Resolution of Intention, and the DPW Director
8 did cause notice of adoption of such resolution to be posted in the manner required by law.

9 (d) When the Board of Supervisors considered the matter as scheduled at its regular
10 meeting on September 2, 2014, at 3:00 PM, the Board heard all persons interested in the
11 vacation of the Vacation Area.

12 (e) The proposed vacation of the Vacation Area is part of an action to implement the
13 construction of a City Plaza Project on McCoppin Hub that provides a plaza with planter
14 boxes, seat walls, accessible foot paths, and a multi-use public gathering space (the
15 "Project"). In addition, the Project will support the purpose, intent, and goals of the Plaza
16 Program set forth in Administrative Code Chapter 94. A copy of the Project design is on file
17 with the Clerk of the Board of Supervisors in File No. 140657.

18 (f) In order to facilitate development of the City Plaza Project and activation of the
19 plaza by a community steward, the street vacation action should include an interdepartmental
20 transfer of the property underlying the Vacation Area from DPW to the Division of Real Estate.

21 (g) The proposed Vacation Area and Project would reduce the official sidewalk on the
22 southerly side of McCoppin Street to 6 feet; establish a new sidewalk on the westerly side of
23 Valencia Street across the mouth of the Vacation Area; and modify the official right-of-way
24 width of McCoppin Street adjacent to the Vacation Area by retaining the bicycle lane and
25 sidewalk on the northern side of McCoppin Street all as shown in DPW drawing Q-20- 743

1 dated June 5, 2014. A copy of said map is on file with the Clerk of the Board of Supervisors in
2 File No. 140657.

3 (h) The Project was included in the Market Octavia Neighborhood Plan and obtained
4 environmental clearance through a Final Environmental Impact Report (FEIR) prepared in
5 accordance with the California Environmental Quality Act (Public Resources Code Sections
6 21000 et seq). As part of various actions related to the Plan, this Board adopted California
7 Environmental Quality Act findings in Ordinance Nos. 72-08, 246-07, and 71-08 copies of
8 which are in Clerk of the Board of Supervisors in File Nos. 071157, 071158, 071159,
9 respectively and incorporated herein by reference.

10 (i) The Board further finds that no substantial changes are proposed to the Project or
11 the circumstances under which the Project is undertaken that would cause new significant
12 environmental effects or any increase in the severity of previously identified significant effects
13 in the FEIR. The Board further finds there is no new information of substantial importance
14 showing that the Project would have any significant effects not discussed in the FEIR, that
15 significant effects would be substantially more severe, or that new or different mitigation
16 measures or alternatives would substantially reduce one or more significant effects, if any, of
17 the Project.

18 (j) In a letter dated December 21, 2012 (the "Planning Letter"), the City Planning
19 Department determined that the proposed vacation and other actions contemplated herein are
20 consistent with the General Plan and the eight priority policies of City Planning Code Section
21 101.1. A copy of said Letter is on file with the Clerk of the Board in File No. 140657 and is
22 incorporated by reference herein. The Board of Supervisors adopts as its own the
23 consistency findings of the Planning Letter.
24
25

1 (k) Companion legislation proposes to amend the zoning designation of the Vacation
2 Area from NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) with 85-X and
3 40-X height/bulk districts to P (Public)/OS (Open Space).

4 (l) In DPW Order No. 182741 dated June 1, 2014, a copy of which is on file with the
5 Clerk of the Board of Supervisors in File No. 140657 and incorporated herein by reference,
6 the DPW Director determined that: (1) the vacation area is no longer necessary for the City's
7 present or prospective future public street and sidewalk and public service easement
8 purposes; (2) pedestrians and bicyclist will continue to have access to a bicycle lane and
9 sidewalk on the northern side of the Project adjacent to but outside of the Vacation Area,
10 consequently, the vacation does not affect the portion of the right-of-way used for a
11 nonmotorized transportation facility, as defined in Section 887 and would be consistent with
12 the Streets and Highways Code, Sections 892 and 8314; (3) pedestrians also will continue to
13 have access to a sidewalk on the southern side of the Project adjacent to but outside of the
14 Vacation Area; (4) there are no physical public utility or private facilities within the Vacation
15 Area that the vacation will affect; (5) the City made reasonable attempts to notify and obtain
16 consent from all property owners adjacent to a Vacation Area and the proposed street
17 vacations do not deprive any private landowner of access to an adjacent public sidewalk; and
18 (6) the interdepartmental transfer shall not occur until the street vacation legislation and the
19 zoning designation change described above are final and effective.

20 (m) The DPW Director also recommends to the Board of Supervisors the
21 interdepartmental transfer of the Vacation Area to the Division of Real Estate in regard to the
22 McCoppin Hub City Plaza Project. In furtherance of this Project, the Board subsequently shall
23 consider legislation to adopt this property as a City Plaza in accordance with Administrative
24 Code Chapter 94 and approve a license with a community steward for the Plaza.

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1 (n) These street vacation actions are conducted under the general vacation
2 procedures of the Public Streets, Highways and Service Easements Vacation Law (California
3 Streets and Highways Code sections 8300 et seq.) and Public Works Code section 787(a).

4 (o) From all the evidence submitted at the July 21, 2014, public hearing on the
5 vacations and the associated materials on file with the Clerk of the Board in File No. 140656,
6 including the abovementioned DPW Order, the Board of Supervisors adopts the findings of
7 the DPW Director as its own and further finds that: (1) the Vacation Area will no longer be
8 necessary for the City's present or prospective future public street and sidewalk and public
9 service easement purposes; (2) in accordance with Streets and Highways Code Section 892
10 and 8314, the Vacation Area is not necessary for a nonmotorized transportation facility, as
11 defined in Section 887, because the existing bicycle lane and sidewalk on the northerly side of
12 McCoppin will remain.

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14 Section 2. The Vacation Area shown on SUR Map No. 2014- 001, is hereby ordered
15 vacated immediately pursuant to California Streets and Highways Code sections 8300 et seq.
16 and Public Works Code section 787(a).

17
18 Section 3. No easements or other rights are reserved for any public utility facilities that
19 are in place in the Vacation Area and any rights based upon any such public utility facilities
20 shall be extinguished upon the effectiveness of the vacation hereunder.

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22 Section 4. Sidewalk Width Change. In accordance with DPW Order No. 172,912,
23 Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a
24 copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in
25 effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:

1 Section 1601. Reducing the official sidewalk width on the southerly side of McCoppin Street
2 west of Valencia Street to a width of 6.0 feet and adding new sidewalk on the easterly side of Valencia
3 Street adjacent to its intersection with McCoppin Street as shown on DPW drawing Q-20-743, dated
4 June 5, 2014, a copy of which is in the Clerk of the Board of Supervisors File No. 140657.

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6 Section 5. Public Right-of-Way Width Change. The official width of the McCoppin
7 Street public right-of-way west of Valencia Street shall be reduced as shown on DPW drawing
8 Q-20-743, dated June 5, 2014, a copy of which is in the Clerk of the Board of Supervisors File
9 No. 140657.

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11 Section 6. Notwithstanding the provisions of Administrative Code Chapter 23, the
12 Board of Supervisors hereby authorizes an interdepartmental transfer of the property
13 underlying the Vacation Area from DPW to the Division of Real Estate; provided, however,
14 that the transfer shall not occur until this ordinance and the zoning designation change
15 described above are final and effective.

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17 Section 7. The Board of Supervisors hereby directs the Clerk of the Board of
18 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
19 the Board of Supervisors hereby urges the DPW Director to proceed in the manner required
20 by law. The Clerk of the Board also is hereby directed to transmit to the DPW Director a
21 certified copy of this Ordinance so that this Ordinance may be recorded together with any
22 other documents necessary to effectuate this Ordinance.

1 Section 8. The Mayor, Clerk of the Board, Director of Property, and DPW Director are
2 hereby authorized and directed to take any and all actions which they or the City Attorney may
3 deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance
4 (including, without limitation, the filing of the Ordinance, sidewalk width change, and the public
5 right-of-way width change in the Official Records of the City and County of San Francisco).
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7 Section 9. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.
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12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 John D. Malamut
16 Deputy City Attorney

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