

1 [Street Vacation Order - Sunrise Way - Sunnydale HOPE SF Project]

2
3 **Ordinance ordering the vacation of portions of Sunrise Way adjacent to the Sunnydale**
4 **HOPE SF Project site, generally bounded by Assessor's Parcel Block No. 6312 on the**
5 **north, Assessor's Parcel Block No. 6374 on the south, Assessor's Parcel Block**
6 **No. 6312 on the west, and Hahn Street on the east, as part of the Sunnydale HOPE SF**
7 **Project; reserving various easement rights in favor of the City and private property**
8 **owners; authorizing the execution of Real Property Agreements with private property**
9 **owners; affirming the Planning Department's determination under the California**
10 **Environmental Quality Act; adopting findings that the actions contemplated in this**
11 **Ordinance are consistent with the General Plan, and eight priority policies of Planning**
12 **Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as**
13 **defined herein, including transmittal of the Ordinance by the Clerk of the Board of**
14 **Supervisors to the Public Works Director for purposes of recordation of property.**

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) California Streets and Highways Code Sections 8300 et seq. and Public Works
25 Code Section 787(a) set forth the procedures that the City and County of San Francisco
("City") follows to vacate public streets and public service easements.

1 (b) On _____, 2018, the City adopted Resolution No. _____ (the
2 “Resolution of Intention”), declaring the City’s intention to vacate portions of Sunrise Way to
3 facilitate the Sunnydale HOPE SF Project. The Resolution of Intention is on file with the Clerk
4 of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

5 (c) The Board of Supervisors finds it appropriate and in the public interest to pursue a
6 street vacation of portions of Sunrise Way as part of the Sunnydale HOPE SF Project, the
7 nation’s first large-scale public housing transformation collaborative aimed at disrupting
8 intergenerational poverty, reducing social isolation, and creating vibrant mixed-income
9 communities without mass displacement of current residents.

10 (d) The location and extent of the area to be vacated (the “Vacation Area”) includes
11 circular sections on the north and south sides of Sunrise Way that currently form a cul-de-sac
12 and is more particularly shown on the Public Works (“PW”) SUR Map No. 2018-004, dated
13 August 27, 2018. A copy of this map is on file with the Clerk of the Board of Supervisors in
14 File No. 180857 and is incorporated herein by reference.

15 (e) The Clerk of the Board of Supervisors has transmitted to the Director of the
16 Department of Public Works (“PW Director”) a certified copy of the Resolution of Intention,
17 and has caused notice of adoption of said resolution to be posted in the manner required by
18 law.

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

22 (g) The vacation of the Vacation Area is necessary to fulfill the objectives of the
23 Sunnydale HOPE SF Project, as enacted in Ordinance No. 18-17, which includes the
24 abovementioned development plan and related approvals. Ordinance No. 18-17 is on file with
25

1 the Clerk of the Board of Supervisors in File No. 161164, and is incorporated herein by
2 reference.

3 (h) The City proposes to enter into agreements with certain private property owners in
4 the Vacation Area (the "Real Property Agreements") as proposed in this subsection (h).
5 Because Sunrise Way will remain in use until specified times, the Vacation Area will not be
6 vacated until certain conditions are satisfied, as follows: Vacating portions of Sunrise Way will
7 create new parcels that land lock or block driveways of fronting properties listed below (the
8 "Sunrise Way Properties"). To ensure access for the Sunrise Way Properties, the Sunrise
9 Way Properties shall be granted access easements across the vacated portions of Sunrise
10 Way that abut their properties until such time as any necessary quitclaim deeds of the City's
11 interest in the Vacation Area and the Real Property Agreements have been executed and
12 recorded for the Sunrise Way properties. The Sunrise Way Properties are:

- 13 (1) 494 Sunrise Way, also being Assessor's Block 6312 Lot 006;
- 14 (2) 298 Hahn Street, also being Assessor's Block 6312 Lot 005;
- 15 (3) 481 Sunrise Way, also being Assessor's Block 6374 Lot 025;
- 16 (4) 487 Sunrise Way, also being Assessor's Block 6374 Lot 024; and
- 17 (5) 493 Sunrise Way, also being Assessor's Block 6374 Lot 023.

18 (i) In PW Order No. 188361, dated September 4, 2018, on file with the Clerk of the
19 Board of Supervisors in File No. 180857 the PW Director determined (1) the Vacation Area is
20 unnecessary for the City's present or prospective public street, sidewalk, and service
21 easement purposes; (2) the public interest, convenience, and necessity do not require any
22 easements or other rights be reserved for any public or private utility facilities that are in place
23 in the Vacation Area, and any rights based upon any such public or private utility facilities
24 shall be extinguished automatically upon the effectiveness of the vacation subject to the
25 conditions specified in this ordinance; (3) in accordance with California Streets and Highways

1 Code Sections 892 and 8314, the Vacation Area is no longer useful as a nonmotorized
2 transportation facility; (4) the consent of all property owners adjacent to the Vacation Area
3 was obtained; and (5) it is a policy matter for the Board of Supervisors to authorize the
4 execution of the Real Property Agreements with the Sunrise Way Properties owners, and any
5 associated documents, including all necessary quitclaim deeds, related to the City's interest in
6 the Vacation Area.

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

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

19 (l) On June 16, 2016, the Planning Department issued an Addendum to the FEIR, that
20 included the addition of Parcel Q to the original Sunnydale HOPE SF Description; the
21 Planning Department determined that no additional environmental impacts, or impacts of
22 greater severity would occur as a result of this addition, and that the analysis and conclusions
23 from the FEIR remained valid.

24 (m) On November 17, 2016, by Motion No. 19784, the Planning Commission approved
25 CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program

1 (“MMRP”), under Case No. 2010.0305ENV, for approval of the Sunnydale HOPE SF Project;
2 said Motion is on file with the Clerk of the Board of Supervisors in File No. 161309, and is
3 incorporated herein by reference.

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

8 (o) On November 17, 2016, by adopting Resolution Nos. 19786, 19787, 19788, and
9 19789, the Planning Commission recommended to the Board of Supervisors that the Board
10 approve General Plan Amendments, Planning Code Text Amendments, Zoning Map
11 Amendments, and a Development Agreement between the City, the San Francisco Housing
12 Authority and Sunnydale Development Co., LLC, respectively; said Resolutions are on file
13 with the Clerk of the Board of Supervisors in File No. 161309 and are incorporated herein by
14 reference.

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

19 (q) In a letter dated February 27, 2018 (“Planning Letter”), the Planning Department
20 determined that the proposed vacation of the Vacation Area and other actions contemplated
21 in this ordinance are consistent with the General Plan and priority policies of Planning Code
22 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
23 No. _____ and is incorporated herein by reference as though fully set forth herein. The
24 Board of Supervisors adopts as its own the consistency findings of the Planning Letter.
25

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

4
5 Section 2. Vacation.

6 (a) The Board of Supervisors hereby conditionally vacates the Vacation Area, as
7 shown on SUR Map No. 2018-004, pursuant to California Streets and Highways Code
8 Sections 8300 et seq. and Public Works Code Section 787(a), and upon satisfaction of the
9 following conditions:

10 (1) Vacating portions of Sunrise Way will create new parcels that land lock or
11 block driveways of fronting properties listed below (the "Sunrise Way Properties"). To ensure
12 access for the Sunrise Way Properties, the Sunrise Way Properties shall be granted access
13 easements across the vacated portions of Sunrise Way that abut their properties until such
14 time as any necessary quitclaim deeds of the City's interest in the Vacation Area and the Real
15 Property Agreements have been executed and recorded for the Sunrise Way Properties.

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

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

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

22
23 Section 3. Real Property Transaction; Delegation of Authority.

24 The Board of Supervisors delegates to the Director of the Division of Real Estate, in
25 consultation with the City Attorney's Office, the authority to make nonmaterial changes in, and

1 to finalize and execute, the Real Property Agreements and all associated documents as
2 necessary for each phase of the vacation on behalf of the City with the Sunrise Way
3 Properties owners subject to the terms of each of those agreements and in accordance with
4 the terms set forth in this ordinance.

5

6 Section 4. Official Acts in Connection with the Legislation.

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

16 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.

17

18 Section 5. The Clerk of the Board of Supervisors is hereby directed to transmit to the
19 PW Director a certified copy of this ordinance so that the ordinance may be recorded together
20 with any other documents necessary to effectuate the ordinance.

21 ///

22 ///

23 ///

24 ///

25 ///

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

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

8 By: _____
9 ROBB W. KAPLA
10 Deputy City Attorney

11 n:\legana\as2018\1800660\01302048.doc