

1 [Summary Street Vacation, New Sidewalks, and Property Transfer - Michigan Street]

2

3 **Ordinance ordering the summary street vacation of portions of Michigan Street**  
4 **generally along Assessor’s Parcel Block No. 4110, Lot No. 001, and Block No. 4111, Lot**  
5 **No. 004; establishing new official sidewalks on Michigan Street by amending Ordinance**  
6 **No. 1061, entitled “Regulating the Width of Sidewalks;” accepting a Public Works Order**  
7 **concerning the street vacation and establishment of new sidewalks; authorizing real**  
8 **property transfers and waiving the provisions of Administrative Code, Chapter 23;**  
9 **authorizing official acts in connection with this Ordinance, as defined herein; affirming**  
10 **the Planning Department’s determination under the California Environmental Quality**  
11 **Act; adopting findings that the actions contemplated in this Ordinance are consistent**  
12 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

17

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

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20 Section 1. Environmental and Land Use Findings.

21

(a) On August 24, 2017, the Planning Commission, by Motion No. 19976, certified  
22 the Final Environmental Impact Report (Final EIR) for the 28-Acre Pier 70 Mixed-Use project  
23 (Project) as being accurate, complete, and in compliance with the California Environmental  
24 Quality Act (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines,  
25 and Chapter 31 of the Administrative Code. At the same hearing, the Planning Commission,

1 by Resolution No. 19977, adopted findings with respect to the approval of the Project (CEQA  
2 Findings). These CEQA Findings include the rejection of alternatives, a statement of  
3 overriding considerations, and a mitigation monitoring and reporting program among other  
4 administrative record documents. At the same hearing, the Planning Commission, by  
5 Resolution No. 19978, found that the Project, including the actions contemplated in this  
6 ordinance, are consistent, on balance, with the City's General Plan and eight priority policies  
7 of Planning Code Section 101.1. The Board of Supervisors in Ordinance No. 227-17 adopted  
8 these environmental findings as its own. Copies of said motion, resolutions, and ordinance  
9 are on file with the Clerk of the Board of Supervisors in File No. 170930, and are incorporated  
10 herein by reference.

11 (b) The Board of Supervisors finds:

12 (1) The actions proposed for approval under this ordinance present no  
13 substantial changes to the Project that will require major revisions in the Final EIR due to the  
14 involvement of new significant environmental effects or a substantial increase in the severity  
15 of previously identified significant effects.

16 (2) The actions proposed for approval under this ordinance present no  
17 substantial changes with respect to the circumstances under which the Project was approved  
18 that will require major revisions to the Final EIR due to the involvement of new significant  
19 environmental effects or a substantial increase in the severity of previously identified  
20 significant effects.

21 (3) No new information of substantial importance, which was not known and  
22 could not have been known in the exercise of reasonable diligence at the time the Final EIR  
23 was certified, has become available which indicates that: (A) the Project will have significant  
24 effects not discussed in the Final EIR, (B) significant environmental effects will be  
25 substantially more severe than shown in the Final EIR, (C) mitigation measures or alternatives

1 found not to be feasible would in fact be feasible, and would substantially reduce one or more  
2 significant effects of the Project, or (D) mitigation measures or alternatives which are  
3 considerably different from those in the Final EIR would substantially reduce one or more  
4 significant effects on the environment.

5 As a consequence of the above findings, the Board of Supervisors relies on the CEQA  
6 findings adopted in Ordinance No. 227-17 for purposes of the actions in this ordinance. The  
7 Board of Supervisors further finds that the actions in this ordinance are consistent, on  
8 balance, with the City's General Plan and eight priority policies of Planning Code Section  
9 101.1.

10  
11 Section 2. General Findings.

12 (a) The Project would include between 1,100 and 2,150 residential units, a  
13 maximum of between 1 million and 2 million gross square feet of commercial-office use, and  
14 up to 500,000 gross square feet of retail-light industrial-arts use. The Project would also  
15 include construction of transportation and circulation improvements, new and upgraded  
16 utilities and infrastructure, geotechnical and shoreline improvements, between 3,215 to 3,345  
17 off-street parking spaces in proposed buildings and district parking structures, and nine acres  
18 of publicly-owned open space.

19 (b) On October 20, 2017, the Port Commission, by Resolution No. 17-52, approved  
20 the vacation of portions of Michigan Street under Port jurisdiction and the potential sale of  
21 Parcel K North, and urged the County Surveyor and Director of Property to take all steps  
22 necessary to effectuate the purpose and intent of the resolution. A copy of said Resolution is  
23 on file with the Clerk of the Board of Supervisors in File No. 180854, and is incorporated  
24 herein by reference.

1 (c) On November 9, 2017, the Board of Supervisors, in Resolution No. 401-17,  
2 approved a Disposition and Development Agreement (DDA) between the Port and FC Pier 70,  
3 LLC for the development of a portion of the Project. Under the DDA, the Port is required to  
4 offer Parcel K North for sale at or above its fair market value established by a proprietary  
5 appraisal and specify that the successful bidder must close escrow on the sale by February  
6 15, 2019, with resulting proceeds used to pay for entitlement costs associated with the  
7 Project. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
8 No. 170986.

9 (d) Vacating portions of Michigan Street is necessary to effectuate the Project  
10 approvals.

11 (e) The areas to be vacated by this ordinance are portions of Michigan Street  
12 currently under the jurisdiction of the City, acting by and through the Department of Public  
13 Works (Public Works) and by and through the Port Commission, and are as depicted in SUR  
14 Map No. 2018-003 (collectively, Vacation Areas). SUR Map No. 2018-003 reflects the  
15 conditions of Michigan Street and the adjacent Assessor's Parcel Numbers as of August 24,  
16 2018. A copy of SUR Map No. 2018-003 is on file with the Clerk of the Board of Supervisors  
17 in File No. 180854 and is incorporated herein by reference.

18 (f) On September 17, 2018, a Record of Survey was recorded that reflects the  
19 Trust Exchange necessary for the Project. The Record of Survey reflects both the Assessor's  
20 Parcel Numbers as of August 24, 2018, and the new Assessor's Parcel Numbers assigned to  
21 the Trust Termination Lands. The Record of Survey is on file with the Clerk of the Board of  
22 Supervisors in File No. 180854 and is incorporated herein by reference.

23 (g) Following the vacation of the approximately 12-foot-wide portion of Michigan  
24 Street adjacent to Assessor's Parcel No. 4110-001, the Port, Public Works, and the County  
25 Surveyor intend to merge and create new parcels, including Parcel K North.

1 (h) Following the vacation of the approximately 20.6-foot-wide strip portion of  
2 Michigan Street adjacent to Assessor's Parcel 4111-004, south of the Pueblo line, Public  
3 Works intends to transfer this portion of the vacated area to the Port. The Port currently holds  
4 a minor sidewalk encroachment permit from Public Works (conditional use permit 14MSE-  
5 0343) for this space.

6 (i) California Streets and Highways Code Sections 8300 et seq. and Public Works  
7 Code Section 787(a) set forth the procedures that the City follows to vacate public streets and  
8 public service easements. California Streets and Highways Code Sections 8314, 8334, and  
9 8334.5, respectively, allow a summary vacation if the subject area is not needed for purposes  
10 of a non-motorized transit facility, constitutes excess right-of-way, and when there are no in-  
11 place functioning utilities.

12 (j) On November 28, 2017, Public Works sent notice of the proposed street  
13 vacation to the Department of Technology, Municipal Transportation Agency, Fire  
14 Department, and Public Utilities Commission, as well as AT&T, Sprint, and Pacific Gas and  
15 Electric.

16 (k) In connection with the summary vacation provided in this ordinance, Public  
17 Works prepared drawing Q-20-1030 concerning sidewalk widths and Public Works Order No.  
18 188335 dated August 24, 2018. In Public Works Order No. 188335, the Director of Public  
19 Works and City Engineer determined: (1) the Vacation Area as shown on SUR Map No. 2018-  
20 003 is excess right-of-way and unnecessary for the City's present or prospective street or  
21 highway purposes; (2) there are no physical public or private functioning utilities in the  
22 Vacation Area; (3) the Vacation Area is not needed for purposes of a non-motorized transit  
23 facility; (4) no City agency or utility opposed vacating the Vacation Area; (5) the width of the  
24 Michigan Street right-of-way shall be adjusted in the official public right-of-way width maps in  
25 accordance with SUR Map No. 2018-003; and (6) the proposed sidewalks would be

1 constructed in accordance with all City codes, regulations, and standards. A copy of Public  
2 Works Order No. 188335 and Public Works drawing Q-20-1030 are on file with the Clerk of  
3 the Board of Supervisors in File No. 180854 and are incorporated herein by reference

4 (l) The public interest, convenience, and necessity does not require that the City  
5 reserve from the vacation of the Vacation Area any easements.

6 (m) The Board adopts as its own, the findings and recommendations of the Public  
7 Works Director as set forth in Public Works Order No. 188335 concerning the summary  
8 vacation of the Vacation Area and other actions in furtherance thereof, and the Board hereby  
9 incorporates herein such recommendations and findings by reference.

10 (n) The street vacation actions are conducted under the general vacation  
11 procedures of the California Streets and Highways Code Sections 8300 et seq. and Public  
12 Works Code Section 787(a).

13 (o) Vacating the Vacation Areas will require the establishment of new sidewalk  
14 areas along Michigan Street. These sidewalks are shown in Public Works drawing Q-20-  
15 1030.

16 (p) The Department of Real Estate has consented to the real property transactions  
17 described in this ordinance.

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19 Section 3. Street Vacation.

20 (a) For the reasons stated in Section 2, vacating the Vacation Areas as depicted in  
21 SUR Map No. 2018-003 will serve the public interest, convenience, and necessity.

22 (b) Pursuant to California Streets and Highways Code, Sections 8300 et seq. and  
23 Public Works Code Section 787(a), the Board hereby summarily vacates the Vacation Area as  
24 described in this ordinance, as shown on SUR Map No. 2018-003, and authorizes and directs  
25 the Clerk of the Board of Supervisors and the Director of Real Estate to record or cause to be

1 recorded a certified copy of this ordinance as provided in California Streets and Highways  
2 Code Section 8325(a). On recordation of this ordinance, the vacation shall be effective  
3 without any further action by the Board. From and after the date this ordinance is recorded,  
4 the Vacation Area no longer constitutes a public right-of-way.

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6 Section 4. Sidewalk Establishment.

7 In accordance with Public Works Order 188335, Board of Supervisors Ordinance No.  
8 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board  
9 of Supervisors' Book of General Ordinances, in effect May 11, 1910, is hereby amended by  
10 adding thereto a new section to read as follows:

11 Section 1620. The official sidewalk width on the westerly portion of Michigan Street from 20th  
12 Street extending southward to the 21st Street right-of-way shall be as shown on Public Works drawing  
13 Q-20-1030, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 180854.

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15 Section 5. Real Property Transfers.

16 (a) The Board of Supervisors authorizes the Director of Public Works and the  
17 Director of Real Estate, each on behalf of the City, and the Port to transfer between them any  
18 parcels necessary to create Parcel K North. In addition, the Director of Public Works and the  
19 Director of Real Estate, each on behalf of the City, are authorized to transfer to the Port the  
20 City's interest in the approximately 20.6-foot-wide strip portion of Michigan Street adjacent to  
21 Assessor's Parcel 4111-004, south of the Pueblo line vacated as part of this ordinance, and  
22 the portion of Michigan Street south of the Pueblo line that remains a right-of-way.

23 (b) Any such transfers of property shall not be subject to Chapter 23 of the  
24 Administrative Code.

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

2 The Mayor, Clerk of the Board, Director of Real Estate, County Surveyor, and Director  
3 of Public Works are hereby authorized and directed to take any and all actions which they or  
4 the City Attorney may deem necessary or advisable in order to effectuate the purpose and  
5 intent of this ordinance (including, without limitation, revising official public right-of-way and  
6 sidewalk maps; the filing of this ordinance in the Official Records of the City and County of  
7 San Francisco; and execution and delivery of any evidence of the same).

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9 Section 7. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor’s veto of the ordinance.

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15 APPROVED AS TO FORM:  
16 DENNIS J. HERRERA, City Attorney

17 By: \_\_\_\_\_  
18 AUSTIN M. YANG  
19 Deputy City Attorney

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