

1 [Street Vacation for Various Streets - Sunnydale HOPE SF Project]

2

3 **Ordinance ordering the vacation of streets and an-certain easements in the Sunnydale**
4 **HOPE SF Project site, generally bounded by Assessor’s Parcel Block No. 6220310 on**
5 **the north, Velasco Avenue and Assessor’s Parcel Block Nos. 6332 and 6331 on the**
6 **south, Assessor’s Parcel Block Nos. 6220 and 6316 on the west, and Hahn Street on**
7 **the east, and including Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and**
8 **Santos Street, as part of the Sunnydale HOPE SF Project; reserving various easement**
9 **rights in favor of the City and private property owners; authorizing the City to quitclaim**
10 **its interest in the vacation areas to the Housing Authority; affirming the Planning**
11 **Department’s determination under the California Environmental Quality Act; adopting**
12 **findings that the actions contemplated in this Ordinance are consistent with the**
13 **General Plan, and eight priority policies of Planning Code, Section 101.1; and**
14 **authorizing official acts in connection with this Ordinance, as defined herein, including**
15 **transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public**
16 **Works Director for purposes of recordation of property.**

17

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

21

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

23

24 Section 1. Findings.

25

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

4 (b) On _____, 2018, the City adopted Resolution No. _____
5 ("Resolution of Intention"), declaring the City's intention to vacate the following streets and
6 easements within the Sunnydale HOPE SF Project ~~along with public service easements in the~~
7 ~~vacated streets or along them:~~ Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue,
8 ~~and Santos Street;~~ 3-foot wide streetlight easements in Blocks 6310, 6311, 6312, 6313,
9 6314, and 6315; a 10-foot wide sewer easement in Block 6311; and a portion of a 30-foot
10 wide sewer easement in Block 6312. ~~A 10-foot wide sewer easement in Assessor's Parcel~~
11 ~~Block No. 6311 is also intended to be vacated.~~ The Resolution of Intention is on file with the
12 Clerk of the Board of Supervisors in File No. 180858 and is incorporated herein by reference.

13 (c) The Board of Supervisors finds it appropriate and in the public interest to pursue
14 the street and easement vacations described above ~~of Sunnydale Avenue, Blythdale Avenue,~~
15 ~~Brookdale Avenue, and Santos Street~~ as part of the Sunnydale HOPE SF Project, the nation's
16 first large-scale public housing transformation collaborative aimed at disrupting
17 intergenerational poverty, reducing social isolation, and creating vibrant mixed-income
18 communities without mass displacement of current residents. The streets and easements will
19 be vacated in phases that correspond to the Final Map Phases of the Sunnydale HOPE SF
20 Project.

21 (d) The location and extent of the area to be vacated (the "Vacation Area") includes
22 the entirety of Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, ~~and Santos Street,~~
23 and easements or portions of easements in Blocks 6310, 6311, 6312, 6313, 6414, and 6315
24 within the Sunnydale HOPE SF Project site and is more particularly shown on the Public
25 Works ("PW") SUR Map No. 2018-002, dated August 27, 2018. A copy of this map is on file

1 with the Clerk of the Board of Supervisors in File No. 180860 and is incorporated herein by
2 reference.

3 (e) The Clerk of the Board of Supervisors has transmitted to the Director of Public
4 Works ("PW Director") a certified copy of the Resolution of Intention, and the PW Director has
5 caused notice of adoption of said resolution to be posted in the manner required by law.

6 (f) When such matter was considered as scheduled by the Board of Supervisors at its
7 regular meeting on _____, 2019, the Board heard all persons interested in the
8 vacation of the Vacation Area.

9 (g) The vacation of the Vacation Area is necessary to fulfill the objectives of the
10 Sunnydale HOPE SF Project, as enacted in Ordinance No. 18-17, which includes the
11 abovementioned development plan and related approvals. Ordinance No. 18-17 is on file with
12 the Clerk of the Board of Supervisors in File No. 161164, and is incorporated herein by
13 reference.

14 (h) The City proposes to quitclaim its interest in the Vacation Area to the San
15 Francisco Housing Authority ("SFHA") to help facilitate the development of the Sunnydale
16 HOPE SF Project. Because many of these streets and easements will remain in use until
17 specified times, the Vacationed Area shall not be vacated until certain conditions are satisfied,
18 as follows:

19 (1) Prior to the vacation ~~corresponding to~~ each phased final map, interim
20 access shall be approved and maintained for active utilities access, MUNI lines, and
21 emergency vehicles.

22 (2) Within active streets that remain open, pedestrian access shall be
23 maintained on at least one side where adjacent to an active construction area.

24 (3) ~~PUC Easement~~. Effectiveness of the vacation is conditioned on the
25 construction, inspection, and determination of completion of the replacement utilities.

1 (i) In PW Order No. 188360, dated September 4, 2018, on file with the Clerk of the
2 Board of Supervisors in File No. 180860, the PW Director determined (1) the Vacation Area is
3 unnecessary for the City's present or prospective public street, sidewalk, and service
4 easement purposes; (2) the public interest, convenience, and necessity do not require any
5 easements or other rights be reserved for any public or private utility facilities that are in place
6 in the Vacation Area, and any rights based upon any such public or private utility facilities
7 shall be extinguished automatically upon the effectiveness of the vacation subject to the
8 conditions specified in this ordinance; (3) in accordance with California Streets and Highways
9 Code Sections 892 and 8314, the Vacation Area is no longer useful as a nonmotorized
10 transportation facility; (4) the consent of all property owners adjacent to the Vacation Area
11 was obtained; and (5) it is a policy matter for the Board of Supervisors to quitclaim the City's
12 interest in the Vacation Area to SFHA.

13 (j) The PW Director also recommends that the effectiveness of each phase of the
14 street and easement vacation be conditioned on simultaneous recordation of the City's
15 quitclaim deed. The Board of Supervisors adopts as its own the recommendations of the PW
16 Director as set forth in PW Order No. 188360 concerning the vacation of the Vacation Area
17 and other actions in furtherance thereof and the Board hereby incorporates such
18 recommendations and findings by reference as though fully set forth herein.

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

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

6 (m) On November 17, 2016, by Motion No. 19784, the Planning Commission approved
7 CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program
8 (“MMRP”), under Case No. 2010.0305ENV, for approval of the Sunnydale HOPE SF Project;
9 said Motion is on file with the Clerk of the Board of Supervisors in File No. 161309, and is
10 incorporated herein by reference.

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

15 (o) On November 17, 2016, by adopting Resolution Nos. 19786, 19787, 19788, and
16 19789, the Planning Commission recommended to the Board of Supervisors that the Board
17 approve General Plan Amendments, Planning Code Text Amendments, Zoning Map
18 Amendments, and a Development Agreement between the City, SFHA, and Sunnydale
19 Development Co., LLC, respectively; said Resolutions are on file with the Clerk of the Board
20 of Supervisors in File No. 161309, and are incorporated herein by reference.

21 (p) In February 2017, the City enacted Ordinance Nos. 20-17, 16-17, 17-17, and 18-17
22 (File Nos. 161309, 161162, 161163, and 161164) approving General Plan Amendments,
23 Planning Code Text Amendments, Zoning Map Amendments, and the Development
24 Agreement respectively relating to the Sunnydale HOPE SF Project.
25

1 (q) In a letter dated February 27, 2018 (“Planning Letter”), the Planning Department
2 determined that the proposed vacation of the Vacation Area and other actions contemplated
3 in this ordinance are consistent with the General Plan and priority policies of the Planning
4 Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors
5 in File No. 180860 and is incorporated herein by reference as though fully set forth herein.
6 The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

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

10 (s) The Public Utilities Commission approved the easement vacation on _____,
11 2018 through Resolution No. 18-_____. A copy of that resolution is contained in Board of
12 Supervisors File No. _____, and is incorporated herein by reference.

13
14 Section 2. Street and Easement Vacation.

15 (a) The Board of Supervisors hereby ~~conditionally~~ vacates the Vacation Area, as
16 shown on SUR Map No. 2018-002, pursuant to California Streets and Highways Code
17 Sections 8300 et seq. and Public Works Code Section 787(a), ~~and~~ upon satisfaction of the
18 following conditions:

19 (1) Prior to the vacation ~~corresponding to~~ each phased final map, interim
20 access shall be approved and maintained for active ~~utilities access~~ utilities access, MUNI lines, and
21 emergency vehicles.

22 (2) Within active streets that remain open, pedestrian access shall be
23 maintained on at least one side where adjacent to an active construction area.

24 (3) ~~PUC Easement.~~ Effectiveness of the vacation is conditioned on the
25 construction, inspection, and determination of completion of the replacement utilities.

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

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

5 (d) The ~~§~~street and easement ~~v~~vacation shall be effective automatically and without
6 the requirement for further action, for each phased final map ~~as to all of the Vacation Area~~,
7 upon satisfaction of the conditions listed above.

8
9 Section 3. Real Property Transaction; Delegation of Authority.

10 The Board of Supervisors delegates to the Director of Property~~the Division of Real~~
11 ~~Estate~~, in consultation with the City Attorney's Office, the authority to make nonmaterial
12 changes in, and to finalize and execute, the quitclaim deed(s) for each phase of the vacation
13 on behalf of the City to SFHA in accordance with the terms set forth in this ordinance. A copy
14 of the draft quitclaim deed ~~determination~~ is on file with the Clerk of the Board of Supervisors in
15 File No. 180860 and is incorporated herein by reference.

16
17 Section 4. Official Acts in Connection with this Ordinance.

18 (a) The Mayor, Clerk of the Board of Supervisors, Director of Property~~the Division of~~
19 ~~Real Estate~~, County Surveyor, and PW Director are hereby authorized and directed to take
20 any and all actions which they or the City Attorney may deem necessary or advisable to
21 effectuate the purpose and intent of this ordinance (including, without limitation, the filing of
22 this ordinance in the Official Records of the City; confirmation of satisfaction of the conditions
23 to the effectiveness of the vacation of the Vacation Area hereunder; and execution and
24 delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the

1 conditions upon signature by any such City official or the official's designee, and completion
2 and recordation of quitclaim(s)).

3 (b) Promptly upon the effective date of this vacation, this ordinance shall be recorded.
4

5 Section 5. The Clerk of the Board of Supervisors is hereby directed to transmit to the
6 PW Director a certified copy of this ordinance so that the ordinance may be recorded together
7 with any other documents necessary to effectuate the ordinance.
8

9 Section 6. This ordinance shall become effective 30 days after enactment. Enactment
10 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or
11 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors
12 overrides the Mayor's veto of the ordinance.
13

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

16 By: _____
17 ROBB W. KAPLA
18 Deputy City Attorney

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