

File No. 190810 Committee Item No. 1
 Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 21, 2019

Board of Supervisors Meeting Date October 29, 2019
 Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 073019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 073019</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 073019</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Erica Major Date October 18, 2019
 Completed by: Erica Major Date 10/24/19

1 [Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street
2 Vacations]

3 Ordinance amending the Administrative Code and Public Works Code to require that
4 any resolution approving a jurisdictional transfer of real property (a transfer of the
5 authority over City-owned real property between City departments) be recorded in the
6 Office of the Recorder together with a legal description and map of the real property; to
7 require that any petition to the Board of Supervisors for a street vacation include a
8 legal description and County Surveyor-approved map, and that the Clerk of the Board
9 record in the Office of the Recorder a copy of the adopted ordinance together with the
10 legal description and map; and affirming the Planning Department's determination
11 under the California Environmental Quality Act.

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

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

19 Section 1. The Planning Department has determined that the actions contemplated in
20 this ordinance comply with the California Environmental Quality Act (California Public
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
22 Board of Supervisors in File No. 190810 and is incorporated herein by reference. The Board
23 affirms this determination.

24 ///

25 ///

1 Section 2. Article II of Chapter 23 of the Administrative Code is hereby amended by
2 revising Section 23.19, to read as follows:

3
4 **SEC. 23.19. RECORD OF TRANSFER.**

5 (a) Any resolution transferring any Real Property from one department to another under this
6 Article II shall identify the Assessor's Parcel Number (if any) and shall be accompanied by a plat map
7 and verified legal description, or, if there is no verified legal description, shall be accompanied instead
8 by an Assessor's Block Map and narrative description referencing the Assessor's Block Map that
9 includes sufficient information to identify the geographic location and dimensions of the Real Property
10 being transferred; and shall include the receiving department's mailing address for tax bills and
11 notices. For purposes of this Section 23.19, a "verified legal description" is either the legal
12 description in the City's title insurance policy for the Real Property or a legal description
13 approved by the County Surveyor. Upon introduction of the resolution, the requesting department shall
14 submit the map, description, and department mailing address required in this subsection (a) to the
15 Clerk of the Board of Supervisors.

16 (b) When the Board of Supervisors adopts any resolution transferring any Real
17 Property within the City and County of San Francisco from one department to another under this
18 Article II, the Clerk of the Board of Supervisors shall cause a certified copy of the adopted resolution,
19 including map and description to be recorded without acknowledgment, certificate of acknowledgment,
20 or further proof, in the Office of the Recorder. The Office of the Recorder shall not charge a recording
21 fee in connection with this recordation. For all transfers of any Real Property from one department to
22 another under this Article, the Director of Property shall keep a digital copy of the resolution in
23 his or her the Director's office and make the necessary record of the transfer.

24 ///

25 ///

1 Section 3. Article 15 of the Public Works Code is hereby amended by revising Section
2 787, to read as follows:

3 **SEC. 787. STREET VACATIONS.**

4 (a) Upon petition to the Board of Supervisors for any street vacation, the Board of
5 Supervisors will refer the request to the Director of Public Works for investigation and
6 recommendation. The street vacation procedure shall be in accordance with the applicable
7 provisions of the Streets and Highways Code of the State of California and such rules and
8 conditions adopted by the Board of Supervisors. The Department of Public Works shall submit to
9 the Board of Supervisors with any petition submitted by the Department of Public Works or any
10 recommendation regarding a street vacation, a legal description, the Assessor's Parcel Number(s) or
11 reserved Assessor's Parcel Number(s), and a County Surveyor-approved map of the area.

12 (b) The Clerk of the Board of Supervisors shall cause a certified copy of any adopted ordinance
13 of vacation, together with the information required in subsection (a), and attested by the Clerk under
14 seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof, in the
15 Office of the Recorder. The Office of the Recorder shall not charge a recording fee for this
16 recordation.

17 (bc) The Board of Supervisors finds that unimproved streets in the Bernal Heights area
18 are an important open space resource to the citizens in the area where the lots are small, the
19 streets are narrow, and space is at a premium. Therefore the Board of Supervisors declares
20 that it is the policy of the City and County of San Francisco not to vacate unimproved streets
21 and sell, transfer, or relinquish its interest in the underlying property to private ownership in
22 the Bernal Heights area bounded by Army Street on the north, Mission Street on the west,
23 Interstate 280 on the south and Highway 101 on the east except not to include Esmeralda
24 Avenue, between Brewster Street and Holladay Avenue. These streets shall be kept as open
25 space, unless the Board of Supervisors finds that the streets are needed for public passage

1 and proposes to improve and accept them for the same purpose.

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

7
8 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance.

14
15 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
16 of this ordinance, or any application thereof to any person or circumstance, is held to be
17 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
18 shall not affect the validity of the remaining portions or applications of the ordinance. The
19 Board of Supervisors hereby declares that it would have passed this ordinance and each and
20 every section, subsection, sentence, clause, phrase, and word not declared invalid or

21 ///

22 ///

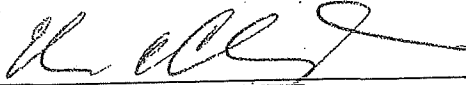
23 ///

24 ///

25 ///

1 unconstitutional without regard to whether any other portion of this ordinance or application
2 thereof would be subsequently declared invalid or unconstitutional.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6
7 By: 
8 EILEEN K. CHAUVET
9 Deputy City Attorney
n:\egana\as2019\1900305\01393729.docx

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/21/2019)

[Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street Vacations]

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

San Francisco Administrative Code Sections 23.10 through 23.20 govern the transfer of the authority over City Real Property from one department to another (commonly called a "jurisdictional transfer"). There are no requirements for the description of the Real Property or notification of the jurisdictional transfer to the Office of the Assessor Recorder.

San Francisco Public Works Code Section 787 provides that the petition for a street vacation will be referred to the Director of Public Works for investigation and recommendation and otherwise be in accordance with the California Streets and Highways Code. State law requires that the approved petition must be recorded, but does not mandate the specific contents of the petition.

Amendments to Current Law

San Francisco Administrative Code Section 23.19 is amended to require that legislation transferring the authority over City Real Property from one department to another must include a plat map and verified legal description of the Real Property, or a narrative description that refers to the Assessor's Block Map and sufficiently identifies the location and dimensions of the property to be transferred. A verified legal description is a description approved by the County Surveyor. Once the legislation has been passed by the Board of Supervisors, the Clerk of the Board of Supervisors will submit to the Recorder's office the resolution and the accompanying legal description and plat map and new department contact information for tax bills and notices.

San Francisco Public Works Code Section 787 is amended to require that petition for a street vacation submitted to the Board of Supervisors must include a legal description and a County Surveyor-approved map of the area to be vacated. In addition, the Clerk of the Board of

FILE NO. 190810

Supervisors will transmit the adopted ordinance, together with the legal description and the required map, to the Recorder for recording.

Background Information

Under current law, the Assessor would not receive notice of jurisdictional transfers between City Departments, which transfer may result in an assessable interest.

Under the current law, street vacation ordinances would not be consistently be sent to the Recorder with a map, legal description, or Assessor's Parcel Number, which causes problems for indexing.

n:\legana\as2019\1900305\01393730.docx

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 30, 2019

File No. 190810

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 23, 2019, Supervisor Peskin submitted the proposed legislation:

File No. 190810

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted Ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

joy
navarrete
1265

Digitally signed by joy navarrete
DN: dc=org, dc=sfgov,
dc=cityplanning, ou=CityPlanning,
ou=Environmental Planning,
cn=joy navarrete,
email=joy.navarrete@sfgov.org
Date: 2019.07.30 12:03:49 -07'00'

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 30, 2019

File No. 190810

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 23, 2019, Supervisor Peskin submitted the proposed legislation:

File No. 190810

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted Ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

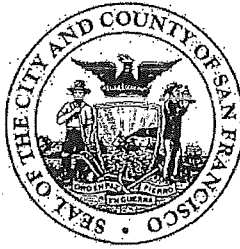
A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Douglas Legg, Acting Assessor-Recorder, Office of the Assessor
Recorder

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 30, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on July 23, 2019:

File No. 190810

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted Ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Holly Lung, Office of the Assessor-Recorder

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 JUL 23 Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

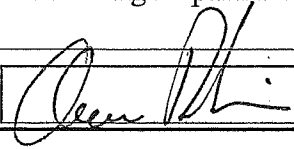
Supervisor Peskin

Subject:

[Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street Vacations]

The text is listed:

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only