RECORDING REQUESTED BY:

Board of Supervisors of the City and County of San Francisco

WHEN RECORDED MAIL TO:

Office of the Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Attn: Angela Calvillo, Clerk of the Board

(Space above this line reserved for Recorder's Use)

TITLE(S)

File No. 200397 - Ordinance No. 87-20

Summary Street Vacation - 25th Street - Continued Operation of Temporary Navigation Center for Homeless Residents

(Recordation not subject to fee pursuant to Administrative Code, Section 23.19(b))

(Separate page pursuant to Government Code, Section 27361.6)

BOARD of SUPERVISORS

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

MEMORANDUM

Date: August 20, 2020

To: Carmen Chu, Assessor-Recorder, Assessor-Recorder, Office of the Assessor-Recorder

From: Angela Calvillo, Clerk of the Board

Subject: Summary Street Vacation - 25th Street - Continued Operation of Temporary Navigation Center for Homeless Residents (File No. 200397)

On June 2, 2020, the Board of Supervisors finally passed Ordinance No. 087-20, sponsored by Mayor London N. Breed and Supervisor Walton and approved by Mayor London N. Breed on June 12, 2020.

A certified copy of the Ordinance is being forwarded to you, pursuant to Administrative Code, Section 34.1.

If you have any questions or concerns, please contact Erica Major, Assistant Clerk, at (415) 554-4441 or by email at: Erica.Major@sfgov.org.

c: Douglas Legg, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

[Summary Street Vacation - 25th Street - Continued Operation of Temporary Navigation Center for Homeless Residents]

Ordinance ordering the summary vacation of a portion of 25th Street, which is generally bounded by Assessor's Parcel Block No. 4241, Lot No. 002 to the north, Seawall Lot No. 355 (portions of Assessor's Parcel Block No. 4298, Lot No. 002, Assessor's Parcel Block No. 4299, Lot No. 001, and Assessor's Parcel Block No. 4300, Lot No. 001) to the south, Michigan Street to the west, and Seawall Lot No. 356 to the east, to enable extended operation of a temporary Navigation Center for homeless residents; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein.

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

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

Section 1. Findings.

(a) A significant number of people in San Francisco cannot obtain adequate or appropriate shelter. According to the San Francisco biennial "Point-in-Time" homeless count and survey taken in January 2019, there were 8,035 adults experiencing homelessness including 5,180 people living unsheltered.

(b) With the enactment of Ordinance Nos. 60-19 and 61-19 on April 24 2019, the Board of Supervisors and Mayor Breed acknowledged homelessness in Francisco to be at a crisis point, and passed these Ordinances to expedite the process of opening new shelters and service programs to respond to that crisis; and

(c) The inability to obtain adequate or appropriate shelter threatens the health, safety, and welfare of homeless people. Homelessness is an independent risk factor for a number of illnesses through its association with exposure to harsh weather, high stress levels, sleep deprivation, general unsanitary surroundings, lack of access to hygiene facilities, and poor nutrition. For example, sleep deprivation impairs cognitive processes and increases the risk of heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke, and diabetes.

(d) The City has partnered and collaborated with community-based nonprofit organizations serving the homeless to develop and implement new strategies to shelter and identify housing for difficult-to-serve homeless populations, including residents of encampments, people who have not accessed the traditional shelter system, the long-term homeless population, and Homeward Bound clients. Since 2015, the City has successfully piloted a temporary Homeless Shelter model (the “Navigation Center” model) that reduces barriers to participation and seeks to connect clients to stable income, public benefits, and permanent housing outside of the Navigation Center. This ordinance would facilitate the expansion of the Navigation Center model and the successful transition of difficult-to-serve homeless populations to services and permanent housing.

(e) Due to the vital need to find locations for temporary homeless shelters and to provide such facilities and related services and amenities to homeless people, the Board of Supervisors, in Ordinance No. 214-16, summarily vacated a portion of public right-of-way on 25th Street that is depicted on Public Works (“PW”) SUR Map No. 2016-20, dated October 3,

2016 (the “Vacation Area”), to enable the siting and operation of the Central Waterfront Navigation Center. The Board of Supervisors conditioned the summary street vacation so that the street vacation would be in effective for 42 months from the effective date of that ordinance. A copy of Ordinance No. 214-16 and the SUR map are on file with the Clerk of the Board of Supervisors in File No. 160961 are is incorporated herein by reference.

(f) Presently, the presence and spread of COVID-19 poses unprecedented challenges to the City and exacerbates challenges facing homeless individuals in the City. The City must procure, preserve, and utilize all available temporary and permanent residential facilities, including homeless shelters, in its efforts to quickly and safely address the spread of the virus.

(g) According to Administrative Code Chapter 106.3(b), the City is authorized to enter into agreements with nonprofit organizations to provide services relating to Navigation Centers. On September 13, 2016 the Port Commission approved a Memorandum of Understanding (“MOU”) between the Port of San Francisco and the Department of Homelessness and Supportive Housing to authorize the use of 600 25th Street for use as a temporary navigation center. For the duration of the existing MOU, Central Waterfront Navigation Center residents have indicated satisfaction with the effectiveness of the Central Waterfront Navigation Center and neighborhood residents have indicated satisfaction with the current management of the Central Waterfront Navigation Center. While the current MOU is set to expire in May 2020, the City proposes to renew and extend the MOU for an additional five years. Approval of the amended MOU, which is on file with the Clerk of the Board of Supervisors in File No. 200397 (“Amended MOU”), and is calendared for review and consideration by the Port Commission on April 24, 2020.

(h) On March 13, 2019, the Dogpatch Neighborhood Association sent a letter to the Department of Homelessness and Supportive Housing supporting an extension of the Central Waterfront Navigation Center because the Navigation Center has proven to be an effective

and attractive choice for people experiencing homelessness, providing them with a safe place to be, services, and access to resources to help end their homelessness. Since opening the Central Waterfront Navigation Center has been a good neighbor, well-maintained and an invaluable resource in addressing encampments in the Dogpatch neighborhood.

(i) For the reasons set forth in this ordinance, the Board of Supervisors determines that it would be in the best interests of the City to extend the temporary vacation of the applicable street and roadway area to allow for the continued operation of the Central Waterfront Navigation Center to provide services and amenities to homeless people.

(j) The Vacation Area is located on property under the jurisdiction of the Port Commission. Any continued use of the Vacation Area as a navigation center and extension of the street vacation corresponding to the Vacation Area shall require approval of a Port Commission resolution determining that the Vacation Area is not needed for public trust purposes, including access to San Francisco Bay, and the proposed use of the Vacation Area for a temporary Navigation Center is an acceptable interim use of Port of San Francisco property.

(k) California Streets and Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a) establish the process for the Board of Supervisors to vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and 8334.5 provide that the legislative body of a local agency may summarily vacate an excess right-of-way of a street under certain circumstances.

(l) The physical attributes of the Vacation Area satisfy the requirements necessary for a summary street vacation under Streets and Highways Code Sections 8334 and 8334.5. These attributes are as follows: the Vacation Area is not necessary for street purposes as (1) the Vacation Area does not continue through Seawall Lot 356, and therefore, is a dead end, and (2) the Vacation Area is excess right-of-way not required for street purposes or for access

to San Francisco Bay. In addition, the Vacation Area is not needed for public trust purposes and the proposed use is an acceptable interim use of Port of San Francisco property. There are no in-place functioning utilities that would be affected by the street vacation, and therefore, the Vacation Area qualifies for summary street vacation under Streets and Highways Code Section 8334.5. Based on these factors and the need to temporarily house homeless residents based on general public health and safety considerations, and the particular challenges posed by COVID-19, the Vacation Area may be summarily vacated in accordance with Streets and Highways Code Sections 8334 and 8334.5 and the established public noticing and hearing procedures of the Clerk of the Board of Supervisors for summary street vacations.

(m) In PW Order No. 203038, dated April 21, 2020, the Director of Public Works (the "PW Director") determined (1) the Vacation Area may remain vacated based on the factors and findings identified in this Subpart (m); (2) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes; (3) there are no in-place functioning public or private utilities that will be affected by the vacation of the Vacation Area, based on the absence of any objections from any utility company or entity to the street vacation; (4) the public interest, convenience, and necessity do not require that any easements or other rights be reserved for any public or private utility facilities that may be in place in the Vacation Area; and (5) any rights based upon any such public or private utility facilities identified in the preceding (3) and (4) shall be extinguished automatically upon the effectiveness of the vacation. The PW Director also found that the street vacation shall be temporary and recommended that the City reserve, and except from vacation, rights in the Vacation Area for future street, roadway, and emergency vehicle access purposes pursuant to Streets and Highways Code Section 8340. The PW Director also recommended that the Vacation Area cease to be vacated and revert to street and roadway use and publicly

dedicated street and right-of-way as authorized under Streets and Highways Code Sections 8340 and 8341 upon the earliest to occur of any of the following:

(A) removal, for any reason, of the Central Waterfront Navigation Center from the Vacation Area; or

(B) the expiration, termination, abandonment, and/or revocation of the Memorandum of Understanding or similar instrument between the Port Commission and the Department of Homelessness and Supportive Housing ("HSH"); or

(C) a determination by the HSH Director and the PW Director that an equivalent number of permanent shelter beds has been created at an alternate location or locations and all homeless residents housed at the Central Waterfront Navigation Center will have access to such location or locations.

A copy of this PW Order is on file with the Clerk of the Board of Supervisors in File No. 200397 and is incorporated herein by reference.

(n) Pursuant to California Streets and Highways Code Sections 892 and 8314, the PW Director in PW Order No. 203038 also finds that the Vacation Area is currently not necessary for non-motorized transportation, as there are numerous other streets in the immediate area available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the street vacation. Moreover, the public convenience, necessity, and welfare would be enhanced by the continuation of the use of the Vacation Area to operate the Central Waterfront Navigation Center.

(o) The PW Director recommends that the Board of Supervisors approve the temporary vacation of the Vacation Area: (1) subject to the City's reservation of rights in the Vacation Area, which shall be excepted from the vacation, for future street use pursuant to Streets and Highways Code Section 8340; and (2) to take effect and to be implemented by

the City on or after the Effective Date of this ordinance upon the approval and execution of the Amended MOU.

(p) The PW Director recommends that the Board of Supervisors adopt as its own the recommendations of the PW Director as set forth in PW Order No. 203038 concerning the vacation of the Vacation Area. The Board hereby incorporates such recommendations and findings by reference as though fully set forth herein. The Board of Supervisors adopts as its own the recommendations and findings in PW Order No. 203038.

(q) In a letter dated April 2, 2020, the Planning Department determined that the actions contemplated in this ordinance are exempt from the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 200397 and is incorporated herein by reference.

(r) In addition, in a letter dated April 17, 2020, the Planning Department determined the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1. The Board of Supervisors hereby adopts as its own the General Plan and Planning Code findings in this letter. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 200397 and is incorporated herein by reference.

(s) In recognition of the importance of providing public notice and the opportunity for public comment on extension of the term of the prior street vacation and continued operation the Central Waterfront Navigation Center, the Board of Supervisors has provided and will continue to provide posted notice of this street vacation following the same procedures it uses for conventional street vacations.

(t) The Clerk of the Board published and the Department of Public Works posted notice of a public hearing on the street vacation action that is the subject of this ordinance.

Evidence of this public notice is on file with the Clerk of the Board of Supervisors in File No. 200397.

Section 2. Conditional and Temporary Summary Street Vacation.

(a) The actions contemplated in this ordinance are being taken in accordance with the provisions of Streets and Highways Code Sections 8300 et seq. for summary street vacations.

(b) Pursuant to California Streets and Highways Code Sections 8300 et seq., the Vacation Area, as shown on SUR Map No. 2016-20, is hereby ordered temporarily and summarily vacated on or after the effective date of this ordinance and pursuant and subject to the conditions described in Sections 2(c) and 2(d) below.

(c) The temporary vacation of the Vacation Area: (1) shall be subject to the City's reservation of rights in the Vacation Area, which shall be excepted from the vacation, for future street, roadway, and emergency vehicle access purposes pursuant to Streets and Highways Code Section 8340; and (2) shall become effective and shall be implemented by the City on or after the effective date of this ordinance and upon the approval and execution of the Amended MOU.

(d) The Board of Supervisors finds that the Vacation Area is unnecessary for present or prospective public street use; provided, however, that the street vacation is temporary and the Vacation Area shall cease to be vacated and shall revert to street and roadway use and its status as publicly dedicated street and right-of-way, as authorized under California Streets and Highways Code Sections 8340 and 8341 upon the earliest to occur of any of the following:

(1) removal, for any reason, of the Central Waterfront Navigation Center from the Vacation Area; or

(2) the expiration, termination, abandonment, and/or revocation of the Memorandum of Understanding or similar instrument between the Port Commission and the DHSH; or

(3) a determination by the DHSH Director and the PW Director that an equivalent number of permanent shelter beds has been created at an alternate location or locations and all homeless residents housed at the subject temporary Navigation Center will have access to such location or locations.

(e) The public interest and convenience require that the vacation proceed as declared in this ordinance.

Section 3. Official Acts in Connection with this Ordinance.

(a) The Board of Supervisors hereby authorizes and directs the Mayor, the Clerk of the Board of Supervisors, the PW Director, the County Surveyor, the Port Director, and the Director of the Division of Real Estate to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this ordinance (including, without limitation, the filing of this ordinance in the Official Records of the City and County of San Francisco).

(b) This ordinance shall be recorded immediately upon the effective date of this ordinance.

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

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

By: /s/
CHRISTOPHER T. TOM
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200397 **Date Passed:** June 02, 2020

Ordinance ordering the summary vacation of a portion of 25th Street, which is generally bounded by Assessor's Parcel Block No. 4241, Lot No. 002 to the north, Seawall Lot No. 355 (portions of Assessor's Parcel Block No. 4298, Lot No. 002, Assessor's Parcel Block No. 4299, Lot No. 001, and Assessor's Parcel Block No. 4300, Lot No. 001) to the south, Michigan Street to the west, and Seawall Lot No. 356 to the east, to enable extended operation of a temporary Navigation Center for homeless residents; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein.

May 18, 2020 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

May 19, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

June 02, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200397

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/2/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

6/12/20
Date Approved