

1 [Summary Public Service Easement Vacation - Hunters View Phase 1 Project]

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 3 **Ordinance ordering the summary vacation of public service easements in the Hunters**
 4 **View project site, which includes a sanitary sewer easement generally running along**
 5 **West Point Road between Catalina Street and Middle Point Road and a public access**
 6 **and emergency vehicle access easement generally located at West Point Road and**
 7 **Catalina Street; authorizing the City to quitclaim its interest in the vacation areas**
 8 **(Assessor’s Parcel Block No. 4624, Lot Nos. 29 and 31) to the San Francisco Housing**
 9 **Authority notwithstanding the requirements of Administrative Code, Chapter 23;**
 10 **affirming the Planning Commission’s determination under the California Environmental**
 11 **Quality Act; adopting findings that the actions contemplated in this Ordinance are**
 12 **consistent with the General Plan, and eight priority policies of Planning Code, Section**
 13 **101.1; and authorizing official acts in connection with this Ordinance, as defined**
 14 **herein.**

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 San Francisco
 25 Public Works 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. In addition,

1 the California Subdivision Map Act, in Government Code Section 66477.2(c), specifies that
2 California Streets and Highways Code Sections 8300 et seq. is an appropriate procedure to
3 follow to terminate and abandon offers of dedication for public service easements that the City
4 deems are not necessary.

5 (b) The Board of Supervisors finds it appropriate and in the public interest to pursue
6 the summary public service easement vacations for a sanitary sewer easement generally
7 running along West Point Road between Catalina Street and Middle Point Road (Assessor's
8 Parcel Block No. 4624, Lots 29 and 31) and a public access and emergency vehicle access
9 easement generally located at West Point Road and Catalina Street (Assessor's Parcel Block
10 No. 4624, Lot 29) (collectively, the "Easements") as part of the Hunters View Phase 1 Project,
11 a public housing transformation collaborative effort aimed at disrupting intergenerational
12 poverty, reducing social isolation, and creating vibrant mixed-income communities without
13 mass displacement of current residents. In Motion No. M10-188, the Board of Supervisors
14 approved Final Map No. 5461 (Hunters View Phase 1) that included an offer of dedication for
15 the subject Easements. However, the City did not accept such Easements and wants to
16 terminate and abandon such Easements. A copy of the final subdivision map that included
17 the offers of the Easements is on file with the Clerk of the Board of Supervisors in File No.
18 101510 and incorporated herein by reference.

19 (c) The location and extent of the area to be vacated (the "Vacation Area") includes the
20 abovementioned Easements within the Hunters View Phase 1 Project site in the Hunters Point
21 neighborhood. The Vacation Area is more particularly shown on the Public Works ("PW")
22 SUR Map 2021-003, SUR Map 2021-004, and SUR Map 2021-005, all dated May 6, 2021.
23 Copies of these maps are on file with the Clerk of the Board of Supervisors in File No. 210597
24 and are incorporated herein by reference.

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1 (d) The City proposes to quitclaim its interest in the Vacation Area to the Housing
2 Authority of the City and County of San Francisco (“SFHA”) to help facilitate the development
3 of the Hunters View Phase 1 Project. Copies of the draft quitclaim deeds are on file with the
4 Clerk of the Board of Supervisors in File No. 210597.

5 (e) By letter dated March 30, 2021, the Acting General Manager of the San Francisco
6 Public Utilities Commission (“SFPUC”) confirmed that the SFPUC does not have a need for
7 the sanitary sewer easement as SFPUC has approved plans and specifications for sewer
8 facilities in the public right-of-way. A copy of this letter is on file with the Clerk of the Board of
9 Supervisors in File No. 210597.

10 (f) In PW Order No. 204827, dated May 25, 2021, the PW Acting Director (“PW
11 Director”) determined and the City Engineer certified that: (1) the Vacation Area is
12 unnecessary for the City's present or prospective public street, sidewalk, and service
13 easement purposes; (2) based on public convenience and necessity, the offered Easements
14 in the Vacation Area are no longer necessary for public purposes as all the public service
15 easement issues are addressed elsewhere on the project site; (3) the public interest,
16 convenience, and necessity do not require any easements or other rights be reserved
17 because there are no public or private utility facilities that are in place in the Vacation Area
18 and the offered Easements should be extinguished upon the effectiveness of the vacation; (4)
19 the process to terminate and vacate the offered, but not needed, Easements is consistent with
20 the process recognized in the California Subdivision Map Act, in particular Government Code
21 Section 66477.2(c); and (5) it is a policy matter for the Board of Supervisors to quitclaim the
22 City’s interest in the Vacation Area to SFHA. A copy of this Order is on file with the Clerk of
23 the Board of Supervisors in File No. 204827 and is incorporated herein by reference.

24 (g) In PW Order No. 204827, the PW Director also found that the vacation of the
25 Easements qualifies for a summary vacation for the following reasons:

1 (1) Under California Streets and Highways Code Section 8333(a), the
2 Easements only have been offered, the City has not finally accepted the Easements, and the
3 Easements areas have not been used for the purpose for which they were offered for five
4 consecutive years immediately preceding the proposed vacation.

5 (2) Under California Streets and Highways Code Section 8333(c), the
6 Easements have been superseded by relocation, or determined to be excess by the holder of
7 the Easements, and there are no other public facilities located within the Easements.

8 (h) The proposed vacation is within the scope of the Final Environmental Impact
9 Report (“FEIR”) for the Hunters View Project (the “Project”) and an addendum dated January
10 16, 2020, both prepared pursuant to the California Environmental Quality Act (California
11 Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission
12 certified the FEIR on June 12, 2008 by Motion No. 17617. The Planning Commission in
13 Motion Nos. 17618 and 17621 adopted findings, as required by CEQA, regarding the
14 alternatives, mitigation measures, significant environmental effects analyzed in the FEIR, a
15 statement of overriding considerations for approval of the Project, and a proposed mitigation
16 monitoring and reporting program. The Planning Commission on February 20, 2020, in
17 Motion No. 20663, adopted the addendum and additional findings as required under CEQA.
18 Planning Commission Motion Nos. 17618, 17621, and 20663 are collectively referred to as
19 the “Planning Commission CEQA Findings.” Copies of these motions are on file with the
20 Clerk of the Board of Supervisors in File No. 210597 and incorporated herein by reference.

21 (i) The Board of Supervisors further finds that pursuant to the CEQA Guidelines
22 (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162
23 and 15164, that the actions contemplated herein are consistent with, and within the scope of,
24 the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are
25 proposed in the Project and no substantial changes have occurred with respect to the

1 circumstances under which this Project will be undertaken that would require major revisions
2 to the FEIR due to the involvement of any new significant environmental effects or a
3 substantial increase in the severity of previously identified effects and (2) no new information
4 of substantial importance that was not known and could not have been known with the
5 exercise of reasonable diligence at the time the FEIR was certified as complete shows that
6 the Project will have any new significant effects not analyzed in the FEIR, or a substantial
7 increase in the severity of any effect previously examined, or that new mitigation measures or
8 alternatives previously found not to be feasible would in fact be feasible and would
9 substantially reduce one or more significant effects of the Project, or that mitigation measures
10 or alternatives that are considerably different from those analyzed in the FEIR would
11 substantially reduce one or more significant effects on the environment. The Board of
12 Supervisors adopts the Planning Commission CEQA Findings as its own.

13 (j) In a letter dated August 5, 2019, the Planning Department found the proposed
14 vacation of the Vacation Area and other actions contemplated in this ordinance are consistent
15 with the General Plan and priority policies of Planning Code Section 101.1. For purposes of
16 this legislation, the Board of Supervisors adopts the Planning Commission General Plan and
17 Planning Code Section 101.1 findings as its own and incorporates them herein by reference.
18 A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors
19 in File No. 210597.

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21 Section 2. Summary Vacation.

22 (a) The Board of Supervisors adopts the findings of the PW Director and City Engineer
23 as its own, including the findings that support the summary public service easement vacation
24 that is the subject of this ordinance.

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1 (b) The Board of Supervisors, consistent with terms of Section 1 of this ordinance,
2 finds that the Vacation Area is unnecessary for present or prospective public use.

3 (c) The Board of Supervisors hereby summarily vacates the Vacation Area, as shown
4 on SUR Map Nos. 2021-003, 004, and 005, pursuant to California Streets and Highways
5 Code Sections 8300 et seq., in particular Sections 8333 and 8334.5, California Government
6 Code Section 66477.2(c), and San Francisco Public Works Code Section 787(a).

7 (d) The public interest and convenience require that the summary public service
8 easement vacation be done as declared in this ordinance.

9 (e) The summary public service easement vacation shall be effective automatically
10 and without any requirement for further action.

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12 Section 3. Real Property Transaction; Delegation of Authority.

13 (a) Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
14 Supervisors approves a quitclaim of the City's interest in the Vacation Area (Assessor's Parcel
15 Block No. 4624, Lots 29 and 31) and conveyance of this property to the SFHA.

16 (b) The Board of Supervisors delegates to the Director of Property, in consultation with
17 the City Attorney's Office, the authority to make nonmaterial changes in, and to finalize and
18 execute, the quitclaim deed(s) for the Vacation Area on behalf of the City to SFHA in
19 accordance with the terms set forth in this ordinance.

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21 Section 4. Official Acts in Connection with this Ordinance.

22 (a) The Mayor, Clerk of the Board of Supervisors, Director of Property, County
23 Surveyor, and PW Director are hereby authorized and directed to take any and all actions
24 which they or the City Attorney may deem necessary or advisable to effectuate the purpose
25 and intent of this ordinance, including, without limitation, the filing of this ordinance in the

1 Official Records of the City; confirmation of satisfaction of the conditions to the effectiveness
2 of the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of
3 the same, which shall be conclusive as to the satisfaction of the conditions upon signature by
4 any such City official or the official's designee, and completion and recordation of the
5 quitclaim(s).

6 (b) The City shall record this ordinance promptly upon the effective date of this
7 vacation.

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

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

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

20 By: /s/ John D. Malamut
21 JOHN D MALAMUT
22 Deputy City Attorney

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