



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 204827

Recommending summary vacation of public service easements within the Hunters View project site, including a sanitary sewer easement generally running along West Point Road between Catalina Street and Middle Point Road and a public access and emergency vehicle access easement generally located at West Point Road and Catalina Street as part of the Hunters View Phase 1 Project, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.

WHEREAS, The City and County of San Francisco has fee title ownership of property underlying most public right-of-ways, which includes streets and sidewalks; and

WHEREAS, The areas to be vacated (“the Vacation Area”) are the entirety of public service easements in the Hunters View project site, which includes a sanitary sewer easement generally running along West Point Road between Catalina Street and Middle Point Road and a public access and emergency vehicle access easement generally located at West Point Road and Catalina Street as part of the Hunters View Phase 1 Project, which are specifically shown on SUR Map 2021-003, dated May 6, 2021, SUR Map 2021-004, dated May 6, 2020, and SUR Map 2021-005, dated May 6, 2021; and

WHEREAS, The Vacation Area as shown on SUR Map No. 2021-003, SUR Map No. 2021-004, and SUR Map No. 2021-005 is unnecessary for the City’s present or prospective public street, sidewalk, and public service easement purposes and that any rights based upon any such public or private utility facilities shall be extinguished automatically upon the effectiveness of the vacation; the summary easement vacation is appropriate under California Streets and Highways Code Sections 8333 and 8334.5 because: (1) under Streets and Highways Code Section 8334.5 there are no in-place functioning utilities within the easement areas; (2) under Streets and Highways Code Section 8333(a), the easements only have been offered, the City has not finally accepted the easements, and the easements areas have not been used for the purpose for which they were offered for five consecutive years immediately preceding the proposed vacation; and (3) under Streets and Highways Code Section 8333(c), the easements have been superseded by relocation, or determined to be excess by the holder of the Easements, and there are no other public facilities located within the Easements. Based on these factors, the Vacation Area may be summarily vacated in accordance with Streets and Highways Code Sections 8333 and 8334.5; and

WHEREAS, In addition to the identified provisions of the Streets and Highways Code, the process to terminate and vacate the offered, but not needed, easements is consistent with the process recognized in the California Subdivision Map Act, in particular Government Code Section 66477.2(c); and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787; and

WHEREAS, On August 5, 2019 the Department of City Planning (Case No. 2013.0696R) found that the proposed Vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. ; and

WHEREAS, The proposed vacation is within the scope of the Final Environmental Impact Report (“FEIR”) for the Hunters View Project (the “Project”) and an addendum dated January 16, 2020, both prepared pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”). The Planning Commission certified the FEIR on June 12, 2008 by Motion No. 17617. The Planning Commission in by Motion Nos. 17618 and 17621 adopted findings, as required by CEQA, regarding the alternatives, mitigation measures, significant environmental effects analyzed in the FEIR, a statement of overriding considerations for approval of the Project, and a proposed mitigation monitoring and reporting program. The Planning Commission on February 20, 2020, in Motion No. 20663, adopted the addendum and additional findings as required under CEQA. Planning Commission Motion Nos. 17618, 17621, and 20663 are collectively referred to as the “Planning Commission CEQA Findings;” and

WHEREAS, The Board of Supervisors further finds that pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162 and 15164, that the actions contemplated herein are consistent with, and within the scope of, the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are proposed in the Project and no substantial changes have occurred with respect to the circumstances under which this Project will be undertaken that would require major revisions to the FEIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified effects and (2) no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete shows that the Project will have any new significant effects not analyzed in the FEIR, or a substantial increase in the severity of any effect previously examined, or that new mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, or that mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, On November 22, 2019, the San Francisco Fire Department provided notice that it had reviewed and had no objections to the proposed vacation; and

WHEREAS, On March 30, 2021, the San Francisco Public Utilities Commission provided notice that it had reviewed and had no objections to the proposed vacation; and

WHEREAS, On April 22, 2021, the San Francisco Housing Authority in Resolution No. 0022-21 approved the proposed vacation, associated form of quitclaim deeds and authorized the Chief Executive Officer to execute a Certificate of Acceptance for the Quitclaim Deeds; and

WHEREAS, Pursuant to the California Streets and Highway Code, the Department of Public Works, Bureau of Street Use and Mapping (the “Department”) has initiated the process to vacate the Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawings, , and a DPW referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric (“PG&E”), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the Public Utility Commission (“PUC”). No public or private utility company or agency objected to the proposed vacation; consequently, Public Works finds the Vacation Area is unnecessary for the City’s present or prospective public street purposes; and

WHEREAS, The public interest, convenience, and necessity require that no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are unnecessary and should be extinguished.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to vacate the Vacation Area
2. Vacation Area SUR Map No.2021-003
3. Vacation Area SUR Map No.2021-004
4. Vacation Area SUR Map No.2021-005

The Director recommends that the Board of Supervisors approve the legislation to summarily vacate the Vacation Area and acknowledges that the decision to quitclaim the easement areas to San Francisco Housing Authority is a policy matter for the Board.

The Director recommends the Board of Supervisors approve all other actions set forth herein with respect to this vacation. The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works 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.

X DocuSigned by:
Albert Ko

Ko, Albert -281DC30E04CF41A...
City Engineer

X DocuSigned by:
Alain Degrafinried

Degrafinried, Alain -18178336C84404A5...
Acting Director

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WHEREAS, The Board of Supervisors further finds that pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162 and 15164, that the actions contemplated herein are consistent with, and within the scope of, the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are proposed in the Project and no substantial changes have occurred with respect to the circumstances under which this Project will be undertaken that would require major revisions to the FEIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified effects and (2) no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete shows that the Project will have any new significant effects not analyzed in the FEIR, or a substantial increase in the severity of any effect previously examined, or that new mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, or that mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment; and

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4. Vacation Area SUR Map No.2021-005

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The Director recommends the Board of Supervisors approve all other actions set forth herein with respect to this vacation. The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works 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.

Certificate Of Completion

Envelope Id: 88EA0EAAA3A47B6B88EC0EBC8154B2D	Status: Completed
Subject: Order 204827 - Summary Easement Vacation - Hunters View	
Source Envelope:	
Document Pages: 6	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	DPW DocuSign
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	49 S Van Ness Ave
	San Francisco, CA 94103
	dpw-docusign.service@sfdpw.org
	IP Address: 208.121.36.177


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Status: Original	Holder: DPW DocuSign	Location: DocuSign
5/25/2021 4:12:23 PM	dpw-docusign.service@sfdpw.org	

Signer Events

Albert Ko
 Albert.J.Ko@sfdpw.org
 Public Works
 Security Level: Email, Account Authentication (None)

Signature

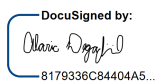
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Timestamp

Sent: 5/25/2021 4:12:24 PM
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 Signed: 5/25/2021 4:18:45 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Degrafinried, Alaric
 Alaric.Degrafinried@sfdpw.org
 Acting Director
 City and County of San Francisco
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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 Signature Adoption: Drawn on Device
 Using IP Address: 208.121.33.161

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 Signed: 5/25/2021 4:40:30 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	5/25/2021 4:40:17 PM
Signing Complete	Security Checked	5/25/2021 4:40:30 PM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	5/25/2021 4:40:30 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Public Works (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Public Works:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: dannie.tse@sfdpw.org

To advise Public Works of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at dannie.tse@sfdpw.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from Public Works

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to dannie.tse@sfdpw.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Public Works

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to dannie.tse@sfdpw.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Public Works as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Public Works during the course of my relationship with you.