

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Alaric Degrafinried, Interim Director, Public Works  
Michael Carlin, Acting General Manager, Public Utilities Commission  
Rich Hillis, Director, Planning Department

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

DATE: June 1, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on May 25, 2021:

**File No. 210596**

**Ordinance accepting an irrevocable offer of public infrastructure and real property associated with Hunters View Phase 1 public infrastructure improvements, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road ("HV1 Public Infrastructure"); declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the HV1 Public Infrastructure to public use; designating such public infrastructure for street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to establish official sidewalk width on the abovementioned street areas; accepting the HV1 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; and authorizing official acts in connection with this Ordinance, as defined herein.**

**File No. 210597**

**Ordinance ordering the summary vacation 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; authorizing the City to quitclaim its interest in the vacation areas (Assessor's Parcel Block No. 4624, Lot Nos. 29 and 31) to the San Francisco Housing Authority notwithstanding the requirements of Administrative Code, Chapter 23; affirming the Planning Commission's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.**

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](mailto:erica.major@sfgov.org).

cc: David Steinberg, Public Works  
Jeremy Spitz, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
Masood Ordikhani, Public Utilities Commission  
Donna Hood, Public Utilities Commission  
John Scarpulla, Public Utilities Commission  
Scott Sanchez, Planning Department  
Corey Teague, Planning Department  
Lisa Gibson, Planning Department  
Devyani Jain, Planning Department  
Adam Varat, Planning Department  
AnMarie Rodgers, Planning Department  
Dan Sider, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department

1 [Hunters View Phase 1 - Accepting Acacia Avenue, Catalina Street, and Portions of Fairfax  
2 Avenue, Ironwood Way, and Middle Point Road]

3 **Ordinance accepting an irrevocable offer of public infrastructure and real property**  
4 **associated with Hunters View Phase 1 public infrastructure improvements, including**  
5 **Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and**  
6 **Middle Point Road (“HV1 Public Infrastructure”); declaring City property and additional**  
7 **property as shown on official Public Works maps as open public right-of-way;**  
8 **dedicating the HV1 Public Infrastructure to public use; designating such public**  
9 **infrastructure for street and roadway purposes; establishing official public right-of-way**  
10 **widths and street grades; amending Ordinance No. 1061 entitled “Regulating the Width**  
11 **of Sidewalks” to establish official sidewalk width on the abovementioned street areas;**  
12 **accepting the HV1 Public Infrastructure for City maintenance and liability purposes,**  
13 **subject to specified limitations; adopting findings under the California Environmental**  
14 **Quality Act; making findings of consistency with the General Plan, and the eight**  
15 **priority policies of Planning Code, Section 101.1; accepting a Public Works Order**  
16 **recommending various actions in regard to the public infrastructure improvements;**  
17 **and authorizing official acts in connection with this Ordinance, as defined herein.**

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

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

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1 Section 1. Background and Findings.

2 (a) This legislation is related to the development of the Hunters View HOPE Project, a  
3 public housing transformation collaborative effort aimed at disrupting intergenerational  
4 poverty, reducing social isolation, and creating vibrant mixed-income communities without  
5 mass displacement of current residents (the “Project”).

6 (b) The proposed acceptance of the public infrastructure improvements is within the  
7 scope of the Final Environmental Impact Report (“FEIR”) for the Hunters View Project (the  
8 “Project”) and an addendum dated January 16, 2020, both prepared pursuant to the California  
9 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.)  
10 (“CEQA”). The Planning Commission certified the FEIR on June 12, 2008 by Motion No.  
11 17617. The Planning Commission in Motion Nos. 17618 and 17621 adopted findings, as  
12 required by CEQA, regarding the alternatives, mitigation measures, significant environmental  
13 effects analyzed in the FEIR, a statement of overriding considerations for approval of the  
14 Project, and a proposed mitigation monitoring and reporting program. The Planning  
15 Commission on February 20, 2020, in Motion No. 20663, adopted the addendum and  
16 additional findings as required under CEQA. Planning Commission Motion Nos. 17618,  
17 17621, and 20663 are collectively referred to as the “Planning Commission CEQA Findings.”  
18 Copies of these motions are on file with the Clerk of the Board of Supervisors in File No.  
19 210596 and incorporated herein by reference.

20 (c) The Board of Supervisors further finds that pursuant to the CEQA Guidelines  
21 (California Code of Regulations Title 14, Sections 15000 et seq.), including Sections 15162  
22 and 15164, that the actions contemplated herein are consistent with, and within the scope of,  
23 the Project analyzed in the FEIR and addendum, and that (1) no substantial changes are  
24 proposed in the Project and no substantial changes have occurred with respect to the  
25 circumstances under which this Project will be undertaken that would require major revisions

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

12 (d) In a letter dated December 10, 2008, the City Planning Department found that the  
13 acceptance of the public infrastructure and real property associated with Hunters View Phase  
14 1, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way,  
15 and Middle Point Road (“HV1 Public Infrastructure”) and other actions set forth in this  
16 ordinance are, on balance, in conformance with the General Plan and the eight priority  
17 policies of Planning Code Section 101.1. For purposes of this legislation, the Board of  
18 Supervisors adopts the Planning Commission General Plan and Planning Code Section 101.1  
19 findings as its own and incorporates them herein by reference. A copy of the Planning  
20 Department letter is on file with the Clerk of the Board of Supervisors in File No. 210596.

21 (e) In Public Works (“PW”) Order No. 204824, dated May 6, 2021, including Map A-17-  
22 182, dated May 6, 2021, and Drawing Q-20-1085, dated May 24, 2021, the City Engineer  
23 certified and the Acting Public Works Director (the “PW Director”) recommended that: (1) HV  
24 PARTNERS 1, LP, a California limited partnership (“HV PARTNERS 1”) and the HOUSING  
25 AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body corporate

1 and politic (“SFHA”), have irrevocably offered the HV1 Public Infrastructure and real property,  
2 respectively, to the City and County of San Francisco (“City”) as set forth in the HV  
3 PARTNERS 1 Irrevocable Offer of such HV1 Public Infrastructure, dated September 27, 2016,  
4 and SFHA’s Offer of Dedication (for the real property) dated January 13, 2011, and recorded  
5 on February 15, 2011, as Document No. 2011-J135661 (collectively, “HV PARTNERS 1  
6 Offer”); (2) Public Works inspected the HV1 Public Infrastructure and determined it to be  
7 complete as of May 9, 2017; (3) the HV1 Public Infrastructure has been constructed in  
8 accordance with the Plans and Specifications and all City codes, regulations, and standards  
9 governing the HV1 Public Infrastructure; and (4) this HV1 Public Infrastructure is ready for its  
10 intended use.

11 (f) The PW Director and City Engineer also recommended to the Board of Supervisors  
12 that it declare the HV1 Public Infrastructure and associated property as shown on official  
13 Public Works maps as open public right-of-way; dedicate the HV1 Public Infrastructure to  
14 public use; designate such public infrastructure for street and roadway purposes; and accept it  
15 for City maintenance and liability purposes. The PW Director and City Engineer  
16 recommended that acceptance of the HV1 Public Infrastructure for maintenance and liability  
17 purposes be subject to the following conditions: (1) the portions of streets being accepted for  
18 street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified  
19 otherwise or as shown on the Plans and Specifications for the HV1 Public Infrastructure; (2)  
20 acceptance of the HV1 Public Infrastructure for City maintenance and liability purposes is from  
21 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the  
22 responsibility of the adjacent property owners in accordance with the Public Works Code; (3)  
23 encroachments that are permitted, not permitted, or both, are excluded from acceptance; (4)  
24 the acceptance of the streets does not obviate, amend, alter, or in any way affect existing  
25 maintenance agreements between the City and parties to such agreements; (5) HV

1 PARTNERS 1 conditional assignment of all warranties and guaranties to the City related to  
2 the construction of the HV1 Public Infrastructure and its warranty obligations under Street  
3 Improvement Permit No. 11IE-0336, and (6) the acceptance shall be expressly conditioned on  
4 the Project applicant obtaining an encroachment permit or other authorization from the City to  
5 maintain encroachments in the public right-of-way that are the applicant's responsibility.  
6 Copies of the PW Order and HV PARTNERS 1 Offer, including a grant deed for real property,  
7 the PW Map A-17-182 and Drawing Q-20-1085 are on file with the Clerk of the Board of  
8 Supervisors in File No. 210596 and are incorporated herein by reference.

9 (g) In Public Works Order No. 204824, the PW Director and City Engineer also  
10 recommended establishment of public right-of-way widths, sidewalk widths, and street grades  
11 on Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and  
12 Middle Point Road in accordance with Map A-17-182 and Drawing Q-20-1085 in addition to  
13 amending Board of Supervisors' Ordinance No. 1061 on sidewalk widths.

14  
15 Section 2. Adoptions and Approvals.

16 (a) The Board of Supervisors adopts as its own the CEQA findings and the General  
17 Plan and Planning Code Section 101.1 consistency findings in the Planning Department  
18 Letter, as referenced in Section 1(b)-(d) of this ordinance, in connection with the acceptance  
19 of the HV1 Public Infrastructure and other actions specified in this ordinance.

20 (b) The Board of Supervisors has reviewed and approves PW Order No. 204824,  
21 including the City Engineer's certification and PW Director's recommendation, as referenced  
22 in Section 1(e)-(g) of this ordinance, concerning the acceptance of the HV PARTNERS 1  
23 Offer, HV1 Public Infrastructure, and other actions set forth in the Public Works Order.

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1           Section 3. Acceptance of Public Infrastructure and Assumption of Maintenance and  
2 Liability Responsibilities.

3           (a) Pursuant to California Streets and Highways Code Section 1806 and San  
4 Francisco Administrative Code Sections 1.51 et seq., and Public Works Order No. 204824,  
5 the Board of Supervisors hereby accepts the HV PARTNERS 1 Offer and dedicates the HV1  
6 Public Infrastructure for public use.

7           (b) The HV PARTNERS 1 Offer also included real property for right-of-way purposes  
8 underlying Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way,  
9 and Middle Point Road, which is evidenced by a grant deed from SFHA for this property. The  
10 Board of Supervisors hereby accepts the grant deed and authorizes the Director of Real  
11 Property to execute and record said deed.

12           (c) The Board of Supervisors hereby approves PW Map A-17-182, declares the areas  
13 shown hatched on said Map A-17-182 as open public right-of-way, and designates these  
14 areas for street and roadway purposes.

15           (d) The Board of Supervisors hereby accepts the HV1 Public Infrastructure for City  
16 maintenance and liability purposes, subject to the conditions listed in subsections (e) and (f),  
17 below.

18           (e) The HV1 Public Infrastructure accepted pursuant to subsections (a)-(d), above, is  
19 subject to the following conditions: (1) the portions of streets being accepted for street and  
20 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified  
21 otherwise or as shown on the Plans and Specifications for the HV1 Public Infrastructure; (2)  
22 acceptance of the HV1 Public Infrastructure for City maintenance and liability purposes is from  
23 back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the  
24 responsibility of adjacent property owners in accordance with the Public Works Code; (3)  
25 encroachments that are permitted, not permitted, or both, are excluded from acceptance; (4)



1 the acceptance of the streets does not obviate, amend, alter, or in any way affect existing  
2 maintenance agreements between the City and parties to such agreements; and (5) the  
3 acceptance is expressly conditioned on the Project applicant obtaining an encroachment  
4 permit or other authorization from the City to maintain encroachments in the public right-of-  
5 way that are the applicant's responsibility.

6 (f) The Board of Supervisors hereby acknowledges HV PARTNERS 1 conditional  
7 assignment of all warranties and guaranties to the City related to the construction of the HV1  
8 Public Infrastructure and that its acceptance of this HV1 Public Infrastructure is subject to HV  
9 PARTNERS 1 warranty obligations under Street Improvement Permit No. 11IE-0336.

10  
11 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street  
12 Grades.

13 (a) In accordance with PW Order No. 204824, the Board of Supervisors hereby  
14 establishes the official public right-of-way widths for Acacia Avenue, Catalina Street, and  
15 portions of Fairfax Avenue, Ironwood Way, and Middle Point Road as shown on PW Map A-  
16 17-182.

17 (b) In accordance with PW Order No. 204824, Board of Supervisors Ordinance No.  
18 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board  
19 of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by  
20 adding thereto a new section to read as follows:

21 Section 1621. The width of sidewalks on Acacia Avenue, Catalina Street, and portions of  
22 Fairfax Avenue, Ironwood Way, and Middle Point Road shall be modified as shown on the Public  
23 Works Drawing Q-20-1085, dated May 24, 2021.

24 (c) The sidewalk widths established pursuant to subsection (b), above, for Acacia  
25 Avenue, Catalina Street, and those portions of Fairfax Avenue, Ironwood Way, and Middle

1 Point Road do not obviate, amend, alter, or in any other way affect the maintenance  
2 obligations of the adjacent property owners as set forth in the Public Works Code.

3 (d) Notwithstanding California Streets and Highways Code Sections 800 et seq., the  
4 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et  
5 seq., chooses to follow its own procedures for the establishment of street grades. The Board  
6 of Supervisors hereby establishes the street grades for Acacia Avenue, Catalina Street, and  
7 those portions of Fairfax Avenue, Ironwood Way, and Middle Point Road as set forth in the  
8 PW Drawing Q-20-1085.

9 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public  
10 Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

11

12 Section 5. Authorization for Implementation. The Mayor, Clerk of the Board of  
13 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to  
14 take any and all actions which they or the City Attorney may deem necessary or advisable in  
15 order to effectuate the purpose and intent of this ordinance, including, but not limited to, the  
16 filing of the ordinance and the PW Map A-17-182 and Drawing Q-20-1085 in the Official  
17 Records of the City and County of San Francisco.

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

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

7 By: /s/ John D. Malamut  
8 JOHN D. MALAMUT  
9 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Hunters View Phase 1 - Accepting Acacia Avenue, Catalina Street, and Portions of Fairfax Avenue, Ironwood Way, and Middle Point Road]

**Ordinance accepting an irrevocable offer of public infrastructure and real property associated with Hunters View Phase 1 public infrastructure improvements, including Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road (“HV1 Public Infrastructure”); declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the HV1 Public Infrastructure to public use; designating such public infrastructure for street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk width on the abovementioned street areas; accepting the HV1 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; and authorizing official acts in connection with this Ordinance, as defined herein.**

### Existing Law

The Board of Supervisors passed Ordinance No. 201-08 on August 12, 2008, which approved the Hunters View HOPE Project. This Ordinance and related Hunters View legislation established a process by which the project developer would construct specified public infrastructure and dedicate said infrastructure to the City. Upon dedication, the City would initiate the local and State law procedures to establish the areas as open public right-of-way, accept the areas for City maintenance and liability purposes, subject to certain limitations, and take related actions. In addition, Board of Supervisors’ Ordinance No. 1061 established the official sidewalk widths throughout San Francisco. Ordinance No. 1061 is uncodified, but can be located in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, which is on file with the Clerk of the Board of Supervisors.

### Amendments to Current Law

This legislation would accept offers of dedication for public infrastructure and real property for new public right-of-way on Acacia Avenue, Catalina Street, and portions of Fairfax Avenue, Ironwood Way, and Middle Point Road; declare said right-of-way open to the public; dedicate the infrastructure to public use and designate it for street and roadway purposes; accept the infrastructure for maintenance and liability purposes, subject to limitations. The Ordinance also would establish official right-of-way as shown on Map A-17-182; establish official street

grades and sidewalk widths as shown on Drawing Q-20-1085; and amend Board of Supervisors Ordinance No. 1061 on sidewalk widths consistent with this Drawing. These legislative acts all would be in accordance with the procedures established for the Hunters View HOPE Project and applicable local and State law. This Ordinance would make certain findings related to the legislation, including environmental findings and findings that the legislation is consistent with the Hunters View Project the General Plan, and the priority policy findings of the Planning Code Section 101.1.

### Background Information

This legislation would help facilitate the development of the Hunters View HOPE Project, a public housing transformation collaborative effort aimed at disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-income communities without mass displacement of current residents.

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

2  
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.

25 ///

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.

20

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.

25

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.

11  
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.

20  
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.

8  
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.

12  
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.

17  
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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24  
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## **LEGISLATIVE DIGEST**

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

**Ordinance ordering the summary vacation 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; authorizing the City to quitclaim its interest in the vacation areas (Assessor's Parcel Block No. 4624, Lot Nos. 29 and 31) to the San Francisco Housing Authority notwithstanding the requirements of Administrative Code, Chapter 23; affirming the Planning Commission's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.**

### Existing Law

San Francisco Public Works Code Section 787 and California Streets and Highways (S&H) Code Sections 8300 et seq. establish the process and procedures that the City follows to vacate public service easements. California S&H Code Sections 8333 and 8334.5 permit the summary vacation of public service easements if the easements only have been offered, yet the City has not finally accepted the easements, and the easements have not been used for the purpose for which they were offered for five consecutive years immediately preceding the proposed vacation. In addition, the S&H Code allows a summary vacation of public service easements to occur if 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 easement area. State law allows a summary public service easement vacation only if there are no in-place functioning utilities in the street segment(s). A summary public service easement vacation allows for a more expeditious legislative process than a standard public service easement vacation.

### Amendments to Current Law

This legislation would summarily vacate a sanitary sewer easement generally running along West Point Road between Catalina Street and Middle Point Road (Assessor's Parcel Block No. 4624, Lots 29 and 31) and a public access and emergency vehicle access easement generally located at West Point Road and Catalina Street (Assessor's Parcel Block No. 4624, Lot 29) as part of the Hunters View Phase 1 Project in accordance with State and local law. The Ordinance would approve a quitclaim of the vacation area from the City to the Housing Authority of the City and County of San Francisco (SFHA). The legislation would adopt

findings under the California Environmental Quality Act and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Background Information

This legislation would help facilitate the development of the Hunters View Phase 1 Project, a public housing transformation collaborative effort aimed at disrupting intergenerational poverty, reducing social isolation, and creating vibrant mixed-income communities without mass displacement of current residents.

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