

File No. 140453

Committee Item No. \_\_\_\_\_

Board Item No. 12

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date JUNE 10 2014

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Amended in Board 6/3/14
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: John Carroll Date May 29, 2014

Completed by: Arthur Khoo Date June 5, 2014

[Street Vacation - Quint Street Railroad Crossing Improvement Project - Quint Street, McKinnon Ave, and Newcomb Ave]

1  
2 Ordinance ordering the vacation of portions of Quint Street, McKinnon Avenue and  
3 Newcomb Avenue as part of the Quint Street Railroad Crossing Improvement Project;  
4 approving a quitclaim of quitclaiming the City's interest in the vacation areas to the  
5 Peninsula Corridor Joint Powers Board (JPB), subject to specified conditions;  
6 reserving easement rights for the benefit of the City for its utilities and the JPB;  
7 accepting a Department of Public Works Order concerning the street vacation;  
8 affirming the Planning Department's determination under the California Environmental  
9 Quality Act; adopting and authorizing official acts in connection with this Ordinance,  
10 making environmental findings and findings of consistency with the General Plan and  
11 the eight priority policies of Planning Code Section 101.1; and authorizing official acts  
12 in connection with this Ordinance.

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

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

19 Section 1. Findings.

20 (a) On May 6, 2014, the Board of Supervisors adopted Resolution No. 145-14, a copy  
21 of which is on file with the Clerk of the Board of Supervisors in File No. 140452, being a  
22 Resolution declaring its intention to order the vacation of portions of Quint Street, McKinnon  
23 Avenue, and Newcomb Avenue (collectively, the "Vacation Area"), subject to certain  
24  
25

1 ~~reservations; reserving an easement for the benefit of the City for a water pipeline serving the~~  
2 SFPUC. The location and extent of the Vacation Area is shown on the Department of Public  
3 Works SUR Map No. 2013-005, dated May 5, 2014, a copy of said map is on file with the  
4 Clerk of the Board of Supervisors in File No. 140452 and is incorporated herein by reference.

5 (b) The Clerk of the Board of Supervisors did transmit to the Director of Public Works a  
6 certified copy of the Resolution of Intention, and the Director of the Department of Public  
7 Works did cause notice of adoption of such Resolution to be posted and published in the  
8 manner required by law.

9 (c) When such matter was considered as scheduled by the Board of Supervisors at its  
10 regular meeting held in the City Hall, San Francisco, on June 3, 2014, at 3:00 PM, the Board  
11 heard all persons interested in such vacation.

12 (d) The Peninsula Corridor Joint Powers Board (JPB), will implement the Quint Street  
13 Railroad Crossing Improvement Project (the "Project"), which involves the improvement of a  
14 dilapidated railroad overcrossing at Quint Street north of Newcomb Avenue. The Project will  
15 construct a physical berm across Quint Street to stabilize the rail corridor crossing at that  
16 location, which will result in closure of portions of streets that are the subject of this legislation.  
17 The vacation of the Vacation Area is part of an action to implement the Quint Street Railroad  
18 Crossing Improvement Project.

19 (e) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
22 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140452 and  
23 is incorporated herein by reference. In accordance with the actions contemplated herein, the  
24 Board adopted Resolution No. 145-14, concerning findings pursuant to the California  
5 Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy

1 of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 140452 and  
2 is incorporated herein by reference.

3 (f) In a letter dated June 24, 2013 (the "Planning letter"), the City Planning Department  
4 determined that the proposed vacation and other actions contemplated herein are consistent  
5 with the General Plan and priority policies of the Planning Code, Section 101.1. A copy of  
6 said letter is on file with the Clerk of the Board of Supervisors in File No. 140452 and is  
7 incorporated herein by reference as though fully set forth herein. The Board of Supervisors  
8 adopts as its own the consistency findings of the Planning Letter.

9 (g) In the ~~undrafted~~ DPW Order No. 182625, dated May 30, 2014, a copy of which is  
10 on file with the Clerk of the Board of Supervisors in File No. 140452 and incorporated herein  
11 by reference, the Director of Public Works determined: (a 1) the Vacation Area is no longer  
12 necessary for the City's present or prospective future public street and sidewalk purposes; (b  
13 2) in accordance with the Streets and Highways Code, Sections 892 and 8314, the right-of-  
14 way and parts thereof proposed for vacation are no longer useful as a nonmotorized non-  
15 motorized transportation facility, as defined in Section 887, because the design of the Project  
16 includes a new facility for bicycle and pedestrian movement that are equal to or in excess of  
17 what may currently exist ~~there are multiple streets surrounding the Vacation Area that remain~~  
18 ~~available for such transportation and those members of the public availing themselves of non-~~  
19 ~~motorized transportation will not be inconvenienced by the proposed street vacation;~~ (3) the  
20 proposed quitclaim of public right-of-way to the JPB is necessary for execution of the Project  
21 and the City shall convey said quitclaim in the future once the real property title issues are  
22 addressed; (c 4) the value of the public right-of-way to be quitclaimed that the City will convey  
23 to the JPB is negligible, and of no greater value than those rights previously quitclaimed at no  
24 cost to the City by the JPB in relation to an adjacent but unrelated development project; and  
25 (d 5) there are no physical public utility or private utility facilities within the Vacation Area

1 except those of the San Francisco Public Utilities Commission (SFPUC) for SFPUC's  
2 waterline purposes for which an easement shall be reserved. The Board of Supervisors  
3 adopts as its own and incorporates by reference herein as if fully set forth, the  
4 recommendations of the Director of the Department of Public Works as set forth in the  
5 undated draft DPW Order No. 182625 concerning the vacation of the Vacation Area,  
6 reservation of an easements, and other related actions in furtherance thereof.

7 (h) The vacation of the Vacation Area is being taken pursuant to California Streets and  
8 Highways Code Sections 8300 et seq. and Public Works Code, Section 787(a).

9 (i) From all the evidence submitted at the public hearing noticed in the Resolution No.  
10 145-14 and the associated materials on file with the Clerk of the Board in File No. 140452, the  
11 Board of Supervisors finds that the Vacation Area, as described in said Resolution, is no  
12 longer necessary for the City's use for public streets or as bicycle transportation facilities as  
13 defined in Streets and Highways Code Sections 890, et seq., subject to the reservation of  
14 temporary easement rights in favor of the JPB to construct its Project and establishment of an  
15 easement SFPUC for City utilities and other conditions described in this Ordinance as part of  
16 the City's quitclaim of its interest in the Vacation Area to the JPB.

17 (j) The public interest, convenience and necessity require that the City reserve from  
18 the quitclaim ~~vacation~~ of the Vacation Area to the JPB an exclusive easement for city utilities  
19 in, upon and under that certain portion of the Vacation area as described in the DPW Order, in  
20 which their respective in-place and functioning utilities are located, to the extent necessary to  
21 maintain, operate, repair and remove existing lines of pipe and other convenient structures,  
22 equipment and fixtures for the SFPUC waterline facility, together with reasonable access to  
23 the foregoing facilities for the purposes set forth above. The City also shall reserve temporary  
24 easement rights for the JPB to construct and maintain the Project until the City resolves the  
25 real property title issues in the Vacation Area and quitclaims the underlying property to the

1 JPB subject to the abovementioned reservation for the SFPUC. The public interest,  
2 convenience and necessity does not require that the City reserve from the vacation of the  
3 Vacation Area any other easements except as mentioned above.

4 (k) The public interest and convenience require that the vacation be done as declared  
5 herein in the Resolution No. 145-14.

6  
7 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on  
8 SUR Map No. 2013-005 is hereby ordered vacated in the manner described in this legislation  
9 ~~the Resolution No. 145-14,~~ and pursuant to California Streets and Highways Code Sections  
10 8300 et seq. and Public Works Code Section 787(a).

11  
12 Section 3. The vacation of the Vacation Area is conditioned upon the City's reservation  
13 of temporary easement rights for the JPB to construct and maintain the Project until the City  
14 resolves the real property title issues in the Vacation Area and quitclaims the underlying  
15 property to the JPB, subject to the reservation for the SFPUC described below. The City's  
16 quitclaim of the Vacation Area to the JPB is conditioned upon the reservation of an exclusive  
17 easement to SFPUC for the benefit of the City for a waterline facility in, upon and under that  
18 certain portion of the Vacation Area, in which its in-place and functioning facilities are located,  
19 to the extent necessary to maintain, operate, repair and remove existing lines of pipe and  
20 other convenient structures, equipment and fixtures for the operation of the City's waterline,  
21 together with reasonable access to the foregoing facilities for the purposes set forth above.

22  
23 Section 4. The Board of Supervisors hereby authorizes the Director of Property to  
24 convey a quitclaim deed to the JPB for the Vacation Area once the real property title issues  
25 are resolved and include, including therein the reservation of the exclusive easement for the

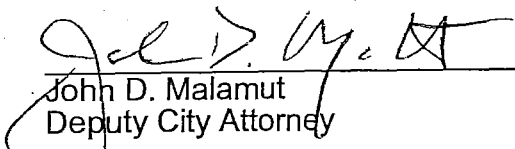
1 benefit of the City for waterline purposes. The Board also delegates to the Director or  
2 Property, in consultation with the Director of Public Works and the City Attorney, the authority  
3 to prepare, finalize, and approve the temporary easement to the JPB as specified above, the  
4 quitclaim deed, and the exclusive easement for the benefit of the City for waterline purposes.  
5 Copies of draft versions of these documents are on file with the Clerk of the Board of  
6 Supervisors in File No. 140452 and are incorporated herein by reference.  
7

8 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of  
9 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and  
10 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner  
11 required by law. The Clerk of the Board also is hereby directed to transmit to the Director of  
12 Public Works a certified copy of this Ordinance so that this Ordinance may be recorded  
13 together with any other documents necessary to effectuate this Ordinance.  
14

15 Section 6. The Board of Supervisors hereby authorizes and directs the Clerk of the  
16 Board, Director of Property, and the Director of Public Works to take any and all actions which  
17 they or the City Attorney may deem necessary or advisable in order to effectuate the purpose  
18 and intent of this Ordinance (including, without limitation, the filing of the ordinance in the  
19 Official Records of the City and County of San Francisco and confirmation of satisfaction of  
20 any of the conditions to the effectiveness of this vacation of the Vacation Area hereunder and  
21 confirmation of the granting of the easements reserved hereunder pursuant to Section 3 of  
22 this Ordinance and execution and delivery of any evidence of the same, which shall be  
23 conclusive as to the satisfaction of such conditions upon signature by any such City official or  
24 his or her designee).  
25

1 Section 7. 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  
4 Board of Supervisors overrides the Mayor's veto of the Ordinance.

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

8 By:   
9 John D. Malamut  
10 Deputy City Attorney

n:\and\as2014\9690013\00926952.doc



LEGISLATIVE DIGEST

[Street Vacation - Quint Street Railroad Crossing Improvement Project - Quint Street, McKinnon Ave, and Newcomb Ave]

**Ordinance ordering the vacation of portions of Quint Street, McKinnon Avenue and Newcomb Avenue as part of the Quint Street Railroad Crossing Improvement Project; approving a quitclaim of the City's interest in the vacation areas to the Peninsula Corridor Joint Powers Board (JPB), subject to specified conditions; reserving easement rights for the benefit of the City for its utilities and the JPB; accepting a Department of Public Works Order concerning the street vacation; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.**

Existing Law

California Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a) govern the process for the vacation of City streets and public service easements.

Amendments to Current Law

This legislation would vacate portions of Quint Street, McKinnon Avenue and Newcomb Avenue in connection with a Peninsula Corridor Joint Powers Board (JPB) project to improve a dilapidated railroad overcrossing at Quint Street north of Newcomb Avenue. The ordinance would delegate to the Director of Real Estate the authority to enter into a temporary easement with the JPB to construct its project while real property title issues are resolved and eventually convey the underlying property to the JPB with a reserved easement for a SFPUC waterline. The legislation would affirm the Planning Department's determination under the California Environmental Quality Act and adopt various findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

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

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

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

**Sponsor(s):**

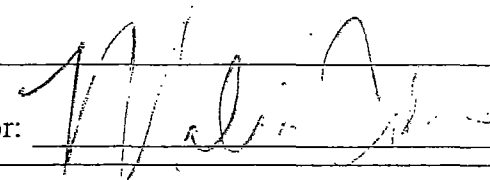
Cohen

**Subject:**

Vacation of a portion of Quint Street, McKinnon Avenue and Newcomb Avenue

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: