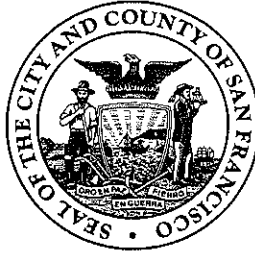


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
John Rahaim, Director, Planning Department  
John Updike, Director, Real Estate  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
Toney Chaplin, Acting Chief, Police Department  
Joanne Hayes-White, Chief, Fire Department

FROM: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

DATE: May 24, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following hearing request, introduced by Recreation and Park Department on May 17, 2016.

**File No. 160499**

Ordinance ordering the summary street vacation of a portion of Greenwich Street adjacent to Coit Tower, and generally bounded by Assessor's Parcel Block No. 0079 to the north, Assessor's Parcel Block No. 0086 to the south, Kearny Street to the west, and Montgomery Street to the east, as part of improvements to Pioneer Park; approving an interdepartmental transfer of the vacation area from Public Works to the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

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: [andrea.ausberry@sfgov.org](mailto:andrea.ausberry@sfgov.org)

c:

Frank Lee, Public Works  
Fuad Sweiss, Deputy Director for Infrastructure and City Engineer  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Acting Environmental Review Officer,

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AnMarie Rodgers, Senior Policy Advisor  
Aaron Starr, Acting Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillion Auyoung, Municipal Transportation Agency  
Viktoriya Wise, Municipal Transportation Agency  
Maria Cordero, Municipal Transportation Agency  
Roberta Boomer, Municipal Transportation Agency  
Christine Fountain, Police Department  
Sergeant Rachael Kilshaw  
Kelly Alves, Fire Department  
Maureen Conefrey, Fire Commission

1 [Summary Street Vacation - Greenwich Street - Pioneer Park Improvements]

2  
3 **Ordinance ordering the summary street vacation of a portion of Greenwich Street**  
4 **adjacent to Coit Tower, and generally bounded by Assessor's Parcel Block No. 0079 to**  
5 **the north, Assessor's Parcel Block No. 0086 to the south, Kearny Street to the west,**  
6 **and Montgomery Street to the east, as part of improvements to Pioneer Park;**  
7 **approving an interdepartmental transfer of the vacation area from Public Works to the**  
8 **Recreation and Park Department; affirming the Planning Department's determination**  
9 **under the California Environmental Quality Act; adopting findings that the actions**  
10 **contemplated in this Ordinance are consistent with the General Plan, and the eight**  
11 **priority policies of Planning Code, Section 101.1; and authorizing official acts in**  
12 **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 ~~strikethrough Arial font~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

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

21 Section 1. Findings.

22 (a) California Streets and Highways Code Sections 8300 et seq. and San Francisco  
23 Public Works Code Section 787(a) establish the process for the Board of Supervisors to  
24 vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and  
25 8334.5 provide that the legislative body of a local agency may summarily vacate an excess  
right-of-way of a street under certain circumstances. The actions contemplated in this

1 ordinance are being taken in accordance with the Streets and Highways Code Sections 8300  
2 et seq. and Public Works Code Section 787(a).

3 (b) The location and extent of the area on Greenwich Street to be vacated is generally  
4 bounded by Assessor's Block 0079 to the north, Assessor's Block 0086 to the south, Kearny  
5 Street to the west, and Montgomery Street to the east. This area more particularly shown on  
6 the Public Works ("PW") SUR Map No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_ (the  
7 "Vacation Area"). A copy of this map is on file with the Clerk of the Board of Supervisors in  
8 File No. \_\_\_\_\_ and is incorporated herein by reference.

9 (c) The Vacation Area is within Pioneer Park. It is an undeveloped portion of  
10 Greenwich Street, which is primarily used for vehicular parking and adjacent to Coit Tower.  
11 The Vacation Area is not necessary for street purposes as (1) all properties that abut the  
12 Vacation Area are owned by the City and County of San Francisco and under the jurisdiction  
13 of the Recreation and Park Department ("RPD") on behalf of, (2) the Vacation Area does not  
14 continue through Pioneer Park or end touching the property of another, and therefore, is a  
15 dead end, and (3) Pioneer Park is served by another roadway, so the Vacation Area is excess  
16 right-of-way. There are no in-place functioning utilities that will be affected by the street  
17 vacation, and therefore, the Vacation Area qualifies for summary street vacation under Streets  
18 and Highways Code Section 8334.5. Based on these factors, the Vacation Area may be  
19 summarily vacated in accordance with Streets and Highways Code Sections 8334 and  
20 8334.5.

21 (d) The vacation of the Vacation Area and proposed interdepartmental transfer of the  
22 Vacation Area from PW to RPD would allow improvements in Pioneer Park to provide for the  
23 sale of food and beverages to members of the public that visit Coit Tower and Pioneer Park.

24 (e) In PW Order No. \_\_\_\_\_, dated \_\_\_\_\_, 2016, the Director of  
25 Public Works (the "PW Director") determined (1) the Vacation Area may be summarily

1 vacated based on the factors identified in subsection (c) above and the other findings set forth  
2 below: (2) the Vacation Area is unnecessary for the City's present or prospective public street,  
3 sidewalk, and service easement purposes; (3) there are no in-place functioning public or  
4 private utilities that will be affected by the vacation of the Vacation Area, based on the  
5 absence of any objections from any utility company or entity to the street vacation; (4) the  
6 public interest, convenience, and necessity do not require any easements or other rights be  
7 reserved for any public or private utility facilities that may be in place in the Vacation Area;  
8 and (5) any rights based upon any such public or private utility facilities referenced in  
9 subsections (e)(3) and (e)(4) shall be extinguished automatically upon the effectiveness of the  
10 vacation.

11 (f) Pursuant to California Streets and Highways Code Section 892, the PW Director in  
12 PW Order No. \_\_\_\_\_ also has found that the Vacation Area is currently not  
13 necessary for non-motorized transportation, as there are numerous other streets in the  
14 immediate area available for such transportation and those members of the public availing  
15 themselves of non-motorized transportation will not be inconvenienced by the street vacation.  
16 Further, the PW Director has found that the public convenience, necessity, and welfare would  
17 be enhanced by the proposed improvements to Pioneer Park. The PW Director has  
18 determined that it is a policy matter for the Board of Supervisors to approve the  
19 interdepartmental property transfer of the Vacation Area from PW to RPD.

20 (g) The recommendations of the PW Director concerning vacation of the Vacation  
21 Area are set forth in PW Order No. \_\_\_\_\_, a copy of which is on file with the Clerk  
22 of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
23 reference. The Board of Supervisors hereby adopts these recommendations and findings as  
24 its own.  
25

1 (h) In a letter dated October 27, 2015 (the "Planning letter"), the Planning Department  
2 determined that the actions contemplated in this ordinance comply with the California  
3 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). The  
4 Board hereby affirms this determination. A copy of said letter is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

6 (i) In the Planning Letter, the Planning Department also determined that the proposed  
7 vacation of the Vacation Area and other actions contemplated herein are consistent with the  
8 General Plan and the priority policies of Planning Code Section 101.1. The Board of  
9 Supervisors hereby adopts as its own the findings in the Planning Letter.

10 (j) The Clerk of the Board published and PW posted notice of a public hearing on the  
11 street vacation action that is the subject of this ordinance. The public hearing was held on  
12 \_\_\_\_\_, 2016. Evidence of this public notice is on file with the Clerk of the  
13 Board of Supervisors in File No. \_\_\_\_\_.

14  
15 Section 2. Vacation

16 (a) The Board of Supervisors finds that the Vacation Area is unnecessary for present  
17 or prospective public use.

18 (b) The Board of Supervisors further finds that the public interest and convenience  
19 support the decision to undertake the street vacation as set forth in this ordinance.

20 (c) The Vacation Area, as shown on SUR Map No. \_\_\_\_\_, is hereby  
21 ordered summarily vacated pursuant to California Street and Highways Code Sections 8300  
22 et seq., including in particular Sections 8334 and 8334.5, and San Francisco Public Works  
23 Code Section 787(a).

1 Section 3. Interdepartmental Property Transfer from Public Works to Recreation and  
2 Park Department.

3 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of  
4 Supervisors hereby approves the interdepartmental property transfer of the Vacation Area  
5 from PW to RPD upon the effective date of this ordinance and directs the Real Estate Division  
6 Director to modify the City's records concerning City property ownership accordingly.  
7

8 Section 4. Official Acts in Connection with this Legislation.

9 (a) The Board of Supervisors hereby authorizes and directs the Mayor, Clerk of the  
10 Board, PW Director, County Surveyor, and the Real Estate Division Director to take any and  
11 all actions which they or the City Attorney may deem necessary or advisable in order to  
12 effectuate the purpose and intent of this ordinance (including, without limitation, the filing of  
13 this ordinance in the Official Records of the City and County of San Francisco and  
14 modification of the City's property ownership designation in accordance with the  
15 interdepartmental property transfer).

16 (b) Upon the effective date of the vacation of the Vacation Area, this ordinance shall  
17 be recorded.  
18

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

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

By:   
John D. Malamut  
Deputy City Attorney

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