

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. 2016-003, dated April 28, 2016 (the "Vacation Area").
7 A copy of this map is on file with the Clerk of the Board of Supervisors in File No. 160499 and
8 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.184839, dated April 29, 2016, the Director of Public Works (the
25 "PW Director") determined (1) the Vacation Area may be summarily vacated based on the

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

10 (f) Pursuant to California Streets and Highways Code Section 892, the PW Director in
11 PW Order No. 184839 also has found that the Vacation Area is currently not necessary for
12 non-motorized transportation, as there are numerous other streets in the immediate area
13 available for such transportation and those members of the public availing themselves of non-
14 motorized transportation will not be inconvenienced by the street vacation. Further, the PW
15 Director has found that the public convenience, necessity, and welfare would be enhanced by
16 the proposed improvements to Pioneer Park. The PW Director has determined that it is a
17 policy matter for the Board of Supervisors to approve the interdepartmental property transfer
18 of the Vacation Area from PW to RPD.

19 (g) The recommendations of the PW Director concerning vacation of the Vacation
20 Area are set forth in PW Order No. 184839, a copy of which is on file with the Clerk of the
21 Board of Supervisors in File No.160499 and is incorporated herein by reference. The Board
22 of Supervisors hereby adopts these recommendations and findings as its own.

23 (h) In a letter dated October 27, 2015 (the "Planning letter"), the Planning Department
24 determined that the actions contemplated in this ordinance comply with the California
25 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). The

1 Board hereby affirms this determination. A copy of said letter is on file with the Clerk of the
2 Board of Supervisors in File No. 160499 and is incorporated herein by reference.

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

7 (j) The Clerk of the Board published and PW posted notice of a public hearing on the
8 street vacation action that is the subject of this ordinance. The public hearing was held on
9 July 27, 2016. Evidence of this public notice is on file with the Clerk of the Board of
10 Supervisors in File No. 160499.

11
12 Section 2. Vacation

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

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

17 (c) The Vacation Area, as shown on SUR Map No. 2016-003, is hereby ordered
18 summarily vacated pursuant to California Street and Highways Code Sections 8300 et seq.,
19 including in particular Sections 8334 and 8334.5, and San Francisco Public Works Code
20 Section 787(a).

21 (d) Pursuant to California Streets and Highways Code Sections 8340 and 8341, the
22 Board of Supervisors reserves and excepts from the vacation a future easement for street and
23 roadway purposes, which shall be operative upon the occurrence of either of the following
24 events: (1) removal, for any reason, of a food and/or beverage kiosk from the Vacation Area
25 subject to a new or amended lease or license with the Recreation and Park Department on or

1 after the effective date of this ordinance; or (2) termination of a new or amended lease or
2 license with the Recreation and Park Department on or after the effective date of this
3 ordinance to operate and/or maintain the use of the kiosk for purposes of selling food and/or
4 beverages and abandonment of that use for a period of one year, provided that if the
5 Recreation and Park Department is in the process of a Request for Proposals process for a
6 new operator of the kiosk, then that period shall extend in one year increments until there is
7 no longer an open Request for Proposal. For purposes of Subsection (d)(2), abandonment
8 shall mean that the kiosk has not been in continuous and uninterrupted use for one year.

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10 Section 3. Interdepartmental Property Transfer from Public Works to Recreation and
11 Park Department.

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

16
17 Section 4. Official Acts in Connection with this Legislation.

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

1 (b) Upon the effective date of the vacation of the Vacation Area, this ordinance shall
2 be recorded.

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

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

11 By: _____
12 John D. Malamut
13 Deputy City Attorney

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