



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

Public Works Order No: 186818

Determination to recommend 1) the summary street vacation of a portion of Panama Street in the Oceanview neighborhood; 2) conveying the City’s interest to the owner of 10 Niantic Street, Assessor’s Block No. 7178, Lot No. 014; 3) accepting an irrevocable offer for a public sidewalk on Niantic Street associated with the 10 Niantic Street development; 4) dedicating this area to be open public right-of-way sidewalk use, designating it for public right-of-way and roadway purposes, and accepting it for City maintenance and liability; and 5) establishing a new official sidewalk on Niantic Street.

WHEREAS, The owner of 10 Niantic Street (Assessor’s Block No. 7178, Lot No. 014) inadvertently built over City property during the construction of its building at the intersection of Niantic and Panama Streets, and consequently to accommodate a public sidewalk adjacent to 10 Niantic Street, the vacation of a portion of Panama Street became necessary; and

WHEREAS, In exchange for the City property immediately adjacent to 10 Niantic Street, the owner of 10 Niantic Street agreed to construct a sidewalk on the southerly, unimproved portion of Niantic Street and offer that sidewalk to the City to be dedicated as a public right-of-way; and

WHEREAS, The portion of Panama Street to be vacated, fronting 10 Niantic Street (the “Vacation Area”), is specifically shown on SUR Map 5010, dated June 12, 2017; and

WHEREAS, On September 9, 2014, the Planning Department (Case No. 2014.0840R) found that the proposed vacation of Panama Street is consistent with the General Plan and Planning Code Section 101.1, and determined that the proposed vacation is not a project under the California Environmental Quality Act; and

WHEREAS, The California Street and Highways Code allows for a summary vacation if the subject area is excess right-of-way and the vacation would not disturb functioning utilities; and

WHEREAS, Public Works has determined that the Vacation Area is excess right-of-way, and also has determined that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation; and

WHEREAS, Public Works sent notice of the proposed street vacation to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Comcast, Sprint, San



Francisco Fire Department, San Francisco Public Utilities Commission, and Pacific Gas and Electric, and no City agency or utility objected to the proposed vacation; and

WHEREAS, The consent of all property owners adjacent to the Vacation Area for the street vacation was obtained by the applicant; and

WHEREAS, On September 25, 2017, the owner of 10 Niantic also made an irrevocable offer to the City for a new sidewalk along the southerly, unimproved portion of Niantic Street for pedestrian use and public right-of-way (the "Offer"), as shown on Public Works map Q-20-927, dated June 12, 2017; and

WHEREAS, the San Francisco Public Utilities Commission have consented to the street vacation identified in a letter, dated June 20, 2014; and

WHEREAS, The Public Works Director determines and the City Engineer certifies that the sidewalk built along the easterly portion of Niantic Street has been constructed in accordance with all City codes, regulations, and standards, and that it is ready for its intended use; and

WHEREAS, The Public Works Director has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.
2. The vacation is being carried out pursuant to section 787 of the San Francisco Public Works Code.
3. The Vacation Area to be vacated is shown on the SUR Map No. 5010.
4. The public interest, convenience, and necessity do not require any easements or other rights be reserved for any public or private utility facilities in the Vacation Area because there are no such facilities and that if there were any implied rights for any such public or private utility facilities these shall be extinguished automatically upon the effectiveness of the vacation.
5. Pursuant to the California Streets and Highways Code Section 892, the Vacation Area is not useful as a non-motorized transportation facility for the reasons set forth herein.
6. The Vacation Area qualifies for a summary vacation because it is excess right-of-way and there are no in place functioning utilities in accordance with Streets and Highways Code Sections 8334 and 8334.5, respectively.
7. The consent of all property owners adjacent to the Vacation Area for the street vacation was obtained by the applicant.
8. The width of the Panama Street right-of-way shall be adjusted in the official public right-of-way width maps in accordance with SUR Map No. 5010.
9. The Director of the Real Estate Division has negotiated a purchase and sale agreement and a quitclaim for the Vacation Area. Approval of the real estate transaction is a policy matter for the Board of Supervisors

NOW, THEREFORE,



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

1. SUR Map NO. 2015-003, dated October 15, 2015.
2. Map of sidewalk width change, Public Works drawing Q-20-937

The Director recommends that the Board of Supervisors 1) adopt legislation to vacate said Vacation Area; 2) accept the Offer of sidewalk improvements; 3) dedicate the sidewalk improvements for public right-of-way; 4) accept the sidewalk improvements for maintenance and liability; and 5) convey the City's interest in the Vacation Area through a quitclaim deed to the owner of 10 Niantic Street.

The Director recommends that the effectiveness of the street vacation be conditioned upon simultaneous recordation of the City's quitclaim deed if the Board of Supervisors elects to quitclaim the City's interest in the Vacation Area.

The Director recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of the Division of Real Estate, County Surveyor, and Public Works Director 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 the proposed Ordinance.

Attachments:

1. SUR Map NO. 5010, dated June 12, 2017.
2. Planning Department letter, dated September 9, 2014.
3. Public Works drawing Q-20-927.
4. City Quitclaim deed for the Vacation Area
5. Irrevocable offer for sidewalk


12/8/2017

12/8/2017

X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor
Signed by: Storrs, Bruce

X



Thomas, John
Deputy Director & City Engineer
Signed by: Thomas, John

12/8/2017

X Mohammed Nuru

Nuru, Mohammed
Director
Signed by: Nuru, Mohammed

