

1 [Summary Street Vacation - Portion of Panama Street; Sidewalk Acceptance - Niantic Street]

2

3 **Ordinance ordering the summary street vacation of a portion of Panama Street tangent**
 4 **to Niantic Street and Interstate Highway 280, in the Oceanview neighborhood;**
 5 **conveying the City’s interest in the street vacation area to the owner of 10 Niantic**
 6 **Street (Assessor’s Parcel Block No. 7178, Lot No. 014); accepting an irrevocable offer**
 7 **for a public sidewalk on Niantic Street between Panama Street and Saint Charles**
 8 **Avenue; dedicating the public sidewalk for pedestrian use, designating it for public**
 9 **right-of-way and roadway purposes, and accepting it for City maintenance and liability;**
 10 **establishing a new official sidewalk on Niantic Street by amending Ordinance No. 1061,**
 11 **entitled “Regulating the Width of Sidewalks;” affirming the Planning Department’s**
 12 **determination under the California Environmental Quality Act; and making findings of**
 13 **consistency with the General Plan, and the eight priority policies of Planning Code,**
 14 **Section 101.1.**

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) On September 25, 2017, the owner of 10 Niantic Street (Assessor’s Block No.
 25 7178, Lot No. 014) made an irrevocable offer to the City and County of San Francisco (“City”) for a public sidewalk along the southerly portion of Niantic Street between Panama Street and

1 Saint Charles Avenue, in the Oceanview neighborhood, for pedestrian use purposes (the
2 “Offer”). On April 9, 2014, said owner also submitted a street vacation application for a
3 portion of Panama Street, fronting the development at 10 Niantic Street (tangent to Niantic
4 Street and Interstate Highway 280), in the Oceanview neighborhood. The location and extent
5 of the area to be vacated on Panama Street (the “Vacation Area”) is more particularly shown
6 on Public Works SUR Map No. 5010, dated June 12, 2017. A copy of this Map is on file with
7 the Clerk of the Board of Supervisors in File No. 180031 and is incorporated herein by
8 reference.

9 (b) In a letter dated September 9, 2014 (the “Planning Letter”), the Planning
10 Department determined that the proposed acceptance of the Niantic Street sidewalk and the
11 vacation of the Vacation Area and other actions contemplated herein are consistent with the
12 General Plan and priority policies of the Planning Code, Section 101.1. A copy of said letter is
13 on file with the Clerk of the Board of Supervisors in File No. 180031 and is incorporated herein
14 by reference.

15 (c) Also in the Planning Letter, the Planning Department determined that the actions
16 contemplated in this ordinance do not constitute a project under the California Environmental
17 Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is
18 on file with the Clerk of the Board of Supervisors in File No. 180031 and is incorporated herein
19 by reference. The Board of Supervisors (“Board”) hereby affirms this determination.

20 (d) California Street and Highways Code Sections 8300 et seq. and San Francisco
21 Public Works Code Section 787(a) set forth the procedures that the City follows to vacate
22 public streets and public service easements. California Streets and Highways Code Sections
23 8334 and 8334.5, respectively, allow a summary vacation if the subject area is excess right-
24 of-way and when there are no in-place functioning utilities.

1 (e) In connection with the Offer, the San Francisco Department of Public Works ("PW")
2 prepared drawing Q-20-927, and PW Order No. 186,818, dated December 8, 2017. In the
3 PW Order, the PW Director determined and the City Engineer certified that the Niantic Street
4 sidewalk has been constructed in accordance with all City codes, regulations, and standards,
5 and that it is ready for its intended use, and recommended that the Board: (1) accept the
6 Offer; (2) dedicate this area for pedestrian use; (3) designate this area for right-of-way and
7 roadway purposes; and (4) accept this area for maintenance and liability. Copies of PW
8 Order No. 186,818 and PW drawing Q-20-927 are on file with the Clerk of the Board of
9 Supervisors in File No. 180031 and are incorporated herein by reference.

10 (f) In PW Order No. 186,818, the PW Director and City Engineer also determined: (1)
11 the Vacation Area as shown on PW SUR Map No. 5010 is unnecessary for the City's present
12 or prospective public street, sidewalk, and service easement purposes; (2) the Vacation Area
13 is no longer useful as a nonmotorized transportation facility as there are other such facilities
14 available in close proximity; (3) PW sent notice of the proposed street vacation to the
15 Department of Technology, Municipal Transportation Agency, Fire Department, San Francisco
16 Public Utilities Commission, AT&T, Sprint, and Pacific Gas and Electric, and no City agency or
17 utility objected to the proposed vacation; (4) the owner of 10 Niantic Street obtained the
18 consent of all property owners adjacent to the Vacation Area for the street vacation; (5) the
19 sidewalk built along the southerly portion of Niantic Street between Panama Street and Saint
20 Charles Avenue has been constructed in accordance with all City codes, regulations, and
21 standards, and is ready for its intended use; (6) the width of the Panama Street right-of-way
22 shall be adjusted in the official public right-of-way width maps in accordance with PW SUR
23 Map No. 5010; and (7) it is a policy matter for the Board to quitclaim the City's interest in the
24 Vacation Area.

1 (g) In PW Order No. 186,818, the PW Director also recommended that the
2 effectiveness of the street vacation be conditioned upon simultaneous recordation of the City's
3 quitclaim deed if the Board of Supervisors elects to quitclaim the City's interest in the Vacation
4 Area.

5 (h) The Board adopts as its own, the findings and recommendations of the PW
6 Director as set forth in PW Order No. 186,818 concerning the summary vacation of the
7 Vacation Area and other actions in furtherance thereof, and the Board hereby incorporates
8 herein such recommendations and findings by reference.

9 (i) The Board acknowledges the recommendation of the Director of the Division of
10 Real Estate as referenced in PW Order No. 186,818 to approve a quitclaim of the City's
11 interest in the Vacation Area. A draft quitclaim deed is on file with the Clerk of the Board of
12 Supervisors in File No. 180031.

13
14 **Section 2. Summary Vacation of a Portion of Panama Street.**

15 (a) The Board finds that the Vacation Area is unnecessary for present or prospective
16 public use, subject to the conditions described in this ordinance as well as adopting and
17 approving the other findings presented in PW Order No. 186,818.

18 (b) The Board adopts as its own the General Plan and Planning Code Section 101.1
19 consistency findings of the Planning Letter for purposes of this street vacation and conveying
20 the City's interest in the Vacation Area as set forth in Section 4 of this ordinance.

21 (c) The Board hereby summarily vacates the Vacation Area, as shown on SUR Map
22 No. 5010, pursuant to California Street and Highways Code Section 8300 et seq. and San
23 Francisco Public Works Code Section 787(a), and in particular Streets and Highways Code
24 Sections 8334 and 8334.5.

1 (d) The Street Vacation shall be effective automatically and without the requirement for
2 further action whatsoever as to all of the Vacation Area upon satisfaction of the simultaneous
3 recordation of the City’s quitclaim deed in substantially the same form as the deed on file with
4 the Clerk of the Board of Supervisors in File No. 180031.

5 (e) The Board directs the PW Director to modify the official public right-of-way maps for
6 Panama Street to reflect the width change to the street as identified in PW SUR Map No.
7 5010.

8
9 **Section 3. Acceptance of the Offer for Public Sidewalk on Niantic Street,**
10 **Dedication of the Sidewalk Infrastructure for Open Public Right-of-Way and Related**
11 **Actions, and Sidewalk Establishment.**

12 (a) The Board has reviewed and approves PW Order No. 186,818, including the PW
13 Director’s recommendation concerning the acceptance of the Offer for a portion of sidewalk
14 on Niantic Street between Panama Street and Saint Charles Avenue.

15 (b) The Board hereby (1) accepts the Offer; (2) dedicates this area for pedestrian use;
16 (3) designates this area for right-of-way and roadway purposes; and (4) accepts this area for
17 maintenance and liability.

18 (c) The Board adopts as its own the General Plan and Planning Code Section 101.1
19 consistency findings of the Planning Letter for purposes of its actions related to the sidewalk
20 establishment.

21 (d) In accordance with PW Order No. 186,818, Board of Supervisors Ordinance No.
22 1061, entitled “Regulating the Width of Sidewalks,” a copy of which is in the Clerk of the Board
23 of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by
24 adding thereto a new section to read as follows:
25

1 Section 1613. The official sidewalk width on the southerly portion of Niantic Street from
2 Panama Street to Saint Charles Avenue shall be as shown on Public Works drawing Q-20-927, a copy
3 of which is on file with the Clerk of the Board of Supervisors in File No. 180031.

4 (e) The Board of Supervisors hereby directs the PW Director to revise the official
5 sidewalk width maps in accordance with this ordinance.

6
7 **Section 4. Real Property Conveyance.**

8 (a) An appraisal was performed of the fair market value of the Vacation Area. The
9 Director of Property has reviewed it and analyzed the cost of improvements to Niantic Street,
10 and has opined that the fair market value of the sidewalk improvements is greater than the
11 appraised value of the Vacation Area.

12 (b) The Board approves conveying the City's interest in the Vacation Area to the owner
13 of 10 Niantic Street in substantially the same form as the draft quitclaim deed on file with the
14 Clerk of the Board of Supervisors.

15 (c) The Board delegates to the Director of the Division of Real Estate, in consultation
16 with the City Attorney's Office, the authority to finalize and execute the quitclaim deed on
17 behalf of the City and County of San Francisco in accordance with the terms set forth in this
18 ordinance.

19
20 **Section 5. Official Acts in Connection with the Legislation.**

21 The Mayor, Clerk of the Board, Director of the Division of Real Estate, County
22 Surveyor, and PW Director are hereby authorized and directed to take any and all actions
23 which they or the City Attorney may deem necessary or advisable in order to effectuate the
24 purpose and intent of this ordinance (including, without limitation, revising official public right-
25 of-way and sidewalk maps; the filing of this ordinance in the Official Records of the City and

1 County of San Francisco; confirmation of satisfaction of the conditions to the effectiveness of
2 the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of
3 the same).

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

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

12 By: _____
13 ANDREW SHEN
14 Deputy City Attorney

15
16
17
18
19
20
21
22
23
24
25
n:\legana\as2017\1700639\01242328.docx