

File No. 091059

Committee Item No. 2

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee Land Use & Economic Development Date November 23, 2009

Board of Supervisors Meeting Date December 9, 2009

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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OTHER

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Completed by: Linda Laws

Date November 20, 2009

Completed by: Alisa Somera

Date December 2, 2009

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

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1 [Correction to the vacation of former Trenton Street.]
2

3 **Ordinance ordering the summary vacation of a portion of Trenton Street south of**
4 **Jackson Street within Assessor's Block 0192; making findings pursuant to the**
5 **California Streets and Highways Code Sections 8330 et seq.; establishing conditions to**
6 **the effectiveness of the vacation; adopting environmental findings and findings of**
7 **consistency with the General Plan and priority policies of Planning Code Section 101.1.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough-normal~~.

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

12 Section 1. Findings. The Board of Supervisors of the City and County of San
13 Francisco finds, determines and declares as follows:

14 A. Pursuant to Resolution No. 757-70, adopted by the Board of Supervisors on
15 December 28, 1970 and approved by the Mayor on December 30, 1970, a portion of Trenton
16 Street south of Jackson Street was vacated and deeded to the adjoining property owner, the
17 Chinese Hospital Association (the "Hospital") to be used for an entrance to a private parking
18 garage associated with the Hospital. A copy of this Resolution is on file with the Clerk of the
19 Board of Supervisors in File No. 232-68-2 and is incorporated herein by reference.

20 B. The street area vacated pursuant to Resolution No. 757-70 and legal description
21 in the deed to the Hospital were flawed in that they did not reflect an 11-inch jog in the
22 southerly line of Jackson Street, resulting in approximately 20 square feet of Trenton Street
23 which was intended but not vacated and deeded to the Hospital.

24 C. The corrected street area is shown on Department of Public Works' SUR Map
25 No. SUR-9008, dated December 2, 2008, and are more particularly described in the legal

1 description attached to such map. A copy of such map and accompanying legal description is
2 on file with the Clerk of the Board of Supervisors in File No. 091059.

3 D. Section 8334(a) of the California Streets and Highways Code provides that the
4 legislative body of the local agency may summarily vacate a street if it is excess right-of-way
5 not required for street or highway purposes.

6 E. The Board of Supervisors finds that the street area as a remnant that was
7 accidentally omitted from the legal description of a prior street vacation is excess right-of-way
8 of a street or highway which is not required for street or highway purposes, subject to the
9 conditions described in this Ordinance.

10 F. The vacation of the street area is necessary to correct the description of the
11 area vacated in the previous legislation. The City proposes to correct the legal description
12 and re-deed the corrected area to the Hospital concurrently with the satisfaction of the
13 conditions to the effectiveness of the vacation contemplated hereby.

14 G. The Board of Supervisors finds that there are no in-place public utility facilities
15 that are in use and would be affected by the vacation of the street area; thus Streets and
16 Highways Code Section 8334.5 does not prohibit a summary street vacation.

17 H. Pursuant to the Streets and Highways Code Section 892, the Board hereby finds
18 and determines that the portion of Trenton Street to be vacated hereunder is a small portion of
19 land unusable for any independent purpose, and therefore, it has no use for a nonmotorized
20 transportation facility.

21 I. The Director of Planning, by letter dated October 27, 2008, found that the
22 vacation of the street area is consistent with the City's General Plan, including the street
23 vacation criteria set forth in the Urban Design Element, and with the Eight Priority Policies of
24 City Planning Code Section 101.1, which letter is on file with the Clerk of the Board of
25

1 Supervisors under File No. 091059, and which letter is incorporated herein by this
2 reference.

3 Section 2. The public convenience and necessity require that no easements or other
4 rights be reserved for any public utility facilities that are in place in the street area and that any
5 rights based upon any such public utility facilities shall be extinguished automatically upon the
6 effectiveness of the vacation hereunder.

7 Section 3. The public interest and convenience require that the vacation be done as
8 declared in this Ordinance.


9 Section 4. The Board of Supervisors hereby finds that the vacation of the street area is
10 in conformity with the General Plan and is consistent with the eight priority policies of Planning
11 Code Section 101.1 for the reasons set forth in the letter of the Director of Planning dated
12 October 27, 2008, and hereby incorporates such findings by reference as though fully set forth
13 in this Ordinance.


14 Section 5. Pursuant to California Streets and Highways Code Sections 8330 et seq.
15 (Public Streets, Highways, and Service Easement Vacation Law, Summary Vacation) and
16 Section 787 of the San Francisco Public Works Code, the street area is hereby ordered
17 summarily vacated in the manner described in this Ordinance, subject to and effective upon
18 the satisfaction of the following condition: the Clerk of the Board of Supervisors and the
19 Director of Property shall be authorized and the Clerk shall be directed to record (or cause to
20 be recorded) a certified copy of the Ordinance ordering such vacation as provided in Section
21 8335(a) of the California Streets and Highways Code, and thereupon such vacation shall be
22 effective and the subject area shall no longer constitute a street without any further action by
23 the Board of Supervisors.

24 Section 6. All actions heretofore taken by the officers of the City with respect to such
25 street vacation are hereby approved, confirmed and ratified, and the Mayor, Clerk of the

1 Board, Director of Property, and Director of Public Works are hereby authorized and directed
2 to take any and all actions which they or the City Attorney may deem necessary or advisable
3 in order to effectuate the purpose and intent of this Ordinance (including, without limitation,
4 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
5 street area hereunder and execution and delivery of any evidence of the same, which shall be
6 conclusive as to the satisfaction of such conditions upon signature by any such City official or
7 his or her designee).

8
9 RECOMMENDED:

10 
11 Ed Reiskin, Director
12 Department of Public Works

13 
14 Amy L. Brown
15 Director of Property

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

18 By:

19 
20 John D. Malamut
21 Deputy City Attorney
22
23
24
25

LEGISLATIVE DIGEST

[Correction to the vacation of former Trenton Street.]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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 easement. A summary street vacation, which is an expedited procedure as contrasted with a standard street vacation, is permitted when certain conditions are satisfied under State law.

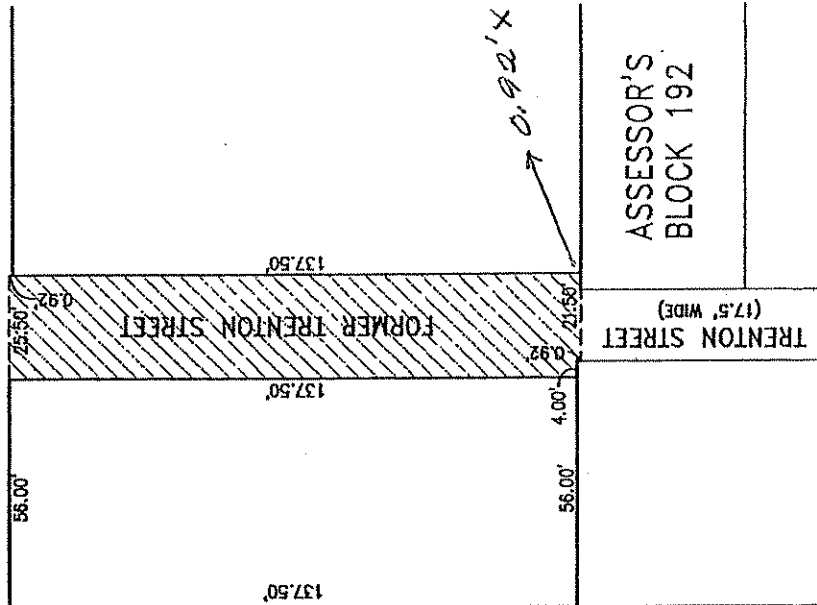
Amendments to Current Law

This legislation would summarily vacate a 20 square foot portion of Trenton Street that was unintentionally omitted from the 1970 vacation of a section of Trenton Street in Resolution No. 757-70. This Ordinance would make environmental findings and findings that the legislation is consistent with the General Plan and the priority policy findings of the Planning Code Section 101.1.



SCALE: 1"=30'

JACKSON STREET
(48.52' WIDE)



LEGEND
 FORMER TRENTON STREET TO BE VACATED

ASSESSOR'S
BLOCK 192

CITY AND COUNTY OF SAN FRANCISCO		FILE	CHANGE
DEPARTMENT OF PUBLIC WORKS - BUREAU OF ENGINEERING		SCALE 1"=30'	SUR-2007
CORRECTION OF VACATION OF TRENTON STREET SOUTH OF JACKSON STREET		SHEET 1 OF 1 SHEETS	
DR.	TR.	APPROVED	DATE
EPS	PJB	06/25/08	06/11/08
BY	DATE	CITY ENGINEER	

NO.	DATE	DESCRIPTION	BY
1	06/16/08	SHADED STREET	

TABLE OF CHANGES
 CAUTION: CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED

08 NOV -5 AM 11:17

October 27, 2008

Mr. Kam Hui
Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

1650 Mission St.
Suite 400
San Francisco,
CA 94103-247

Reception:
415.558.637

Fax:
415.558.640

Planning
Information:
415.558.637

Re: Case 2008.1028R Trenton Street/Correction of Vacation

Correction of faulty street vacation description

Dear Mr. Hui,

We are in receipt of your letter dated August 28, 2008 requesting that the Planning Department consider a General Plan Referral application on the referenced actions by the Chinese Hospital. Section 4.105 of the Charter of the City and County of San Francisco and Section 2A.53 of the Administrative code establish requirements for General Plan Referrals to the Planning Department. The unique nature of this request, a correction to the description of a street vacation by the Board of Supervisors in 1970, requires some elaboration.

The Planning Department will abide by the Board of Supervisors' 1970 decision and approve this General Plan Referral; however, it should be noted that the decision was rendered prior to the adoption of the Urban Design Element in the General Plan. The Urban Design Element includes policies that discourage the unnecessary vacation of public rights-of-way, and established clear guidance to permit only the most necessary closings. If we were to consider this request today, we likely would not find it in conformity with the General Plan.

Considering the site's history and the legal agreements the City has already engaged in, we need to honor these commitments. Therefore, the project is, on balance, in conformity with the General Plan. No case report is required for this project.

PREVIOUS ACTIONS RELATED TO THIS APPLICATION

The Board of Supervisors vacated a portion of Trenton Street by Resolution 757-70 on December 28, 1970. The intent of the street vacation was to permit the Chinese Hospital to use the formerly public right-of-way as an entrance to a private parking garage associated with the hospital.

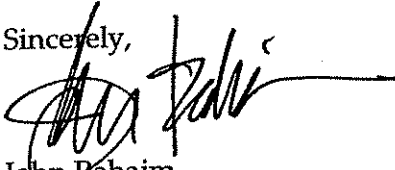
The description of the street to be vacated was flawed in that it did not reflect an 11-inch jog in the southerly line of Jackson Street. This flaw has been verified by John Kwong of the City and County of San Francisco, Department of Public Works and Bruce Storrs of the City and County Surveyor. Further, the legal standing of the original street vacation has been verified by Jon Malamut of the City Attorney's Office. This application is meant to correct this flaw.

ENVIRONMENTAL REVIEW

No Environmental Analysis is required, as the subject project (correction of a flawed description of an already-approved street vacation) will not result in any new development or generate any other negative impacts.

In summary, the project is, on balance, in conformity with the General Plan for the reasons already described. The project is also consistent with Planning Code Section 101.1 policies, included as Attachment 1.

Sincerely,



John Rahaim
Director of Planning

Attachments –

1. Planning Code Section 101(b) Priority Policies

cc Ed Reiskin, Director, DPW
Ashur J. Yoseph, HPSTF
Bruce R. Storrs, City and County Surveyor
John Malamut, Deputy City Attorney
Kam Hui, Project Manager, DPW
Neil Hrushowy, PD

The following Exhibits referenced herein are contained in Planning Department Docket # 2008.1028R and are available for review at the Planning Department offices.

- Exhibit A Block Map displaying the correction of vacation of Trenton Street south of Jackson Street
- Exhibit B The history of Trenton Street, prepared by Peter J. Bekey, KCA Engineers

Planning Code Section 101.1(b) Policies

Attachment 1

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project considered would have no adverse effect on existing housing and neighborhood character.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The Project in itself would have no adverse effect on the City's supply of affordable housing.

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not adversely affect a diverse economic base.

- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect City preparedness against injury or loss of life in an earthquake.

- (7) That landmarks and historic buildings be preserved.

The Project would not adversely affect landmarks or historic buildings.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not adversely affect parks and open space and their access to sunlight and vistas.

I:\Citywide\General Plan\General Plan Referrals\2008\2008.1028R Vacation of Trenton St Chinatown.doc



Amy L. Brown
 Director of Real Estate



August 17, 2009

DPW / BSM
 Vacation of a Portion of Trenton Street

Through Edwin M. Lee
 City Administrator

Honorable Board of Supervisors
 City & County of San Francisco
 City Hall, Room 244
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4689

Dear Board Members:

Enclosed for your consideration is an Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192.

In 1970 a section of Trenton Street was vacated and deeded to the adjoining property owner, the Chinese Hospital Association (the "Hospital") to be used for an entrance to a private parking garage associated with the Hospital. The legal description in the deed to the Hospital was flawed in that it did not reflect an 11 inch jog in the southerly line of Jackson Street, resulting in approximately 20 square feet of Trenton Street which was not vacated and omitted in the deed to the Hospital.

The vacation of this approximately 20 square feet is necessary to correct the description of the area previously vacated and re-deed the corrected area to the Hospital at no cost to the Hospital other than an administrative fee of \$2,500 payable to the Real Estate Division.

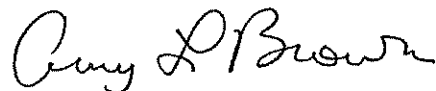
In addition to the Resolution, enclosed for the Board file are:

1. Department of Public Work's drawing SUR-9008 showing the corrected area to be re-deeded to the Hospital. The approximate 20 square feet which was accidentally omitted from the prior street vacation is highlighted.
2. City Planning's letter dated October 27, 2008 stating that vacation and re-deeding of this corrected area is in conformity with the General Plan and exempt from environmental review.

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 BOARD OF SUPERVISORS
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 DR

Should you have any questions or need additional information, do not hesitate to call Larry Ritter of our office at 554-9874.

Very truly yours,



Amy L. Brown
Director of Real Estate

cc: Edwin M. Lee, City Administrator
John Malamut, Deputy City Attorney
Bruce Storrs, County Surveyor

LR:wtc