

City and County of San Francisco

San Francisco Public Works



London N. Breed, Mayor
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE

City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 ■ www.SFPublicWorks.org



Public Works Order No: 200335

Determination to recommend the summary street vacation of portions of Ogden Avenue, Bradford Street and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5733A, and 5734), bounded by Alemany Boulevard, Tompkins Avenue, and Putnam Street, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.

WHEREAS, The City and County of San Francisco has fee title ownership of property underlying most public right-of-ways, which includes streets and sidewalks; and

WHEREAS, The areas to be vacated ("the Vacation Area") are portions of Ogden Avenue, Bradford Street and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5733A, and 5734), bounded by Alemany Boulevard, Tompkins Avenue, and Putnam Street, are specifically shown on SUR Map 21009, dated December 7, 2018; and

WHEREAS, The Alemany Farmers' Market ("Market") moved to its current location at Alemany Boulevard in or about 1950 and is currently managed and operated by the Real Estate Division; and

WHEREAS, On June 5, 1989, the Board of Supervisors ("Board") passed and the Mayor approved thereafter, Ordinance No. 200-89, ordering the vacation of a portion of Crescent Avenue westerly of Alemany Boulevard, and

WHEREAS, On December 20, 1993, this Board passed and the Mayor approved thereafter, Ordinance No. 421-93, ordering the vacation of portions of Bronte Street, Bradford Street and Ogden Avenue located within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5732, 5733, 5733A, and 5734) (the "Market"), transferring jurisdiction over the vacated street area to the Agricultural Commission, as shown on the Department of Public Works' SUR 2193 map; and

WHEREAS, The Vacation Area consists of undeveloped paper streets, which are primarily used for the Alemany Farmers' Market. The Vacation Area as shown on PW SUR Map No. 21009 is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes and that any rights based upon any such public or private utility facilities shall be extinguished automatically upon the effectiveness of the vacation; the summary street vacation is appropriate under Streets and Highways Code Sections 8334 and 8334.5 because: (a) these areas are paper streets that constitute excess right-of-way which is no longer needed for street purposes, (b) the street area has been impassable to vehicular travel for five (5) consecutive years, and (c) there are no in-place functioning utilities in the street segments; the Vacation Area is no longer useful as a nonmotorized transportation facility under Streets and Highways Code Section 892 and 8314 facility as there are other such facilities available in close



proximity. Based on these factors, the Vacation Area may be summarily vacated in accordance with Streets and Highways Code Sections 8334 and 8334.5; and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787; and

WHEREAS, On June 15, 2010 the Department of City Planning (Case No. 2010.0266R) found that the proposed Vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. Said letter states that on June 11, 2010 the Major Environmental Analysis of the Department determined that the Project is Categorically Exempt from Environmental Review under CEQA Guidelines Section 15312 – Surplus Government Property sales; and

WHEREAS, On November 15, 2017 the San Francisco Fire Department provided notice that it had reviewed and had no objections to the proposed vacation; and

WHEREAS, Pursuant to the California Streets and Highway Code, the Department of Public Works, Bureau of Street Use and Mapping (the “Department”) has initiated the process to vacate the Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawing, a copy of the petition letter, and a DPW referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric (“PG&E”), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the Public Utility Commission (“PUC”). No public or private utility company or agency objected to the proposed vacation; consequently, Public Works finds the Vacation Area is unnecessary for the City’s present or prospective public street purposes; and

WHEREAS, The public interest, convenience, and necessity require that no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are unnecessary and should be extinguished; and

WHEREAS, It is a policy matter for the Board of Supervisors to approve the interdepartmental transfer of the vacated street area from Public Works to the Real Estate Division.

NOW THEREFORE BE IT ORDERED THAT,

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

1. Ordinance to vacate the Vacation Area
2. Vacation Area SUR Map No. 21009

The Director recommends that the Board of Supervisors approve the legislation to summarily vacate the Vacation Area.

The Director recommends the Board of Supervisors approve all other actions set forth herein with respect to this vacation. The Director further recommends the Board of Supervisors authorize the

Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works 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 this Ordinance.

X DocuSigned by:
Bruce Storrs

Storrs, Bruce 97ABC41507B0494...
City & County Surveyor

X DocuSigned by:
Mohammed Nuru

Nuru, Mohammed 45AB17F474FA...
Director