

FILE NO. 090574

RESOLUTION NO.

1 [Hunters View - Resolution of Intent for Street Vacation.]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate portions of**
4 **Fairfax Avenue and West Point Road and various public service easements in the**
5 **Hunters View Project; setting a hearing date for all persons interested in the proposed**
6 **vacation of said street areas.**

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8 WHEREAS, The Hunters View Project will subdivide land into 22 developable lots with new
9 public streets and will provide 354 affordable housing units.

10 WHEREAS, This vacation proceeding for portions of Fairfax Avenue and West Point
11 Road and certain public service easements (collectively, the "Vacation Area") and reserving
12 easement rights for AT&T, Pacific Gas and Electric Company, and the City on West Point
13 Road and reserving easement rights to the Spaulding Estate on Fairfax Avenue, is conducted
14 under the general vacation procedures of the Public Streets, Highways and Service
15 Easements Vacation Law (California Streets and Highways Code sections 8300 et seq.); and,

16 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
17 street vacation procedures for the City and County of San Francisco (the "City") shall be in
18 accordance with the applicable provisions of the California Streets and Highways Code and
19 such rules and conditions as are adopted by the Board of Supervisors; and,

20 WHEREAS, The location and extent of the Vacation Area and Reservations are more
21 particularly described on the Department of Public Works' SUR Map Nos. 1009, 2009, 3009,
22 4009 and 5009, dated April 15, 2009, copy of such maps are on file with the Clerk of the
23 Board of Supervisors in File No. 090574; and,

24 WHEREAS, In DPW Order No. 178,144, dated April 15, 2009, a copy of which is on file
25 with the Clerk of the Board of Supervisors in File No. 090574, the Director of the

1 Department of Public Works determined: (i) the Vacation Area is no longer necessary for the
2 City's present or prospective future public street and sidewalk and public service easement
3 purposes, (ii) In accordance with Streets and Highways Code Section 892 and 8314, the right-
4 of-ways and parts thereof proposed for vacation are no longer useful as a nonmotorized
5 transportation facility, as defined in Section 887, because the design of the Hunters View
6 Project contains new facilities for bicycle and pedestrian movement that are equal to or in
7 excess of what may currently exist, (iii) the proposed quitclaim of public right-of-way is
8 consistent with the Hunters View Project, (iv) the value of such exchange for future public
9 right-of-way and other public benefits is equal or in favor of the City, and (iv) there are no
10 physical public utility or private facilities within the Vacation Area except for AT&T for
11 telecommunications purposes, PG&E for gas and power transmissions purposes, Spaulding
12 Estate for temporary private access purposes and other City utilities; and,

13 WHEREAS, The public interest, convenience and necessity require that the City
14 reserve from the vacation of the Vacation Area solely the following: (i) non-exclusive
15 easement for the benefit of AT&T for telecommunications purposes, (ii) non-exclusive
16 easement for the benefit of PG&E for gas and power transmission purposes, (iii) non-
17 exclusive temporary private access easement for the benefit of the Spaulding Estate and (iv)
18 non-exclusive easement for the benefit of the City for various public utilities thereto in, upon,
19 over and under that certain portion of the Vacation Area in which their respective in-place and
20 functioning facilities are located, to the extent necessary to maintain, operate, repair and
21 remove existing lines of pipe and other convenient structures, equipment and fixtures for the
22 City utilities, together with reasonable access to the foregoing facilities for the purposes set
23 forth above. The exclusive temporary access easement to the Spaulding Estate shall
24 terminate upon conveyance or acquisition of land to the San Francisco Redevelopment
25 Agency, San Francisco Housing Authority or the City & County of San Francisco; and,

1 WHEREAS, the Planning Department, in a letter dated December 10, 2008,
2 determined that the proposed vacation is, on balance, consistent with the General Plan and
3 the priority policies of Planning Code Section 101.1. A copy of said letter is on file with the
4 Clerk of the Board of Supervisors in File No. 090574 and is incorporated herein by
5 reference.

6 WHEREAS, Subject to the reservations and conditions specified in this resolution,
7 none of the Vacation Area is necessary for present or prospective public use; and,

8 WHEREAS, Except as specifically provided above, the public interest, convenience,
9 and necessity require that no other easements or other rights be reserved for any public or
10 private utility facilities that are in place in the Vacation Area and that any rights based upon
11 any such public or private utility facilities be extinguished; now, therefore, be it

12 RESOLVED, That under Sections 8320 et seq. of the California Streets and Highway
13 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
14 Vacation Area as shown on the SUR Map No. 1009, which are incorporated herein by
15 reference; and, be it

16 FURTHER RESOLVED, That notice is hereby given that on the ~~24st~~ 11th day of
17 August ~~July~~, 2009, beginning at ~~some time after 2:30~~ 3:00 PM in the Legislative Chambers of
18 the Board of Supervisors, all persons interested in or objecting to the proposed vacation will
19 be heard; and, be it

20 FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its
21 own and incorporates by reference herein as though fully set forth, the Department of Public
22 Works, Order No. 178,144, findings, including among other things, that the Vacation Area is
23 no longer necessary for the City's use for public street and sidewalk purposes and, in
24 accordance with Streets and Highways Code Section 892 and 8314, the right-of-ways and
25 parts thereof proposed for vacation are no longer useful as a nonmotorized transportation

1 facility, as defined in Section 887, because the design of the Hunters View Project contains
2 new facilities for bicycle and pedestrian movement that are equal to or in excess of what may
3 currently exist and that there are no physical public or private utility facilities within the
4 Vacation Area to be vacated except AT&T for telecommunications purposes, PG&E for gas
5 and power transmission purposes, Spaulding Estate for temporary private access purposes
6 and other City utilities; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
8 to transmit to the Department of Public Works a certified copy of this Resolution, and the
9 Board of Supervisors urges the Director of Public Works and the Clerk of the Board to publish
10 and post this Resolution and to give notice of the hearing of such contemplated action in the
11 manner required by law.

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