

1 [Summary Street Vacation - Portions of Bradford Street and Ogden and Crescent Avenues -
2 Property Transfer]

3 **Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden**
4 **Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market**
5 **(Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by**
6 **Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property**
7 **at the site of the Market from Public Works and the Agricultural Commissioner to the**
8 **General Services Agency – Real Estate Division; affirming the Planning Department's**
9 **determination under the California Environmental Quality Act; adopting findings that**
10 **the actions contemplated in this Ordinance are consistent with the General Plan, and**
11 **eight priority policies of Planning Code, Section 101.1; and authorizing official acts in**
12 **connection with this Ordinance, as defined herein.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
16 **Board amendment additions** are in double-underlined Arial font.
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
18 **Asterisks (* * * *)** indicate the omission of unchanged Code
19 subsections or parts of tables.

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

21 Section 1. Findings.

22 (a) The Alemany (Certified) Farmers' Market (the "Market") commonly known as "the
23 people's market" was founded in San Francisco on August 12, 1943. The Market was the first
24 farmers' market in California. The Victory Garden Council and regional farmers initially
25 established the Market at Duboce Avenue and Market Street as a wartime measure to provide
an outlet for surplus and distressed crops from neighboring counties. On August 4, 1947, the

1 Market moved to its present 100 Alemany Boulevard location where it still operates rain or
2 shine, supporting small family farms. The General Services Agency - Real Estate Division
3 (“RED”) has the responsibility for managing market operations.

4 (b) The Market operates every weekend with a farmers’ market on Saturday and a flea
5 market on Sunday. Both markets open at dawn and close at dusk. On Saturdays, there can
6 be approximately 100 farmers, depending on the season, and as many as 200 vendors for
7 Sunday’s flea market. Both markets attract thousands of people a day.

8 (c) The original office building and stalls remain at the Market. Due to the extensive
9 use over the weekends, RED will prepare a capital request to the Board of Supervisors
10 (“Board”) during the next fiscal year to remodel the Market’s building and stalls.

11 (d) On June 5, 1989, the Board adopted Ordinance No. 200-89, ordering the vacation
12 of a portion of Crescent Avenue westerly of Alemany Boulevard to facilitate an upgrade to the
13 Market for access and security purposes. A copy of this ordinance is on file with the Clerk of
14 the Board in File No. 181187 and incorporated herein by reference.

15 (e) On December 20, 1993, the Board adopted Ordinance No. 421-93, ordering the
16 vacation of portions of Bronte Street, Bradford Street, and Ogden Avenue located within the
17 perimeter of the Market (Assessor’s Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734),
18 as shown on Public Works’ SUR Map No. 2193, and transferring jurisdiction over the vacated
19 street area to the Agricultural Commissioner. This action also facilitated the upgrade of the
20 Market. A copy of this ordinance is on file with the Clerk of the Board in File No. 181187 and
21 incorporated herein by reference.

22 (f) The Board finds it appropriate to pursue a street vacation of the remaining unused
23 portions of Ogden Avenue, Bradford Street, and Crescent Avenue within the Market property
24 in order to remove any outstanding street use designation and consolidate the entire Market
25 property into a single City department’s control. The actions contemplated in this ordinance

1 are solely for the purposes identified above and are independent of any future actions that the
2 City may take in regard to the Market.

3 (g) The location and extent of the street area proposed for vacation is more particularly
4 shown on Public Works ("PW") SUR Map No. 21009, dated December 12, 2018 (the
5 "Vacation Area"). A copy of this map is on file with the Clerk of the Board in File No. 181187
6 and is incorporated herein by reference.

7 (h) In a letter dated June 15, 2010, the Planning Department determined that the
8 proposed vacation of the Vacation Area, the jurisdictional transfer of the property from Public
9 Works to RED, and other actions contemplated in this ordinance are, on balance, consistent
10 with the General Plan and priority policies of Planning Code Section 101.1 (the Planning
11 Letter"). A copy of the Planning Letter is on file with the Clerk of the Board in File No. 181187
12 and is incorporated herein by reference. The Board adopts the General Plan and eight priority
13 policies of Planning Code Section 101.1 findings as its own.

14 (i) Also in the Planning Letter, the Planning Department determined that the actions
15 contemplated in this ordinance are categorically exempt from environmental review under the
16 California Environmental Quality Act ("CEQA", California Public Resources Code Sections
17 21000 et seq.) and CEQA Guidelines Section 15312. Said determination is on file with the
18 Clerk of the Board in File No. 181187 and is incorporated herein by referenced. The Board
19 hereby affirms this determination.

20 (j) California Street and Highways Code Sections 8300 et seq. and Public Works Code
21 Section 787(a) set forth the procedures that the City and County of San Francisco follows to
22 vacate public streets and public service easements. California Streets and Highways Code
23 Sections 8334 and 8334.5, respectively, allow a summary vacation if the subject area is
24 excess right-of-way that is no longer needed for street purposes or the street has been
25

1 impassable to vehicular travel for five consecutive years, and there are no in-place functioning
2 utilities in the street segment.

3 (k) In connection with this vacation, PW prepared SUR Map No. 21009, and PW Order
4 No. 200335, dated December 7, 2018. In the PW Order, the PW Director and City Engineer
5 determined: (1) the Vacation Area is unnecessary for the City's present or prospective public
6 street, sidewalk, and service easement purposes and that any rights based upon any such
7 public or private utility facilities shall be extinguished automatically upon the effectiveness of
8 the vacation; (2) summary street vacation is appropriate under Streets and Highways Code
9 Sections 8334 and 8334.5 because: (A) these areas are paper streets that constitute excess
10 right-of-way which is no longer needed for street purposes, (B) the street area has been
11 impassable to vehicular travel for five consecutive years, and (C) there are no in-place
12 functioning utilities in the street segments; (3) the Vacation Area is no longer useful as a
13 nonmotorized transportation facility under Streets and Highways Code Sections 892 and 8314
14 as there are other such facilities available in close proximity; (4) PW sent notice of the
15 proposed street vacation to the Department of Technology, Municipal Transportation Agency,
16 Fire Department, Public Utilities Commission, AT&T, Sprint, and Pacific Gas and Electric, and
17 no City agency or utility objected to the proposed vacation; (5) the City is the owner of all
18 property adjacent to the Vacation Area for the street vacation; and (6) the jurisdictional
19 transfer of the Vacation Area to RED is a policy matter for the Board.

20 (l) The Board adopts as its own the findings and recommendations of the PW Director
21 as set forth in PW Order No. 200335 concerning the summary vacation of the Vacation Area
22 and other actions in furtherance thereof, and the Board hereby incorporates herein such
23 recommendations and findings by reference.

24 (m) On February 8, 2019, the Clerk of the Board published notice of the summary
25 street vacation and on February 5, 2019, PW posted notice of the street vacation.

1 Section 2. Street Vacation.

2 (a) The Board finds that the Vacation Area is unnecessary for present or prospective
3 public use.

4 (b) The public interest and convenience require that the vacation be done as declared
5 in this ordinance.

6 (c) The Board hereby summarily vacates the Vacation Area, as shown on SUR Map
7 No. 21009, upon satisfaction of the conditions described in this ordinance and pursuant to
8 California Street and Highways Code Sections 8300 et seq., in particular Sections 8334 and
9 8334.5, and Public Works Code Section 787(a).

10 (d) The Street Vacation shall be effective automatically and without the requirement for
11 further action whatsoever as to all of the Vacation Area.

12 (e) The Board directs the PW Director to modify the official public right-of-way maps to
13 reflect the vacation.

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15 Section 3. Jurisdictional Transfers.

16 (a) Notwithstanding the procedures in Administrative Code Chapter 23, the Board
17 hereby approves the following interdepartmental transfers of property jurisdiction:

18 (1) The property underlying the Vacation Area specified in this ordinance from
19 PW to RED.

20 (2) The property that the Board transferred to the Agricultural Commissioner in
21 Ordinance No. 421-93 and as shown on PW SUR Map No. 2193, from the Agricultural
22 Commissioner to RED.

23 (b) The Board directs the Director of RED to change the jurisdictional designations as
24 described above in the City's official property records.

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1 Section 4. Official Acts in Connection with the Ordinance.

2 The Mayor, Clerk of the Board, Director of Property, County Surveyor, and PW Director
3 are hereby authorized and directed to take any and all actions which they or the City Attorney
4 may deem necessary or advisable in order to effectuate the purpose and intent of this
5 ordinance (including, without limitation, the filing of this ordinance in the Official Records of the
6 City and County of San Francisco; revising official public right-of-way maps; and changing the
7 jurisdictional designations in the Official Property Records of the City and County of San
8 Francisco).

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10 Section 5. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor’s veto of the ordinance.

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

18 By: _____
19 JOHN D. MALAMUT
 Deputy City Attorney

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