



Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, Ca 94103
(415) 554-5827 ■ www.sfdpw.org



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 182625

Re: Recommendation to vacate, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code, portions of: a) Quint Street starting approximately 195 feet east of Newcomb Avenue; b) Newcomb Avenue starting approximately 109 feet south of Quint Street; and c) McKinnon Avenue for a length of approximately 138 feet south of Quint Street.

WHEREAS, In general, public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way; and

WHEREAS, The limits of the area to be vacated (the "Vacation Area") are specifically shown on SUR Map 2013-005, and approved by the City and County Surveyor; and

WHEREAS, The portions of McKinnon Avenue and Newcomb Avenue are undeveloped public right-of-way and are currently not used by the public for the purpose of vehicular or pedestrian traffic; and

WHEREAS, The portion of Quint Street to be vacated will be rerouted along the west side of the train tracks in order to continue to allow vehicular and pedestrian traffic to have direct access to Jerrold Avenue; and

WHEREAS, The Quint Street Railroad Crossing Improvement Project (Project), to be executed by the Peninsula Corridor Joint Powers Board (JPB), involves the improvement of a dilapidated railroad overcrossing at Quint Street north of Newcomb Avenue; and

WHEREAS, The Project will result in construction of a physical berm across Quint Street to stabilize the rail corridor crossing at that location, which will result in closure of Quint Street and other noted affected areas of Newcomb Avenue and McKinnon Avenues; and

WHEREAS, On January 11, 2011 the Peninsula Corridor Joint Powers Board (JPB) determined that the project is Categorical Exempt from Environmental Review as a Categorical Exemption Class 2 as defined by CEQA per CEQA Guidelines Section 15302: Replacement or Reconstruction, and Pursuant to Public Resources Code Section 21080.13: Act not applicable to railroad grade separation projects; and



WHEREAS, On June 24, 2013 the Department of City Planning (Case No. 2013.0640R) found that the proposed Vacation is on balance in conformity with the General Plan, Planning Code Section 101.1, and the California Environmental Quality Act; and

WHEREAS, On September 27, 2013, the San Francisco Public Utilities Commission provided written approval of the vacation of a portion of Quint Street subject to reservation of a waterline easement within Quint Street in favor of SFPUC as part of the vacation process. The easement will extend at least two feet from the center line of the pipe. An additional condition is that JPB will design a new pipe that conforms to SFPUC requirements and standard engineering practices. The new pipe internal diameter will match the existing pipe internal diameter. The length of the pipe will extend a minimum of 5 feet from each end of the proposed earthen berm limits along Quint Street. A third condition of the SFPUC's approval is that the JPB will pay all costs associated with the conveyance of the easement and JPB will design and construct the new pipe segment at JPB's sole expense; and

WHEREAS, On October 17, 2013 the JPB agreed to the conditions set forth by SFPUC in its letter dated September 27, 2013; and

WHEREAS, The JPB also requested that the City provide the JPB with a temporary easement to allow for the construction and maintenance of the Project while the City resolves the real property title issues in the Vacation Area and quitclaims the underlying property to the JPB; 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, a draft SUR drawing, a copy of the petition letter, and a DPW referral letter to the Department of Technology, SFMTA, AboveNet Communications, Astound Broadband, American Telegraph & Telephone ("AT&T"), Sprint, Time Warner Telecom, Verizon, XO Communications, Caltrans, ExteNet Systems Inc., Global Crossing, Level 3 Communications, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Infrastructure Design and Construction, and the Public Utility Commission ("PUC"). No utility company or agency objected to the proposed vacation, there are no physical public and private utilities affected by the vacation of the Vacation Area, and 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, except as specifically provided herein, no other easements or other rights should be reserved by City for any public or private utilities or facilities that are in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities should be extinguished; and

WHEREAS, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation. In addition, the JPB Project will include a bicycle crossing; and



WHEREAS, The Director of Public Works for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.
2. The vacation is being carried out pursuant to section 787 of the San Francisco Public Works Code.
3. The Vacation Area to be vacated is shown on the SUR Map No. 2013-005.
4. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes as described herein.
5. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not necessary for non-motorized transportation for the reasons set forth herein, and therefore has no use as a non-motorized transportation facility.
6. There are no physical public or private utilities or utility facilities affected by the Vacation Area, with the exception of the SFPUC waterline, for which an easement will be reserved at a later date as part of the conveyance to JPB of the vacated Quint Street right of way, subject to approval of the Board of Supervisors.
7. The public interest, convenience and necessity require that, except as provided in this Order, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in such Vacation Area and that any rights based upon any such public or private utilities or facilities may be extinguished.
8. The Vacation Area is unnecessary for the City's present or prospective public street purposes.

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, being a portion of Quint Street east of Newcomb Avenue, a portion of Newcomb Avenue south of Quint Street, and a portion of McKinnon Avenue south of Quint Street;
2. Vacation Area SUR Map No. 2013-005

The Director further recommends the Board of Supervisors move forward with the legislation to vacate said portions of Quint Street, Newcomb Avenue, and McKinnon Avenue.

The Director recommends the Board of Supervisors approve all actions set forth herein and heretofore taken by the Officers of the City 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.

Attachments:

1. SUR Map No. 2013-005, dated May 5, 2014.
2. Planning Department's letter September 11, 2013.

5/29/2014

5/30/2014

X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor

X Mohammed Nuru

Nuru, Mohammed
Director

