



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 185343

Determination to recommend the summary vacation of a portion of 25th Street, which is generally bounded by Assessor's Block 4241/Lot 002 to the north, Seawall Lot 355 (portions of Assessor's Block 4298/002, Assessor's Block 4299/Lot 001, and Assessor's Block 4300/Lot 001) to the south, Michigan Street to the west, and Seawall Lot 356 to the east, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.

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

WHEREAS, The portion of 25th Street that is to be vacated (the "Vacation Area") is generally bounded by Assessor's Block 4241/Lot 002 to the north, Seawall Lot 355 (portions of Assessor's Block 4298/Lot 002, Assessor's Block 4299/Lot 001, and Assessor's Block 4300/Lot 001) to the south, Michigan Street to the west, and Seawall Lot 356 to the east. The Vacation Area is specifically shown on SUR Map 2016-020, dated September 30, 2016; and

WHEREAS, The Vacation Area is located on Port of San Francisco property and will be used to create a temporary navigation center on Port property (the "Central Waterfront Navigation Center") to provide temporary housing and services to homeless individuals as they prepare to return home or to move into permanent housing; and

WHEREAS, In a letter dated September 8, 2016, the Planning Department (Case No. 2016-005599ENV) determined that the proposed street vacation is exempt from the California Environmental Quality Act; and

WHEREAS, By its approval of Resolution No. 16-38 on September 13, 2016, the San Francisco Port Commission determined that use of the Vacation Area for the temporary operation of the Central Waterfront Navigation Center is a permissible interim use of public trust lands because (i) the Vacation Area is not needed for public trust purposes and does not provide access to San Francisco Bay; (ii) the term of the Memorandum of Understanding (the "MOU") between the Port of San Francisco and the Department of Homelessness and Supportive Housing ("DHS") to operate the Central Waterfront Navigation Center will not exceed 42 months and the Port will have the right to terminate the MOU if this site becomes necessary for public trust purposes; (iii) no permanent structures will be constructed that prevent future public trust uses on this site; and (iv) the Port will receive fair market value rent for the use of this site; and



WHEREAS, On September 22, 2016, at a duly noticed public hearing, the Planning Commission, by Motion No. 19742, approved a Conditional Use authorization to allow a temporary Homeless Shelter with accessory Social Service Facility use in the Vacation Area, finding that the proposed street vacation and creation of the Central Waterfront Navigation Center are, on balance, in conformity with the City's General Plan and the eight priority policies of Planning Code Section 101.1; and

WHEREAS, The Vacation Area is not necessary for street purposes as (1) the Vacation Area does not continue through Seawall Lot 356 and is a dead end, and (2) the Vacation Area is excess right-of-way not required for street purposes or for access to San Francisco Bay. There are no in-place functioning utilities that will be affected by the street vacation. Based on these factors, the Vacation Area may be summarily vacated in accordance with Streets and Highways Code Sections 8334 and 8334.5 and Public Works Code Section 787; and

WHEREAS, Pursuant to the California Streets and Highways 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 provided notice of the proposed street vacation, a draft SUR drawing, and a DPW referral letter to the Department of Technology, the San Francisco Municipal Transportation Agency, AT&T, Sprint, the San Francisco Fire Department, the San Francisco Water Department, Pacific Gas and Electric, the Bureau of Light, Heat and Power, the Bureau of Engineering, the Department of Parking and Traffic, the Utility Engineering Bureau, and the San Francisco Public Utilities Commission. No agency or utility company objected to the proposed vacation, 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 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, 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; 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 San Francisco Public Works Code Section 787.
3. The Vacation Area can be summarily vacated under Streets and Highway Code Sections 8334 and 8334.5 because the Vacation Area meets the criteria for excess right-of-way and the other factors necessary for a summary street vacation as described in the above findings.



4. The Vacation Area is shown on the SUR Map No. 2016-020.
5. There will be no physical public or private utilities affected by the vacation of the Vacation Area, based on the absence of any objections from any utility company, and the public interest, convenience, and necessity do not require any easements or other rights be reserved for any public or private utility facilities that are in place in the Vacation Area and that any rights based upon any such public or private utility facilities shall be extinguished automatically upon the effectiveness of the vacation.
6. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes.
7. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not useful as a non-motorized transportation facility for the reasons set forth herein.
8. The public interest, convenience, and necessity require that the City reserve from the vacation of the Vacation Area an easement for future street use pursuant to Streets and Highways Code Section 8340.
9. The street vacation shall be temporary and the Vacation Area shall cease to be vacated and shall revert to street use and publicly dedicated street and right-of-way as authorized under Streets and Highways Code Section 8340 upon the earliest of any of the following occurrences:
 - a. 42 months from the effective date of the street vacation ordinance; or
 - b. the expiration, termination, abandonment, and/or revocation of the Conditional Use authorization required to operate the Central Waterfront Navigation Center on the Vacation Area; or
 - c. the above-referenced Conditional Use authorization is not issued within eight months of the effective date of the street vacation ordinance; or
 - d. the expiration, termination, abandonment, and/or revocation of the MOU between the Port Commission and DSHS; or
 - e. a determination by the DSHS Director and the PW Director that an equivalent number of permanent shelter beds has been created at an alternate location or locations and all homeless residents housed at the Central Waterfront Navigation Center will have access to such location or locations.

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. 2016-020

The Director recommends that the Board of Supervisors move forward with the ordinance to temporarily vacate said Vacation Area to take effect and to be implemented by the City on the effective date of the street vacation ordinance.



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.

9/30/2016

10/3/2016

X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor
Signed by: Storrs, Bruce

X Mohammed Nuru

Nuru, Mohammed
Director
Signed by: Nuru, Mohammed

