

1 [Street Vacation - Resolution of Intention - Portion of Cayuga Avenue]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate an**
4 **approximately 8,490 square foot portion of public right-of-way located on Cayuga**
5 **Avenue, west of Naglee Avenue; and setting a hearing date of September 6, 2011, at**
6 **3:00 p.m. for all persons interested in the proposed vacation of said public right-of-**
7 **way.**

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9 WHEREAS, This vacation proceeding for portion of the public right-of-way located on
10 Cayuga Avenue, west of Naglee Avenue (the "Vacation Area"), is conducted under the
11 general vacation procedures of the Public Streets, Highways and Service Easements
12 Vacation Law (California Streets and Highways Code Sections 8300 et seq.); and

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

17 WHEREAS, The location and extent of the Vacation Area is more particularly described
18 on the Department of Public Works' SUR Map No. 2011, dated March 17, 2011, a copy of
19 which is on file with the Clerk of the Board of Supervisors in File No. 110855 and incorporated
20 herein by reference; and

21 WHEREAS, The Vacation Area is at Cayuga Park's southeastern border. Cayuga Park
22 is a 126,990-square foot park generally bounded by Naglee Avenue to the northeast, Cayuga
23 Avenue and Alemany Boulevard to the southeast, Whipple Avenue to the southwest, and I-
24 280 to the northwest in the Outer Mission Neighborhood; and

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1 WHEREAS, The Recreation and Park Department crafted the Cayuga Park Renovation
2 Plan. The Renovation Plan involves incorporation of the 8,490-square foot Vacation Area into
3 the Park, transfer of the Vacation Area and "paper" streets within the Park from the
4 Department of Public Works to Recreation and Park Department jurisdiction, demolition of the
5 existing clubhouse and construction of a new expanded clubhouse, new irrigation and
6 stormwater drainage systems to serve the field sports play area and other park facilities, tree
7 planting, and reorganizing park elements to switch locations of the existing children's play
8 area and basketball court. Copies of the Renovation Plan are on file with the Clerk of the
9 Board of Supervisors in File No. 110855 and are incorporated herein by reference; and

10 WHEREAS, The vacation of the Vacation Area is necessary to implement the
11 Renovation Plan that will incorporate the dead-end section of Cayuga Avenue into the Park's
12 open space to provide additional community use of the Park; and

13 WHEREAS, On April 29, 2011, the Planning Department determined that the Cayuga
14 Park Renovation was exempt under Categorical Exemption, Class 1, 3, and 4 in conformance
15 with the State CEQA Guidelines Sections 15301, 15303, and 15304. Said determination is on
16 file with the Clerk of the Board of Supervisors in File No. 110855 and is incorporated herein by
17 reference; and

18 WHEREAS, On March 11, 2011, the City Planning Department found that the street
19 vacation and other actions contemplated herein were consistent with the General Plan and
20 the eight priority policies of Planning Code Section 101.1. A copy of this letter is on file with
21 the Clerk of the Board of Supervisors in File No. 110855 and is incorporated by reference as
22 though fully set forth herein; and

23 WHEREAS, In DPW Order No. _____, dated _____, 2011,
24 the Director of the Department of Public Works ("DPW Director") determined: (a) the Vacation
25 Area is unnecessary for the City's present or prospective public street, sidewalk, and service

1 easement purposes; (b) jurisdictional transfer of the Vacation Area and paper street portions
2 of Cayuga and Mandan Avenues from the Department of Public Works to the Recreation and
3 Park Department at no cost, subject to use conditions, is a policy matter for the Board; (c)
4 there are no physical public or private utilities affected by the vacation of the Vacation Area
5 except as stated below; (d) the Recreation and Park Department is working with the San
6 Francisco Public Utilities Commission ("PUC") to develop a Memorandum of Agreement
7 concerning PUC access to and maintenance of sewer utilities in Cayuga Avenue; and (e) the
8 vacation is subject to the creation of private easements for sewer lateral connections to 5
9 properties backing on to the Vacation Area as described further herein. A copy of the DPW
10 Order is on file with the Clerk of the Board of Supervisors in File No. 110855 and is
11 incorporated herein by reference; and

12 WHEREAS, As part of this vacation action, the DPW Director recognizes that private
13 sewer laterals exist within the Vacation Area and the PUC has sewer utilities in the Vacation
14 Area and in the paper street portion of Cayuga Avenue currently within the boundaries of
15 Cayuga Park. The DPW Director recommends that the street vacation should be subject to:
16 (a) approval of private easements to the five properties bordering on the Vacation Area for
17 access to and maintenance of the sewer laterals and (b) establishment of a Memorandum of
18 Agreement between the PUC and Recreation and Park Department for access to and
19 maintenance of PUC utilities in the former and existing portions of Cayuga Avenue that will be
20 within Cayuga Park. A copy of a draft easement for the private sewer laterals is on file with
21 the Clerk of the Board of Supervisors in File No. 110855 and is incorporated herein by
22 reference; and

23 WHEREAS, The DPW Director recommends that the public interest, convenience, and
24 necessity require that, except as specifically provided above, no other easements or other
25 rights should be reserved for any public or private utilities or facilities that are in place in such

1 Vacation Area and that any rights based upon any such public or private utilities or facilities
2 should be extinguished; and

3 WHEREAS, The DPW Director also recommends that the vacation of the Vacation
4 Area should be conditioned upon the following restriction: the Vacation Area can be used only
5 to fulfill the mandate of the City's 2008 "Clean and Safe" Park Bond for Cayuga Park; and

6 WHEREAS, Pursuant to the California Streets and Highways Code Section 892, the
7 DPW Director also finds that the Vacation Area is currently not necessary for non-motorized
8 transportation, though the Vacation Area, once incorporated into Cayuga Park, would be
9 available for non-motorized transportation; now, therefore, be it

10 RESOLVED, That under California Streets and Highway Code Sections 8320 et seq.,
11 the Board of Supervisors hereby declares that it intends to order the vacation of the Vacation
12 Area, as shown on SUR Map No. 2011, and adopt the recommendations of the DPW Director
13 and the findings of the Planning Department; and, be it

14 FURTHER RESOLVED, That notice is hereby given that on the 6th day of September,
15 2011, beginning at approximately 3:00 p.m. in the Legislative Chamber of the Board of
16 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,
17 be it

18 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
19 to transmit to the Department of Public Works a certified copy of this Resolution, and the
20 Board of Supervisors urges the Director of Public Works to publish and post this Resolution
21 promptly in the manner required by law and to give notice of the hearing of such contemplated
22 action in the manner required by law.

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