

File No. 140980

Committee Item No. 1

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 27, 2014

Board of Supervisors Meeting

Date 11/18/14

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date October 23, 2014

Completed by:  Date 10-29-14

[Summary Street Vacation - Portion of Raccoon Drive]

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

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

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

Section 1. Findings.

(a) California Street and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a) set forth the procedures that the City and County of San Francisco follows to vacate public streets and public service easements. California Street and Highways Code Sections 8330 et seq. permits the summary vacation of a public street or public service easement if certain conditions are satisfied.

(b) The Board of Supervisors finds it appropriate to pursue a street vacation of a portion of Raccoon Drive between Twin Peaks Boulevard and Saint Germain Avenue, in Assessor's Block 2720.

(c) The location and extent of the area to be vacated (the "Vacation Area") is more particularly shown on the Department of Public Works' ("DPW") SUR Map No. 2013-004, dated October 10, 2013. A copy of this map is on file with the Clerk of the Board of Supervisors in File No. 140980 and is incorporated herein by reference.

(d) The Vacation Area is an undeveloped triangular parcel of land at the intersection of Raccoon Drive, Twin Peaks Boulevard, and Saint Germain Avenue.

(e) Vacation of the Vacation Area will allow the adjacent property owner to proceed with a project that will include the construction of public stairways to improve pedestrian access, stepped retaining walls, and landscaping.

(f) Section 8334(a) of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate an excess right-of-way of a street, highway or public easement under certain circumstances.

(g) In DPW Order No. 182888, dated September 2, 2014, the Director of the Department of Public Works (the "DPW Director") determined: (1) the Vacation Area is excess right-of-way that can be summarily vacated under California Streets and Highways Code Section 8334(a); (2) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes; (3) there are no functioning in-place public or private utility facilities that would be affected by the vacation of the Vacation Area, which allows the City to proceed with a summary street vacation under Streets and Highways Code Section 8334.5; (4) pursuant to the Streets and Highways Code Section 892, the Vacation Area hereunder is a small and irregularly shaped parcel of land unusable for any independent purpose, and therefore, it has no use for a nonmotorized transportation facility; (5) the public interest, convenience, and necessity require that the City obtain a public access easement for a portion of the Vacation Area; (6) the public convenience and necessity require that no other easements or other rights be reserved for

1 any public or private utility facilities that are in place in the Vacation Area and that any rights
2 based upon any such public or private utility facilities shall be extinguished automatically upon
3 the effectiveness of the vacation; and (7) it is a policy matter for the Board of Supervisors to
4 quitclaim the City's interest in the Vacation Area to the Vaughn R. Walker Revocable Trust. A
5 copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 140980.

6
7 (h) The DPW Director also recommends that the effectiveness of the street vacation
8 be conditioned on simultaneous recordation of the City's quitclaim deed and a public access
9 easement. The Board of Supervisors adopts as its own, the recommendations of the DPW
10 Director as set forth in DPW Order No. 182888 concerning the vacation of the Vacation Area
11 and other actions in furtherance thereof and the Board hereby incorporates such
12 recommendations and findings by reference as though fully set forth herein.

13 (i) A draft quitclaim deed and a draft public access easement are on file with the Clerk
14 of the Board of Supervisors in File No. 140980. The Board of Supervisors acknowledges the
15 recommendation of the Director of the Division of Real Estate as referenced in the DPW
16 Order to approve the real estate transactions contemplated in this legislation.

17 (j) The Director of Planning, by letter dated September 11, 2013, found that the
18 vacation of the Vacation Area and other actions contemplated in this legislation are consistent
19 with the City's General Plan and with the eight priority policies of City Planning Code Section
20 101.1. This letter is on file with the Clerk of the Board of Supervisors under File No. 140980.
21 The Board of Supervisors adopts as its own, the recommendations of the Director of Planning
22 as set forth in the abovementioned letter concerning and the Board hereby incorporates such
23 recommendations and findings by reference as though fully set forth herein. (k) The
24 Planning Department has determined that the actions contemplated in this ordinance comply
25 with the California Environmental Quality Act (California Public Resources Code Sections

21000 et seq.). The Board hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. 140980 and is incorporated herein by reference.

Section 2. Summary Vacation and Conditions.

(a) The Board of Supervisors hereby summarily vacates the Vacation Area, as shown on SUR Map No. 2013-004, upon satisfaction of the conditions described in this Ordinance and pursuant to California Street and Highways Code Section 8300 et seq. and Public Works Code Section 787(a).

(b) The Board of Supervisors finds that the Vacation Area is unnecessary for present or prospective public use, subject to the conditions described in this Ordinance.

(c) The public interest and convenience require that the vacation be done as declared in this Ordinance.

(d) The Street Vacation shall be effective automatically and without the requirement for further action whatsoever, as to all of the Vacation Area, upon satisfaction of the following:

(1) simultaneous recording of the City's quitclaim deed and a public access easement, both in substantially the same form as the draft quitclaim deed and a draft public access easement on file with the Clerk of the Board of Supervisors in File No. 140980.

Section 3. Real Property Transactions.

(a) The Board approves the issuance of a quit claim deed of the City's interest in the Vacation Area to the Vaughn R. Walker Revocable Trust in substantially the same form as on file with the Clerk of the Board of Supervisors.

1 (b) The Board approves the public access easement from the Vaughn R. Walker
2 Revocable Trust to the City as part of this street vacation action in substantially the same form
3 as on file with the Clerk of the Board of Supervisors.

4 (c) The Board delegates to the Director of the Division of Real Estate, in consultation
5 with the City Attorney's Office, the authority to finalize and execute the quit claim deed and
6 easement mentioned above on behalf of the City and County of San Francisco in accordance
7 with the terms set forth in this legislation.

8
9 Section 4. Official Acts in Connection with the Legislation.

10 (a) All actions heretofore taken by the officers of the City with respect to this
11 ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
12 Director of the Division of Real Estate, County Surveyor, and DPW Director are hereby
13 authorized and directed to take any and all actions which they or the City Attorney may deem
14 necessary or advisable in order to effectuate the purpose and intent of this ordinance
15 (including, without limitation, the filing of this ordinance in the Official Records of the City and
16 County of San Francisco; confirmation of satisfaction of the conditions to the effectiveness of
17 the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of
18 the same, which shall be conclusive as to the satisfaction of the conditions upon signature by
19 any such City official or his or her designee).


20 (b) Immediately upon the effective date of this vacation, this ordinance shall be
21 recorded.

22
23 Section 5. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

5
6 By:


7 Susan Cleveland-Knowles
Deputy City Attorney

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LEGISLATIVE DIGEST

[Summary Street Vacation - Portion of Raccoon Drive]

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

Existing Law

Public Works Code Section 787 and California Streets and Highways Code Sections 8300 et seq. establish the process and procedures that the City follows to vacate streets and public service easements. California Street and Highways Code Sections 8330 et seq. permits the summary vacation of a public street or public service easement if certain conditions are satisfied.

Amendments to Current Law

This legislation would summarily vacate a portion of Raccoon Drive between Twin Peaks Boulevard and Saint Germain Avenue; approve a quitclaim of the City's interest in the vacation area; and approve a public access easement over a portion of the vacation area. The legislation delegates to the Director of the City's Division of Real Estate to finalize and execute the quitclaim deed and the easement. The legislation would adopt findings under the California Environmental Quality Act and findings consistency with the City's General Plan, and eight Priority Policies of City Planning Code Section 101.1.

Background Information

The Vacation Area is a paper street that was never built as part of the development of the neighborhood. The property was left as a triangular piece of land, approximately 2,500 square feet in size. The property is unlikely to be developed as a residential parcel because of its odd triangular shape, which does not have the dimensions suitable for a building and has a substantial grade change across the property. This Ordinance would allow the neighboring property owner to make improvements to the Vacation Area, including the construction of public stairways to improve pedestrian access, stepped retaining walls, and landscaping.



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: September 11, 2013
Case No. Case No. 2013.0475R
Twin Peaks Blvd Street Vacation

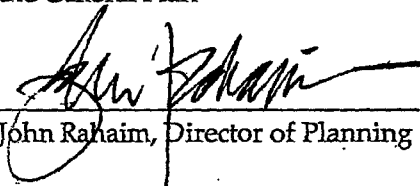
Block/Lot No.: 2720/004
Project Sponsor: Javier Rivera
San Francisco Department of Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Applicant: Same as Above

Staff Contact: Neil Hrushowy – (415) 558-6471
neil.hrushowy@sfgov.org

Recommendation: Finding the project, on balance, is **in conformity** with the General Plan

*Recommended
By:*


John Rahaim, Director of Planning

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to purchase a piece of land owned by the City, AB/2720/004, and install stepped retaining walls, new landscaping, a publicly accessible stairway and viewing deck, as well as new public benches. The City property is a piece of a paper street that was never built as part of the development of the neighborhood. Rather, the property was left as a triangular piece of open land between two converging streets. Roughly 2500 square feet in size, the property is unlikely to be developed as a residential parcel because of its odd triangular shape, which while sufficient in size, does not have the dimensions suitable for a building, as well as the substantial grade change across the property. The Department of Public Works is responsible for the property and has not reported any problems or issues related to its maintenance or soundness. The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

SITE DESCRIPTION AND PRESENT USE

The project sponsor has proposed turning the open piece of land into a private garden attached to his adjacent residential property. The Urban Design Element of the General Plan, written at a time when many public rights-of-way were being closed as part of development projects, contains clear language admonishing the Planning Department against any closure of a street if it contravenes one the 12 criteria listed *and* unless it fulfills one of the five listed criteria, including (relevant to this case) a clear, *significant* public benefit or if it is consistent with the public values of the Urban Design Element. (See Policy 2.9 of the Urban Design Element, attached.)

ENVIRONMENTAL REVIEW

On May 29, 2013, the Environmental Planning Division of the Planning Department determined that the "right-of-way vacation" is Categorically Exempt from Environmental Review as Categorical Exemption Class 12 as defined by CEQA, per Guidelines Section 15312: Surplus Government Property Sales. All future projects related to physical improvements to the property will require their own CEQA review.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is to construct a new driveway to provide vehicular access to a recently constructed residential building. The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter. The Project is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

City Pattern

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

Street areas have a variety of public values in addition to the carrying of traffic. They are important, among other things, in the perception of the city pattern, in regulating the scale and organization of building development, in creating views, in affording neighborhood open space and landscaping, and in providing light and air and access to properties.

POLICY 2.9

Review proposals for the giving of street areas in terms of all the public values that streets afford.

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

a. No release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property;
3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;
5. Elimination or reduction of open space which might feasibly be used for public recreation;
6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;
10. Removal of significant natural features, or detriment to the scale and character of surrounding development;
11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning; or
12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;
2. In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;
3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The Project will include the construction of public stairways to improve pedestrian access, stepped retaining walls, landscaping and installation of a public access area, including publicly-accessible benches and a viewing deck.

Neighborhood Environment

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

San Francisco draws much of its strength and vitality from the quality of its neighborhoods. Many of these neighborhoods offer a pleasant environment to residents of the city, while others have experienced physical decline and still others have never enjoyed some of the amenities common to the city as a whole. Measures must be taken to stabilize and improve the health and safety of the local environment, the psychological feeling of neighborhood, the opportunities for recreation and other fulfilling activities, and the small-scale visual qualities that make the city a comfortable and often exciting place in which to live.

FUNDAMENTAL PRINCIPLES FOR NEIGHBORHOOD ENVIRONMENT

These fundamental principles and their illustrations reflect the needs and characteristics with which this Plan is concerned, and describe measurable and critical urban design relationships in the neighborhood environment:

4. Open space and landscaping can give neighborhoods an identity, a visual focus and a center for activity.

The proposed Project will improve the visual quality of the project site through new landscaping, new public access and new public seating. These improvements are consistent with General Plan policies.

TRANSPORTATION ELEMENT

General

POLICY 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Safety is a concern in the development and accommodation of any part of the transportation system, but safety for pedestrians (which includes disabled persons in wheelchairs and other ambulatory devices) should be given priority where conflicts exist with other modes of transportation.

Pedestrian

OBJECTIVE 23

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

As proposed, a new publicly-accessible stairway will be installed that will improve pedestrian access through the site.

RECREATION AND OPEN SPACE ELEMENT

Citywide System

POLICY 2.2

Preserve existing public open space.

San Francisco's public open space system is fairly extensive. It ranges from large parks to undeveloped street rights-of-way.

Currently this portion of the undeveloped public street provides little public benefit beyond general greening in the neighborhood. The proposed site design will provide new public access to the lot through the installation of a new publicly-accessible stairway and viewing deck, which will include new public seating.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project, demolition and replacement of the Chinese Recreation Center, is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. It would improve the City's ability to respond to injuries caused by earthquakes and other emergencies.

7. That landmarks and historic buildings be preserved.

This site and building are not landmarks or of historic significance. The structure was constructed in the last 20-30 years.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista. If the City purchases or leases the site for use by the Department of Technology, no new structures would be added to the site

RECOMMENDATION:	Finding the Project, on balance, in-conformity with the General Plan
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Attachments:
Proposed Design

cc: Javier Rivera, SFDPW

I:\Citywide\General Plan\General Plan Referrals\2013\2013.0475R Twin Peaks BL Street Vacation_FNL.doc

TWIN PEAKS BLVD STREET VACATION

CASE NO. 2013.0475R



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: 182888

Re: Determination to summarily vacate a portion of Raccoon Drive lying within Assessor's Block 2720 at the intersection of Raccoon Drive, Twin Peaks Boulevard, and Saint Germain Avenue pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code.

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

WHEREAS, This portion of Raccoon Drive is undeveloped public right-of-way lying within Assessor's Block 2720 at the intersection of Raccoon Drive, Twin Peaks Boulevard, and Saint Germain Avenue (the "Vacation Area"); and

WHEREAS, The Vacation Area is specifically shown on SUR Map 2013-004, dated October 10, 2013; and

WHEREAS, On September 11, 2013 the Department of City Planning (Case No. 2013.0475R) found that the proposed Vacation is on balance and in conformity with the General Plan, Planning Code Section 101.1, and the California Quality Act, provided that the project will include the construction of public stairways to improve pedestrian access, stepped retaining walls, landscaping, and installation of a public access area, including publicly-accessible benches and a viewing deck; 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, draft SUR drawing, a copy of the petition letter, and a DPW referral letter to the Department of Technology, SFMTA, Pacific Bell, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, 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, Agents of the project sponsor have made good faith efforts to obtain the consent of all owners of property adjacent to the Vacation Area to the proposed vacation and, despite such efforts, most but not all such owners have yet consented to such proposed vacation. In consideration of all relevant factors, the consent of all owners of property adjacent to the Vacation Area to the proposed vacation is unnecessary; 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 may be 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 a small and irregularly shaped parcel of land unusable for any independent purpose, and therefore, it has no use for a non-motorized transportation facility ; 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 is excess right-of-way that can be summarily vacated under California Streets and Highways Code Section 8334(a).
4. The Vacation Area to be vacated is shown on the SUR Map No. 2013-004.
5. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes as described herein.
6. 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.
7. There are no physical public or private utilities or utility facilities affected by the Vacation Area, which allows the City to proceed with a summary street vacation under Streets and Highways Code Section 8334.5.
8. 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.
9. The public interest, convenience and necessity require that the City obtain a public access easement for a portion of the Vacation Area;



10. It is a policy matter for the Board of Supervisors to quitclaim the City's interest in the Vacation Area to the Vaughn R. Walker Revocable Trust.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to summarily vacate the Vacation Area, a portion of Raccoon Drive at the intersection of Raccoon Drive, Twin Peaks Boulevard, and Saint Germain Avenue;
2. Vacation Area SUR Map No. 2013-004

The Director further recommends the Board of Supervisors move forward with the legislation to vacate said portion of Raccoon Drive.

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. 2013-004, dated October 10, 2013.
2. Planning Department's letter September 11, 2013.
3. Street Vacation Description dated October 10, 2013 (Exhibit A)
4. Street Vacation Plat dated October 10, 2013. (Exhibit B)

9/2/2014

9/2/2014

X

Bruce R. Storrs

Storrs, Bruce
City and County Surveyor

X

Mohammed Nuru

Nuru, Mohammed
Director



QUITCLAIM DEED

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

Real Estate Division
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, California 94102
Attn: Director of Property

MAIL TAX STATEMENTS TO:

Vaughn R Walker Revocable Trust
P O Box 26250
San Francisco, CA 94126
Attn: Vaughn R Walker

The undersigned hereby declares this instrument to be
exempt from Recording Fees (CA Govt. Code § 27383)
and Documentary Transfer Tax (CA Rev. & Tax Code
§ 11922 and S.F. Bus. & Tax Reg. Code § 1105)

(Space above this line reserved for Recorder's use only)

QUITCLAIM DEED

(Assessor's Parcel No. 2720/004)

FOR VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("City"), pursuant to Ordinance No. _____, adopted by the Board of Supervisors on _____, 2014, hereby RELEASES, REMISES AND QUITCLAIMS to the Vaughn R Walker Revocable Trust dated November 19, 2008, Vaughn R Walker, Trustee, any and all right, title and interest City may have in and to the real property located in the City and County of San Francisco, State of California, described on Exhibit A attached hereto and made a part hereof.

Executed as of this _____ day of _____, 20__.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
JOHN UPDIKE
Director of Property

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: _____
[NAME OF DEPUTY]
Deputy City Attorney

DESCRIPTION CHECKED/APPROVED:

By: _____
[NAME]
City Engineer

State of California)
) ss
County of San Francisco)

On _____, before me, _____, a notary public in and
for said State, personally appeared _____, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City and County of San Francisco
Director of Property
25 Van Ness Avenue, Suite 400
San Francisco CA 94102

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT AGREEMENT
(Public Access Easement)

This Easement Agreement ("**Agreement**") is made by and between Vaughn R Walker Revocable Trust dated November 19, 2008, Vaughn R. Walker, Trustee ("**Grantor**"), and the City and County of San Francisco, a municipal corporation ("**City**"), acting by and through its Director of Property (the "**Director of Property**"), with reference to the following facts:

A. Grantor is the owner of real property situated in the City and County of San Francisco, State of California, previously a portion of Twin Peaks Boulevard, Saint Germain Avenue, and Raccoon Drive, which the City transferred to Grantor pursuant to City Ordinance Number _____ ("**Burdened Property**"). The Burdened Property is more particularly described in the Street Vacation Description attached as **Exhibit A** and depicted on the plat to accompany the street vacation description attached as **Exhibit B**.

B. City desires an easement for pedestrian access over those portions of the Burdened Property described in **Exhibit C** attached to this Agreement and depicted as "Public Access Easement" on the plat to accompany legal description of public access easement attached as **Exhibit D** to this Agreement ("**Easement Area**").

C. Grantor made an irrevocable offer of dedication of an easement to the City for public access as a condition of the City's vacation of the Burdened Property and transfer of the Burdened Property to Grantor, subject to the terms set forth in this Agreement. The City accepted such offer of dedication as a condition of the vacation of the Burdened Property, subject to the terms set forth in this Agreement.

D. This Agreement is entered into by Grantor and City in order to provide the terms and conditions of the Public Access Easement (defined below), and, among other matters, prohibits the construction of any permanent structures within the Easement Area that are not consistent with the Public Access Easement.

NOW, THEREFORE, for valuable consideration, the receipt of which each of the parties hereto does hereby acknowledge, the parties hereto do hereby agree as follows:

1. Grant of Public Access Easement. Subject to the provisions of this Agreement, Grantor hereby grants to City for the benefit of the public a nonexclusive, irrevocable easement for pedestrian use and access ("**Public Access Easement**") over the Easement Area. The Easement Area shall be free of any obstructions except for those consistent with the nonexclusive public pedestrian use of the Easement Area. The Easement Area and any improvements thereon shall be built in accordance with San Francisco Public Works Code section 706.

2. Limitation on Use. City acknowledges that the Public Access Easement is nonexclusive. Grantor, its successors, assigns, grantees, and licensees, shall have the right to use the Easement Area in a manner that is consistent with the Public Access Easement, and that does not unreasonably interfere with the Public Access Easement. Grantor, and any successor owner of the Burdened Property, shall maintain the Easement Area in a manner that provides an unobstructed path of travel that is free from any temporary or permanent physical obstructions except for (1) obstructions consistent with pedestrian public access, such as stairs, seating areas, and street furniture as reasonably approved by the Director of Property, (2) temporary obstructions required to install, repair, replace or maintain permitted improvements in the Easement Area, and (3) temporary obstructions that are reasonably necessary for installation, repair, replacement or maintenance of improvements to the Burdened Property not in the Easement Area (provided that the improvements to the Easement Area shall be promptly restored). Upon City's request, Grantor shall remove any unpermitted structure in the Easement Area.

3. Term of Easement. The term of the Public Access Easement described in Section 1 of this Agreement shall be perpetual. City, may, however, terminate this easement at any time as to all or any portion of the Easement Area by written notice to the Grantor. Upon any such termination, the parties agree to execute a termination of this Agreement and record such termination in the Official Records of the City and County of San Francisco.

4. Condition of Burdened Property and Easement Area.

(a) As-Is. Grantor makes no representations or warranties whatsoever, under this Agreement, with respect to the current physical condition of the Burdened Property and Grantor shall have no responsibility under this Agreement with respect thereto (except as otherwise specifically set forth herein), and the use of the Public Access Easement granted herein shall be of the Easement Area in its "as-is" physical condition, except as otherwise specifically provided herein. City hereby waives any and all claims against Grantor arising from, out of, or in connection with the suitability of the existing physical condition of the Easement Area for the uses permitted under Section 2 above.

(b) Maintenance. Grantor agrees to maintain the Easement Area, including the improvements thereon, in a good and safe condition generally in accordance with the City's requirements for sidewalk maintenance and public access. Grantor shall perform such repair and maintenance at Grantor's expense and to the reasonable satisfaction of City.

(c) Initial Improvements. Grantor, at Grantor's cost, shall construct sidewalks, stairs and seating areas in the Easement Area, in compliance with all laws, consistent with the attached Exhibit E, "Site Plan A102", and to the satisfaction of the Director of Property.

5. No Liability; Indemnity.

(a) No Liability. City, by acceptance of the Public Access Easement, shall not in any event whatsoever be liable for any injury or damage to any person happening on or about the Easement Area or the Burdened Property, for any injury or damage to the Burdened Property, or to any property of any tenant or occupant, or to any property of any other person, entity or association on or about the Burdened Property, except for such injury or damage as caused exclusively by the willful misconduct or gross negligence of the City.

(b) Indemnification. Grantor, and each successor and assign to Grantor holding an interest in the Burdened Property, shall defend, hold harmless and indemnify the City and its respective commissioners, officers, departments, agencies and other subdivisions, agents and employees, of and from all claims, losses, damages, injuries, actions, causes of action and liabilities of every kind, nature and description directly or indirectly arising from the Public Access Easement or the use or condition of the Easement Area; provided, however that this Section 5(b) shall not be deemed or construed to, and shall not, impose an obligation to indemnify and save harmless City or any of its commissioners, officers, departments, agencies and other subdivisions, agents or employees from any claim, loss, damage, liability or expense, of any nature whatsoever, caused exclusively by the willful misconduct or gross negligence of the person or entity seeking such indemnity.

6. Enforcement. City, but not the general public, shall have all rights and remedies at law and in equity in order to enforce the Public Access Easement and the terms of this Agreement (including remedies for violation of any applicable building permit). All rights and remedies available to City under this Agreement or at law or in equity shall be cumulative and not alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other available right or remedy. In the event of any breach of this Agreement, the City shall be entitled to recover all attorneys' fees and costs reasonably incurred in connection with City's enforcement activities and actions.

7. Litigation Expenses.

(a) General. If either party hereto brings an action or proceeding (including any cross-complaint, counterclaim, or third-party claim) against the other party by reason of a default, or otherwise arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit, including, but not limited to, reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgment. "Prevailing Party" within the meaning of this Section 7 shall include without limitation a party who dismisses an action for recovery hereunder in exchange for payment of the sums allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action.

(b) Appeal. Attorneys' fees under this Section shall include attorneys' fees on any appeal, and, in addition, a party entitled to attorneys' fees shall be entitled to all other reasonable costs and expenses incurred in connection with such action.

(c) Fee Award for City Attorneys. For purposes of this Agreement, reasonable fees of attorneys of the City Attorney's Office of City shall be based on the fees regularly

charged by private attorneys with an equivalent number of hours of professional experience in the subject matter area of the law for which City's services were rendered who practice in the City and County of San Francisco, State of California, in law firms with approximately the same number of attorneys as employed by the Office of the City Attorney.

8. Time. Time is of the essence of this Agreement and each and every part hereof.

9. Amendment. This Agreement may be amended or otherwise modified only in writing signed and acknowledged by Grantor and City, or the respective successors and assigns of each.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

11. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be entitled to be the original and all of which shall constitute one and the same agreement.

12. References; Titles. Wherever in this Agreement the context requires, reference to the singular shall be deemed to include the plural. Titles of sections and paragraphs are for convenience only and neither limit nor amplify the provisions of this Agreement.

13. Notice. Any notice given under this Agreement shall be in writing and given by delivering the notice in person, by commercial overnight courier that guarantees next day delivery and provides a receipt, or by sending it by registered or certified mail, or Express Mail, return receipt requested, with postage prepaid, to the mailing addresses listed below or any other address notice of which is given.

Grantor: Vaughn R Walker Revocable Trust
 Vaughn R. Walker
 301 Twin Peaks Boulevard
 San Francisco, CA 94114

City: Director of Department of Public Works
 Department of Public Works
 City and County of San Francisco
 Room 348, City Hall
 1 Dr. Carlton B. Goodlett Place
 San Francisco, California 94102

with copies to: City Attorney, City of San Francisco
 Room 234, City Hall
 1 Dr. Carlton B. Goodlett Place
 San Francisco, California 94102-4682
 Attention: John Malamut, Esq.

and to: Director of Property
 Real Estate Department
 25 Van Ness Avenue, Suite 400

Any mailing address number may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

14. Exclusive Benefit of Parties. The provisions of this Agreement are for the exclusive benefit of Grantor and City and their successors and assigns, subject to the provisions hereof, and not for the benefit of nor give rise to any claim or cause of action by any other person; and this Agreement shall not be deemed to have conferred any rights upon any person except Grantor and City. Nothing herein shall be deemed a dedication of any portion of the Burdened Property to or for the benefit of the general public.

15. Severability. If any provision of this Agreement shall to any extent be invalid or unenforceable, the remainder of this Agreement (or the application of such provisions to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each provision of this Agreement, unless specifically conditioned upon such invalid or unenforceable provision, shall be valid and enforceable to the fullest extent permitted by law.

16. Entire Agreement. This Agreement, together with any attachments hereto or inclusions by reference, constitute the entire agreement between the parties on the subject matter hereof, and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties hereto with respect to the easement which is the subject matter of this Agreement.

17. Compliance With Laws. Grantor, at Grantor's expense, shall comply with all laws, statutes, ordinances, rules and regulations of federal, state and local authorities (including, without limitation, City itself) having jurisdiction over the Easement Area, now in force or hereafter adopted, with respect to the use by the public of the Easement Area under the authority of the Public Access Easement herein granted.

18. Default. The failure to perform any covenant or obligation of a party hereunder and to cure such non-performance within thirty (30) days of written notice by the party to whom performance is owed shall constitute a default hereunder, provided that if more than thirty (30) days are reasonably required for such cure, no event of default shall occur if the defaulting party commences such cure within such period and diligently prosecutes such cure to completion. Upon such default, the non-defaulting party shall be entitled to all remedies and means to cure or correct such default, both legal and equitable, allowed by operation of law except termination of the easement herein granted.

19. Burden on Land. The Public Access Easement created by this Agreement shall be a burden on the Burdened Property, which burden shall run with the land and shall be binding on any future owners and encumbrances of the Burdened Property or any part thereof and their successors and assigns.

20. Survival. All representations, warranties, and waivers given or made hereunder shall survive termination of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on _____, 2014.

CITY:

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation

GRANTOR:

Vaughn R Walker Revocable Trust dated
November 19, 2008, Vaughn R. Walker,
Trustee

By: _____
John Updike
Director of Property

By: _____
Vaughn R. Walker, Trustee

APPROVED AS TO FORM:

DENNIS HERRERA,
City Attorney

By: _____
John Malamut
Deputy City Attorney

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGEMENT

State of California

County of _____

On _____ before me,

(here insert name and title of the officer)
personally appeared

who proved to me, on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGEMENT

State of California

County of _____

On _____ before me,

(here insert name and title of the officer)
personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this deed dated _____, from the grantor to the City and County of San Francisco, a charter city and county, is hereby accepted by order of its Board of Supervisors' Ordinance No. _____, adopted on _____, 20____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

CITY AND COUNTY OF SAN FRANCISCO

By: _____
JOHN UPDIKE
Director of Property

EXHIBIT A

Legal Description of Burdened Property

EXHIBIT B

Plat Map of Burdened Property

EXHIBIT C

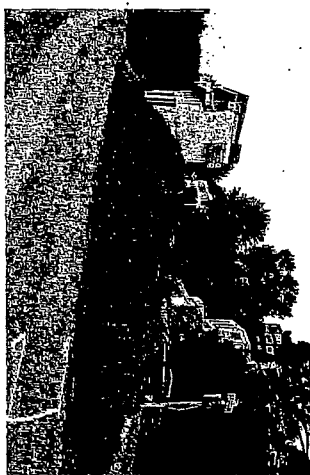
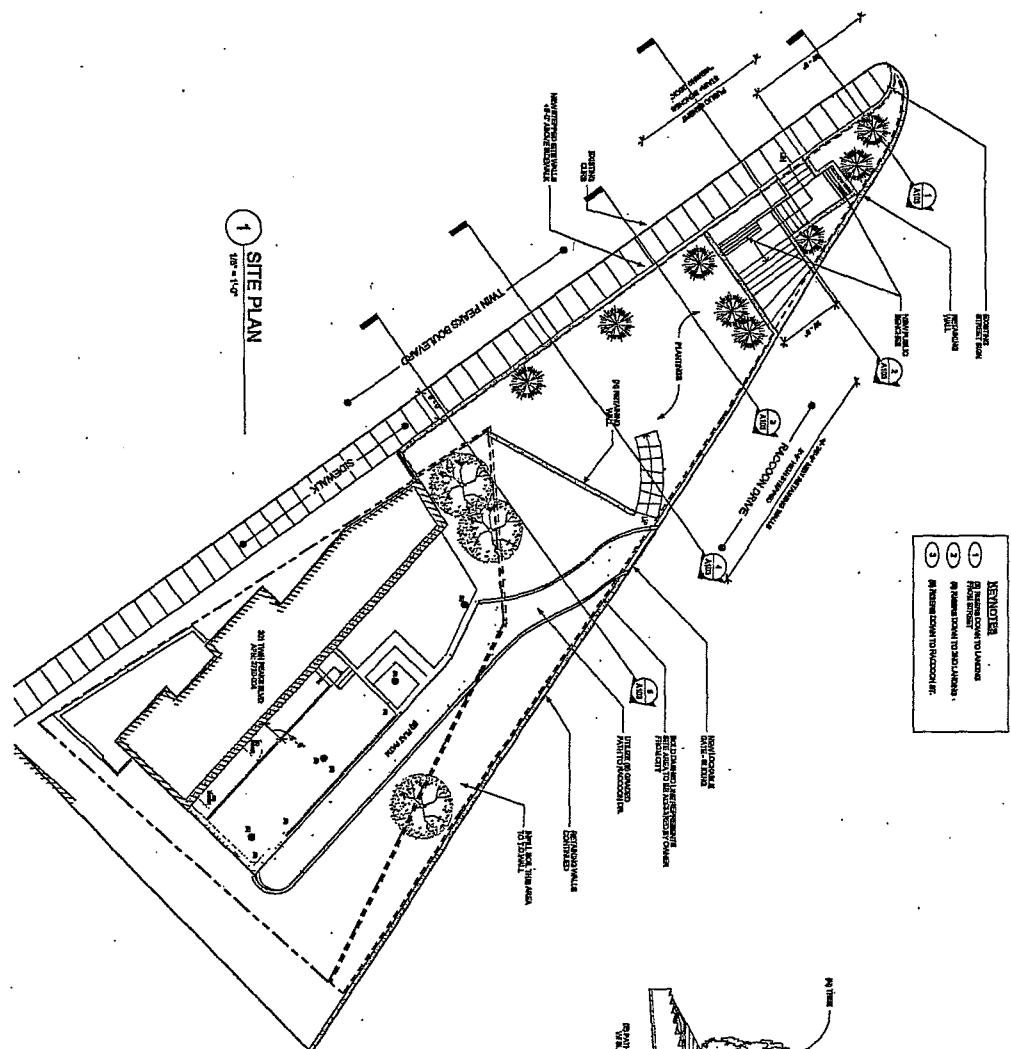
Legal Description of Easement Area

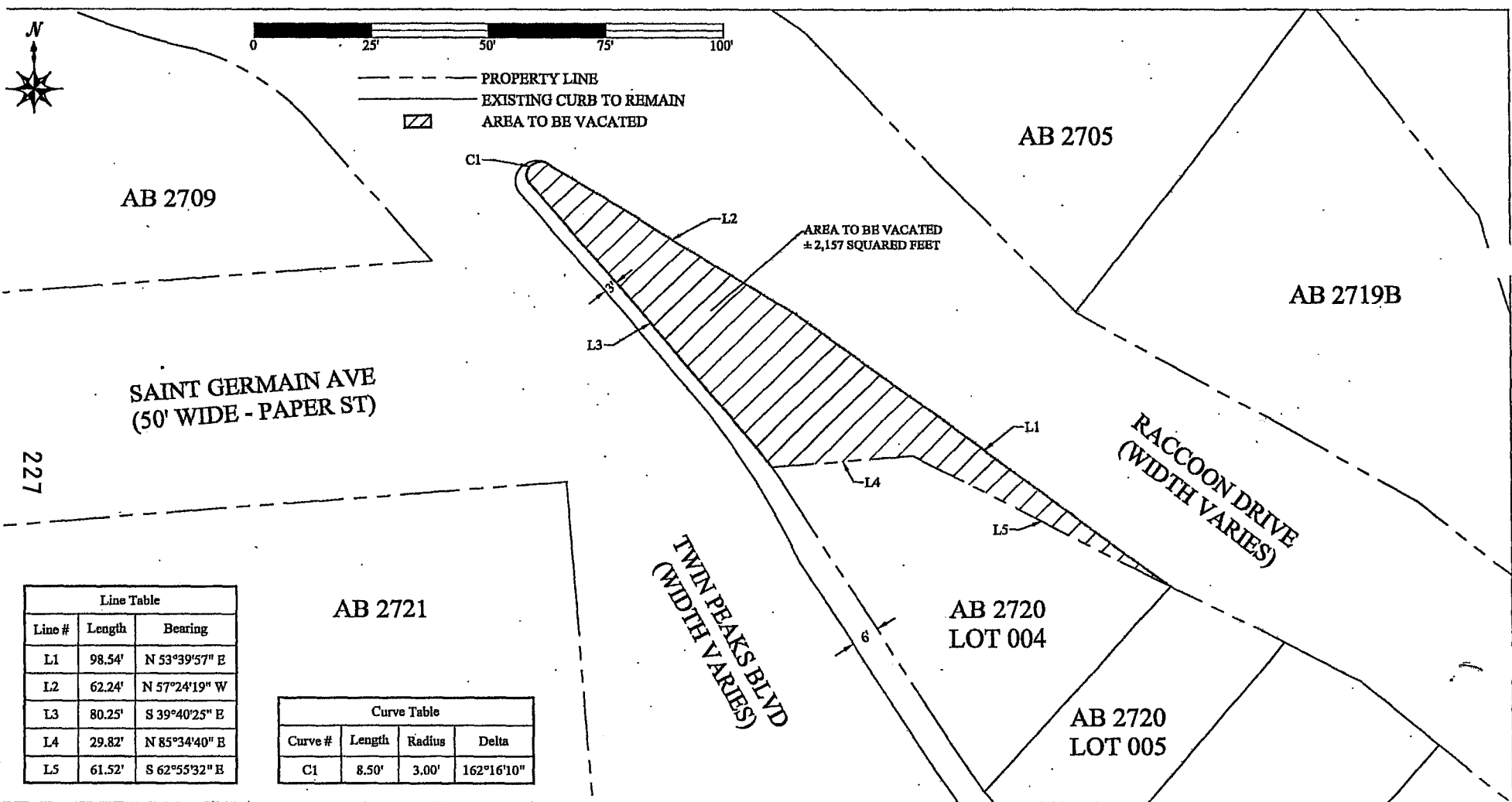
EXHIBIT D

Plat Map of Easement Area

EXHIBIT E

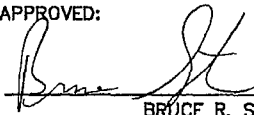
Site Plan A102



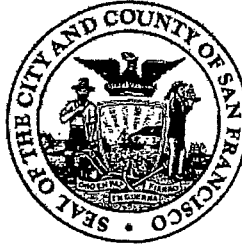


Line Table		
Line #	Length	Bearing
L1	98.54'	N 53°39'57" E
L2	62.24'	N 57°24'19" W
L3	80.25'	S 39°40'25" E
L4	29.82'	N 85°34'40" E
L5	61.52'	S 62°55'32" E

Curve Table			
Curve #	Length	Radius	Delta
C1	8.50'	3.00'	162°16'10"

REFERENCES: GM_210 GM_211	APPROVED:  BRUCE R. STORRS CITY & COUNTY SURVEYOR	10/10/13 DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS STREET VACATION AT THE INTERSECTION OF TWIN PEAKS BLVD, RACCOON DRIVE, AND SAINT GERMAIN AVE.		
		FILE: SUR 2013-004	SHEET 1 OF 1	SCALE: 1:20	CHANGE

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 30, 2014

File No. 140980

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On September 16, 2014, Supervisor Wiener introduced the following legislation:

File No. 140980

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

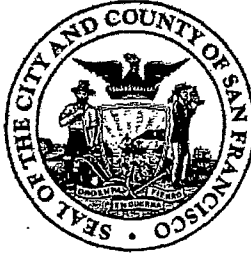
c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Categorically exempt under CEQA Guidelines
Section 15112, Class 12: Surplus Government
Property Sales.

228 Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2014.10.17 15:49:58 -0700

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency
Greg Suhr, Chief, Police Department
Joanne Hayes-White, Chief, Fire Department
John Rahaim, Director, Planning Department
Mohammed Nuru, Director, Department of Public Works
John Updike, Director, Real Estate Division

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: September 30, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on September 16, 2014:

File No. 140980

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Christine Fountain, Police Department
Kelly Alves, Fire Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Frank Lee, Department of Public Works



290 Twin Peaks Boulevard
San Francisco
California 94114
tel: 415.665.4346
fax: 415.665.4347

April 15, 2013

Mr. Nick Elsner
Senior Plan Checker
Department of Public Works
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Re: 301 Twin Peaks Boulevard - Street Vacation

Dear Mr. Elsner:

I write to support the vacation of a portion of the street on Twin Peaks Boulevard. The proposal by the property owner at 301 Twin Peaks Boulevard for improvements to the area requires the City to vacate a portion of land in front and north of his home along Raccoon Drive. My home is located across the street at 290 Twin Peaks Boulevard.

The small, unusable sliver of land needs to be vacated so that the property owner may erect retaining walls and landscape the property - all at his expense. Currently, the land is prone to sloping and is occupied by overgrowth and occasionally unsightly refuse that blows in from an active Twin Peaks Boulevard and its traffic, pedestrians, hikers, cyclists and others.

The property owner has given his word that the landscaping will retain the vegetation and "feel" of Twin Peaks Boulevard, and that the retaining walls will go a long way to prevent erosion into Raccoon Drive.

Please approve the plan without delay, as it not only logical, but a substantial improvement for immediate property owners and the thousands of residents and visitors that travel on Twin Peaks Boulevard and 49-mile Scenic Drive every day.

Sincerely,


Denise LaPointe

Cc: Judge Vaughn Walker ✓

140980

JOE CASSIDY

401 TWIN PEAKS BLVD.,
SAN FRANCISCO, CA 94114
TEL: 415-821-9533

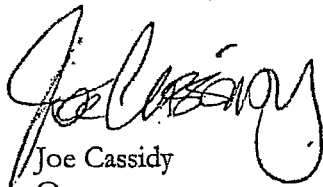
Date: October 23, 2014

To: Andres Power
c/o Supervisor Scott Weiner
1 Dr Carlton B Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
(415) 554-6968

Dear Supervisor Weiner,

I would like to express my full support for Vaughn Walkers project at 301 Twin Peaks Boulevard, San Francisco. His proposal makes a lot of sense and will be an enhancement to the neighborhood,

Yours Sincerely



Joe Cassidy
Owner
401 Twin Peaks Blvd.,

201 Raccoon Drive
San Francisco, CA 94114
October 15, 2014

Mr. Andres Power
Office of Supervisor Scott Weiner
City Hall, Room 244
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102-4689

Re: Street Vacation, 301 Twin Peaks Blvd

Dear Mr. Power:

Our neighbor Vaughn Walker has advised us that the City is considering his proposal to construct retaining walls and landscape the property adjacent to his home at 301 Twin Peaks Blvd on land that currently is owned by the City of San Francisco.

We are writing to express our very strong support for Mr. Walker's proposal and to encourage its rapid approval by the City. Because our home is directly across Raccoon Drive from the area in which Mr. Walker is proposing his improvements and in fact is the only home (other than Mr. Walker's) that is directly adjacent to this area, we are the neighbors most directly affected by his proposal.

We have reviewed Mr. Walker's proposal and are convinced that it not only will enhance the appearance of his home but will beautify the entire neighborhood. An additional benefit of his proposal is that it will guard against erosion along Raccoon Drive since the area in question currently is a fairly steep side hill leading down to Raccoon Drive. This area is not maintained by the City and frankly is an unsafe eyesore in its current state.

We believe Mr. Walker's proposal also will have broader benefits for the City, its residents, and tourists. Many pedestrians are attracted to Raccoon Drive and Twin Peaks for our outstanding views of the City, and Mr. Walker's proposed improvements will enhance the experience of all who visit the area.

Please feel free to contact us at 415.717.6410 or duane.pellervo@us.pwc.com if you wish to discuss this matter or if we can be of any other assistance as you consider Mr. Walker's proposal.

Sincerely,



Duane & Patricia Pellervo

cc: Vaughn Walker

REUBEN, JUNIUS & ROSE, LLP

October 22, 2014

Sent Via E-mail

Supervisor Scott Wiener
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Summary Street Vacation – Portion of Raccoon Drive
Ordinance Number: 140980
Hearing Date: October 27, 2014
Our File No.: 7943.01

Dear Supervisor Wiener:

Our firm represents Judge Vaughn Walker (the "Sponsor"), owner of property located at 301 Twin Peaks Boulevard (the "Property"). On October 27, 2014, the Land Use and Economic Development Committee will consider an ordinance ordering the summary street vacation of a portion of Raccoon Drive adjacent to the Property ("Vacation Area"), approving a quitclaim of the City's interest in the Vacation Area, and approving a public access easement over a portion of the Vacation Area, as well as related approvals. The Project was found to be in conformity with the General Plan in the Planning Department General Plan Referral on September 11, 2013, and the Department of Public Works recommended passage of the Ordinance on September 2, 2014.

The Vacation Area is a paper street that was never built as part of the development of the neighborhood. It is a triangular piece of land of approximately 2,500 square feet next to the Sponsor's home that is currently an unsightly, unbuildable parcel subject to erosion, with dirt from the Vacation Area regularly falling into the street. Vacation of the land would allow the Sponsor to improve the Vacation Area for the benefit of the entire neighborhood. The Sponsor proposes to add retaining walls and landscaping, beautifying the Vacation Area and addressing the erosion problems that have long existed at that corner. The Sponsor further proposes to grant an Easement to the City (the "Easement") on which the Sponsor would construct public stairways to improve pedestrian access, surrounded by attractive landscaping and retaining walls (the "Project"). A current photograph of the Property and a proposed Site Plan is included in **Exhibit A**. As you can see, the Project seeks to beautify and improve a major access point to Twin Peaks, an area enjoyed by countless City residents and visitors.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480


www.reubenlaw.com

The Sponsor has been proactive in communicating with, and soliciting feedback from, area residents. Neighbors have expressed strong support for the Project, which they feel will address erosion of the Vacation Area and beautify Twin Peaks. Duanne and Patricia Pellervo, who own the property across the street at 201 Raccoon Drive, express "very strong support" for the Project in the letter sent to your office and attached as **Exhibit B**. There is no known opposition to the Project.

Thank you for your consideration. We look forward to presenting this matter to you at the hearing on October 27.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jody Knight

Enclosures

cc: Supervisor Jane Kim
Supervisor Malia Cohen
Director of Real Estate John Updike

LIST OF EXHIBITS

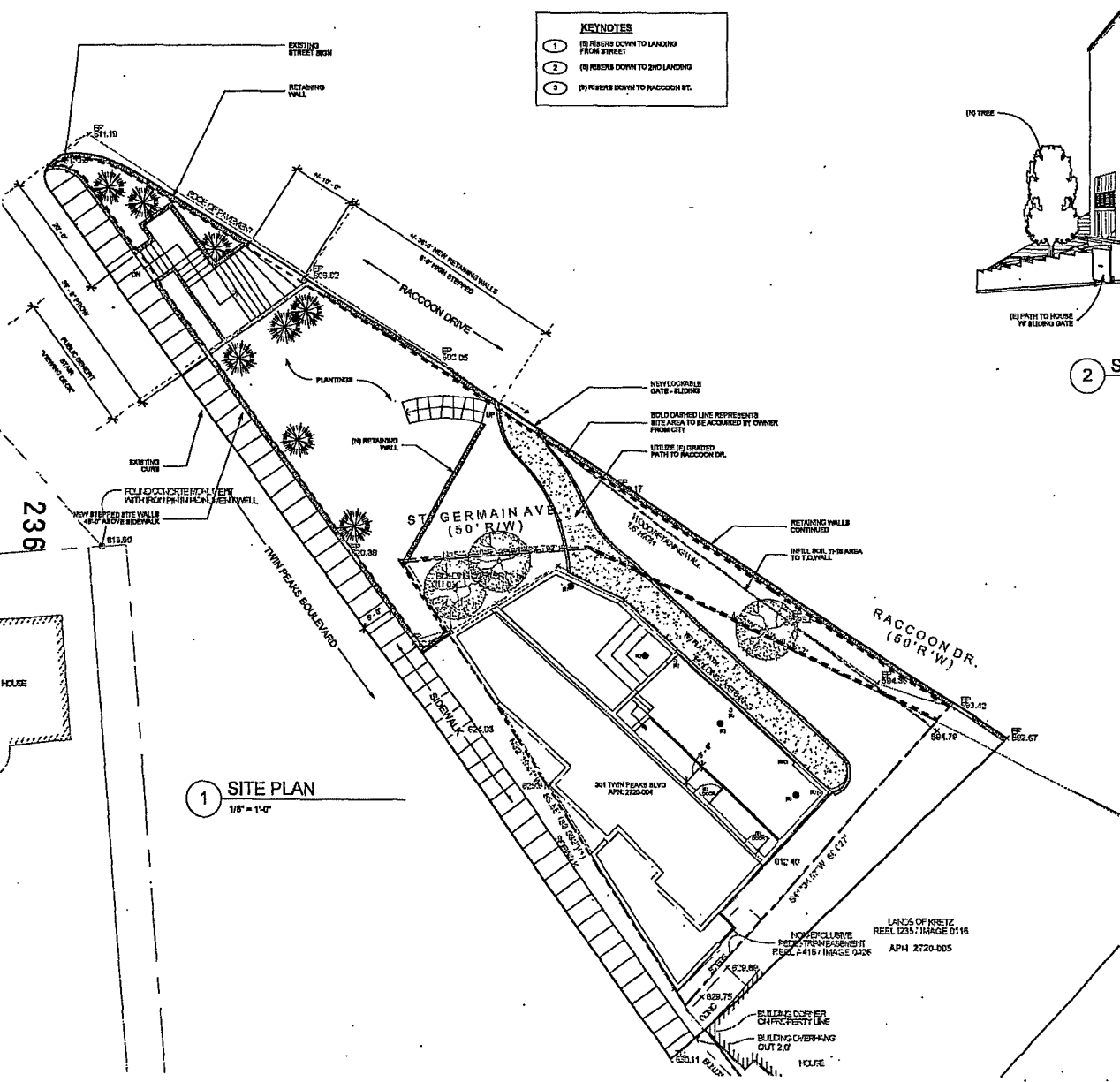
Exhibit A– Current photograph of the Property and a proposed Site Plan

Exhibit B – Support Letter from Duanne and Patricia Pellervo, Adjacent Neighbors

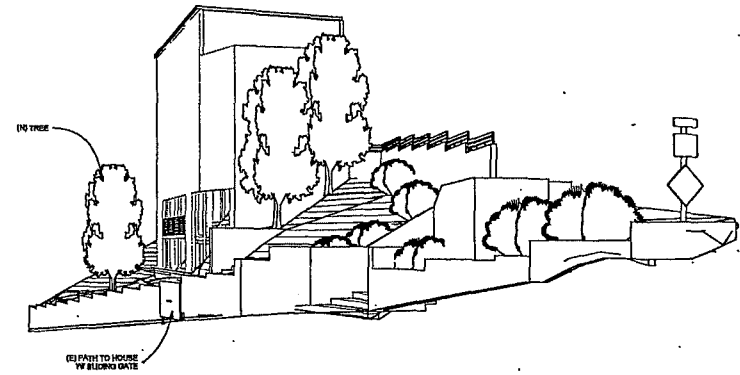
One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

EXHIBIT A



1 SITE PLAN
1/8" = 1'-0"



2 SITE-1 VIEW



COA
CRATO O'CONNELL ARCHITECTURE



WALKER
ARCHITECTS
SAN FRANCISCO, CA

REVISIONS

No.	Description	Date
1	Project Review	1/1/18
2	Final Review	1/1/18
3	Final Review	1/1/18
4	Final Review	1/1/18

Site Plan

Project number 1

Date

Drawn by cto

Checked by

A102

Scale AS SHOWN

EXHIBIT B

201 Raccoon Drive
San Francisco, CA 94114
October 15, 2014

Mr. Andres Power
Office of Supervisor Scott Weiner
City Hall, Room 244
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102-4689

Re: Street Vacation, 301 Twin Peaks Blvd

Dear Mr. Power:

Our neighbor Vaughn Walker has advised us that the City is considering his proposal to construct retaining walls and landscape the property adjacent to his home at 301 Twin Peaks Blvd on land that currently is owned by the City of San Francisco.

We are writing to express our very strong support for Mr. Walker's proposal and to encourage its rapid approval by the City. Because our home is directly across Raccoon Drive from the area in which Mr. Walker is proposing his improvements and in fact is the only home (other than Mr. Walker's) that is directly adjacent to this area, we are the neighbors most directly affected by his proposal.

We have reviewed Mr. Walker's proposal and are convinced that it not only will enhance the appearance of his home but will beautify the entire neighborhood. An additional benefit of his proposal is that it will guard against erosion along Raccoon Drive since the area in question currently is a fairly steep side hill leading down to Raccoon Drive. This area is not maintained by the City and frankly is an unsafe eyesore in its current state.

We believe Mr. Walker's proposal also will have broader benefits for the City, its residents, and tourists. Many pedestrians are attracted to Raccoon Drive and Twin Peaks for our outstanding views of the City, and Mr. Walker's proposed improvements will enhance the experience of all who visit the area.

Please feel free to contact us at 415.717.6410 or duane.pellervo@us.pwc.com if you wish to discuss this matter or if we can be of any other assistance as you consider Mr. Walker's proposal.

Sincerely,



Duane & Patricia Pellervo

cc: Vaughn Walker

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- ☐ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor [] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

Subject:

Summary Street Vacation of a Portion of Raccoon Drive

The text is listed below or attached:

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the San Francisco General Plan and eight priority policies of San Francisco Planning Code section 101.1; and authorizing official acts in connection with this ordinance.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

Scott Wiener