

[Summary Street Vacation - Francisco Street in Connection with Francisco Park Improvements - Interdepartmental Property Transfer]

Ordinance ordering the summary street vacation of the 900 block of Francisco Street, generally bounded by Assessor’s Parcel Block No. 0046 to the north, Assessor’s Parcel Block No. 0047 to the south, Larkin Street to the west, and Hyde Street to the east, as part of the development of Francisco Park, subject to certain terms and conditions, and approving a conditional interdepartmental transfer of the vacation area from Public Works to the Recreation and Park Department; affirming the Planning Department’s determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance 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, as defined herein.

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 Streets and Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a) establish the process for the Board of Supervisors to vacate a street, highway, or public easement. Streets and Highways Code Sections 8334 and 8334.5 provide that the legislative body of a local agency may summarily vacate an excess right-of-way of a street, under certain circumstances. The actions contemplated in this

1 ordinance are being taken in accordance with Streets and Highways Code Sections 8300 et
2 seq. and Public Works Code Section 787(a).

3 (b) The location and extent of the area to be vacated is the 900 block of Francisco
4 Street, which is generally bounded by Assessor's Parcel Block No. 0046 to the north,
5 Assessor's Parcel Block No. 0047 to the south, Larkin Street to the west, and Hyde Street to
6 the east, as depicted on Public Works ("PW") SUR Map No. 2019-001, dated January 16,
7 2019 (the "Vacation Area"). A copy of this map is on file with the Clerk of the Board of
8 Supervisors in File No. 190112 and is incorporated herein by reference.

9 (c) The Vacation Area is an undeveloped portion of Francisco Street within the
10 Francisco Reservoir and Russian Hill Open Space Park, which is in the process of becoming
11 a single park named Francisco Park. The Vacation Area is not necessary for active street
12 purposes now or in the future as (1) all properties that abut the Vacation Area have been
13 approved for transfer from the San Francisco Public Utilities Commission ("SFPUC") to the
14 Recreation and Park Department ("RPD") for the creation of Francisco Park, pending RPD's
15 delivery of certain payments to SFPUC which is expected to occur by 2026, as set forth in the
16 August 1, 2014 Memorandum of Understanding ("MOU") which is on file with the Clerk of the
17 Board of Supervisors in File No. 190112 and is incorporated herein by reference; (2) the
18 Vacation Area has never been used, and is not useful, as a nonmotorized transportation
19 facility under Streets and Highways Code Sections 892 and 8314 as there are other such
20 facilities available in close proximity; (3) Francisco Park is served by several roadways, so the
21 Vacation Area is excess right-of-way; 4) there are no in-place functioning public utility facilities
22 in the Vacation Area; and 5) PW sent notice of the proposed street vacation to the
23 Department of Technology, Municipal Transportation Agency, Fire Department, Public Utilities
24 Commission, AT&T, Sprint, and Pacific Gas and Electric, and no City agency or utility
25 objected to the proposed vacation. Based on these factors, the Vacation Area may be

1 summarily vacated in accordance with Streets and Highways Code Sections 8334 and
2 8334.5.

3 (d) The vacation of the Vacation Area, following the successful transfer of the abutting
4 properties from SFPUC to RPD pursuant to the MOU, would allow for the interdepartmental
5 transfer of the Vacation Area from PW to RPD for park purposes. Transferring the Vacation
6 Area to RPD alongside the abutting parcels will allow RPD to assemble the complete
7 Francisco Park and manage the entire property as a unified whole, which will provide a
8 seamless experience for park users. Accordingly, the Board of Supervisors finds it
9 appropriate to pursue a street vacation of the Vacation Area, contingent on the successful
10 transfer of the abutting properties from SFPUC to RPD.

11 (f) In PW Order No. 200532, the Director of Public Works (the "PW Director")
12 determined that (1) the Vacation Area may be summarily vacated based on the factors
13 identified in subsection (c) above and the other findings set forth below: (2) the Vacation Area
14 is unnecessary for the City's present or prospective public street, sidewalk, and service
15 easement purposes; (3) there will be no physical public or private utilities affected by the
16 vacation of the Vacation Area, based on the absence of any objections from any utility
17 company and the fact that the public interest, convenience, and necessity do not require any
18 easements or other rights be reserved for any public or private utility facilities that may be in
19 place in the Vacation Area; (4) any rights based upon any such public or private utility facilities
20 identified in subsection (f)(2) shall be extinguished automatically upon the effectiveness of the
21 vacation; and (5) it is a policy matter for the Board of Supervisors to approve the
22 interdepartmental property transfer of the Vacation Area from PW to RPD. A copy of this PW
23 Order is on file with the Clerk of the Board of Supervisors in File No. 190112 and is
24 incorporated herein by reference.

1 (g) Pursuant to California Streets and Highways Code Sections 892 and 8314, the PW
2 Director in PW Order No. 200532 also found that the Vacation Area is currently not accessible
3 to or necessary for non-motorized transportation, because there are adjacent streets available
4 for such transportation, and because those members of the public availing themselves of non-
5 motorized transportation will not be inconvenienced by the street vacation. The PW Director
6 also found that the public convenience, necessity, and welfare would be enhanced by the
7 proposed development of Francisco Park.

8 (h) The PW Director recommends that the Board of Supervisors adopt as its own the
9 recommendations of the PW Director as set forth in PW Order No. 200532 concerning the
10 vacation of the Vacation Area and other actions in furtherance thereof. The Board hereby
11 incorporates such recommendations and findings by reference as though fully set forth herein.

12 (i) In a letter dated April 17, 2018 (the "Planning Letter"), the Planning Department
13 determined that the proposed vacation of the Vacation Area and other actions contemplated
14 in this ordinance are consistent with the General Plan and priority policies of Planning Code
15 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
16 No. 190112 and is incorporated herein by reference. The Board of Supervisors adopts as its
17 own the findings in the Planning Letter.

18 (j) In the Planning Letter, the Planning Department also determined that the actions
19 contemplated in this ordinance comply with the California Environmental Quality Act
20 (California Public Resources Code Sections 21000 et seq.). The Board hereby affirms this
21 determination.

22
23 Section 2. Summary Street Vacation.

24 (a) The Vacation Area, as shown on SUR Map No. 2019-001, is hereby ordered
25 summarily vacated pursuant to California Street and Highways Code Sections 8300 et seq.,

1 including in particular Sections 8334 and 8334.5, and San Francisco Public Works Code
2 Section 787(a), upon the successful transfer of the abutting properties from SFPUC to RPD
3 pursuant to the MOU as set forth in Section 1(d) of this ordinance. The vacation of the
4 Vacation Area shall not take effect until such transfer occurs but shall take effect thereafter
5 provided there is no material change to the street area prior to said transfer.

6 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
7 active public street use or prospective public street use.

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

10
11 Section 3. Interdepartmental Property Transfer from Public Works to Recreation and
12 Park Department.

13 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
14 Supervisors hereby approves the interdepartmental property transfer of the Vacation Area
15 from PW to RPD upon the successful transfer of the abutting parcels from SFPUC to RPD
16 pursuant to the MOU as set forth in Section 1(d) of this ordinance, and directs the Real Estate
17 Division Director to modify the City's records concerning City property ownership accordingly.
18 Until such transfer occurs, the Vacation Area shall remain under the jurisdiction and
19 ownership of PW.

20
21 Section 4. Official Acts in Connection with this Ordinance.

22 (a) The Mayor, Clerk of the Board of Supervisors, PW Director, County Surveyor, and
23 the Director of the Division of Real Estate are hereby authorized and directed to take any and
24 all actions which they or the City Attorney may deem necessary or advisable to effectuate the
25 purpose and intent of this ordinance (including, without limitation, the filing of this ordinance in

1 the Official Records of the City and County of San Francisco and modification of the City's
2 property ownership designation in accordance with the interdepartmental property transfer).

3 (b) Immediately upon the effective date of this ordinance, this ordinance shall be
4 recorded.

5
6 Section 5. Effective and Operative Dates.

7 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
8 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
9 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
10 Mayor's veto of the ordinance.

11 (b) If enacted, this ordinance shall become operative upon the successful transfer of
12 the abutting parcels from SFPUC to RPD pursuant to the MOU as set forth in Section 1(d) of
13 the ordinance. If such transfer does not occur and the MOU is terminated, then this ordinance
14 shall expire by operation of law.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

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19 By: _____
20 MANU PRADHAN
21 Deputy City Attorney

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