

File No. 181187 Committee Item No. 2  
 Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 25, 2019

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input 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 type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BOS Ordinance No. 200-89</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BOS Ordinance No. 421-93</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PLN Letter 061510</u>           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PW SUR Map No. 21009 120718</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PW Order No. 200335</u>         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Hearing Notice 020819</u>       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Affidavit 020519</u>            |
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Completed by: Erica Major Date February 21, 2019  
 Completed by: Erica Major Date \_\_\_\_\_

1 [Summary Street Vacation - Portions of Bradford Street and Ogden and Crescent Avenues -  
2 Property Transfer]

3 **Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden**  
4 **Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market**  
5 **(Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by**  
6 **Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property**  
7 **at the site of the Market from Public Works and the Agricultural Commissioner to the**  
8 **General Services Agency – Real Estate Division; affirming the Planning Department's**  
9 **determination under the California Environmental Quality Act; adopting findings that**  
10 **the actions contemplated in this Ordinance are consistent with the General Plan, and**  
11 **eight priority policies of Planning Code, Section 101.1; and authorizing official acts in**  
12 **connection with this Ordinance, as defined herein.**

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

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

21 Section 1. Findings.

22 (a) The Alemany (Certified) Farmers' Market (the "Market") commonly known as "the  
23 people's market" was founded in San Francisco on August 12, 1943. The Market was the first  
24 farmers' market in California. The Victory Garden Council and regional farmers initially  
25 established the Market at Duboce Avenue and Market Street as a wartime measure to provide  
an outlet for surplus and distressed crops from neighboring counties. On August 4, 1947, the

1 Market moved to its present 100 Alemany Boulevard location where it still operates rain or  
2 shine, supporting small family farms. The General Services Agency - Real Estate Division  
3 ("RED") has the responsibility for managing market operations.

4 (b) The Market operates every weekend with a farmers' market on Saturday and a flea  
5 market on Sunday. Both markets open at dawn and close at dusk. On Saturdays, there can  
6 be approximately 100 farmers, depending on the season, and as many as 200 vendors for  
7 Sunday's flea market. Both markets attract thousands of people a day.

8 (c) The original office building and stalls remain at the Market. Due to the extensive  
9 use over the weekends, RED will prepare a capital request to the Board of Supervisors  
10 ("Board") during the next fiscal year to remodel the Market's building and stalls.

11 (d) On June 5, 1989, the Board adopted Ordinance No. 200-89, ordering the vacation  
12 of a portion of Crescent Avenue westerly of Alemany Boulevard to facilitate an upgrade to the  
13 Market for access and security purposes. A copy of this ordinance is on file with the Clerk of  
14 the Board in File No. 181187 and incorporated herein by reference.

15 (e) On December 20, 1993, the Board adopted Ordinance No. 421-93, ordering the  
16 vacation of portions of Bronte Street, Bradford Street, and Ogden Avenue located within the  
17 perimeter of the Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734),  
18 as shown on Public Works' SUR Map No. 2193, and transferring jurisdiction over the vacated  
19 street area to the Agricultural Commissioner. This action also facilitated the upgrade of the  
20 Market. A copy of this ordinance is on file with the Clerk of the Board in File No. 181187 and  
21 incorporated herein by reference.

22 (f) The Board finds it appropriate to pursue a street vacation of the remaining unused  
23 portions of Ogden Avenue, Bradford Street, and Crescent Avenue within the Market property  
24 in order to remove any outstanding street use designation and consolidate the entire Market  
25 property into a single City department's control. The actions contemplated in this ordinance

1 are solely for the purposes identified above and are independent of any future actions that the  
2 City may take in regard to the Market.

3 (g) The location and extent of the street area proposed for vacation is more particularly  
4 shown on Public Works ("PW") SUR Map No. 21009, dated December 12, 2018 (the  
5 "Vacation Area"). A copy of this map is on file with the Clerk of the Board in File No. 181187  
6 and is incorporated herein by reference.

7 (h) In a letter dated June 15, 2010, the Planning Department determined that the  
8 proposed vacation of the Vacation Area, the jurisdictional transfer of the property from Public  
9 Works to RED, and other actions contemplated in this ordinance are, on balance, consistent  
10 with the General Plan and priority policies of Planning Code Section 101.1 (the Planning  
11 Letter"). A copy of the Planning Letter is on file with the Clerk of the Board in File No. 181187  
12 and is incorporated herein by reference. The Board adopts the General Plan and eight priority  
13 policies of Planning Code Section 101.1 findings as its own.

14 (i) Also in the Planning Letter, the Planning Department determined that the actions  
15 contemplated in this ordinance are categorically exempt from environmental review under the  
16 California Environmental Quality Act ("CEQA", California Public Resources Code Sections  
17 21000 et seq.) and CEQA Guidelines Section 15312. Said determination is on file with the  
18 Clerk of the Board in File No. 181187 and is incorporated herein by referenced. The Board  
19 hereby affirms this determination.

20 (j) California Street and Highways Code Sections 8300 et seq. and Public Works Code  
21 Section 787(a) set forth the procedures that the City and County of San Francisco follows to  
22 vacate public streets and public service easements. California Streets and Highways Code  
23 Sections 8334 and 8334.5, respectively, allow a summary vacation if the subject area is  
24 excess right-of-way that is no longer needed for street purposes or the street has been  
25

1 impassable to vehicular travel for five consecutive years, and there are no in-place functioning  
2 utilities in the street segment.

3 (k) In connection with this vacation, PW prepared SUR Map No. 21009, and PW Order  
4 No. 200335, dated December 7, 2018. In the PW Order, the PW Director and City Engineer  
5 determined: (1) the Vacation Area is unnecessary for the City's present or prospective public  
6 street, sidewalk, and service easement purposes and that any rights based upon any such  
7 public or private utility facilities shall be extinguished automatically upon the effectiveness of  
8 the vacation; (2) summary street vacation is appropriate under Streets and Highways Code  
9 Sections 8334 and 8334.5 because: (A) these areas are paper streets that constitute excess  
10 right-of-way which is no longer needed for street purposes, (B) the street area has been  
11 impassable to vehicular travel for five consecutive years, and (C) there are no in-place  
12 functioning utilities in the street segments; (3) the Vacation Area is no longer useful as a  
13 nonmotorized transportation facility under Streets and Highways Code Sections 892 and 8314  
14 as there are other such facilities available in close proximity; (4) PW sent notice of the  
15 proposed street vacation to the Department of Technology, Municipal Transportation Agency,  
16 Fire Department, Public Utilities Commission, AT&T, Sprint, and Pacific Gas and Electric, and  
17 no City agency or utility objected to the proposed vacation; (5) the City is the owner of all  
18 property adjacent to the Vacation Area for the street vacation; and (6) the jurisdictional  
19 transfer of the Vacation Area to RED is a policy matter for the Board.

20 (l) The Board adopts as its own the findings and recommendations of the PW Director  
21 as set forth in PW Order No. 200335 concerning the summary vacation of the Vacation Area  
22 and other actions in furtherance thereof, and the Board hereby incorporates herein such  
23 recommendations and findings by reference.

24 (m) On February 8, 2019, the Clerk of the Board published notice of the summary  
25 street vacation and on \_\_\_\_\_, 20\_\_\_, PW posted notice of the street vacation.

1 Section 2. Street Vacation.

2 (a) The Board finds that the Vacation Area is unnecessary for present or prospective  
3 public use.

4 (b) The public interest and convenience require that the vacation be done as declared  
5 in this ordinance.

6 (c) The Board hereby summarily vacates the Vacation Area, as shown on SUR Map  
7 No. 21009, upon satisfaction of the conditions described in this ordinance and pursuant to  
8 California Street and Highways Code Sections 8300 et seq., in particular Sections 8334 and  
9 8334.5, and Public Works Code Section 787(a).

10 (d) The Street Vacation shall be effective automatically and without the requirement for  
11 further action whatsoever as to all of the Vacation Area.

12 (e) The Board directs the PW Director to modify the official public right-of-way maps to  
13 reflect the vacation.

14  
15 Section 3. Jurisdictional Transfers.

16 (a) Notwithstanding the procedures in Administrative Code Chapter 23, the Board  
17 hereby approves the following interdepartmental transfers of property jurisdiction:

18 (1) The property underlying the Vacation Area specified in this ordinance from  
19 PW to RED.

20 (2) The property that the Board transferred to the Agricultural Commissioner in  
21 Ordinance No. 421-93 and as shown on PW SUR Map No. 2193, from the Agricultural  
22 Commissioner to RED.

23 (b) The Board directs the Director of RED to change the jurisdictional designations as  
24 described above in the City's official property records.

25 ///

1 Section 4. Official Acts in Connection with the Ordinance.

2 The Mayor, Clerk of the Board, Director of Property, County Surveyor, and PW Director  
3 are hereby authorized and directed to take any and all actions which they or the City Attorney  
4 may deem necessary or advisable in order to effectuate the purpose and intent of this  
5 ordinance (including, without limitation, the filing of this ordinance in the Official Records of the  
6 City and County of San Francisco; revising official public right-of-way maps; and changing the  
7 jurisdictional designations in the Official Property Records of the City and County of San  
8 Francisco).

9  
10 Section 5. Effective Date. This ordinance shall become effective 30 days after  
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
13 of Supervisors overrides the Mayor's veto of the ordinance.

14  
15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:

  
19 JOHN D. MALAMUT  
20 Deputy City Attorney

21 n:\egana\as2018\1900181\01322118.docx

## LEGISLATIVE DIGEST

[Summary Street Vacation - Portions of Bradford Street and Ogden and Crescent Avenues - Property Transfer]

**Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property at the site of the Market from Public Works and the Agricultural Commissioner to the General Services Agency – Real Estate Division; 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 eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.**

### Existing Law

Portions of Bradford Street, Ogden Avenue, and Crescent Avenue are within the perimeter of the Alemany Farmers' Market. The street areas are "paper streets", which means that they are shown only on City-approved subdivision maps or other official City documents, but never constructed or improved as streets even though they retain their status as a dedicated street. San Francisco 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. California Street and Highways Code Sections 8334 and 8334.5 permit the summary vacation of a public street if the subject area is excess right-of-way that is no longer needed for street purposes or the street has been impassable to vehicular travel for five consecutive years, and there are no in-place functioning utilities in the street segment(s). A summary street vacation also allows for a more expeditious legislative process than a standard street vacation.

### Amendments to Current Law

This legislation would summarily vacate portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market. The ordinance would approve an interdepartmental transfer of the vacation area from Public Works to the Real Estate Division and another transfer of formerly vacated street area within the Market's boundaries from the Agricultural Commissioner to the Real Estate Division. The legislation would adopt findings under the California Environmental Quality Act and findings that the legislative actions are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

### Background Information

FILE NO. 181187

The street vacation and proposed interdepartmental transfers from Public Works and the Agricultural Commissioner to the Real Estate Division will remove any outstanding street use designation and consolidate the entire Alemany Farmers' Market property into a single City department's control.

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City and County of San Francisco

San Francisco Public Works



London N. Breed, Mayor  
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102  
(415) 554-6920 www.SFPublicWorks.org



Public Works Order No: 200335

**Determination to recommend the summary street vacation of portions of Ogden Avenue, Bradford Street and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5733A, and 5734), bounded by Alemany Boulevard, Tompkins Avenue, and Putnam Street, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.**

WHEREAS, The City and County of San Francisco has fee title ownership of property underlying most public right-of-ways, which includes streets and sidewalks; and

WHEREAS, The areas to be vacated ("the Vacation Area") are portions of Ogden Avenue, Bradford Street and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5733A, and 5734), bounded by Alemany Boulevard, Tompkins Avenue, and Putnam Street, are specifically shown on SUR Map 21009, dated December 7, 2018; and

WHEREAS, The Alemany Farmers' Market ("Market") moved to its current location at Alemany Boulevard in or about 1950 and is currently managed and operated by the Real Estate Division; and

WHEREAS, On June 5, 1989, the Board of Supervisors ("Board") passed and the Mayor approved thereafter, Ordinance No. 200-89, ordering the vacation of a portion of Crescent Avenue westerly of Alemany Boulevard, and

WHEREAS, On December 20, 1993, this Board passed and the Mayor approved thereafter, Ordinance No. 421-93, ordering the vacation of portions of Bronte Street, Bradford Street and Ogden Avenue located within the perimeter of the Alemany Farmers' Market (Assessor's Blocks 5731, 5732, 5733, 5733A, and 5734) (the "Market"), transferring jurisdiction over the vacated street area to the Agricultural Commission, as shown on the Department of Public Works' SUR 2193 map; and

WHEREAS, The Vacation Area consists of undeveloped paper streets, which are primarily used for the Alemany Farmers' Market. The Vacation Area as shown on PW SUR Map No. 21009 is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes and that any rights based upon any such public or private utility facilities shall be extinguished automatically upon the effectiveness of the vacation; the summary street vacation is appropriate under Streets and Highways Code Sections 8334 and 8334.5 because: (a) these areas are paper streets that constitute excess right-of-way which is no longer needed for street purposes, (b) the street area has been impassable to vehicular travel for five (5) consecutive years, and (c) there are no in-place functioning utilities in the street segments; the Vacation Area is no longer useful as a nonmotorized transportation facility under Streets and Highways Code Section 892 and 8314 facility as there are other such facilities available in close



proximity. Based on these factors, the Vacation Area may be summarily vacated in accordance with Streets and Highways Code Sections 8334 and 8334.5; and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787; and

WHEREAS, On June 15, 2010 the Department of City Planning (Case No. 2010.0266R) found that the proposed Vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. Said letter states that on June 11, 2010 the Major Environmental Analysis of the Department determined that the Project is Categorically Exempt from Environmental Review under CEQA Guidelines Section 15312 – Surplus Government Property sales; and

WHEREAS, On November 15, 2017 the San Francisco Fire Department provided notice that it had reviewed and had no objections to the proposed vacation; 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, San Francisco Municipal Transportation Agency, AT&T, Sprint, 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 public or private utility company or agency objected to the proposed vacation; consequently, Public Works finds 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, It is a policy matter for the Board of Supervisors to approve the interdepartmental transfer of the vacated street area from Public Works to the Real Estate Division.

**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. 21009

The Director recommends that the Board of Supervisors approve the legislation to summarily vacate the Vacation Area.

The Director recommends the Board of Supervisors approve all other actions set forth herein 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.

X

DocuSigned by:

*Bruce Storrs*

Storrs, Bruce 97ABC41507B0494...

City & County Surveyor

X

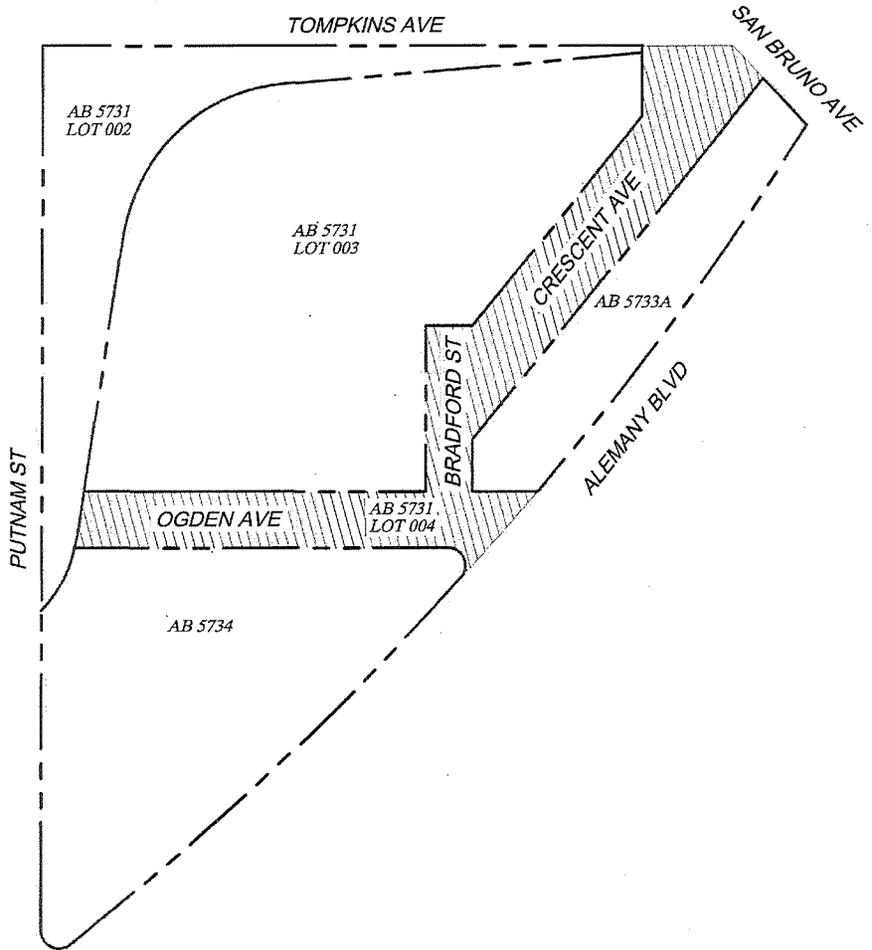
DocuSigned by:

*Mohammed Nuru*

Nuru, Mohammed 45AB17F474FA...

Director

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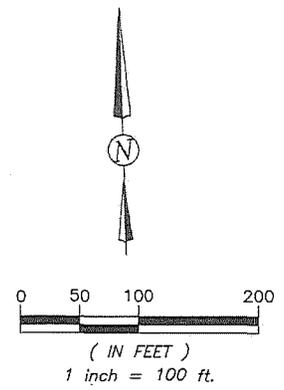


**LEGEND:**

- AB 5731 ASSESSORS BLOCK NO.
- PROPERTY LINE
-  PROPOSED VACATION

**NOTES:**

- 1) APPROXIMATE VACATION AREA IS 45,588.80 SQ. FT.



APPROVED:   
 BRUCE R. STORRS  
 CITY & COUNTY SURVEYOR

12/7/2018  
 DATE

**CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS**  
 SUBDIVISION AND MAPPING

STREET VACATION OF A PORTION OF OGDEN AVE. BETWEEN PUTNAM ST. AND ALEMANY BLVD.; A PORTION OF BRADFORD ST. BETWEEN TOMPKINS AVE. AND OGDEN AVE.; AND, CRESCENT AVE. BETWEEN TOMPKINS AVE. AND BRADFORD ST.

FILE: SUR 21009	SHEET 1 OF 1	SCALE: 1:100	REVISION
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# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

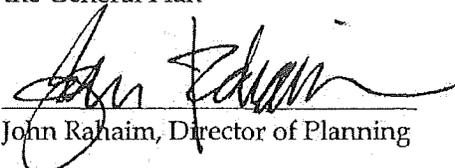
*Date:* June 15, 2010  
*Case No.* Case No. 2010.0266R  
**Street Vacation and Transfer of Jurisdiction from DPW  
to Department of Real Estate for Use by the Alemany Farmers  
Market.**

*Block/Lot No.:* Blocks 5731, 5732, 5733, 5733A, and 5734.  
*Project Sponsor:* Amy L. Brown, Director  
San Francisco Real Estate Department  
25 Van Ness Ave. Suite 400  
San Francisco, CA 94102

*Applicant:* Same as Above

*Staff Contact:* Johnny Jaramillo – (415) 575-6818  
[johnny.jaramillo@sfgov.org](mailto:johnny.jaramillo@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 is the City's proposed vacation of portions of Ogden Avenue, Bradford Street, and Crescent Avenue and transfer of jurisdiction to the Department of Real Estate. The street areas proposed for vacation are unimproved and located within the perimeter of the Alemany Farmers Market. The Alemany Farmers Market was established in 1943. The Market relocated to its current location on August 4, 1947. The proposed street vacation and transfer of property would not be used to construct any buildings or structures, and the property would continue to be used for the Farmer's market. The proposed Project would continue to provide improved access to healthy foods. All foods sold at the market are required to be grown by the farmers/vendors. 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 portions of Ogden Avenue, Bradford Street, and Crescent Avenue proposed for vacation are located in the Southeast quadrant of the City at the southern edge of Bernal Heights. The site is located in the Alemany Farmers Market, directly northwest and adjacent to the intersection of Highway 101 and 280. The Alemany Farmers Market is open on Saturdays, dawn to dusk. The market contains a two rows of permanent vendor stalls and a small office structure with public restrooms; the permanent stalls are supplemented by additional temporary vendor stalls, as required, throughout the year. The market occupies approximately 45,588 square feet of property, including the undeveloped public rights-of-way proposed to be vacated. The site is located in an NC-S (Neighborhood Commercial Shopping Center) Use District and a 40-X (Height) District.

The street areas proposed for vacation are not necessary for present or future vehicular circulation use.

**ENVIRONMENTAL REVIEW**

On June 11, 2010, the Major Environmental Analysis of the Department determined that the Project is Categorical Exempt from Environmental Review under CEQA Guidelines Section 15312 – Surplus Government Property sales.

**GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION**

The Project is the City's proposed street vacation and transfer of jurisdiction to the Department of Real Estate for continued use by the Alemany Farmers Market. The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

**URBAN DESIGN ELEMENT**

**OBJECTIVE 2**

**CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE,  
CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

**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.

**POLICY 2.9**

Review proposals for the giving up 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

**GENERAL PLAN REFERRAL  
STREET VACATION AND TRANSFER FOR USE  
BY ALEMANY FARMERS MARKET**

**CASE NO. 2010.0266R**

(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.

*While the General Plan's Urban Design Element generally discourages the vacation of streets, it also provides for the release of streets if such an action: 1) would not violate the 12 criteria outlined under (a.) above, and 2) would support one or more of the five objectives presented under (b.) above. With regard to the 12 criteria, the proposed street vacation of a section of Ogden, Bradford, and Crescent Avenue would not be detrimental to pedestrian or vehicular circulation, reduce access to private property, inhibit access by emergency vehicles, or interfere with utility service. No views, open space, or public facility would be affected. The proposed vacation would not affect existing structures or proposed construction, unduly enlarge a property, reduce street space in a high density area, or affect significant natural features. The project would not adversely affect any other part of the General Plan. The vacated streets would continue to be used by the Alemany Farmers Market and would remain City property by transferring jurisdiction from the Department of Public Works to the Department of Real Estate.*

*The vacation would also meet objective b.(3) above by supporting Farmers Market businesses that provide a critical service to the city, its residents, and economy.*

**POLICY 2.10**

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

*The transfer of property from the Department of Public Works to the Department of Real Estate would result in the vacation of unused portions of public streets. However, this is appropriate given that it*

**GENERAL PLAN REFERRAL  
STREET VACATION AND TRANSFER FOR USE  
BY ALEMANY FARMERS MARKET**

**CASE NO. 2010.0266R**

*would also result in the permanent establishment of a public Farmers Market, incorporating the public rights-of-way which it has used since 1947.*

**COMMERCE AND INDUSTRY ELEMENT**

**OBJECTIVE 2**

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

**POLICY 2.1**

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

**OBJECTIVE 3**

**PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

**POLICY 3.1**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

**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.

GENERAL PLAN REFERRAL  
STREET VACATION AND TRANSFER FOR USE  
BY ALEMANY FARMERS MARKET

CASE NO. 2010.0266R

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses and would retain existing businesses operating at the Alemany Farmers Market.*

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.

*The project would not affect any existing landmarks or historic buildings.*

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

**GENERAL PLAN REFERRAL  
STREET VACATION AND TRANSFER FOR USE  
BY ALEMANY FARMERS MARKET**

**CASE NO. 2010.0266R**

*The Project would have no adverse effect on parks and open space or their access to sunlight and vista.*

<b>RECOMMENDATION:</b>	<b>Finding the Project, on balance, in-conformity with the General Plan</b>
------------------------	---

**Attachments:**

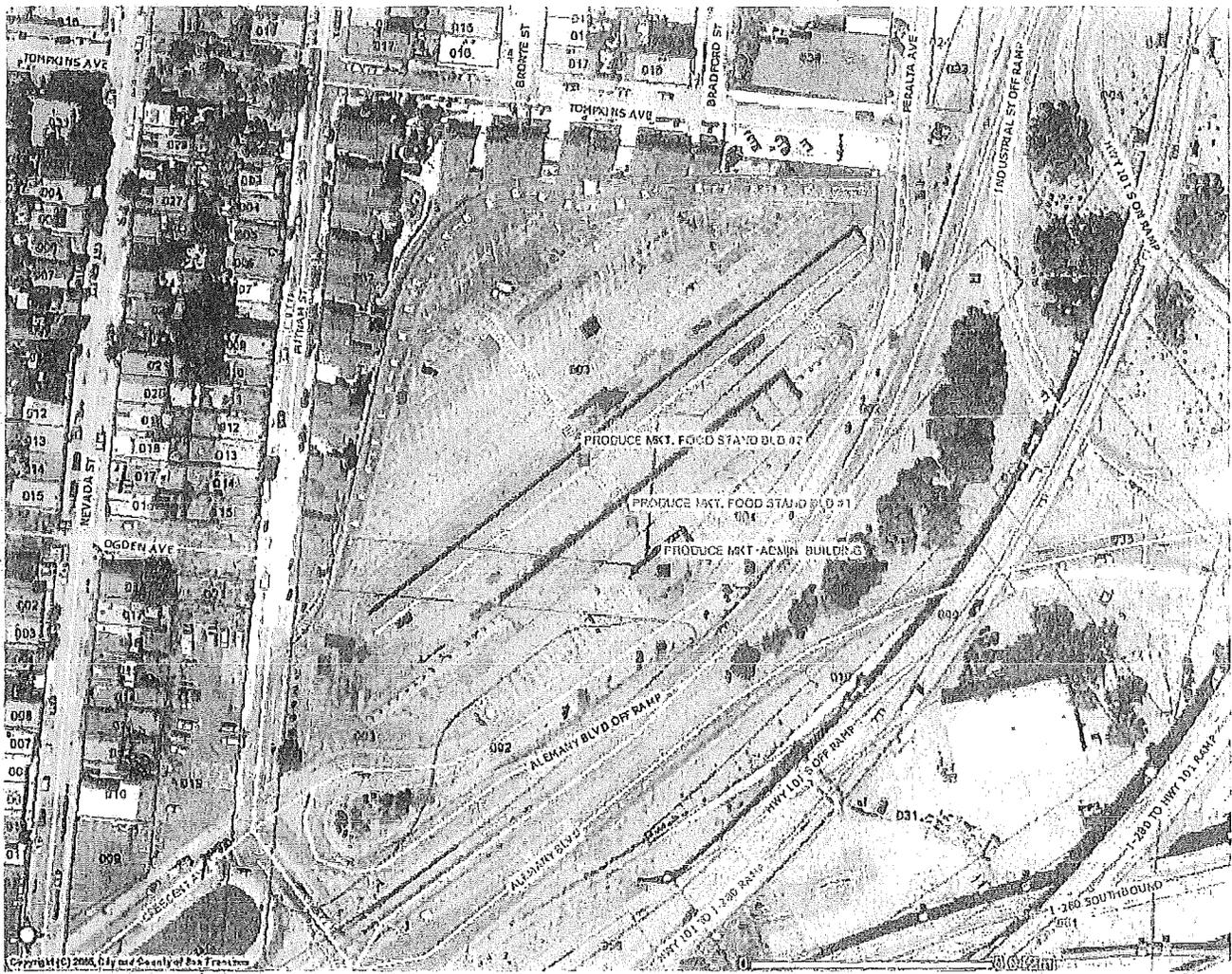
Site Plan

Aerial Photo

cc: Larry Ritter, Real Estate

*I:\Citywide\General Plan\General Plan Referrals\2010\2010.0266R Farmers Market Street Vacation.doc*

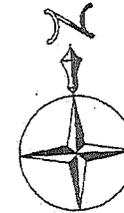
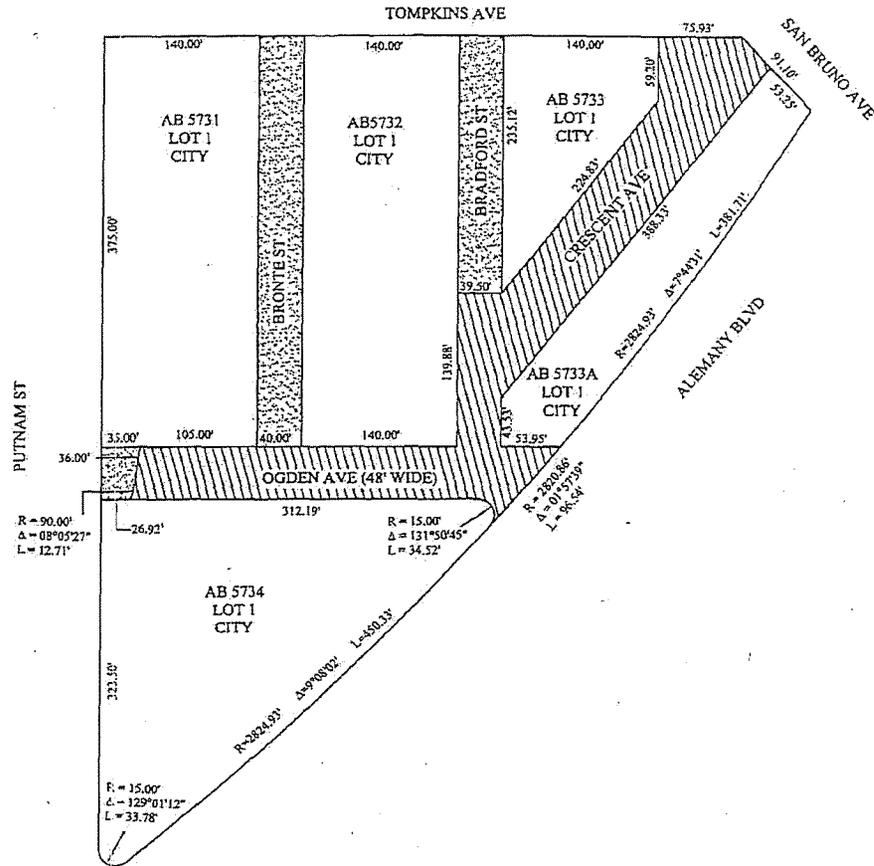




Notes:

 Proposed Vacation

 Previously Vacated Areas per SUR 2193



REFERENCES:	TABLE OF CHANGES				BY	DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS		
	NO	DATE	BY	DESCRIPTION			DRW	FILE	CHANGE
A-15-05 SUR 2193 Ded. Map 267					JR	11/05/09	PROPOSED STREET VACATION OF A PORTION OF OGDEN AVE. BETWEEN PUTNAM ST. AND ALEMANY BLVD, A PORTION OF BRADFORD ST. BETWEEN TOMPKINS AVE. AND OGDEN AVE., AND CRESCENT AVE. BETWEEN TOMPKINS AVE AND BRADFORD ST.		
					CK	11/12/09	APPROVED	SCALE: 1:100	
					APP	BS	DATE	SHEET 1 OF 1	SUR 21009

FILE NO. 198-89-3.1

ORDINANCE NO. 200-89

(Street Vacation)

1 ORDERING VACATION OF A PORTION OF CRESCENT AVENUE WESTERLY OF ALEMANY  
2 BOULEVARD, AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION  
3 101.1.

4  
5 Be It Ordained by the People of the City and County of San Francisco:

6 Section 1. On April 24 , 1989, the Board of Supervisors adopted  
7 Resolution No. 303-89 , approved by the Mayor on April 26, 1989 ,  
8 being a Resolution of A Declaration of Intention to order the vacation  
9 of Crescent Avenue as shown on Department of Public Works' Drawing No.  
10 SUR-988, a copy of which is on file in the Office of the Clerk of the  
11 Board of Supervisors.

12 Section 2. The Clerk of the Board of Supervisors did transmit to  
13 the Director of Public Works a certified copy of said Resolution, and  
14 the Director of Public Works did cause to be posted in the manner  
15 required by law, notice of the passage of said Resolution.

16 Section 3. When said matter was considered as scheduled by the  
17 Board of Supervisors at its regular meeting held in the City Hall, San  
18 Francisco, on May 30, 1989 , beginning at <sup>3</sup>7:00 P.M., said Board  
19 heard all persons interested in said vacation.

20 Section 4. The public interest and convenience require the vacation  
21 to be done as declared in said Resolution No. 303-89.

22 Section 5. The Department of City Planning reported on September 2,  
23 1988 that said vacation is in conformity with the Master Plan and con-  
24 sistent with the eight priority policies of City Planning Code Section  
25 101.1.

26 Section 6. The Board of Supervisors adopts as its own and incorpor-  
27 ates by reference herein, as though fully set forth, the findings made  
28 by the Department of City Planning, by its letter dated September 2, 1988,  
29 that the vacation of said portion of Crescent Avenue is consistent with  
30 the eight priority policies of City Planning Code Section 101.1.

1 Section 7. The Board of Supervisors has acquired jurisdiction to  
2 order said vacation subject to the conditions as set forth in the  
3 Declaration of Intention to order the said vacation.

4 Section 8. The said portion of Crescent Avenue is hereby ordered  
5 vacated and the underlying fee title retained by the City and County of  
6 San Francisco.

7 Section 9. The Clerk of the Board of Supervisors is hereby directed  
8 to transmit to the Recorder and the Director of Public Works a certi-  
9 fied copy of this Ordinance, and the Recorder and the Director of  
10 Public Works are hereby directed to proceed thereafter as required by  
11 law.

12

13 APPROVED AND RECOMMENDED:

14

15 *John B. Conroy*  
16 Director of Public Works

16

17

18 *George J. DeR...*  
19 Director of Property

20

21

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23

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29

30

APPROVED AS TO FORM:  
LOUISE H. RENNE, City Attorney

By *Julian E. Frostman*  
Deputy City Attorney

Description Approved:

*Stanley...*  
City Engineer

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
May 30, 1989	§	June 5, 1989
	§	
	§	
Ayes: Supervisors Alioto Britt	§	Ayes: Supervisors Alioto Britt Ward
Gonzalez Hallinan Hongisto Hsieh	§	Gonzalez Hallinan Hongisto Hsieh
Kennedy Maher Nelder Ward	§	Kennedy Maher Nelder Walker
	§	
Absent: Supervisors Walker	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

File No.  
198-89-3.1

JUN 8 1989

Date Approved

  
Clerk

  
Mayor

1  
2 (Street Vacation)

3 ORDERING VACATION OF A PORTION OF BRONTE STREET, BRADFORD STREET AND  
4 OGDEN AVENUE; AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE  
5 SECTION 101.1.  
6

7  
8 Be It Ordained by the People of the City and County of San Francisco:

9 Section 1. On November 8, 1993, the Board of Supervisors adopted Resolution No.  
10 897-93, approved by the Mayor on November 18, 1993, being a Resolution of a Declaration of  
11 Intention to order vacation of a portion of Bronte Street, Bradford Street, and Ogden Avenue, as  
12 shown on the Department of Public Works' Drawing SUR 2193, a copy of which is on file with the  
13 Clerk of the Board of Supervisors.  
14

15 Section 2. The Clerk of the Board of Supervisors did transmit to the Department of Public  
16 Works a certified copy of said Resolution, and said Department of Public Works did cause notice of  
17 the adoption of such Resolution to be posted in the manner required by law.

18 Section 3. When said matter was considered as scheduled by the Board of Supervisors at its  
19 regular meeting held at City Hall, San Francisco, on Dec. 13, 1993, beginning at 3:00pm, such  
20 Board heard all persons interested in such vacation.  
21

22 Section 4. From all evidence submitted at the hearing on such Resolution, the Board of  
23 Supervisors finds that a portion of the streets described in such Resolution are unnecessary for present  
24 or prospective public use and the public convenience and necessity require that no easements, except  
25 for those referenced in Resolution No. 897-93, be reserved for public utility facilities, if any, that  
are in place in such street and that any rights based upon such utility facilities are extinguished.

1 Section 5. The public interest and convenience required that the vacation be done as declared  
2 in such Resolution No. 897-93.

3 Section 6. The Department of City Planning reported on October 14, 1993 by letter that said  
4 proposed vacation is in conformity with the Master Plan and consistent with the Eight Priority Policies  
5 of Planning Code Section 101.1.

6 Section 7. The San Francisco Board of Supervisors adopts as its own and incorporates by  
7 reference herein as though fully set forth, the findings made by the Department of City Planning, as  
8 stated in its letter dated October 14, 1993, that the proposed vacation of a portion of Bronte Street,  
9 Bradford Street and Ogden Avenue, is in conformity with the Master Plan and consistent with the  
10 Eight Priority Policies of Planning Code Section 101.1.

11 Section 8. The Agricultural Commission shall have jurisdiction over the vacated street area,  
12 subject to the reservations, provisions and conditions set forth in the Declaration of Intention to order  
13 said vacation and herein.

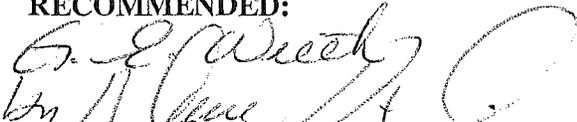
14 Section 9. Upon vacation of the subject street area, the jurisdiction which the Department of  
15 Public Works has over said street area will be extinguished.

16 Section 10. The Board of Supervisors has acquired jurisdiction to order said vacation subject  
17 to reservations, provisions and conditions set forth in the Declaration of Intention to order said  
18 vacation and herein.

19 Section 11. Notwithstanding the provisions of Section 787<sup>(b)</sup>~~(a)~~ of the San Francisco Public  
20 Works Code, said portions of said streets as shown on the Department of Public Works' Drawing  
21 SUR 2193, are hereby ordered vacated, subject to reservations, provisions and conditions as set forth  
22 in the Declaration of Intention or order said vacation and herein.  
23  
24  
25

1 Section 12. The Clerk of the Board is hereby directed to transmit a certified copy of this  
2 Ordinance to the Recorder, to the Director of Public Works, and the aforesaid are hereby directed to  
3 proceed thereafter as required by law.  
4

5 **RECOMMENDED:**

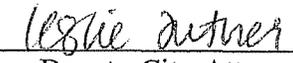
6   
7 \_\_\_\_\_  
Agricultural Commissioner

8   
9 \_\_\_\_\_  
Director of Property

10   
11 \_\_\_\_\_  
12 Director of Public Works

13 **APPROVED AS TO FORM:**

14 Louise H. Renne, City Attorney

15  
16 By   
17 \_\_\_\_\_  
Deputy City Attorney

18 **DESCRIPTION APPROVED/CHECKED:**

19   
20 \_\_\_\_\_  
Deputy Director for Engineering &  
21 City Engineer

22 A:\FMWORD.LEG

Board of Supervisors, San Francisco

Passed for Second Reading

December 13, 1993

Ayes: Supervisors Alioto Bierman  
Conroy Hallinan Kennedy Leal  
Maher Migden

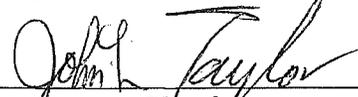
Absent: Supervisors Hsieh Kaufman  
Shelley

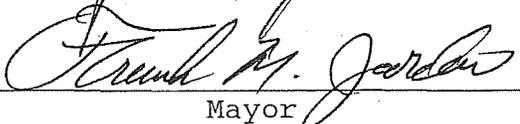
§ Finally Passed  
§  
§ December 20, 1993  
§  
§

§ Ayes: Supervisors Alioto Bierman  
§ Conroy Hallinan Hsieh Kennedy  
§ Leal Maher Migden Shelley  
§

§ Absent: Supervisor Kaufman  
§

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

  
Clerk

  
Mayor

File No.  
164-93-2.1

DEC 29 1993

Date Approved

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, February 25, 2019

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subjects:** File No. 181187. Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property at the site of the Market from Public Works and the Agricultural Commissioner to the General Services Agency - Real Estate Division; 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 eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, February 22, 2019.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED/POSTED: February 8, 2019  
PUBLISHED: February 10 and 17, 2019

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 FEB -7 AM 10:07  
BY                     

BOARD of SUPERVISORS



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

## PROOF OF POSTING

Legislative File No. 181187 Summary Street Vacation - Portions of Bradford Street and Ogden and Crescent Avenues - Property Transfer

Description of Items:  
**Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property at the site of the Market from Public Works and the Agricultural Commissioner to the General Services Agency - Real Estate Division; 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 eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.**

I, Dragomir Rajic, an employee of the City and County of San Francisco, posted the above described document(s) in at least three (3) public places along the street(s) to be affected at least ten (10) days in advance of the hearing (pursuant to CA Streets and Highways Code, Section 970.5):

Date: 02/05/2019

Time: 9:00 AM - 11:00 AM

Location: Bradford Street, Ogden Avenue, and Crescent Avenue

Signature: *Dragomir Rajic*

Instructions: Upon completion, original must be filed in the above referenced file.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 DEC -4 PM 2:30

BY 13 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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property at the site of the Market from Public Works and the Agricultural Commissioner to the General Services Agency – Real Estate Division; 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 eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this ordinance.

Signature of Sponsoring Supervisor:

For Clerk's Use Only