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.

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) The Alemany (Certified) Farmers' Market (the "Market") commonly known as "the people’s market" was founded in San Francisco on August 12, 1943. The Market was the first farmers' market in California. The Victory Garden Council and regional farmers initially 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
Market moved to its present 100 Alemany Boulevard location where it still operates rain or shine, supporting small family farms. The General Services Agency - Real Estate Division ("RED") has the responsibility for managing market operations.

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

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

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

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

(f) The Board finds it appropriate to pursue a street vacation of the remaining unused portions of Ogden Avenue, Bradford Street, and Crescent Avenue within the Market property in order to remove any outstanding street use designation and consolidate the entire Market property into a single City department's control. The actions contemplated in this ordinance
impassable to vehicular travel for five consecutive years, and there are no in-place functioning utilities in the street segment.

(k) In connection with this vacation, PW prepared SUR Map No. 21009, and PW Order No. 200335, dated December 7, 2018. In the PW Order, the PW Director and City Engineer determined: (1) the Vacation Area 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; (2) 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 consecutive years, and (C) there are no in-place functioning utilities in the street segments; (3) the Vacation Area is no longer useful as a nonmotorized transportation facility under Streets and Highways Code Sections 892 and 8314 as there are other such facilities available in close proximity; (4) PW sent notice of the proposed street vacation to the Department of Technology, Municipal Transportation Agency, Fire Department, Public Utilities Commission, AT&T, Sprint, and Pacific Gas and Electric, and no City agency or utility objected to the proposed vacation; (5) the City is the owner of all property adjacent to the Vacation Area for the street vacation; and (6) the jurisdictional transfer of the Vacation Area to RED is a policy matter for the Board.

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

(m) On February 8, 2019, the Clerk of the Board published notice of the summary street vacation and on February 5, 2019, PW posted notice of the street vacation.
Section 2. Street Vacation.

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

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

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

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

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

Section 3. Jurisdictional Transfers.

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

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

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

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

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

The Mayor, Clerk of the Board, Director of Property, County Surveyor, and PW Director are hereby authorized and directed 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 (including, without limitation, the filing of this ordinance in the Official Records of the City and County of San Francisco; revising official public right-of-way maps; and changing the jurisdictional designations in the Official Property Records of the City and County of San Francisco).

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

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

By: JOHN D. MALAMUT
Deputy City Attorney
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.

February 25, 2019 Land Use and Transportation Committee - RECOMMENDED

March 05, 2019 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

March 12, 2019 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 181187

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/12/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

3/22/19
Date Approved