

1 [Resolution of Intent - Street Vacation - Portions of Jessie Street and Elim Alley - Oceanwide  
2 Project]

3 **Resolution declaring the intention of the Board of Supervisors to order the vacation of**  
4 **a portion of Jessie Street and a portion of Elim Alley northwest of Mission and First**  
5 **Streets in connection with the Oceanwide Center Project at 50 First Street, subject to**  
6 **certain conditions; and setting a hearing date of July 19, 2016, for all persons**  
7 **interested in the proposed vacation of said street areas.**

8  
9 WHEREAS, The proposed street vacations are necessary to implement construction of  
10 the Oceanwide Center (the "Project"), a mixed-use development with two towers featuring  
11 over 250 dwelling units, a hotel, and over 1 million square feet of office space rising above  
12 integrated basement levels, full renovation and rehabilitation of one historic building and the  
13 partial renovation and rehabilitation of another historic building, and creation of a multi-story  
14 high "urban room" on the ground level facing First Street that will serve as public open space  
15 and provide pedestrian, emergency vehicle, and service vehicle access onto First Street; and

16 WHEREAS, The Project proposes to incorporate portions of Elim Alley and Jessie  
17 Street (the "Vacation Area") into the Project site; and

18 WHEREAS, In order to construct the mixed-use building with two towers, portions of  
19 Elim Alley and Jessie Street connecting to First Street need to be vacated; and

20 WHEREAS, These vacations are necessary in order to construct the tower fronting  
21 First Street at the scale of development contemplated by the Transit Center District Plan.  
22 Jessie Street currently bisects the site of the tower, making any project design that maintains  
23 Jessie Street in its current configuration infeasible and undesirable; and

24  
25

1           WHEREAS, The Project will modify Jessie Street along the Project site by rerouting it  
2 90 degrees as it enters the site, so that it terminates on Mission Street instead of First Street;  
3 and

4           WHEREAS, Incorporating Elim Alley into the Project significantly expands the size of  
5 the ground-level “urban room” and increases the public’s access to and enjoyment of this  
6 privately-owned public open space; and

7           WHEREAS, The location and extent of the Vacation Area is shown in Public Works  
8 SUR Map No. 2016-002, dated April 18, 2016; and

9           WHEREAS, A copy of this map is on file with the Clerk of the Board of Supervisors in  
10 File No. 160387 and is incorporated herein by reference; and

11           WHEREAS, Jessie Street is oriented east-west between Ecker Place and First Street  
12 with a right-of-way width of 27.5 feet; and

13           WHEREAS, The eastern portion of Jessie Street would be vacated, and a portion of  
14 the vacated area on Jessie Street, herein referred to as the “Emergency Vehicle Access  
15 Easement Area,” would be subject to the creation of an emergency vehicle access easement,  
16 a public vehicle access easement for large trucks, and the acceptance of the offer from  
17 Oceanwide Center, LLC ("Buyer") to provide a declaration of covenants and restrictions for  
18 public pedestrian access (“Public Access Declaration”) therein; and

19           WHEREAS, In place of the vacated area, Jessie Street will turn 90 degrees toward  
20 Mission Street along an approximately 20-foot wide right-of-way on and through the Project  
21 site (the "City Easement Area"); and

22           WHEREAS, The City Easement Area will provide a public vehicle and pedestrian  
23 access easement from Jessie Street to Mission Street; and

1           WHEREAS, It also will accommodate overland or surface flow from the City's facilities  
2 on, over, or below Jessie Street in excess of the 5-year storm capacity, subject to an overland  
3 flow easement; and

4           WHEREAS, Copies of these easements and the Public Access Declaration are on file  
5 with the Clerk of the Board of Supervisors in File No. 160387 and are incorporated herein by  
6 reference; and

7           WHEREAS, Elim Alley extends 250 feet east-west between Ecker Place and First  
8 Street, having a right-of-way width of 12 feet for a distance of approximately 142 feet moving  
9 east from Ecker Place, then a width of 6.5 feet for the remaining approximately 108 feet  
10 before its terminus at First Street; and

11           WHEREAS, Elim Alley is an "unaccepted" street that the Board of Supervisors has not  
12 accepted for City maintenance and liability purposes; and

13           WHEREAS, The eastern portion of Elim Alley will need to be vacated in order to  
14 construct the Project's urban room and the tower fronting First Street; and

15           WHEREAS, A portion of Elim Alley proposed for vacation also will be subject to the  
16 Public Access Declaration for public pedestrian access; and

17           WHEREAS, A copy of this declaration is on file with the Clerk of the Board of  
18 Supervisors in File No. 160387 and is incorporated herein by reference; and

19           WHEREAS, In Public Works Order No. 184851, dated May 2, 2016, the Director of  
20 Public Works (the "PW Director") determined: (1) the Vacation Area is unnecessary for the  
21 City's present or prospective public street, sidewalk, and service easement purposes as all  
22 existing physical public or private utilities located in the Vacation Area will be relocated to the  
23 satisfaction of the City as part of the construction of the Project; and (2) with the exception of  
24 those public easements noted below, the public interest, convenience, and necessity do not  
25 require any easements or other rights be reserved for any public or private utility facilities that

1 are in place in the Vacation Area and that any rights based upon any such public or private  
2 utility facilities shall be extinguished automatically upon the effectiveness of the vacation; (3)  
3 in accordance with California Streets and Highways Code, Section 892, the Vacation Area is  
4 unnecessary for a non-motorized transportation facility because alternative facilities for the  
5 benefit of the public shall be provided in the rerouted segment of Jessie Street and (4) it is a  
6 policy matter for the Board of Supervisors to quitclaim the City's interest in the Vacation Area  
7 to the Buyer; and

8 WHEREAS, A copy of the DPW Order is on file with the Clerk of the Board of  
9 Supervisors in File No. 160387 and is incorporated herein by reference; and

10 WHEREAS, In addition, the PW Director determined that the public interest,  
11 convenience, and necessity require that the City, as a condition of the vacation of the  
12 Vacation Area, obtain a non-exclusive easement for emergency vehicle access and an  
13 easement for public vehicle access for large trucks for the benefit of the public over a segment  
14 of Jessie Street proposed for vacation, a public vehicle and pedestrian access easement over  
15 the rerouted segment of Jessie Street to provide for a connection to Mission Street, and an  
16 overland flow easement for this same area; and

17 WHEREAS, Further, the PW Director finds that it is necessary to reserve temporary  
18 easements for street and utility purposes in the Vacation Area for the continued use of the  
19 public streets until City facilities have been relocated or alternate facilities have been  
20 constructed and the City Engineer, after consultation with all affected City departments, issues  
21 a notice of completion that the facilities have been constructed according to City permits and  
22 the facilities are ready for their intended use; and

23 WHEREAS, In addition, prior to the quitclaim of the City's interest in the Vacation Area,  
24 the Buyer shall provide an irrevocable offer for all new public improvements and expressly  
25

1 assume in writing the ownership of and responsibility for the abandoned City water and sewer  
2 facilities remaining in the Vacation Area; and

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

7 WHEREAS, This vacation proceeding for the Vacation Area is conducted under the  
8 general vacation procedures of the Public Streets, Highways, and Service Easements  
9 Vacation Law (California Streets and Highways Code, Sections 8300 et. seq.); now, therefore,  
10 be it

11 RESOLVED, Pursuant to California Streets and Highway Code, Sections 8300 et seq.,  
12 the Board of Supervisors hereby declares that it intends to order the vacation of the Vacation  
13 Area as shown on the Public Works SUR Map No. 2016-002; and, be it

14 FURTHER RESOLVED, That notice is hereby given that on July 19, 2016, beginning  
15 no earlier than 3:00 p.m., the Board of Supervisors shall conduct a public hearing for all  
16 persons interested in the proposed vacations; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
18 to transmit to Public Works a certified copy of this Resolution, and the Board of Supervisors  
19 directs the Director of Public Works and the Clerk of the Board to publish and post this  
20 Resolution and to give notice of the street vacation hearing in the manner required by law.