

FILE NO. 98-1332

RESOLUTION NO. \_\_\_\_\_

1 [Mission Bay Street Vacation]  
2 DECLARING THE INTENTION OF THE BOARD OF SUPERVISORS TO VACATE CERTAIN  
3 STREET AREAS WITHIN MISSION BAY; SETTING THE HEARING DATE FOR ALL  
4 PERSONS INTERESTED IN THE PROPOSED VACATION OF THE STREET AREAS; AND  
5 ADOPTING FINDINGS THAT THE VACATION IS CONSISTENT WITH THE CITY'S  
6 GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION  
7 101.1.

8 WHEREAS, The vacation of certain street areas within Mission Bay is contemplated by  
9 and is necessary to fulfill the purposes of (i) the proposed Redevelopment Plans for the  
10 Mission Bay North Redevelopment Project and the Mission Bay South Redevelopment  
11 Project (the "Plans"), drafts of which are on file with the Clerk of the Board of Supervisors in  
12 File No. 98-1332, and the proposed Interagency Cooperation Agreements between the  
13 City and the Redevelopment Agency of the City and County contemplated by the Plans (the  
14 "Interagency Cooperation Agreements"), (ii) the Mission Bay City Land Transfer Agreement  
15 (the "CLTA"), executed by the City and Catellus Development Corporation ("Catellus"), and  
16 approved pursuant to Ordinance No. 53-92, as it is proposed to be amended consistent with  
17 the Plans (the "Amended CLTA"), (iii) the Mission Bay Port Land Transfer Agreement (the  
18 "PLTA"), executed by the City and Catellus and approved pursuant to Ordinance No. 52-92,  
19 as it is proposed to be amended consistent with the Plans (the "Amended PLTA"), and (iv) the  
20 proposed Land Donation Agreement between the City and The Regents of the University of  
21 California (the "UCSF Land Donation Agreement"), for the donation of approximately 13 acres  
22 of City-owned land for a new campus, consistent with the proposed Redevelopment Plan for  
23 the Mission Bay South Redevelopment Project; and,

24 WHEREAS, The general location and extent of such street areas to be vacated  
25 (collectively, the "Street Areas") are described as follows:

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- 1 1. Illinois Street between Merrimac Street and Sixteenth Street;
- 2 2. El Dorado Street east of Illinois Street;
- 3 3. Alameda Street west of Illinois Street;
- 4 4. Portions of Illinois Street between Sixteenth Street and Mariposa Street;
- 5 5. Portion of Louisiana Street adjacent to Terry Francois Boulevard;
- 6 6. Portions of Fourth Street between Third Street and Louisiana Street;
- 7 7. Merrimac Street west of Illinois Street;
- 8 8. Illinois Street between Merrimac Street and Fourth Street;
- 9 9. Portion of Fourth Street north of Mission Rock Street;
- 10 10. Portion of Hubbell Street between Third Street and Fourth Street;
- 11 11. Portion of Berry Street between Third Street and Fourth Street;
- 12 12. Fifth Street between Townsend Street and King Street;
- 13 13. Jewett Street between Fourth Street and Fifth Street;
- 14 14. Portion of Berry Street between Fifth Street and Sixth Street;
- 15 15. Sixth Street between Berry Street and Channel Street;
- 16 16. Portion of Berry Street between Fourth Street and Fifth Street;
- 17 17. Fifth Street between Berry Street and Channel Street;
- 18 18. King Street between Sixth Street and Seventh Street;
- 19 19. Portion of Berry Street between Sixth Street and Seventh Street;
- 20 20. Sixth Street south of Townsend Street;
- 21 21. Portion of King Street east of Sixth Street;
- 22 22. Portion of Owens Street west of Sixth Street;
- 23 23. Portions of Owens Street between Channel Street and Sixteenth Street;
- 24 24. Portions of Sixth Street between Channel Street and Sixteenth Street;
- 25 25. Pennsylvania Avenue between Sixteenth Street and Seventh Street;

1           26. Sixth Street between Sixteenth Street and former Tennessee Street; and

2           27. Portion of Mission Rock Street east of Fourth Street; and,

3           WHEREAS, The Street Areas are shown in the Department of Public Works' SUR Map  
4 Nos. 998, 1098, 1198, 1298, 1398, 1498, 1598, 1698, 1798, 1898, 1998 and 2098, dated  
5 August 7, 1998, and are more particularly described in the legal descriptions attached to such  
6 maps, copies of such maps and legal descriptions are on file with the Clerk of the Board of  
7 Supervisors in File No. 98-1332; and,

8           WHEREAS, Although Mission Rock Street is not a dedicated or accepted City street, a  
9 portion of such street (No. 27 above) is included in this vacation proceeding in order for the  
10 City to fulfill its obligations to Catellus with respect to the condition of title to such property  
11 pursuant to the Amended PLTA and the Amended CLTA; and,

12           WHEREAS, Subject to the reservations and conditions specified in this resolution  
13 below, all of the Street Areas are unnecessary for present or prospective public use; and,

14           WHEREAS, The public convenience and necessity require that the City reserve and  
15 except from the vacation of the Street Areas solely the following: the non-exclusive easement  
16 and right (or license) for the benefit of Pacific Bell and PG&E, in, upon, and over those certain  
17 portions of the Street Areas in which their respective in-place and functioning facilities are  
18 located as described in the maps on file with the Clerk of the Board of Supervisors under  
19 File No. 98-1332, to the extent necessary to maintain, operate, repair and remove  
20 such existing lines of pipe, conduits, cables, wires, poles, and other convenient structures,  
21 equipment and fixtures for the operation of existing gas pipelines, telegraphic,  
22 telecommunication and telephone lines, and existing street lighting facilities, and existing  
23 facilities for the transportation or distribution of electric energy, and reasonable access to the  
24 foregoing facilities for the purposes set forth above; and,

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1           WHEREAS, The public convenience and necessity further require: that any reserved  
2 or excepted easements or licenses for existing utilities described in the preceding paragraph  
3 shall be terminated upon the earliest of (i) the termination of any applicable easement, license  
4 or similar agreement entered into with Pacific Bell or PG&E pursuant to its terms, (ii) the City's  
5 acceptance of a new dedicated public street (or streets) in place of any of the Street Areas in  
6 which such existing utilities are located or (iii) the determination by the City's Director of  
7 Public Works that (A) reasonable alternative utility service has been provided to the areas  
8 served by such utilities for the period of service needed or (B) the areas served by the utilities  
9 no longer require such service (as may be evidenced by written notice of the owners being  
10 served that such service is no longer required); and that any new public utilities shall be  
11 placed in the new dedicated street pursuant to then applicable franchise rights or other  
12 applicable requirements of controlling state or federal statutes, consistent with the applicable  
13 infrastructure plan under the applicable Interagency Cooperation Agreement or otherwise in  
14 locations and on terms and conditions reasonably satisfactory to the City's Director of  
15 Property, the Director of Public Works, and where appropriate, the Executive Director of the  
16 Port Commission, including without limitation, the location, term, width, scope, access rights  
17 and maintenance rights of the new utilities; and,

18           WHEREAS, Any removal or relocation of a utility for which an easement or license has  
19 been reserved or excepted herein for the benefit of any party shall be performed at no cost or  
20 expense to the City, including its Port, provided that nothing herein shall be deemed to  
21 preclude any future owner of the Street Areas from charging a third party for or otherwise  
22 causing a third party to bear the costs of such relocation where such charge or cost is  
23 otherwise permitted by law; and,

24           WHEREAS, The public convenience and necessity require that in connection with the  
25 Initial Closing as defined in and determined under the Amended CLTA, the City shall receive

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1 grants of non-exclusive easements from Catellus for existing in-place City utilities, the reason  
2 for which will arise due to the vacation of the Street Areas, such easements to be in the form  
3 and on such terms as provided in Section 5.1.3.1 of the Amended CLTA; and,

4 WHEREAS, Except as specifically provided above, the public convenience and  
5 necessity require no easements or other rights be reserved for any public utility facilities that  
6 are in place in the Street Areas and that any rights based upon any such public utility facilities  
7 be extinguished; and,

8 WHEREAS, The vacation of the Street Areas shall be subject to the following grants of  
9 private rights of access on or before the effective date of the vacation as provided herein:

10 (i) in connection with the Initial Closing as defined in and determined in accordance with the  
11 Amended CLTA, the City shall receive grants of non-exclusive interim easements from  
12 Catellus, in, upon, over and across portions of the Street Areas shown on the map(s) on file  
13 with the Clerk of the Board of Supervisors under File No. 98-1332, for pedestrian and  
14 vehicular access to other properties, (ii) in connection with the donation of property by the  
15 City to the Regents pursuant to the UCSF Land Donation Agreement and the vacation of the  
16 portion of Sixth Street between Channel and Sixteenth Streets described herein, the City  
17 shall receive a grant of a non-exclusive interim right of access from The Regents (or reserve  
18 an easement from its donation of land to The Regents) on the terms and conditions described  
19 in the UCSF Land Donation Agreement; (iii) in connection with the Initial Closing as defined in  
20 and determined in accordance with the Amended CLTA, the City shall grant to Catellus the  
21 non-exclusive interim easement for the benefit of Catellus and its agents, tenants and  
22 licensees in, upon, over and across portions of the Street Areas shown on the map(s) on file  
23 with the Clerk of the Board of Supervisors under File No. 98-1332, for access to  
24 certain of Catellus' other properties in Mission Bay South, pursuant to the terms and  
25 conditions of Section 5.1.3.1 of the Amended CLTA, (iv) the City and Catellus shall grant to

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1 the owner of the property described as 1900 Third Street, a non-exclusive license in, upon,  
2 over and across certain property as described in the license agreement on file with the Clerk  
3 of the Board in File No. 98-1332, for access to its property, on the terms and  
4 conditions of the proposed Access License between the City, Catellus Development  
5 Corporation and 1900 Third Street Associates on file with the Clerk of the Board of  
6 Supervisors in File No. 98-1332, (v) the City, through its Port Commission, shall grant  
7 interim non-exclusive access for its houseboat tenants over that portion of Sixth Street south  
8 of the Channel shown on the map(s) on file with the Clerk of the Board of Supervisors in File  
9 No. 98-1332 until such time as an alternative means of access is provided in  
10 accordance with the Redevelopment Plan for the Mission Bay South Redevelopment Project,  
11 and (vi) with respect to certain portions of the Street Areas described as Nos. 22 and 24  
12 above and shown on the map on file with the Clerk of the Board of Supervisors in File No.  
13 98-1332, the City or Catellus shall grant to Caltrans an interim license, on mutually  
14 acceptable terms and conditions, for a private right of access over such portions of such  
15 Street Areas in order to reconstruct, repair, retrofit, operate, maintain and inspect highway  
16 facilities on Caltrans' adjoining right of way; and,

17 WHEREAS, On August 4, 1998, the Director of City Planning sent a letter, a copy of  
18 which is on file with the Clerk of the Board of Supervisors in File No. 98-1332,  
19 wherein the Director found that the proposed vacation of the Street Areas is consistent with  
20 the City's General Plan, including the street vacation criteria set forth in the Urban Design  
21 Element, and with the Eight Priority Policies of City Planning Code Section 101.1, as the  
22 General Plan is proposed to be amended in accordance with the documents on file with the  
23 Clerk of the Board of Supervisors in File No. 98-1332; and,

24 WHEREAS, Before approving the vacation of the Street Areas, the Board of  
25 Supervisors will consider the information contained in the Final Subsequent Environmental

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1 Impact Report and make any findings required by the California Environmental Quality Act;  
2 and,

3 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the  
4 City and County will follow the procedure for vacating streets set forth in State law in the  
5 Streets and Highways Code and such rules and conditions as are adopted by the Board of  
6 Supervisors; now, therefore, be it

7 RESOLVED, That under Section 8320 of the California Streets and Highway Code, the  
8 Board of Supervisors hereby declares that it intends to order the vacation of the Street Areas,  
9 as described in the maps and legal descriptions referred to above on file with the Clerk of the  
10 Board of Supervisors in File No. 98-1332; and, be it

11 FURTHER RESOLVED, That the vacation of the Street Areas shall be conditioned  
12 upon and shall not become effective until (i) as to such Street Areas located outside of the  
13 jurisdiction of the Port Commission, the occurrence of the Initial Closing under the proposed  
14 Amended CLTA, (ii) as to such Street Areas located within the jurisdiction of the Port  
15 Commission, the occurrence of the Closing under the proposed Amended PLTA, which is  
16 intended to occur simultaneously with the Initial Closing under the Amended CLTA, (iii) as to  
17 those Street Areas that are affected, the grants of private rights of access as are specified  
18 above in this resolution, (iv) with respect to the Street Area described as a portion of Berry  
19 Street between Fourth Street and Fifth Street (No. 16 above), Caltrans' approval of necessary  
20 lane and turn modifications consistent with the infrastructure plan needed to implement the  
21 proposed Redevelopment Plan for the Mission Bay North Project Area, and (v) with respect to  
22 the Street Areas described as King Street between Sixth Street and Seventh Street and Sixth  
23 Street south of Townsend Street (Nos. 18 and 20 above), approval by the Joint Powers Board  
24 and the California Public Utilities Commission of a new grade crossing at or about Hooper  
25 Street consistent with the infrastructure plan needed to implement the proposed Plans, and

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1 immediately upon the satisfaction of the conditions contained in (i) and (ii) above the Clerk of  
2 the Board of Supervisors and the Director of Property shall be authorized and the Clerk shall  
3 be directed to record (or cause to be recorded) a certified copy of the Ordinance ordering  
4 such vacation as provided in Section 8325(a) of the California Streets and Highways Code,  
5 and thereupon such vacation shall be effective without any further action by the Board of  
6 Supervisors; and, be it

7 FURTHER RESOLVED, That the vacation proceeding of the Street Areas is conducted  
8 under the general vacation procedures of the Public Streets, Highways and Service  
9 Easements Vacation Law (Streets and Highway Code Section 8320 et seq.); and, be it

10 FURTHER RESOLVED, That notice is hereby given that on the nineteenth (19th) day  
11 of October, 1998, beginning at 3:00 p.m. in the Legislative Chambers of the Board of  
12 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,  
13 be it

14 FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its  
15 own and incorporates by reference herein as though fully set forth, the findings in the Director  
16 of Planning's letter referred to above, finding that the proposed vacation of the Street Areas is  
17 in conformity with proposed amendments to the General Plan and is consistent with the Eight  
18 Priority Policies of Planning Code Section 101.1; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
20 to transmit to the Department of Public Works a certified copy of this resolution, and the  
21 Board of Supervisors urges the Director of Public Works to publish or post this resolution.

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**SUPERVISOR YAKI**  
**BOARD OF SUPERVISORS**



1 promptly in the manner required by law and to give notice of the hearing of such  
2 contemplated action in the manner required by law.


3  
4 RECOMMENDED:

5 DESCRIPTIONS  
6 APPROVED/CHECKED:

7   
8 Anthony J. DeLucchi  
9 Director of Property

10   
11 Harlan Kelly  
12 City Engineer

13   
14 Mark Primeau  
15 Director of Public Works

16   
17 Douglas F. Wong  
18 Executive Director  
19 Port of San Francisco

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Adopted - Board of Supervisors, San Francisco August 24, 1998

Ayes: Supervisors Ammiano Bierman Brown Leno Medina Yaki  
Yee

Excused: Supervisor Newsom

Absent: Supervisors Katz Kaufman Teng

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Mayor

File No.  
98-1332

**AUG 28 1998**

\_\_\_\_\_  
Date Approved