

**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](http://www.SFPublicWorks.org)



**Public Works Order No: 201923**

**Determination to recommend conditionally vacating streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline.**

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 area to be vacated consists of the following (collectively, the "Vacation Area"):

1. Portions of Hudson Avenue, Earl Street and Arelious Walker Drive that are identified as Parcels 12, 13, 15 and 16 on the Public Works ("PW") SUR Map No. 2019-004, dated September 20, 2019 (the "IB SUR Map") (collectively, the "Development Parcels").
2. Portions of Fairfax Avenue, Evans Avenue, Earl Street, Arelious Walker Drive and Fitch Street, that are identified as Parcels 1, 2, 3, 6 and 8 on the IB SUR Map (collectively, the "Port Parcels").
3. Portions of Hudson Avenue, Arelious Walker Drive, Galvez Avenue and Earl Street that are identified as Parcels 4, 5, 7, 9, 10, 11 and 14 on the IB SUR Map (collectively, the "City Future Trust Parcels").

WHEREAS, On July 26, 2018, by Motion No. 20247, the Planning Commission certified the Final Environmental Impact Report ("FEIR") for the India Basin Project (Planning Case No.2014-002541ENV) as accurate, complete and in compliance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 et seq., "CEQA") and Administrative Code, Chapter 31; and

WHEREAS, On July 26, 2018, by Motion No. 20248, the Planning Commission approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program for approval of the India Basin Project; and

WHEREAS, On July 26, 2018, by Motion No. 20251, the Planning Commission adopted findings establishing the India Basin Project, on balance, consistent with the General Plan, and Planning Code, Section 101.1; and

WHEREAS, On July 26, 2018 by adopting Resolution Nos. 20250, and 20261, the Planning Commission recommended to the Board of Supervisors that the Board approve General Plan



Amendments, Planning Code Text Amendments, Planning Code Map Amendments, and a Development Agreement between the City, and India Basin Investments LLC, respectively; and

WHEREAS, On October 23, 2018, the Board of Supervisors upheld certification of the FEIR (Motion M18-136, File No. 180842) and adopted Ordinance Nos. 251-18, 252-18 and 261-18 (File Nos. 180680, 180681 and 180816, respectively), approving Planning Code Text Amendments and Zoning Map Amendments, a General Plan Amendment and the Development Agreement respectively; and

WHEREAS, In a letter dated November 26, 2018 (“Planning Letter”), the Planning Department determined that the proposed vacation of the Vacation Area and other actions contemplated in this ordinance are consistent with the General Plan and priority policies of Planning Code Section 101.1. Also in the Planning Letter, the Planning Department has determined that the actions contemplated in this ordinance comply with CEQA; and

WHEREAS, As provided under Section 6.2 and Exhibit V of the Development Agreement and contemplated by Ordinance No. 252-18, the City agreed to vacate the Development Parcels and, following the vacation and satisfaction of any applicable City conditions, to convey the underlying land to India Basin Investment, LLC (“Developer”), the developer under the Development Agreement, in connection with the land assembly required for the Project. In return, Developer is obligated under the Development Agreement to convey certain land to the City for future streets and parks that will be of equal or greater square footage than that conveyed to Developer, including (i) approximately 2.6 acres of land that will be conveyed to the City for parks and open space in connection with the implementation of the public trust exchange (the “Public Trust Exchange”), as authorized under that certain Public Trust Exchange Agreement approved by the Board of Supervisors by Ordinance No. 252-18; and (ii) approximately 3.8 acres of Developer-owned property that will be dedicated to the City for future right-of-ways and that will be accepted by the City upon completion of the applicable street improvements; and

WHEREAS, The vacation of the Vacation Area is necessary to fulfill the objectives of the India Basin Project, as approved on October 23, 2018, pursuant to the Ordinances and Board Files described above; and

WHEREAS, Pursuant to the California Streets and Highway Code Sections 8300 et seq. and Public Works Code Section 787(a), 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 Public Works 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, the Public Utilities Commission (“PUC”) and the United States of America acting by and through the Department of the Navy (the “Navy”). 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 applicant is the owner of all of the property adjacent to the Vacation Area except for a portion along SUR Parcel Nos. 3, 4, 13 and 16, which abuts property owned by the Navy;

WHEREAS, The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 *et seq.*, and section 787 of the San Francisco Public Works Code; and

WHEREAS, The public interest, convenience, and necessity require that the City reserve the following rights:

1. The reservation of rights for existing PG&E gas facilities in Arelious Walker Drive and existing overhead electric facilities in a portion of SUR Parcel No. 13, which will terminate effective automatically with no requirement for further action on the earlier to occur of (i) the relocation or removal of the facilities, with concurrence of PG&E, (ii) termination of service to customers through the facilities, or (iii) City's acceptance for City maintenance and liability of new public right of ways within the India Basin Project that include equivalent or better gas and electric facilities.

2. Non-exclusive easements for the City to maintain an existing 8-inch water main and four hydrants within the portion of the Developer Conveyance Area that lies within the existing Arelious Walker cul-de-sac. The reserved easements will be extinguished by quitclaim deed upon acceptance of the replacement facilities or earlier at the Director's discretion based on consultation with the affected City departments.

3. A temporary non-exclusive easement for right-of-ways over SUR Parcel Nos. 15 and 16, comprising approximately 1.5 acres of the Vacation Area, which easement will terminate automatically upon (i) the Director's issuance of Determination of Completion for at least 1.3 acres of public right-of-ways within Phase 1 of the India Basin Project in accordance with the Development Agreement; or (ii) such earlier date at the Director's discretion.

WHEREAS, In accordance with Streets and Highways Code Section 892 and 8314, the Vacation Area is no longer useful as a nonmotorized transportation facility; and

WHEREAS, The City proposes to take the following actions with respect to the Vacation Area, as contemplated in the Development Agreement and the Public Trust Exchange Agreement: (i) quitclaim the City's interests in the Development Parcels to Developer; and (ii) quitclaim the City's interest in the City Future Trust Parcels in connection with the Public Trust Exchange to the State, which City Future Trust Parcels will be re-conveyed to the City, in trust, to be held by the Port for use within India Basin Open Space and managed by the Recreation and Park Department;

WHEREAS, Through its approvals of the Public Trust Exchange Agreement and the Ordinances approving the India Basin Project, the Board of Supervisors has provided prior authorization for the quitclaims of the Vacation Area contemplated under this Order.

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 as shown on Department of Public Works drawing SUR 2019-004.

2. Vacation Area SUR Map No. 2019-004, dated September 20, 2019.

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Vacation Area, subject to the reservations described above, and to authorize the quitclaims, as described above.

The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, Port Director, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of this Ordinance.

X DocuSigned by:  
*Bruce Storrs*

Storrs, Bruce<sup>97ABC41507B0494...</sup>  
County Surveyor

X DocuSigned by:  
*Nuru, Mohammed*

Nuru, Mohammed<sup>81145AB17F474FA...</sup>  
Director