

AMENDED IN COMMITTEE
11/9/15

FILE NO. 150997

ORDINANCE NO.

1 [Golden State Warriors Events Center at Mission Bay – Street and Easement Vacations]

2

3 **Ordinance ordering the summary vacation of four easements for water line, sanitary**
4 **sewer, and/or storm water purposes and two offers of dedication within portions of**
5 **Assessor’s Block No. 8722, Lot Nos. 1 and 8 within the Mission Bay South**
6 **Redevelopment Plan Area for the Golden State Warriors Event Center and Mixed-Use**
7 **Development at Mission Bay South Blocks 29-32; authorizing a termination and**
8 **quitclaim of the easements and other City and County of San Francisco rights and**
9 **interest in the vacated areas; authorizing the General Manager of the Public Utilities**
10 **Commission and the Director of Property to execute the quitclaim deeds for the**
11 **vacated easements and vacation area; ~~retroactively extending a~~providing license**
12 **agreement(s), including if appropriate, a retroactive extension of the previously**
13 **executed agreement, for the public’s use of the temporary Terry A. Francois Boulevard**
14 **Connector Road; adopting findings pursuant to the California Environmental Quality**
15 **Act; and making findings of consistency with the Mission Bay South Redevelopment**
16 **Plan, the General Plan, and the eight priority policies of Planning Code, Section 101.1,**
17 **for the actions contemplated in this Ordinance.**

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

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

Section 1. **General Findings.**

1 (a) GSW Arena LLC (“GSW”), an affiliate of the Golden State Warriors, LLC, which
2 owns and operates the Golden State Warriors National Basketball Association team,
3 proposes to construct a multi-purpose event center and a variety of mixed uses, including
4 office, retail, open space, and structured parking on an approximately 11-acre site on Blocks
5 29-32 (Assessor’s Block 8722, Lots 1 and 8) in Mission Bay South (the “Project”). The Project
6 site is bounded by South Street on the north, Third Street on the west, 16th Street on the
7 south, and by the future planned realigned Terry A. Francois Boulevard on the east. The
8 areas on the Project site shown in Public Works (“PW”) draft SUR Map Nos. 2015-004 and
9 2015-005 dated _____, 2015 (the “Vacation Area”) are subject to certain sanitary
10 sewer, storm drain, and water line easements (the “Public Utility Easements”) and certain
11 Offers of Dedication (for street and roadway purposes), as indicated on the maps. Copies of
12 the maps, the Offers, and Public Utility Easements are on file with the Clerk of the Board of
13 Supervisors in File No. 150997.

14 (b) In accordance with the actions contemplated herein, this Board adopted a
15 resolution concerning findings pursuant to the California Environmental Quality Act (California
16 Public Resources Code sections 21000 et seq.). A copy of said resolution is on file with the
17 Clerk of the Board of Supervisors in File No. 150994 and is incorporated by reference as
18 though fully set forth herein.

19 (c) The Planning Department, in a letter dated November 6, 2015, determined that the
20 actions contemplated in this ordinance are consistent, on balance, with the City’s General
21 Plan and eight priority policies of Planning Code Section 101.1. A copy of said letter is on file
22 with the Clerk of the Board of Supervisors in File No. 150997 and is incorporated herein by
23 reference.

24 (d) In a letter dated November 4, 2015, the Office of Community Investment and
25 Infrastructure found that the proposed vacation and other actions are consistent with the

1 Mission Bay South Redevelopment Plan and Plan Documents (the "OCII Letter"). A copy of
2 the OCII Letter is on file with the Clerk of the Board of Supervisors in File No. 150997 and is
3 incorporated herein by reference.

4 (e) The City and ~~FOCIL-MB, LLC, the successor in interest to~~ Catellus Development
5 Corporation, the original developer for Mission Bay, entered into a license agreement (the
6 "License Agreement") to allow public and vehicular access to and use of certain temporary
7 street improvements and underlying land comprising the temporary design of Terry A.
8 Francois Boulevard. A copy of the License Agreement is on file with the Clerk of the Board of
9 Supervisors in File No. 150997 ~~and is incorporated herein by reference.~~ The License
10 Agreement expired by its own terms on or about August 29, 2003, although the public
11 continues to have access to this temporary section of roadway. A portion of the land that is
12 subject to the License Agreement has been or will be acquired by GSW for the Project.

13
14 **Section 2. Summary Vacation of the Public Utility Easements and Offers of**
15 **Dedication in the Vacation Area.**

16 (a) **Findings.**

17 (1) California Street and Highways Code Sections 8300 et seq. and San
18 Francisco Public Works Code Section 787(a) set forth the procedures that the City and
19 County of San Francisco follows to vacate public streets and public service easements.
20 California Street and Highways Code Sections 8330 et seq. permits the summary vacation of
21 a public street or public service easement if certain conditions are satisfied.

22 (2) Section 8333(a) of the California Streets and Highways Code provides that
23 the legislative body of a local agency may summarily vacate a public service easement under
24 certain circumstances.

1 (3) Section 8334(a) of the California Streets and Highways Code provides that
2 the legislative body of a local agency may summarily vacate an excess right-of-way of a street
3 or highway under certain circumstances. In this case, San Francisco is treating the existing
4 Offers of Dedication for street and roadway purposes as the equivalent of excess street right-
5 of-way even though no street improvements have been constructed on the areas identified in
6 the Offers of Dedication.

7 (4) In PW Order No. 184229, dated November 6, 2015, the Director of Public
8 Works (the "PW Director") determined: (A) the Public Utility Easements within the Vacation
9 Area can be summarily vacated under California Streets and Highways Code Section 8333(a)
10 because the subject easements have not been used for the purposes dedicated or acquired
11 for five consecutive years prior to the vacation action; (B) the Offers of Dedication within the
12 Vacation Area can be summarily vacated under California Streets and Highways Code
13 Section 8334(a) because the Offers of Dedication for public right-of-way are the equivalent of
14 excess right-of-way that is not required for street or highway purposes as these areas will be
15 replaced with other offers of dedication for larger areas in accordance with the Mission Bay
16 South Redevelopment Plan street design requirements; (C) there are no functioning in-place
17 public or private utility facilities that would be affected by the vacation of the Public Utility
18 Easements within the Vacation Area, which allows the City to proceed with a summary
19 vacation under Streets and Highways Code Section 8334.5; (D) the areas within the Vacation
20 Area offered for street and roadway purposes and the Public Utility Easements are
21 unnecessary for the City's present or prospective public street, sidewalk, and service
22 easement purposes; (E) pursuant to the Streets and Highways Code Section 892(a), the
23 Vacation Area hereunder is no longer useful as a nonmotorized transportation facility, as
24 defined in Section 887 of said Code, because the design of the Project contains new facilities
25 for bicycle and pedestrian movement that are equal to or in excess of what may currently

1 exist; and (F) the public interest, convenience, and necessity do not require any easements or
2 other rights be reserved for any public or private utility facilities that are in place in the
3 Vacation Area and that any rights based upon any such public or private utility facilities shall
4 be extinguished automatically upon the effectiveness of the vacation. A copy of the PW Order
5 is on file with the Clerk of the Board of Supervisors in File No. 150997 and incorporated herein
6 by reference.

7 (5) In addition, in PW Order No.184229, the PW Director recommends that the
8 Board retroactively extend the License Agreement for the temporary design of Terry A.
9 Francois Boulevard Connector Road to allow continued public and vehicular access to and
10 use of that street segment until such time as the PW Director, in consultation with other
11 affected City departments, approves alternative traffic routing during construction and,
12 subsequently, when the permanent design for Terry A. Francois Boulevard in this location is
13 publicly dedicated and open for public use. In addition, the PW Director recommends that the
14 Board delegate to the Director of Property the authority to enter into a license with GSW for
15 public access over that portion of the licensed area acquired by GSW (the “GSW Access
16 License”), in substantially the form of the proposed license agreement on file with the Clerk of
17 the Board of Supervisors in File No. 150997 and incorporated herein by reference. The
18 process to publicly dedicate and open streets for public use, such as the subject segment of
19 Terry A. Francois Boulevard, is described in companion legislation concerning the delegation
20 of public improvement approvals that is on file with the Clerk of the Board of Supervisors in
21 File No. 150996.

22 (b) **Ordering a Summary Vacation of the Public Utility Easements and Offers of**
23 **Dedication in the Vacation Area.**

24 (1) The Board of Supervisors finds that the street and easement vacation action
25 (the “Vacation Action “) and related approvals specified herein are consistent with the General

1 Plan and Planning Code Section 101.1 for the reasons set forth in the November 6, 2015
2 determination of the Planning Department and adopts said findings as its own.

3 (2) The Board of Supervisors finds that the Vacation Action and related
4 approvals specified herein are consistent with the Mission Bay South Redevelopment Plan for
5 the reasons set forth in the OCII Letter and adopts said findings as its own.

6 (3) The Board of Supervisors adopts the findings of the PW Director in PW
7 Order No. 184229 as its own.

8 (4) The Board of Supervisors finds that the Vacation Area is unnecessary for
9 present or prospective public use, subject to the conditions described in this ordinance.

10 (5) The Board of Supervisors hereby summarily vacates the areas within the
11 Vacation Area offered for street and roadway purposes and the Public Utilities Easements, as
12 shown on draft SUR Map Nos. 2015-004 and 2015-005, pursuant to California Street and
13 Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a)
14 and quitclaims its interest in the Vacation Area as described in draft quitclaim deeds and
15 related termination agreements in substantially the form on file with the Clerk of the Board of
16 Supervisors in File No. 150997.

17 (6) The public interest and convenience require that the Vacation Action and
18 related approvals be done as declared in this ordinance.

19 (7) The Vacation Actions shall be conditioned upon: (A) notification from the
20 San Francisco Public Utilities Commission to the PW Director that the Public Utility
21 Easements are surplus and no longer required because they are proposed to be abandoned
22 and/or replaced with equivalent or better public utility facilities as part of the Project and its
23 public improvement requirements under the Mission Bay South Infrastructure Plan and (B) the
24 City's receipt of replacement irrevocable offers of public improvements and recordation of
25 irrevocable offers for real property underlying such public improvements. Upon the

1 satisfaction of the conditions, the vacations shall be effective automatically and without the
2 requirement for further Board action whatsoever as to all of the Vacation Area. The
3 replacement irrevocable offers of public improvements and real property are described in
4 companion legislation concerning the delegation of public improvement approvals that is on
5 file with the Clerk of the Board of Supervisors in File No. 150996 and incorporated herein by
6 reference. Copies of the draft irrevocable offers are on file with the Clerk of the Board of
7 Supervisors are in File No. 150996.

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9 Section 3. **License Agreement for the Temporary ~~Design~~Use of Terry A. Francois**
10 **Boulevard Connector Road**. The Board of Supervisors approves the ~~retroactive extension~~
11 ~~the License Agreement~~execution of a license agreement or agreements, substantially in the
12 form of the License Agreement, which, if feasible and appropriate may include a retroactive
13 extension of the prior License Agreement. to allow continued public and vehicular access to
14 and use of the temporary segment of Terry A. Francois Boulevard until such time as the PW
15 Director, in consultation with other affected City departments, approves alternative traffic
16 routing during construction and, subsequently, when the permanent design for Terry A.
17 Francois Boulevard in this location is publicly dedicated and open for public use. The Board
18 of Supervisors hereby delegates to the Director of Property, in consultation with the PW
19 Director and the City Attorney, the authority to ~~retroactively extend the term of the License~~
20 ~~Agreement~~negotiate and execute such license agreement(s) in accordance with the
21 conditions set forth in this ordinance and to take all actions necessary to implement the intent
22 of this ordinance in regard to the ~~extension of the~~temporary Connector Road License
23 Agreement. The Board of Supervisors hereby authorizes the Director of Property to execute
24 the GSW Access License in substantially the form presented to this Board and to enter into
25 any additions, amendments, or other modifications to the GSW Access License (including,

1 without limitation, the attached exhibits) that the Director of Property, in consultation with the
2 PW Director and the City Attorney, determines is in the best interest of the City, do not
3 materially increase the obligations or liabilities of the City, and are necessary or advisable to
4 implement the intent of this ordinance in regard to providing continued public access to the
5 segment of the temporary Terry A. Francois Boulevard Connector Road located on property
6 owned by GSW until such time as the PW Director, in consultation with other affected City
7 departments, approves alternative traffic routing during construction or when the permanent
8 design for Terry A. Francois Boulevard in this location is publicly dedicated and open for
9 public use.

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11 Section 4. **Official Acts in Furtherance of the Ordinance.** The Board of Supervisors
12 directs the PW Director, the Director of Property, and the General Manager of the San
13 Francisco Public Utilities Commission, in consultation with the City Attorney, to take all actions
14 necessary to implement the intent of this ordinance, including finalizing and recording of
15 replacement irrevocable offers of public improvements and real property underlying such
16 improvements and the finalizing and recording of the termination agreements and quitclaim
17 deeds that release the City’s interests in the Vacation Area.

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

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

3 By: _____
4 John D. Malamut
5 Deputy City Attorney

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