

1 [Street Vacation Order and Interdepartmental Property Transfer for 900 Innes Avenue Park
2 Development - Public Utility Easement Vacation Order for India Basin Mixed-Use Project at
3 700 Innes Avenue]

4 **Ordinance 1) ordering the street vacation of a portion of Griffith Street and a portion of**
5 **Hudson Avenue, generally bounded by Assessor's Parcel Block No. 4629A, Lot No.**
6 **010, a portion of Hudson Avenue at Assessor's Parcel Block No. 4646, Lot Nos. 001,**
7 **002, and 003, a portion of Innes Avenue and a portion of Griffith Street at Assessor's**
8 **Parcel Block No. 4645, Lot No. 010, a portion of Hudson Avenue at Assessor's Parcel**
9 **Block No. 4630, Lot No. 002, and a portion of Galvez Avenue ("the Street Vacation**
10 **Area"), to facilitate the development of the 900 Innes Avenue (India Basin) Park**
11 **Development; 2) ordering the vacation of unaccepted ten-foot public utility easements**
12 **affecting portions of Assessor's Parcel Block No. 4607, Lot Nos. 024 and 025; Block**
13 **4620, Lot Nos. 001 and 002 (Lot No. 002 more recently referred to by the City as Lot**
14 **Nos. 004 and 005); Block No. 4621, Lot No. 100; Block No. 4606, Lot No. 026; Block No.**
15 **4631, Lot Nos. 001 and 002; and Assessor's Parcel Block No. 4644, Lot Nos. 009 and**
16 **010, to facilitate the development of the India Basin Mixed-Use Project; 3) approving**
17 **the interdepartmental transfer of the Street Vacation Area from Public Works to the**
18 **Recreation and Park Department; 4) authorizing official acts in connection with this**
19 **Ordinance, as defined herein; adopting findings under the California Environmental**
20 **Quality Act; and making findings of consistency with the General Plan, and the eight**
21 **priority policies of Planning Code, Section 101.1.**

22
23 NOTE: Additions are *single-underline italics Times New Roman*;
24 deletions are *strike-through italics Times New Roman*.
25 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

1
2 Be it ordained by the People of the City and County of San Francisco:

3
4 Section 1. Findings Regarding Street and Public Service Easement Vacations.

5 (a) California Streets and Highways Code Sections 8300 et seq., and San Francisco
6 Public Works Code Section 787(a) set forth the procedures that the City and County of San
7 Francisco (the "City") follows to vacate public streets and public service easements.

8 (b) On June 6, 2022, the Board of Supervisors adopted Resolution No. 258-22 (the
9 "Resolution of Intention"), being a resolution declaring the intention of the Board of Supervisors
10 to (i) vacate a portion of Griffith Street and a portion of Hudson Avenue, generally bounded by
11 Assessor's Block 4629A Lot 010 and a portion of Hudson Avenue and Block 4646, Lot 001 and
12 Block 4646, Lot 002 and Block 4646, Lot 003 and a portion of Innes Avenue and a portion of
13 Griffith Street and Block 4645, Lot 010 and a portion of Hudson Avenue and Block 4630, Lot
14 002 and a portion of Galvez Avenue (the "Street Vacation Area"), and (ii) to vacate 10' public
15 utility easements that were dedicated on the Map of India Basin Business Park that was filed
16 May 4, 1988, in Book Y of maps, at Pages 18 and 19 but never accepted by the City (collectively,
17 the "Public Utility Easements"), affecting portions of Block 4607, Lots 024 and 025; Block 4620,
18 Lots 001 and 002 (Lot 002 more recently referred to by the City as Lots 004 and 005); Block
19 4621, Lot 100; Block 4606, Lot 026; Block 4631, Lots 001 and 002, and Block 4644, Lots 009
20 and 010 (collectively, the "Easement Vacation Area"). A copy of said Resolution is on file with
21 the Clerk of the Board in File No. 220448, and is incorporated herein by reference.

22 (c) The Street Vacation Area is shown in Public Works SUR Map No. 2022-001, sheet
23 1, and the Easement Vacation Area is shown in Public Works SUR Map No. 2022-002, sheet
24 1. Copies of said maps are on file with the Clerk of the Board in File No. 220450 and are
25 incorporated herein by reference.

1 (d) The Clerk of the Board of Supervisors did transmit to the Director of Public Works
2 (the “Director”) a certified copy of the Resolution of Intention, and the Director did cause notice
3 of adoption of such resolution to be posted in the manner required by law as demonstrated by
4 the affidavit of posting on file with the Clerk of the Board in File No. 220450.

5 (e) When such matter was considered as scheduled by the Board of Supervisors at
6 its regular meeting in the Legislative Chambers of City Hall, San Francisco, as specified in the
7 Resolution of Intention, on July 12, 2022, at 3:00 p.m., the Board heard public testimony about
8 the vacation of the Street Vacation Area and the Easement Vacation Area.

9 (f) The vacation of the Street Vacation Area, and the jurisdictional transfer of the
10 Street Vacation Area from Public Works to the Recreation and Park Department, is necessary
11 to implement the 900 Innes Avenue Park Development at India Basin, a project that would
12 transform a post-industrial brownfield site into a 21st century legacy park in a historic waterfront
13 context, with an emphasis on habitat/wetland restoration and enhancement, public access,
14 resiliency to sea level rise, social equity, and waterfront recreation. The 900 Innes Avenue Park
15 Development project would serve a historically underserved southeast San Francisco
16 community and support a contiguous 1.5-mile waterfront open space and trail network, as well
17 as connect a total of 64 acres of shoreline from Heron’s Head Park to the future Northside Park.
18 The project would further connect these spaces to the Blue Greenway and create a segment of
19 the San Francisco Bay Trail that would provide pedestrian and bicycle connections from the
20 Embarcadero all the way to Candlestick Point. Specifically, the project would combine the
21 existing India Basin Shoreline Park and 900 Innes Avenue into one grand 10-acre waterfront
22 park development that would include six major zones including the neighborhood edge, the
23 historic shorewalk, the marineway, the sage slopes, the marsh edge, and the boatyard, and
24 also includes a significant segment of the Bay Trail.

1 (g) The Map of India Basin Business Park that was filed May 4, 1988, in Book Y of
2 maps, at Pages 18 and 19, dedicated the Unaccepted Public Utility Easements affecting the
3 Easement Vacation Area. No public utility easement facilities were ever installed within the
4 Easement Vacation Area and the City never accepted the dedication of these Public Utility
5 Easements. The Board of Supervisors now wishes to formally vacate the Easement Vacation
6 Area in accordance with applicable laws, in order to implement the 700 Innes and India Basin
7 Open Space portions of the India Basin Mixed Use Project. These portions at completion would
8 include approximately 1,575 dwelling units, 209,000 square feet of nonresidential space, and
9 1,800 parking spaces, and would also include approximately 15.5 acres of publicly accessible
10 open space, and a new network of streets and pedestrian paths.

11 (h) The Director prepared Public Works (“PW”) Order No. 206510, dated May 10,
12 2022, regarding the vacations and other actions contemplated in this ordinance. In the PW
13 Order, the Director found that: (1) the proposed street vacations do not deprive any private
14 landowner of access to the built public street grid; (2) the Street Vacation Area and the
15 Easement Vacation Area are currently no longer necessary for the City’s present or prospective
16 public street, sidewalk, or public utility or service easement purposes; (3) in accordance with
17 California Streets and Highways Code Sections 892 and 8314, the rights-of-way and parts
18 thereof proposed for vacation are currently no longer useful as a non-motorized transportation
19 facility, as defined in California Streets and Highways Code Section 887; and (4) the consent of
20 all property owners adjacent to the Street Vacation Area and within the Easement Vacation
21 Area was obtained. A copy of PW Order No. 206510 is on file with the Clerk of the Board of
22 Supervisors in File No. 220450, and incorporated herein by reference.

23 (i) Based on the findings in the PW Order, the Director recommends that the Board
24 of Supervisors adopt this ordinance to vacate the Street Vacation Area as shown on SUR Map
25 No. 2022-001, sheet 1, and the Easement Vacation Area as shown on SUR Map No. 2022-002,

1 sheet 1. The Board of Supervisors adopts as its own, the recommendations of the Director in
2 PW Order No. 206510, concerning the vacation of the Street Vacation Area and Easement
3 Vacation Area, and other actions in furtherance thereof.

4 Section 2. Planning Code, General Plan Consistency, and CEQA Findings.

5 (a) The India Basin Mixed-Use Project was analyzed under Case No. 2014-002541
6 pursuant to the California Environmental Quality Act (California Public Resources Code
7 Sections 21000 et seq.). On July 26, 2018, the Planning Commission certified the Final
8 Environmental Impact Report (Motion No. 20247) and adopted CEQA Findings, including a
9 statement of overriding considerations (Motion No. 20248).

10 (b) In Planning Commission Resolution No. 20250, also adopted on July 26, 2018,
11 the Planning Commission found that the India Basin Mixed-Use Project, including the 900 Innes
12 Avenue Park Development and including the street vacations, land acquisition, and
13 conveyances, are consistent with the General Plan. A copy of said Resolution is on file with
14 the Clerk of the Board in File No. 220450 and is incorporated by reference herein. The Board
15 of Supervisors adopts as its own the consistency findings of Resolution No. 20250.

16 (c) On October 16, 2018, the Board of Supervisors approved Motion No. M18-136
17 (File No. 180842) affirming the Planning Commission's certification of the Final EIR prepared
18 for the India Basin Mixed-Use Project. The Board of Supervisors in Resolution No. 36-18
19 adopted the Planning Commission's CEQA Findings as its own. Copies of said motion and
20 resolution are on file with the Clerk of the Board of Supervisors in File No. 171286, and are
21 incorporated herein by reference.

22 (d) Further, in a letter dated May 1, 2019 (the "Planning Letter"), the Planning
23 Department confirmed that the proposed vacations and other actions contemplated in this
24 ordinance are consistent with the General Plan and with the Eight Priority Policies of City
25 Planning Code Section 101.1. The Planning Department confirmed that the vacations and other

1 actions contemplated herein are within the scope of the project evaluated under the Final EIR
2 prepared for the India Basin Mixed-Use Project. A copy of said letter is on file with the Clerk of
3 the Board in File No. 220450 and is incorporated by reference herein. The Board of Supervisors
4 adopts as its own the consistency findings of the Planning Letter.

5 (e) All of the India Basin Mixed-Use Project documents are on file with the Clerk of
6 the Board of Supervisors in File Nos. 180841 (regarding the CEQA appeal), 180842 (affirming
7 the CEQA determination), 180816 (amending the General Plan), 180680 (amending the
8 Planning Code and Zoning Map), and 180681 (approving a Development Agreement). The
9 Board of Supervisors finds that no substantial changes are proposed by the actions
10 contemplated in this ordinance, nor by the circumstances under which these actions are
11 undertaken that would cause new significant environmental effects or any increase in the
12 severity of previously identified significant effects. The Board further finds that there is no new
13 information of substantial importance showing that the approvals contemplated herein would
14 have any significant effects not discussed in the environmental and approval documents for the
15 India Basin Mixed-Use Project, or that significant effects would be substantially more severe,
16 or that new or different mitigation measures or alternatives would substantially reduce one or
17 more significant effects of that project. Consequently, the Board hereby adopts the Planning
18 Department's environmental findings in the India Basin Mixed-Use Project as its own for
19 purposes of this ordinance.

20
21 Section 3. Ordering Street and Public Utility Easement Vacation.

22 (a) The Board of Supervisors approves the recommendations and findings in PW
23 Order No. 206510 and hereby vacates the Street Vacation Area, as shown on SUR Map No.
24 2022-001, sheet 1, pursuant to California Streets and Highways Code Sections 8300 et seq.

1 and San Francisco Public Works Code Section 787(a), and upon satisfaction of the terms,
2 conditions, and reservations as set forth in this ordinance.

3 (b) The Board of Supervisors approves the recommendations and findings in PW
4 Order No. 206510 and hereby vacates the Easement Vacation Area, as shown on SUR Map
5 No. 2022-002, sheet 1, upon satisfaction of the terms, conditions, and reservations as set forth
6 in this ordinance.

7 (c) The Board of Supervisors finds that the Street Vacation Area and the Easement
8 Vacation Area are unnecessary for present or prospective public use, subject to the conditions
9 described in this ordinance.

10 (d) The public interest, convenience, and necessity require that the vacations be
11 done as declared in this ordinance.

12 (e) On recordation of this ordinance, the vacations shall be effective without any
13 further action by the Board of Supervisors. No quitclaim deeds are required to effectuate the
14 vacations.

15
16 Section 4. Interdepartmental Property Transfer from Public Works to the Recreation and
17 Park Department.

18 Notwithstanding the requirements of Administrative Code Chapter 23, the Board of
19 Supervisors hereby approves the interdepartmental property transfer of the Street Vacation
20 Area from Public Works to the Recreation and Park Department, and directs the Director of the
21 Division of Real Estate to modify the City's records concerning City property ownership and
22 jurisdiction accordingly. Until such transfer occurs, the Street Vacation Area shall remain under
23 the jurisdiction of Public Works.

24
25 Section 5. Official Acts in Connection with the Ordinance.

1 The Board of Supervisor authorizes the Clerk of the Board, the Port Director, the Director
2 of the Real Estate Division, the County Surveyor, the General Manager of the Recreation and
3 Park Department, and the Director of Public Works to take any and all actions which they or the
4 City Attorney may deem necessary or advisable to effectuate the purpose and intent of this
5 ordinance, including, without limitation, the filing of this ordinance in the Official Records of the
6 City and County of San Francisco, confirmation of the satisfaction of the conditions to the
7 effectiveness of the vacation of the Street Vacation Area and the Easement Vacation Area, if
8 any, and execution and delivery of any evidence of the same, which shall be conclusive as to
9 the satisfaction of the conditions.

10
11 Section 6. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor’s veto of the ordinance.

15
16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ Andrea Ruiz-Esquide
19 Andrea Ruiz-Esquide
20 Deputy City Attorney

21 n:\legana\as2022\2200430\01597503.docx