

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

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3 **Ordinance ordering the summary vacation of a 25-foot wide sewer and water line**
4 **easement and two offers of dedication within portions of Assessor's Block No. 8722,**
5 **Lot Nos. 1 and 8 within the Mission Bay South Redevelopment Plan Area for the Golden**
6 **State Warriors Event Center and Mixed-Use Development at Mission Bay South Blocks**
7 **29-32; authorizing a quitclaim of the sewer and waterline easement and other City and**
8 **County of San Francisco's rights and interest in the vacated areas; authorizing the**
9 **Director of the Real Estate Division to execute the quitclaim deeds of the vacation area;**
10 **adopting findings pursuant to the California Environmental Quality Act; and making**
11 **findings of consistency with the Mission Bay South Redevelopment Plan, the General**
12 **Plan, and the eight priority policies of Planning Code, Section 101.1, for the actions**
13 **contemplated in this Ordinance.**

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

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

22 Section 1. **General Findings.**

23 (a) GSW Arena LLC ("GSW"), an affiliate of the Golden State Warriors, LLC, which
24 owns and operates the Golden State Warriors National Basketball Association team,
25 proposes to construct a multi-purpose event center and a variety of mixed uses, including
office, retail, open space, and structured parking on an approximately 11-acre site on Blocks

1 29-32 (Assessor’s Block 8722, Lots 1 and 8) in Mission Bay South (the “Project”). The Project
2 site is bounded by South Street on the north, Third Street on the west, 16th Street on the
3 south, and by the future planned realigned Terry A. Francois Boulevard on the east. In order
4 to implement the Project, various street and easement vacations are necessary. The areas
5 on the Project site where these streets and easements are located (the “Vacation Area”) are
6 shown in a Public Works (“PW”) SUR Map No. 2015-_____, dated _____, 2015. A
7 copy of this map is on file with the Clerk of the Board of Supervisors in File No. _____.

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

13 (c) The Planning Department, in a letter dated _____, 2015, determined that
14 the actions contemplated in this ordinance are consistent, on balance, with the City’s General
15 Plan and eight priority policies of Planning Code Section 101.1. A copy of said letter is on file
16 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
17 by reference.

18 (d) In a letter dated _____, 2015, the Office of Community Investment and
19 Infrastructure found that the proposed vacation and other actions are consistent with the
20 Mission Bay South Redevelopment Plan and Plan Documents (the “OCII Letter”). A copy of
21 the OCII Letter is on file with the Clerk of the Board of Supervisors in File No. _____
22 and is incorporated herein by reference.

23 (e) The San Francisco Public Utilities Commission on _____, 2015, notified the
24 Public Works Director that the existing sewer and water line easement shown on PW SUR
25

1 Map No. 2015-_____, dated _____, 2015, is no longer required and is proposed to
2 be abandoned or replaced in the future.

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4 Section 2. **Summary Street Vacation of the Sewer and Water Line Easements and**
5 **two Offers of Dedication.**

6 (a) **Findings.**

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

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

15 (3) Section 8334(a) of the California Streets and Highways Code provides that
16 the legislative body of a local agency may summarily vacate an excess right-of-way of a street
17 or highway under certain circumstances.

18 (3) In PW Order No. _____, dated _____, 2015, the
19 Director of Public Works (the "PW Director") determined: (A) the easements within the
20 Vacation Area can be summarily vacated under California Streets and Highways Code
21 Section 8333(a) because the subject easements have not been used for the purposes
22 dedicated or acquired for five consecutive years prior to the vacation action; (B) the Offers of
23 Dedication within the Vacation Area can be summarily vacated under California Streets and
24 Highways Code Section 8334(a) because the Offers of Dedication for public right-of-way are
25 excess right-of-way that is not required for street or highway purposes as these areas will be

1 replaced with other offers of dedication for larger areas in accordance with the Mission Bay
2 South Redevelopment Plan street design requirements; (C) there are no functioning in-place
3 public or private utility facilities that would be affected by the vacation of the sewer and water
4 line easement within the Vacation Area, which allows the City to proceed with a summary
5 street vacation under Streets and Highways Code Section 8334.5; (D) the Vacation Area is
6 unnecessary for the City's present or prospective public street, sidewalk, and service
7 easement purposes; (E) pursuant to the Streets and Highways Code Section 892(a), the
8 Vacation Area hereunder is no longer useful as a nonmotorized transportation facility, as
9 defined in Section 887 of said Code, because the design of the Project contains new facilities
10 for bicycle and pedestrian movement that are equal to or in excess of what may currently
11 exist; and (F) the public interest, convenience, and necessity do not require any easements or
12 other rights be reserved for any public or private utility facilities that are in place in the
13 Vacation Area and that any rights based upon any such public or private utility facilities shall
14 be extinguished automatically upon the effectiveness of the vacation. A copy of the PW Order
15 is on file with the Clerk of the Board of Supervisors in File No. _____ and incorporated
16 herein by reference.

17 **(b) Ordering a Summary Street Vacation of the Vacation Area.**

18 (1) The Board of Supervisors finds that the Street Vacation action and related
19 approvals specified herein are consistent with the General Plan and Planning Code Section
20 101.1 for the reasons set forth in the _____, 2015 determination of the Planning
21 Department and adopts said findings as its own.

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

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1 (3) The Board of Supervisors adopts the findings of the PW Director in PW
2 Order No. _____ as its own.

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

5 (5) The Board of Supervisors hereby summarily vacates the Vacation Area, as
6 shown on SUR Map No. 2015-_____, pursuant to California Street and Highways Code
7 Sections 8300 et seq. and San Francisco Public Works Code Section 787(a) and quitclaims
8 its interest in the Vacation Area as described in draft quitclaim deeds in substantially the form
9 on file with the Clerk of the Board of Supervisors in File No. _____.

10 (6) The public interest and convenience require that the Street Vacation action
11 and related approvals be done as declared in this ordinance.

12 (7) The Street Vacation actions shall be effective automatically and without the
13 requirement for further Board action whatsoever as to all of the Vacation Area.

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15 Section 3. **Official Acts in Furtherance of the Ordinance.** The Board of Supervisors
16 directs the Directors of PW and the Real Estate Division of the City Administrator’s Office, in
17 consultation with the City Attorney’s Office, to take all actions necessary to implement the
18 intent of this ordinance, including finalizing and recording of the quitclaim deeds that release
19 the City’s interest in the Vacation Area.

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21 Section 4. **Effective Date.** This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor’s veto of the ordinance.

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

By: _____
John D. Malamut
Deputy City Attorney

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