

1 [Authorizing the Vacation and Transfer to the Redevelopment Agency of a Portion of
2 Stevenson Street between 3rd and 4th Streets]

3 **Ordering the summary vacation of an unused and unneeded portion of Stevenson**
4 **Street between 3rd and 4th Streets; making findings pursuant to the California Streets**
5 **and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to**
6 **the California Environmental Quality Act; adopting findings that the vacation is**
7 **consistent with the City’s General Plan and Eight Priority Policies of City Planning**
8 **Code Section 101.1; authorizing the conveyance of the vacated portion of Stevenson**
9 **Street to the San Francisco Redevelopment Agency; and authorizing other actions in**
10 **furtherance of this ordinance.**

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12 Be it ordained by the People of the City and County of San Francisco.

13 Section 1. Findings. The Board of Supervisors of the City and County of San
14 Francisco finds, determines and declares as follows:

15 A. The San Francisco Redevelopment Agency (“Agency”) has requested that
16 the Board of Supervisors vacate a portion of Stevenson Street for an ingress/egress access
17 ramp to the proposed Jessie Square Parking Garage beneath Jessie Square Plaza which the
18 Agency will cause to be constructed and operated as a public garage.

19 B. The proposed street vacation area (the "Street Area") is located within the
20 boundary of the Yerba Buena Center Redevelopment Project Area and is as shown in the
21 Department of Public Works’ SUR Map No. SUR-9001, dated December 20, 2001. A copy of
22 such map is on file with the Clerk of the Board of Supervisors in File No. _____.

23 C. Section 8334 of the California Streets and Highways Code provides that the
24 legislative body of a local agency may summarily vacate an excess right-of-way of a street or
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1 highway not required for street or highway purposes under certain circumstances. In
2 particular, Section 8334 provides that the legislative body of a local agency may summarily
3 vacate a portion of a street if the proposed street vacation area is no longer needed for street
4 or highway purposes. In addition, Section 8334.5 of the California Streets and Highways
5 Code requires for a summary vacation that there are no in-place public utility facilities that are
6 in use and would be affected by the vacation.

7 D. The only other property owner that fronts upon the Street Area has confirmed
8 and consented to the proposed street vacation in a letter dated June 22, 2001 from L-O Soma
9 Holding, Inc. to the Director of Public Works. A copy of such letter is on file with the Clerk of
10 the Board of Supervisors in File No. _____.

11 E. In letters dated August 16, 2001 and November 12, 2003 from the Director of
12 Planning to the Director of Property, the Planning Department determined that the proposed
13 vacation of the Street Area would have no effect on the function of Stevenson Street as a
14 street because the proposed Street Area is not used as a street. The Director of Planning
15 also found that the vacation of the Street Area is (i) consistent with the City's General Plan, on
16 the condition that the Planning Department review the designs for the parking ramp and the
17 designs for the pedestrian access improvement, (ii) consistent with the Eight Priority Policies
18 of City Planning Code Section 101.1, and (iii) categorically exempt from Environmental
19 Review under Class 5(a), Vacation and Parcel/Lot Line Adjustment. Although the Street Area
20 has been revised since the August 16, 2001 letter, the Director of Planning stated (in a letter
21 dated August 8, 2002 from the Director of Planning to the Director of Property) that the
22 revised area constituted a minor change to the original proposal and therefore would not alter
23 the initial findings referred to above. A copy of the above letters are on file with the Clerk of
24 the Board of Supervisors in File No. _____.

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1 F. The Department of Public Works has advised the Real Estate Division of the
2 Department of Administrative Services that there are no in-place public utility facilities that are
3 in use and would be affected by the vacation of the Street Area.

4 G. In a letter to the Director of Property dated September 27, 2002, the Director
5 of Public Works indicated that that office had completed its investigation and found that the
6 Street Area is no longer needed for present or prospective street purposes. A copy of such
7 letter is on file with the Clerk of the Board of Supervisors in File No. _____.

8 H. The Redevelopment Agency and the City have prepared an Agreement for
9 Transfer of Real Estate (the "Agreement") for the City to transfer the vacated Street Area to
10 the Redevelopment Agency at no transfer price for (i) the improvement of the surface of
11 Jessie Square to create a plaza facility for the public; (ii) the construction of the substructure
12 and related improvements for a cultural facility that will be completed by or on behalf of The
13 Magnes Museum (formerly known as the Jewish Museum) through the adaptive reuse of the
14 landmark Jessie Substation building; (iii) the substructure and related improvements for a
15 cultural facility that will be completed by or on behalf of the Mexican Museum, a California
16 nonprofit public benefit corporation, on a site adjoining Mission Street; and, (iv) a three-level
17 (including a mezzanine level) underground parking garage and related improvements beneath
18 Jessie Square ("Garage") to be operated by the Agency as a public garage, including related
19 improvements, all in accordance with the Yerba Buena Center Redevelopment Plan.
20 However, the Agreement requires the Agency to reimburse the City for all costs incurred by
21 the City for the vacation of the Street Area, obtaining clear title to the Street Area, negotiating
22 and preparing the Agreement, and conveying the Street Area to the Agency in accordance
23 with the terms and conditions of the Agreement. The Agreement also requires the Agency to
24 pay to the City all profit (if any) from a resale of the Street Area by the Agency. A copy of
25 such Agreement is on file with the Clerk of the Board of Supervisors in File No. _____.

1 I. On January 13, 2003, the Board of Supervisors adopted Resolution No. 1-03,
2 which, among other things, approved a Cooperation and Tax Increment Reimbursement
3 Agreement between the City and the Agency in connection with the approval of the Agency's
4 issuance of tax allocation bonds to assist in financing the construction of the Garage and
5 related improvements.

6 J. Section 33220 of the California Health and Safety Code authorizes the City to
7 sell real property to the Redevelopment Agency with or without consideration for the purpose
8 of aiding and cooperating in the planning, undertaking, construction or operation of
9 redevelopment projects located within the City.

10 K. The Yerba Buena Center Redevelopment Plan (the "Plan") was originally
11 adopted and approved by the Board of Supervisors by Ordinance No. 98-66 on April 25, 1966,
12 and has been subsequently amended numerous times. The Plan requires the City (subject to
13 the policies and procedures established under the City Charter and the City's codes and
14 regulations) to aid and cooperate with the Agency's redevelopment efforts by, among other
15 things, instituting street vacation proceedings and conveying vacated streets to the Agency at
16 no cost.

17 Section 2. Additional Findings. Based on the findings in Section 1 above, the Board of
18 Supervisors of the City and County of San Francisco further finds, determines and declares as
19 follows:

20 A. (i) The Street Area is not used as a public street, and (ii) the only private
21 abutting property owner has consented to its vacation.

22 B. There are no in-place public utility facilities that are in use and would be
23 affected by the vacation of the Street Area.

24 C. The Street Area is excess right-of-way of a street or highway, which is not
25 required for street or highway purposes.

1 D. The vacation and transfer of the Street Area is necessary in connection
2 with (i) the Agency's construction of the Jessie Square Parking Garage, the Jessie Square
3 Plaza, and related improvements and (ii) aiding and cooperating with the Agency in the
4 implementation of the Yerba Buena Center Redevelopment Plan.

5 Section 3. The Board of Supervisors adopts as its own and incorporates by reference
6 as though fully set forth herein the findings of the City Planning Department in the Director of
7 Planning's letters dated August 16, 2001, August 8, 2002 and Nov. 12, 2003, respectively,
8 that the proposed vacation of the Street Area is categorically exempt from Environmental
9 Review under the California Environmental Quality Act and is in conformity with the General
10 Plan and with the Eight Priority Policies of Section 101.1 of the Planning Code.

11 Section 4. Pursuant to California Streets and Highways Code, Division 9, Part 3,
12 Chapter 4, Sections 8330 et seq. (Public Streets, Highways, and Service Easements Law,
13 Summary Vacation), the Board of Supervisors hereby orders the summary vacation of that
14 part of Stevenson Street referred to in Section 1 above as the Street Area and described in
15 the Department of Public Works' SUR Map No. SUR-9001, dated December 20, 2001.
16 Furthermore, as of the date of recordation of this Ordinance, such Street Area will no longer
17 constitute a street or highway.

18 Section 5. The public convenience and necessity require that no easements or other
19 rights be reserved for any public utility facilities that are in place in the Street Area and that
20 any rights based upon any such public utility facilities shall be extinguished automatically upon
21 the effectiveness of the vacation hereunder.

22 Section 6. The Board of Supervisors hereby authorizes the Director of Property, on
23 behalf of the City and County of San Francisco, to execute an Agreement for Transfer of Real
24 Estate with the Agency, a quitclaim deed conveying the City's interest in the Street Area to the
25 Agency at no cost, and all other documents and instruments necessary to effectuate the

1 vacation and sale of the Street Area to the Agency. The Agreement for Transfer of Real
2 Estate shall be in substantially the form on file with the Clerk of the Board of Supervisors in
3 File No. _____.

4 Section 7. The Board of Supervisors hereby directs its Clerk to transmit to the
5 Recorder, the Director of Public Works, and the Director of Property, a certified copy of this
6 Ordinance, and such officials are hereby directed to proceed thereafter as required by law.

7 Section 8. The Mayor, Clerk of the Board, Director of Property, and Director of Public
8 Works are hereby authorized and directed to take any and all actions which they or the City
9 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
10 this Ordinance (including, without limitation, confirmation of satisfaction of any of the
11 conditions to the effectiveness of the vacation of the Street Area hereunder and to convey the
12 Street Area to the Agency in accordance with the terms and conditions of the Agreement to
13 Transfer Real Estate).

14 RECOMMENDED:

DESCRIPTION APPROVED:

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17 _____
Kenneth E. Winters
Acting Director of Property

17 _____
John R. Martin
County Surveyor

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20 _____
Edwin M. Lee
Director of Public Works

APPROVED AS TO FORM:
Dennis J. Herrera, City Attorney

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22
23 _____
Robert Beck
Deputy Director for Engineering

By: _____
Donnell W. Choy
Deputy City Attorney