

[Street Vacation and Interdepartmental Property Transfer - Portions of Hudson Avenue and Hunters Point Boulevard - 900 Innes Avenue Park Project]

Ordinance ordering the street vacation of a portion of Hudson Avenue, adjacent to Assessor's Parcel Block No. 4629A, Lot Nos. 010 and 011, and Assessor's Parcel Block No. 4646, Lot No. 022, and a portion of Hunters Point Boulevard adjacent to Assessor's Parcel Block No. 4629A, Lot Nos. 011 and 012, to facilitate the development of the 900 Innes Avenue (India Basin) Park project; waiving the requirements of Administrative Code, Chapter 23 and approving the interdepartmental transfer of the street vacation area from Public Works to the Recreation and Park Department; authorizing official acts in connection with this Ordinance; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Findings Regarding Street Vacation.

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

(b) On _____, 2025, the Board of Supervisors ("Board") adopted Resolution No. _____ (the "Resolution of Intention"), being a resolution declaring the intention of

1 the Board to vacate (1) a portion of Hudson Avenue, adjacent to Assessor's Parcel Block No.
2 4629A, Lot Nos. 010 and 011, and Assessor's Parcel Block No. 4646, Lot No. 022, and (2) a
3 portion of Hunters Point Boulevard adjacent to Assessor's Parcel Block No. 4629A, Lot Nos.
4 011 and 012 (collectively, the "Vacation Area"). A copy of said Resolution is on file with the
5 Clerk of the Board of Supervisors in File No. 250818, and is incorporated herein by reference.

6 (c) The Vacation Area is shown in Public Works SUR Map No. 2023-001, sheet 1 (the
7 "SUR Map"). A copy of said map is on file with the Clerk of the Board in File No. 250818 and
8 is incorporated herein by reference.

9 (d) The Clerk of the Board has transmitted to the Director of Public Works a certified
10 copy of the Resolution of Intention, and the Director has caused the notice of adoption of such
11 resolution to be posted in the manner required by law as demonstrated by the affidavit of
12 posting on file with the Clerk of the Board in File No. _____.

13 (e) When such matter was considered as scheduled by the Board at its regular
14 meeting held in City Hall, 1 Dr. Goodlett Place, San Francisco, on _____, the Board
15 heard all persons interested in the vacation of the Vacation Area.

16 (f) The vacation of the Vacation Area, and the jurisdictional transfer of the Vacation
17 Area from the Department of Public Works ("Public Works") to the Recreation and Park
18 Department, are necessary to implement the India Basin park development at 900 Innes
19 Avenue (the "900 Innes Avenue Park Project"). This project will transform a post-industrial
20 brownfield site into a 21st century legacy park in an historic waterfront context, with an
21 emphasis on habitat and wetland restoration and enhancement, public access, resiliency to
22 sea level rise, social equity, and waterfront recreation. The 900 Innes Avenue Park Project
23 will serve an historically underserved southeast San Francisco community and support a
24 contiguous 1.5-mile waterfront open space and trail network, as well as connect a total of 64
25 acres of shoreline from Heron's Head Park to the future Northside Park. The project will

1 further connect these spaces to the Blue Greenway and create a segment of the San
2 Francisco Bay Trail that will provide pedestrian and bicycle connections from the
3 Embarcadero all the way to Candlestick Point. Specifically, the project will combine the
4 existing India Basin Shoreline Park and 900 Innes Avenue into one grand 10-acre waterfront
5 park development that will include six major zones including the neighborhood edge, the
6 historic shorewalk, the marineway, the sage slopes, the marsh edge, and the boatyard.

7 (g) In Public Works Order No. _____, dated _____ (“Public Works
8 Order”), a copy of which is on file with the Clerk of the Board in File No. _____, the
9 Director of Public Works and the City Engineer (collectively, the “Public Works Director”)
10 determined that: (1) the vacation of the Vacation Area is being taken pursuant to California
11 Streets and Highways Code, Sections 8300 et seq. and Public Works Code, Section 787(a) ;
12 (2) the Vacation Area presently contains overhead electrical utility facilities owned and
13 operated by Pacific Gas and Electric (“PG&E Facilities”); (3) the Vacation Area is currently no
14 longer necessary for the City’s present or prospective public street or sidewalk purposes; (4)
15 in accordance with California Streets and Highways Code Sections 892 and 8314, the right-of-
16 ways and parts thereof proposed for vacation are currently no longer useful as a non-
17 motorized transportation facility, as defined in California Streets and Highways Code Section
18 887; (5) the consent of all property owners adjacent to the Vacation Area was obtained; and
19 (6) subject to PG&E’s continued access to a portion of the Vacation Area for the use,
20 maintenance, repair, and replacement of the PG&E Facilities, none of the Vacation Area is
21 necessary for present or prospective public use. A copy of the Public Works Order is on file
22 with the Clerk of the Board in Board File No. _____ and is incorporated herein by
23 reference.

24 (h) In addition, in the Public Works Order, the Public Works Director recommended
25 that the Board adopt this ordinance to vacate the Vacation Area as shown on the SUR Map,

1 subject to reserving an easement to provide PG&E with continued access to a portion of the
2 Vacation Area for the use, maintenance, repair, and replacement of the PG&E Facilities.
3 Moreover, the Public Works Director recommended that the Board approve the jurisdictional
4 transfer of the Vacation Area from Public Works to the Recreation and Park Department to
5 implement the 900 Innes Avenue Park Project. The Board of Supervisors adopts as its own,
6 the Public Works Director's determinations and recommendations in the Public Works Order
7 concerning the vacation of the Vacation Area, and other actions in furtherance thereof.

8
9 Section 2. General Plan Consistency and CEQA Findings.

10 (a) The India Basin Mixed-Use Project has been analyzed pursuant to the California
11 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) under
12 Planning Department Case Nos. 2014-002541 and 2014-002541GPR-02. On July 26, 2018,
13 the Planning Commission certified the Final Environmental Impact Report (Motion No. 20247)
14 ("Final EIR") and adopted CEQA findings, including a statement of overriding considerations
15 (Motion No. 20248). The scope of the Final EIR included an analysis of the 900 Innes Avenue
16 Park Project.

17 (b) In Planning Commission Resolution No. 20250, also adopted on July 26, 2018, the
18 Planning Commission found that the India Basin Mixed-Use Project, and the associated 900
19 Innes Avenue Park Project, street vacations, land acquisition, and conveyances, are
20 consistent with the General Plan and the eight priority policies of Planning Code
21 Section 101.1. A copy of Planning Commission Resolution No. 20250 is on file with the Clerk
22 of the Board in File No. 250818 and is incorporated by reference herein. The Board of
23 Supervisors adopts as its own the consistency findings of Planning Commission Resolution
24 No. 20250.

1 (c) On October 16, 2018, the Board of Supervisors approved Motion No. M18-136 (File
2 No. 180842) affirming the Planning Commission's certification of the Final EIR prepared for
3 the India Basin Mixed-Use Project. Said motion is incorporated herein by reference.

4 (d) Further, in a letter dated May 1, 2019 (the "Planning Letter"), the Planning
5 Department confirmed that the 900 Innes Avenue Park Project is consistent with the General
6 Plan and with the eight priority policies of Planning Code Section 101.1. In addition, the
7 Planning Department confirmed that the street vacation and other actions contemplated
8 herein are within the scope of the project evaluated under the Final EIR. A copy of the
9 Planning Letter is on file with the Clerk of the Board in File No. 171286, and is incorporated by
10 reference herein. The Board adopts as its own the consistency findings of the Planning
11 Letter.

12 (e) Further, in a letter dated August 15, 2024 (the "Note to File"), the Planning
13 Department confirmed that various miscellaneous mapping, land acquisition, jurisdictional
14 transfers, and similar actions including the vacation of the Vacation area, are consistent with
15 what was described in both Resolution No. 20250 and in the Planning Letter, and are, on
16 balance, consistent with the General Plan and the eight priority policies of Planning Code
17 Section 101.1, and the environmental clearance findings of the Planning Letter can also be
18 applied to the vacation of the Vacation Area. A copy of the Note to File is on file with the
19 Clerk of the Board in File No. _____, and is incorporated by reference herein.

20 (f) All of the India Basin Mixed-Use Project documents are on file with the Clerk of the
21 Board of Supervisors in File Nos. 180841 (regarding the CEQA appeal), 180842 (affirming the
22 CEQA determination), 180816 (amending the General Plan), 180680 (amending the Planning
23 Code and Zoning Map), 180681 (approving the applicable Development Agreement), and
24 _____ (the Note to File). The Board finds that no substantial changes to the 900 Innes
25 Avenue Park Project are proposed by the actions contemplated in this ordinance, nor by the

1 circumstances under which these actions are undertaken that would cause new significant
2 environmental effects or cause any increase in the severity of previously identified significant
3 effects. The Board further finds that there is no new information of substantial importance
4 showing that the approvals contemplated herein would have any significant effects not
5 discussed in the environmental and approval documents for the India Basin Mixed-Use
6 Project, or that significant effects would be substantially more severe, or that new or different
7 mitigation measures or alternatives would substantially reduce one or more significant effects
8 of that project. The Board adopts the Planning Department's CEQA findings in Motion
9 No. 20248 as its own for purposes of this ordinance.

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11 Section 3. Ordering Street Vacation.

12 (a) The Board of Supervisors hereby vacates the Vacation Area, as shown on the SUR
13 Map, pursuant to California Streets and Highways Code Sections 8300 et seq. and Public
14 Works Code Section 787(a), and upon satisfaction of the terms, conditions, and reservations
15 as set forth in this ordinance.

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

18 (c) The public interest, convenience, and necessity require that the vacation be done
19 as declared in this ordinance.

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21 Section 4. Interdepartmental Property Transfer from Public Works to the Recreation
22 and Park Department. Notwithstanding the requirements of Administrative Code Chapter 23,
23 the Board of Supervisors hereby approves the interdepartmental property transfer of the
24 Vacation Area from Public Works to the Recreation and Park Department, and directs the
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1 Division of Real Estate's Director of Property to modify the City's records concerning City
2 property ownership and jurisdiction accordingly.

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4 Section 5. Official Acts in Connection with the Ordinance. The Board authorizes the
5 Clerk of the Board, the Port Director, the Director of Property, the County Surveyor, the
6 General Manager of the Recreation and Park Department, and the Public Works Director to
7 take any and all actions which they or the City Attorney may deem necessary or advisable to
8 effectuate the purpose and intent of this ordinance, including, without limitation, the filing of
9 this ordinance in the Official Records of the City and County of San Francisco, confirmation of
10 the satisfaction of the conditions to the effectiveness of the vacation of the Vacation Area, if
11 any, and execution and delivery of any evidence of the same, which shall be conclusive as to
12 the satisfaction of the conditions.

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

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19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Christopher T. Tom
22 CHRISTOPHER T. TOM
23 Deputy City Attorney

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