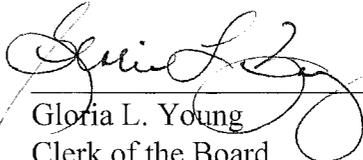


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To correct Page 1, line 15 by changing "July 25, 2000" to "July 31, 2000"



Gloria L. Young
Clerk of the Board
October 17, 2000

AMENDMENT OF THE WHOLE

FILE NO. 992235

ORDINANCE NO. 230-00

[Street Vacation in Connection with YBC Plan Amendment]

ORDERING THE VACATION OF A PORTION OF JESSIE STREET BETWEEN FOURTH AND FIFTH STREETS IN CONNECTION WITH THE PROPOSED EXPANSION OF THE YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA AND DEVELOPMENT OF THE EMPORIUM SITE AND OTHER PROPERTY; ESTABLISHING CONDITIONS FOR THE EFFECTIVENESS OF THE VACATION; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1; AND RATIFYING ACTS AND AUTHORIZING ACTIONS IN FURTHERANCE OF THE ORDINANCE.

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

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

A. On July ³¹~~25~~, 2000, the Board of Supervisors adopted Resolution

No. 663-00 (the "Resolution of Intention"), being a Resolution of Declaration of Intention to Order the Vacation of a portion of Jessie Street between Fourth and Fifth Streets, as further described below (the "Street Area").

B. The Street Area is shown in the Department of Public Works' SUR Maps No. 699, Change 1, dated November 30, 1999 and is more particularly described in the legal description attached to such map. A copy of such map and accompanying legal description is on file with the Clerk of the Board of Supervisors in File No. 992235.

C. The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of
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SUPERVISOR YAKI, BIERMAN
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1 the Department of Public Works did cause notice of adoption of such resolution to be posted
2 in the manner required by law.

3 D. When such matter was considered as scheduled by the Board of Supervisors at
4 its regular meeting held in the City Hall, San Francisco, on August 28, 2000, beginning at 3:00
5 p.m., the Board heard all persons interested in the vacation of the Street Area.

6 E. The vacation of the Street Area is necessary to fulfill the objectives of the
7 proposed amendment to the Redevelopment Plan for the Yerba Buena Center
8 Redevelopment Project Area, which would expand the Project Area to include additional
9 territory containing a portion of the block bounded by Market, Fourth, Mission and Fifth Streets
10 (including the site of the Emporium building and related buildings and the Street Area) and a
11 portion of Mission Street between Fourth and Fifth Streets to the streetwall of the Fifth and
12 Mission Garage at the southern boundary of such added territory, specifically including
13 Assessor's Block 3705, Lots 9, 10, 12, 13, 14, 15, 17, 18, 33, 38 and 43 (the "Redevelopment
14 Plan Amendment"). The City proposes to sell and convey the Street Area, concurrently with
15 the satisfaction of the conditions to the effectiveness of the vacation contemplated hereby, to
16 the Redevelopment Agency for the immediate reconveyance to the developer of such site (the
17 "Developer"). The Developer would be required to dedicate, construct and convey to the City
18 newly routed portions of Jessie Street to Mission Street.

19 F. From all the evidence submitted at the hearing on the Resolution of Intention,
20 the Board of Supervisors finds that the Street Area, as described in such resolution, is
21 unnecessary for present or prospective public use, subject to the reservations and conditions
22 described in this Ordinance.

23 G. In Resolution No. 812-00, a copy of which is on file with the
24 Clerk of the Board of Supervisors in File No. 001265, this Board of Supervisors
25 affirmed the Planning Commission's and Redevelopment Commission's certification of the

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1 Final Supplemental Environmental Impact Report for the Yerba Buena Redevelopment
2 Project Area Expansion/Emporium Site Development (SCH. No. 98072072) (the "FSEIR") as
3 adequate and complete pursuant to the California Environmental Quality Act ("CEQA"), the
4 State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. In such
5 Resolution, this Board also adopted findings in connection with the FSEIR, including an
6 Addendum thereto, and its actions related to the Yerba Buena Redevelopment Project Area
7 Expansion, including the actions contemplated herein, and adopted a mitigation monitoring
8 and reporting program. This Board hereby incorporates by reference as if fully set forth herein
9 such Resolution, including its findings and mitigation program, and relies on such Resolution
10 as the CEQA basis for the actions proposed in this legislation.

11 H. On August 17, 2000, the Planning Commission adopted
12 Resolution No. 15947, a copy of which is on file with the Clerk of the Board of
13 Supervisors in File No. 001256, wherein the Planning Commission found that the
14 vacation of the Street Area is consistent with the City's General Plan, including the street
15 vacation criteria set forth in the Urban Design Element, and with the Eight Priority Policies of
16 City Planning Code Section 101.1.

17 Section 2. The public convenience and necessity require that the City reserve and
18 except from the vacation of the Street Area solely the following: the non-exclusive easement
19 for the benefit of Pacific Bell and PG&E, in, upon, and over those certain portions of the Street
20 Areas in which their respective in-place and functioning facilities are located as described in
21 the maps on file with the Clerk of the Board of Supervisors under File No. 992235, to
22 the extent necessary to maintain, operate, repair and remove such existing lines of pipe,
23 conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the
24 operation of existing gas pipelines, telegraphic, telecommunication and telephone lines, and
25 existing street lighting facilities, and existing facilities for the transportation or distribution of

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1 electric energy, and reasonable access to the foregoing facilities for the purposes set forth
2 above.

3 Section 3. The public convenience and necessity further require: that any reserved or
4 excepted easements for existing utilities described in the preceding section shall be
5 terminated, in whole or in part, as applicable, upon the earliest of (i) the termination of the
6 easement under an instrument (if any) signed by Pacific Bell or PG&E, (ii) the City's
7 acceptance of a new dedicated public street (or streets) in place of any of the Street Areas in
8 which such existing utilities are located or (iii) the determination by the City's Director of Public
9 Works that (A) reasonable alternative utility service has been provided to the areas served by
10 such utilities for the period of service needed or (B) the areas served by the utilities no longer
11 require such service (as may be evidenced by written notice of the owners being served that
12 such service is no longer required); and that any new public utilities shall be placed in a new
13 dedicated street pursuant to then applicable franchise rights or other applicable requirements
14 of controlling state or federal statutes, or otherwise in locations and on terms and conditions
15 reasonably satisfactory to the City's Director of Property, the Director of Public Works,
16 including without limitation, the location, term, width, scope, access rights and maintenance
17 rights of the new utilities.

18 Section 4. The public convenience and necessity require that in connection with the
19 conveyance by the City of the Street Area in furtherance of the Redevelopment Plan
20 Amendment, the City shall receive a grant of a non-exclusive interim easement for existing in-
21 place City utilities and for pedestrian and vehicular access, the reason for which will arise due
22 to the vacation of the Street Area. Such easement shall be substantially in the form of the
23 easement on file with the Clerk of the Board in File No. 992235.

24 Section 5. Any removal or relocation of any in-place utility shall be performed at no
25 cost or expense to the City, provided that nothing in this Ordinance shall be deemed to

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7/8/00

1 preclude any future owner of the Street Area from charging a third party for or otherwise
2 causing a third party to bear the costs of such relocation where such charge or cost is
3 otherwise permitted by law.

4 Section 6. The public convenience and necessity require that except as specifically
5 provided in this Ordinance above and subject to the conditions set forth in Section 7 of this
6 Ordinance, no easements or other rights be reserved for any public utility facilities that are in
7 place in the Street Area and that any rights based upon any such public utility facilities shall
8 be extinguished upon the effectiveness of the vacation hereunder.

9 Section 7. The vacation of the Street Area shall be subject to the following grant of
10 rights of access on or before the effective date of the vacation as provided herein: in
11 connection with the conveyance of the Street Area by the City in furtherance of the
12 Redevelopment Plan Amendment, the City shall receive a grant of a non-exclusive interim
13 easement in, upon, over and across portions of the Street Area for City utilities, pedestrian
14 and vehicular access to other properties. Such easement shall be substantially in the form on
15 file with the Clerk of the Board in File No. 992235.

16 Section 8. The public interest and convenience require that the vacation be done as
17 declared in the Resolution of Intention.

18 Section 9. The Board of Supervisors hereby finds that the vacation of the Street Area
19 is in conformity with the General Plan and is consistent with the Eight Priority Policies of
20 Planning Code Section 101.1 for the same reasons as set forth in the Planning Commission
21 Resolution No. 15947, and hereby incorporates such findings by reference as though
22 fully set forth in this Ordinance.

23 Section 10. The Board of Supervisors has acquired jurisdiction to order such
24 vacation subject to the reservation of easements described in this Ordinance above.

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SUPERVISOR YAKI
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1 Section 11. Pursuant to California Streets and Highways Code Section 8320 et seq.
2 and Section 737 of the San Francisco Public Works Code the Street Area is hereby ordered
3 vacated in the manner described in the Resolution of Intention, subject to and effective upon
4 the occurrence of the following conditions: (i) the ordinance approving the Redevelopment
5 Plan Amendment becomes effective, (ii) the Developer shall have irrevocably offered for
6 dedication, and the City shall have accepted or conditionally accepted the dedication for the
7 areas for the new routes for Jessie Street West and Jessie Street East, connecting to Mission
8 Street, as such new street areas are shown on the map on file with the Clerk of the Board in
9 File No. 992235 ("Jessie Street West" and "Jessie Street East"), including any public
10 utility facilities to be located on or under such properties, (iii) the Developer shall have entered
11 into a street improvement agreement with the City or obtained a street improvement permit
12 from the City for the construction of the new Jessie Street West and Jessie Street East in
13 accordance with improvement plans approved by the City, (iv) the Developer shall have
14 furnished the City with bonds or other security acceptable to the City with respect to the
15 Developer's obligations to complete construction of the street improvements for Jessie Street
16 West and Jessie Street East, including any required City utilities, (v) the City shall have
17 received grants of non-exclusive interim easements from the Developer in form and
18 substance approved by the Director of Property for in-place City utilities and pedestrian and
19 vehicular access over portions of the Street Area as provided in Sections 4 and 7 of this
20 Ordinance and (vi) the City shall have determined that all of the other conditions to the City's
21 conveyance of the Street Area to the Redevelopment Agency have been satisfied (or waived
22 by the City); and upon the satisfaction of such conditions (as conclusively evidenced by a
23 letter from the Director of Property and the Director of Public Works, or their designees, that
24 such conditions have been satisfied, including the satisfaction of such conditions through a
25 simultaneous escrow with the closing of the sale of the Street Area by the City) the Clerk of

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1 the Board of Supervisors and the Director of Property shall be authorized and the Clerk shall
2 be directed to record (or cause to be recorded) a certified copy of the Ordinance ordering
3 such vacation as provided in Section 8325(a) of the California Streets and Highways Code,
4 and thereupon such vacation shall be effective without any further action by the Board of
5 Supervisors.

6 Section 12. The Board of Supervisors hereby directs the Clerk of the Board of
7 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
8 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
9 required by law. The Clerk of the Board is also hereby directed, upon request by the Director
10 of Public Works, to transmit to the Recorder (or cause to be so transmitted) a certified copy of
11 this Ordinance so that this Ordinance may be recorded upon satisfaction of the conditions
12 precedent described above.

13 Section 13. The approval under this Ordinance shall take effect upon the effective date
14 of the amendments to the General Plan approved under Board of Supervisors Ordinance No.
15 229-00, adopted on October 13, 2000.

16 Section 14. All actions heretofore taken by the officers of the City with respect to such
17 street vacations are hereby approved, confirmed and ratified, and the Mayor, Clerk of the
18 Board, Director of Property, and Director of Public Works are hereby authorized and directed
19 to take any and all actions which they or the City Attorney may deem necessary or advisable
20 in order to effectuate the purpose and intent of this Ordinance (including, without limitation,
21 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
22 Street Area hereunder and execution and delivery of any evidence of

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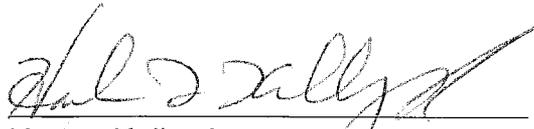
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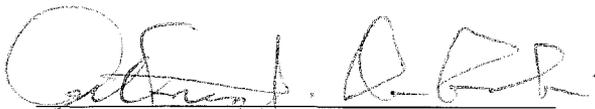
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BOARD OF SUPERVISORS

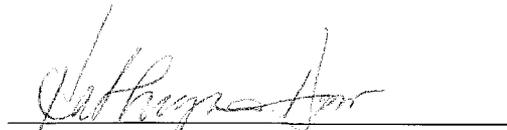
1 the same, which shall be conclusive as to the satisfaction of such conditions upon signature
2 by any such City official or his or her designee).

3
4 RECOMMENDED:

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6 
7 _____
8 Harlan Kelly, Jr.
9 Acting Director of Public Works

10 
11 _____
12 Anthony J. DeLucchi
13 Director of Property

14 DESCRIPTION APPROVED:

15
16 
17 _____
18 Kathryn How
19 Acting City Engineer

20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23 By 
24 _____
25 Jesse Capin Smith
Deputy City Attorney

SUPERVISOR YAKI
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 992235

Date Passed:

Ordinance ordering the vacation of a portion of Jessie Street between Fourth and Fifth Streets in connection with the proposed expansion of the Yerba Buena Center Redevelopment Project Area and development of the Emporium Site and other property; establishing conditions for the effectiveness of the vacation; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of city Planning Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the ordinance.

July 10, 2000 Board of Supervisors — SUBSTITUTED

August 28, 2000 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
Excused: 2 - Becerril, Newsom

September 18, 2000 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 8 - Ammiano, Bierman, Brown, Kaufman, Leno, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Becerril, Newsom

September 25, 2000 Board of Supervisors — PASSED ON FIRST READING

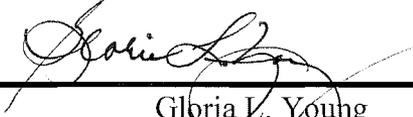
Ayes: 6 - Bierman, Katz, Kaufman, Leno, Newsom, Yaki
Noes: 1 - Ammiano
Absent: 3 - Brown, Teng, Yee
Excused: 1 - Becerril

October 2, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Noes: 1 - Ammiano
Absent: 1 - Katz
Excused: 1 - Becerril

File No. 992235

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 2, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 13 2000
Date Approved



Mayor Willie E. Brown Jr.