

1 [Resolution of Intent - Street Vacation - Hunters Point Shipyard Phase II Redevelopment
2 Plans - Candlestick Point]

3 **Resolution declaring the intent of the Board to order the vacation of portions of streets**
4 **along with public service easements that may exist within the Hunters Point Shipyard**
5 **Phase II Redevelopment Plan area, generally bounded the 1948 Bulkhead Line to the**
6 **north, the 1941 Bulkhead Line to the east, Bancroft Avenue to the south, and Griffith**
7 **Street to the west, including submerged areas; order the vacation of portions of streets**
8 **along with public service easements that may exist within the Candlestick Point**
9 **Redevelopment Plan area, generally bounded by Underwood Avenue, Arelious Walker**
10 **Drive, Gilman Avenue, Donahue Street, Carroll Avenue, Alvord Street, Fitzgerald**
11 **Avenue, the City and County of San Francisco County Line, Harney Way, Ingerson**
12 **Avenue, and Hawes Street, including submerged areas; order the conditional vacation**
13 **of portions of Griffith Street, Nichols Way, Cameron Way, Doublerock Street, Giants**
14 **Drive, Hunters Point Expressway, Jamestown Avenue, Gilman Avenue, and Crisp Road**
15 **for various purposes; reserve various easement rights in favor of the City and third**
16 **party utilities, subject to conditions specified in this Ordinance; and setting a hearing**
17 **date of April 8, 2014, for all persons interested in the proposed vacation of said street**
18 **areas and public service easements.**

19
20 WHEREAS, This vacation proceeding is for portions of the following streets within the
21 Hunters Point Shipyard along with public service easements in the vacated streets or between
22 them: Earl Street, Donahue Street, Coleman Street, Boalt Street, Alvord Street, Ship Street,
23 Dock Street, Tevis Street, Von Schmidt Street, Pollock Street, Burke Avenue, Custer Avenue,
24 Davidson Avenue, Evans Avenue, Fairfax Avenue, Galvez Avenue, Hudson Avenue, Innes
25 Avenue, Jerrold Avenue, Kirkwood Avenue, LaSalle Avenue, McKinnon Avenue, Newcomb

1 Avenue, Oakdale Avenue, Palou Avenue, Quesada Avenue, Revere Avenue, Shafter Avenue,
2 Thomas Avenue, Underwood Avenue, Van Dyke Avenue, Wallace Avenue, Yosemite Avenue,
3 Armstrong Avenue, and an unnamed submerged waterfront street strip; portions of the
4 following streets near Candlestick Point and/or Yosemite Slough along with public service
5 easements that may exist in the vacated streets or between them: Tovar Avenue, Earl Street,
6 Donahue Street, Hunters Point Expressway, Donner Avenue, Fitzgerald Avenue, Jamestown
7 Avenue, Ingerson Avenue, Boalt Street, Alvord Street, Hollister Avenue, Dock Street, Bancroft
8 Avenue, a triangular portion of Van Dyke Avenue southeast of Hawes Avenue, Giants Drive,
9 Gilman Avenue, and Crisp Road; and the streets within the Alice Griffith Housing Project
10 along with public service easements that may exist in the vacated streets or between them:
11 Griffith Street, Nichols Way, Cameron Way, Doublerock Street, (collectively, the “Vacation
12 Area”). Of the streets listed, the vacation will be conditional as to portions of the following
13 streets: Griffith Street, Nichols Way, Cameron Way, Doublerock Street, Giants Drive, Hunters
14 Point Expressway, Jamestown Avenue, Gilman Avenue, and Crisp Road. These street
15 vacation actions are conducted under the general vacation procedures of the Public Streets,
16 Highways and Service Easements Vacation Law (California Streets and Highways Code
17 sections 8300 et seq.); and,

18 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
19 street vacation procedures for the City and County of San Francisco (the “City”) shall be in
20 accordance with the applicable provisions of the California Streets and Highways Code and
21 such rules and conditions as are adopted by the Board of Supervisors; and,

22 WHEREAS, The location and extent of the Vacation Area is more particularly described
23 on the Department of Public Works; SUR Map No. 6010, Sheets 1 through 18, dated February
24 20, 2014, copies of such maps are on file with the Clerk of the Board of Supervisors in File
25 No. 140171 and are incorporated herein by reference; and,

1 WHEREAS, The proposed vacation of the Vacation Area is part of an action to
2 implement the Hunters Point Shipyard Redevelopment Plan as amended on August 3, 2010
3 and the Bayview Hunters Point Redevelopment Plan as amended on August 3, 2010 and the
4 Candlestick Point-Hunters Point Shipyard Phase II Development Project (the “Project”)
5 pursuant to the Candlestick Point-Hunters Point Shipyard Phase II Disposition and
6 Development Agreement (the “DDA”) by and between CP Development Co. and the San
7 Francisco Redevelopment Agency, now known as the Office of Community Investment and
8 Infrastructure (“OCII”); and,

9 WHEREAS, The abovementioned Redevelopment Plans and related approvals are
10 found in Ordinance Nos. 207-10, 208-10, 210-10, and 211-10, copies of which are on file with
11 the Clerk of the Board in File Nos. 100578, 100579, 100658, and 100659, respectively, and
12 incorporate herein by reference; and,

13 WHEREAS, The City proposes to quitclaim its interest in the Vacation Area; however,
14 because many of these streets and easements will remain in use until specified times, certain
15 portions of the Vacated Area as described more fully below would not be vacated until certain
16 conditions are satisfied, as follows:

17 (a) Alice Griffith. Vacation of the Vacated Area shown on SUR Map No, 6010, sheets
18 13 and 14, portions of Griffith Street, Nichols Way, Cameron Way, and Doublerock Street
19 serving the Alice Griffith Housing Project along with public service easements in such streets
20 or crossing the property separating them (1) shall be conditioned upon the granting of Sub-
21 Phase Approval by OCII for the area that includes the Vacated Area referred to in this
22 subparagraph, and (2) shall become effective and be implemented by the City prior to the
23 execution of the license agreement or similar instrument between the City, the San Francisco
24 Housing Authority, and CP Development Co. or its assignee under the DDA providing CP
25 Development Co. or its assignee right to access and improve the property;

1 (b) Giants Drive. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet
2 4, a portion of Giants Drive, (a) shall be conditioned upon the granting of Sub-Phase Approval
3 by OCII for the area that includes the Vacated Area referred to in this subparagraph; and (b)
4 shall become effective and be implemented at the time OCII transfers title to the Vacated Area
5 referred to in this subparagraph to CP Development or its assignee pursuant to the DDA;

6 (c) Hunters Point Expressway within Development Boundary. Vacation of the
7 Vacated Area shown on SUR Map No. 6010, sheet 6 consisting of that portion of Hunters
8 Point Expressway located within the Candlestick Point development boundary, (1) shall be
9 conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the
10 Vacated Area referred to in this subparagraph; and (2) shall become effective and be
11 implemented at the time OCII transfers title to the Vacated Area referred to in this
12 subparagraph to CP Development or its assignee pursuant to the DDA;

13 (d) Jamestown Avenue and Portion of Hunters Point Expressway Outside of
14 Development Boundary. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 6
15 consisting of Jamestown Avenue and that portion of Hunters Point Expressway located
16 outside the Candlestick Point development boundary, (1) shall be conditioned upon the same
17 conditions to closing of the trust exchange between the State Lands Commission and State
18 Parks in this location; and (2) shall become effective and be implemented at the time such
19 trust exchange is implemented as to the lands that include the Vacated Area referred to in this
20 subparagraph; and,

21 (e) Gilman Avenue. Vacation of the Vacated Area shown on SUR Map No. 6010,
22 sheet 7, portions of Gilman Avenue between Arelious Walker and Donahue, (1) shall be
23 conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the
24 Vacated Area referred to in this subparagraph; and (2) shall become effective and be
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1 implemented at the time OCII transfers title to the Vacated Area referred to in this
2 subparagraph to CP Development or its designee pursuant to the DDA;

3 (f) Crisp Road. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 16
4 consisting of the paper street portions of Oakdale Avenue, Arelious Walker Drive, Earl Street,
5 Newcomb Avenue and Donahue Street located beneath Crisp Road shall be conditioned upon
6 the granting of a Sub-Phase Approval by OCII for the area that: (1) includes the Vacated Area
7 referred to in this subparagraph and (2) includes a request by CP Development Co. or OCII to
8 effectuate the vacation described in this subparagraph. Provided that conditions of
9 Subparagraph (1) and (2) are satisfied, vacation of the subject portion of the Vacated Area
10 shall become effective and be implemented at the time OCII transfers title to the Vacated Area
11 referred to in this subparagraph to CP Development Co. or its assignee pursuant to the DDA;
12 and,

13 WHEREAS, As to each of the Vacation Areas described in Subsections (a) through (f)
14 of the preceding paragraph, where a particular Sub-Phase Approval encompasses some, but
15 not all, of the identified Vacation Area, the proposed vacation would be implemented only as
16 to the portion that is subject to Sub-Phase Approval, and subject to the reservations described
17 in this Resolution. Remaining Vacation Areas not specifically identified in Subsections (a)
18 through (f) of the preceding paragraph would be vacated immediately upon the approval and
19 effectiveness of the Board of Supervisors' Ordinance approving vacation; and,

20 WHEREAS, In a letter dated November 21, 2014 (the "Planning Letter"), the City
21 Planning Department determined that the proposed vacations and other actions contemplated
22 herein are consistent with the General Plan and with the Eight Priority Policies of City
23 Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of
24 Supervisors in File No. 140171 and is incorporated by reference herein; and.

1 WHEREAS, In a letter dated February 13, 2014 (the "OCII Letter"), OCII determined
2 that the proposed vacations and other actions contemplated herein are consistent with the
3 Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment
4 Plan, and the Candlestick Point-Hunters Point Shipyard Phase II Development Project; and,
5 WHEREAS, In DPW Order No. 182274 dated February 24, 2014, a copy of which is on
6 file with the Clerk of the Board of Supervisors in File No. 140171 and incorporated herein by
7 reference, the Director of the Department of Public Works determined that: (a) for those
8 portions of the Vacation Area proposed for conditional vacation, upon satisfaction of the
9 applicable condition or conditions, the respective Vacation Area would no longer be necessary
10 for the City's present or prospective future public street and sidewalk and public service
11 easement purposes; (b) for all other areas, the proposed Vacation Area is no longer
12 necessary for the City's present or prospective future public street and sidewalk and public
13 service easement purposes, (c) for those portions of the proposed Vacation Area to be
14 conditionally vacated, upon satisfaction of the applicable condition or conditions, the right-of-
15 ways and parts thereof proposed for vacation will no longer be useful as a nonmotorized
16 transportation facility, as defined in Section 887, because the Candlestick Point-Hunters Point
17 Shipyard Phase II Development Project includes new facilities for bicycle and pedestrian
18 movement that are equal to or in excess of what may currently exist; (d) for all other areas, in
19 accordance with Streets and Highways Code Section 892 and 8314, the right-of-ways and
20 parts thereof proposed for vacation are no longer be useful as a nonmotorized transportation
21 facility, as defined in Section 887, because the Project includes new facilities for bicycle and
22 pedestrian movement that are equal to or in excess of what may currently exist; (e) the
23 proposed quitclaims of public right-of-way are consistent with the Bayview Hunters Point
24 Redevelopment Plan and the Hunters Point Shipyard Redevelopment Plan, as both were
25 amended on August 3, 2010, and (f) the value of such exchange for future public right-of-way

1 and other public benefits is equal or in favor of the City, and (g) although the consent of all
2 property owners adjacent to the Vacation Areas was not obtained, the applicant made
3 reasonable attempts to notify and obtain consent from all property owners adjacent to a
4 Vacation Area consisting of a paper street and the proposed street vacations do not deprive
5 any private landowner of access to the built public street grid; and,

6 WHEREAS, The public interest, convenience, and necessity require that the City
7 reserve from the proposed vacation of the Vacation Area non-exclusive easements for the
8 benefit of the City (and subject to possible grants by the City of temporary, immediately
9 revocable licenses by the City in favor of AT&T, PG&E, and any other utilities) for any utilities,
10 telecommunications facilities, or power and gas transmission facilities, respectively, located in,
11 upon, and over any portion of the Vacation Area in which their respective in-place and
12 functioning utilities are located as of the date of the ordinance approving vacation of the
13 Vacation Area, to the extent necessary to maintain, operate, repair, and remove existing lines
14 of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and
15 fixtures for the operation of such utilities. The non-exclusive easements proposed for
16 reservation in this paragraph would be automatically extinguished when replacement utilities
17 serving the affected area have been substantially completed and are operable. Except in the
18 case where the reserved non-exclusive utility easements have merged into a fee interest held
19 by the City (in which case they shall be deemed to be automatically extinguished), the City
20 would execute a quitclaim of its interest in any easement reserved under this paragraph and
21 shall cause such quitclaim to be recorded against the subject property upon the servient
22 tenement owner demonstrating to the City that replacement utilities serving the affected area
23 have been substantially completed and operable; and,

24 WHEREAS, The public interest, convenience, and necessity require that the City
25 reserve from the proposed vacation of the Vacation Area temporary access for the benefit of

1 the public over portions of the Vacation Area to the extent required to preserve access
2 between private property and the system of public streets in existence as of the date of the
3 Ordinance approving the vacation of the Vacation Area. The access proposed for reservation
4 in this paragraph would be automatically extinguished when replacement access serving the
5 affected area has been substantially completed and is open to the public. Except in the case
6 where the reserved access rights have merged into a fee interest held by the City (in which
7 case they shall be deemed to be automatically extinguished), the City would execute a
8 quitclaim of the temporary access reserved under this paragraph and shall cause such
9 quitclaim to be recorded against the subject property upon the servient tenement owner
10 demonstrating to the City that replacement access serving the affected area has been
11 substantially completed and is open to the public; and,

12 WHEREAS, Subject to the reservations and conditions specified in this Resolution, (a)
13 those portions of the Vacation Area proposed to be conditionally vacated will be unnecessary
14 for prospective public use once the applicable condition has been satisfied; and (b) none of
15 the remainder of the proposed Vacation Area is currently necessary for present or prospective
16 public use; and,

17 WHEREAS, The United States Navy has rights for ingress and egress purposes for
18 pedestrian, vehicular and other access to connect other parcels in the Hunters Point Shipyard
19 as reserved in Quitclaim Deed recorded on December 3, 2004 at Reel 1776, Image 0207, as
20 Document No. 2004-H861241-00, Official Records of the City and County of San Francisco,
21 and corrected by Quitclaim Deed recorded on March 31, 2005 in Reel 1858, Image 0396 as
22 Document No. 2005-H930323, Official Records. The Street Vacation does not affect the
23 access rights of the Navy; and,

24 WHEREAS, Except as specifically provided above, the public interest, convenience,
25 and necessity require that no other easements or other rights be reserved for any public or

1 private utility facilities that are in place in the proposed Vacation Area and that any rights
2 based upon any such public or private utility facilities be extinguished upon Board approval of
3 the vacation actions; now, therefore, be it

4 RESOLVED, That under sections 8320 et seq. of the California Streets and Highway
5 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
6 Vacation Area as shown on SUR Map No. 6010, sheets 1 through 18, which is incorporated
7 hereby by reference, subject to the conditions, where applicable, and to the reservations
8 described above; and, be it

9 FURTHER RESOLVED, That notice is hereby given that on the April 8, 2014, at 3:00
10 P.M. in the Legislative Chambers of the Board of Supervisors, all persons interested in or
11 objecting to the proposed vacation will be heard; and, be it

12 FURTHER RESOLVED, That the San Francisco Board of Supervisors acknowledges
13 the Department of Public Works, Order No. 182274 findings, including among other things,
14 that (a) for those portions of the Vacation Area to be conditionally vacated, upon satisfaction
15 of the applicable condition or conditions, the respective Vacation Area will no longer be
16 necessary for the City's present or prospective future public street and sidewalk and public
17 service easement purposes; (b) for all other areas, the Vacation Area is no longer necessary
18 for the City's present or prospective future public street and sidewalk and public service
19 easement purposes, (c) for those portions of the Vacation Area to be conditionally vacated,
20 upon satisfaction of the applicable condition or conditions, the right-of-ways and parts thereof
21 proposed for vacation will no longer be useful as a nonmotorized transportation facility, as
22 defined in Section 887, because the Candlestick Point-Hunters Point Shipyard Phase II
23 Development Project includes new facilities for bicycle and pedestrian movement that are
24 equal to or in excess of what may currently exist; (d) for all other areas, in accordance with
25 Streets and Highways Code Section 892 and 8314, the right-of-ways and parts thereof

1 proposed for vacation are no longer be useful as a nonmotorized transportation facility, as
2 defined in Section 887, because the Candlestick Point-Hunters Point Shipyard Phase II
3 Development Project includes new facilities for bicycle and pedestrian movement that are
4 equal to or in excess of what may currently exist; (e) the proposed quitclaims of public right-of-
5 way are consistent with the Bayview Hunters Point Redevelopment Plan and the Hunters
6 Point Shipyard Redevelopment Plan, as both were amended on August 3, 2010, and (f) the
7 value of such exchange for future public right-of-way and other public benefits is equal or in
8 favor of the City; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
10 to transmit to the Department of Public Works a certified copy of this Resolution, and the
11 Board of Supervisors urges the Director of Public Works and the Clerk of the Board to publish
12 and post this Resolution and to give notice of the hearing of such contemplated action in the
13 manner required by law.

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