



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 184851

Determination to recommend vacating a portion of Jessie Street and a portion of Elim Alley northwest of Mission Street and southwest of First Street in connection with the Oceanwide Center Project, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787 subject to certain conditions.

WHEREAS, The City and County of San Francisco owns most public streets and sidewalks as public right-of-way; and

WHEREAS, Jessie Street and Elim Alley, generally bounded by Assessor's Block 3708, Ecker Street, and First Street, the area to be vacated ("the Vacation Area"), is specifically shown on SUR Map 2016-002, dated April 18, 2016; and

WHEREAS, The Oceanwide Center project at 50 1st Street (the "Project") proposes to incorporate portions of Elim Alley and Jessie Street onto the Project site. In order to construct the mixed-use building with two towers, portions of Elim Alley and Jessie Street connecting to First Street need to be vacated. These vacations are necessary in order to construct the tower fronting First Street at the scale of development contemplated by the Transit Center District Plan. Jessie Street currently bisects the site of the tower, making any project design that maintains Jessie Street in its current configuration infeasible and undesirable. Incorporating Elim Alley into the Project significantly expands the size of the ground-level "urban room" and increases the public's access to this privately-owned public open space; and

WHEREAS, Jessie Street is oriented southeast-northwest between Ecker Place and First Street with a right-of-way width of 27.5 feet. The eastern portion of Jessie Street would be vacated, and a portion of the vacated area on Jessie Street, herein referred to as the "Emergency Vehicle Access Easement Area," would be subject to the creation of an emergency vehicle access easement, reservation of public vehicle access for large trucks, and the acceptance of the offer from Oceanwide Center LLC ("Buyer") to provide a declaration of covenants and restrictions for public access ("Public Access Declaration") therein. In place of the vacated area, Jessie Street will turn 90 degrees in a southerly direction across the Project site toward Mission Street along an approximately 20-foot wide right-of-way on and through the Project site (the "City Easement Area"). This right-of-way will provide a public vehicle and pedestrian access easement from Jessie Street to Mission Street. It also will accommodate overland or surface flow from the City's facilities on, over, or below Jessie Street in excess of the 5-year storm capacity, subject to an overland flow easement; and



WHEREAS, Elim Alley extends 250 feet southeast-northwest between Ecker Place and First Street, having a right-of-way width of 12 feet for a distance of approximately 142 feet moving east from Ecker Place, then a width of 6.5 feet for the remaining approximately 108 feet before its terminus at First Street. Elim Alley is an “unaccepted” street. The eastern portion of Elim Alley will need to be vacated in order to construct the Project’s urban room and the tower fronting First Street. A portion of Elim Alley proposed for vacation also will be subject to its own declaration of covenants and restrictions for public access; and

WHEREAS, The Project obtained environmental clearance through the Transit Center District Plan Final Environmental Impact Report (“FEIR”) prepared in accordance with the California Environmental Quality Act (“CEQA”) (Public Resources Code sections 21000 et seq.) certified by the Planning Commission in Planning Commission Motion No. 18628 and affirmed by the Board of Supervisors in Motion No. M12-78, and project-specific clearance through a Community Plan Exemption, including mitigation measures (the “CPE”), prepared in accordance with CEQA and issued by the Planning Department in Planning Case No. 2006.1523E; and

WHEREAS, The Public Utilities Commission, at a duly noticed hearing on April 26, 2016, adopted Resolution No. 16-0079, recommending that the Board approve the street vacations and an overland flow easement on the section of rerouted section of Jessie Street; and

WHEREAS, The Planning Commission has scheduled a public hearing on May 5, 2016, to determine if the proposed vacation is, on balance, in conformity with the General Plan and Planning Code Section 101.1. The Planning Department staff will report directly to the Clerk of the Board of Supervisors on this action; and

WHEREAS, Pursuant to the California Streets and Highway Code, the Department of Public Works, Bureau of Street Use and Mapping (the “Department”) has initiated the process to vacate the Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawing, a copy of the petition letter, and a DPW referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric (“PG&E”), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the Public Utility Commission (“PUC”). No utility company or agency objected to the proposed vacation, and the Vacation Area is unnecessary for the City’s present or prospective public street purposes; and

WHEREAS, The applicant owns all properties that abut the Vacation Area; and

WHEREAS, The public interest, convenience, and necessity require that, except as specifically provided herein, no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in the Vacation Area and that any rights based upon any such public or private utilities or facilities are unnecessary and should be extinguished; and

WHEREAS, As a condition of the vacation of the Vacation Area, the City shall obtain a non-exclusive easement for emergency vehicle access and reservation for public vehicle access for large trucks over a segment of Jessie Street proposed for vacation, a public vehicle and pedestrian access easement over the rerouted segment of Jessie Street to provide for a connection



to Mission Street, and an overland flow easement for this same area. Further, the City shall obtain a temporary easement for street purposes in the Vacation Area for the continued use of the public streets until City facilities have been relocated or alternate facilities have been constructed and the City Engineer, after consultation with all affected City departments, issues a notice of completion that the facilities have been constructed according to City permits and the facilities are ready for their intended use; and

WHEREAS, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation; and

WHEREAS, The Director of Public Works for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code Sections 8300 et seq.
2. The vacation is being carried out pursuant to San Francisco Public Works Code Section 787.
3. The Vacation Area to be vacated is shown on the SUR Map No. 2016-002.
4. These vacations are necessary in order to construct the tower fronting First Street at the scale of development contemplated by the Transit Center District Plan.
5. In place of the vacated area, Jessie Street will turn 90 degrees toward Mission Street along an approximately 20-foot wide right-of-way on and through the Project site (the "City Easement Area"). This right-of-way will provide a public vehicle and pedestrian access easement from Jessie Street to Mission Street.
6. In the same area as the City Easement Area, the City shall obtain an overland or surface flow from the City's facilities on, over, or below Jessie Street in excess of the 5-year storm capacity, subject to an overland flow easement.
7. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not useful as a non-motorized transportation facility for the reasons set forth herein.
8. The public interest, convenience and necessity require that, except as provided in this Order, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in such vacation area and that any rights based upon any such public or private utilities or facilities may be extinguished. The easements and reservations include the following:
 - a) a non-exclusive easement for emergency vehicle access and an reservation for public vehicle access for large trucks over a segment of Jessie Street proposed for vacation; and
 - b) a public vehicle and pedestrian access easement over the rerouted segment of Jessie Street to provide for a connection to Mission Street, and an overland flow easement for this same area; and



9. Further, the PW Director finds that it is necessary to reserve a temporary easement for street purposes in the Vacation Area for the continued use of the public streets until City facilities have been relocated or alternate facilities have been constructed and the City Engineer, after consultation with all affected City departments, issues a notice of completion that the facilities have been constructed according to City permits and the facilities are ready for their intended use.

10. The Director of the Real Estate Division has negotiated a purchase and sale agreement and a quitclaim for the Vacation Area. Approval of the real estate transaction is a policy matter for the Board of Supervisors.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to vacate the Vacation Area;
2. Vacation Area SUR Map No. 2016-002

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Vacation Area subject to obtaining a finding of General Plan consistency from the City Planning Commission.

The Director recommends the Board of Supervisors approve all actions set forth herein with respect to this vacation. The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance.

5/2/2016

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X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor
Signed by: Storrs, Bruce

X Mohammed Nuru

Nuru, Mohammed
Director
Signed by: Nuru, Mohammed

