FILE NO. 220450 ORDINANCE NO. 163-22

[Street Vacation Order and Interdepartmental Property Transfer for 900 Innes Avenue Park Development - Public Utility Easement Vacation Order for India Basin Mixed-Use Project at 700 Innes Avenue]

Ordinance 1) ordering the street vacation of a portion of Griffith Street and a portion of Hudson Avenue, generally bounded by Assessor's Parcel Block No. 4629A, Lot No. 010, a portion of Hudson Avenue at Assessor's Parcel Block No. 4646, Lot Nos. 001, 002, and 003, a portion of Innes Avenue and a portion of Griffith Street at Assessor's Parcel Block No. 4645, Lot No. 010, a portion of Hudson Avenue at Assessor's Parcel Block No. 4630, Lot No. 002, and a portion of Galvez Avenue ("the Street Vacation Area"), to facilitate the development of the 900 Innes Avenue (India Basin) Park Development; 2) ordering the vacation of unaccepted ten-foot public utility easements affecting portions of Assessor's Parcel Block No. 4607, Lot Nos. 024 and 025; Block 4620, Lot Nos. 001 and 002 (Lot No. 002 more recently referred to by the City as Lot Nos. 004 and 005); Block No. 4621, Lot No. 100; Block No. 4606, Lot No. 026; Block No. 4631, Lot Nos. 001 and 002; and Assessor's Parcel Block No. 4644, Lot Nos. 009 and 010, to facilitate the development of the India Basin Mixed-Use Project; 3) approving the interdepartmental transfer of the Street Vacation Area from Public Works to the Recreation and Park Department; 4) authorizing official acts in connection with this Ordinance, as defined herein; 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: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings Regarding Street and Public Service Easement Vacations.

(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 and public service easements.

(b) On June 6, 2022, the Board of Supervisors adopted Resolution No. 258-22 (the "Resolution of Intention"), being a resolution declaring the intention of the Board of Supervisors to (i) vacate a portion of Griffith Street and a portion of Hudson Avenue, generally bounded by Assessor's Block 4629A Lot 010 and a portion of Hudson Avenue and Block 4646, Lot 001 and Block 4646, Lot 002 and Block 4646, Lot 003 and a portion of Innes Avenue and a portion of Griffith Street and Block 4645, Lot 010 and a portion of Hudson Avenue and Block 4630, Lot 002 and a portion of Galvez Avenue (the "Street Vacation Area"), and (ii) to vacate 10' public utility easements that were dedicated on the Map of India Basin Business Park that was filed May 4, 1988, in Book Y of maps, at Pages 18 and 19 but never accepted by the City (collectively, the "Public Utility Easements"), affecting portions of Block 4607, Lots 024 and 025; Block 4620, Lots 001 and 002 (Lot 002 more recently referred to by the City as Lots 004 and 005); Block 4621, Lot 100; Block 4606, Lot 026; Block 4631, Lots 001 and 002, and Block 4644, Lots 009 and 010 (collectively, the "Easement Vacation Area"). A copy of said Resolution is on file with the Clerk of the Board in File No. 220448, and is incorporated herein by reference.

(c) The Street Vacation Area is shown in Public Works SUR Map No. 2022-001, sheet 1, and the Easement Vacation Area is shown in Public Works SUR Map No. 2022-002, sheet 1. Copies of said maps are on file with the Clerk of the Board in File No. 220450 and are incorporated herein by reference.

(d) The Clerk of the Board of Supervisors did transmit to the Director of Public Works (the "Director") a certified copy of the Resolution of Intention, and the Director did cause notice of adoption of such resolution to be posted in the manner required by law as demonstrated by the affidavit of posting on file with the Clerk of the Board in File No. 220450.

(e) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting in the Legislative Chambers of City Hall, San Francisco, as specified in the Resolution of Intention, on July 12, 2022, at 3:00 p.m., the Board heard public testimony about the vacation of the Street Vacation Area and the Easement Vacation Area.

(f) The vacation of the Street Vacation Area, and the jurisdictional transfer of the Street Vacation Area from Public Works to the Recreation and Park Department, is necessary to implement the 900 Innes Avenue Park Development at India Basin, a project that would transform a post-industrial brownfield site into a 21st century legacy park in a historic waterfront context, with an emphasis on habitat/wetland restoration and enhancement, public access, resiliency to sea level rise, social equity, and waterfront recreation. The 900 Innes Avenue Park Development project would serve a historically underserved southeast San Francisco community and support a contiguous 1.5-mile waterfront open space and trail network, as well as connect a total of 64 acres of shoreline from Heron's Head Park to the future Northside Park. The project would further connect these spaces to the Blue Greenway and create a segment of the San Francisco Bay Trail that would provide pedestrian and bicycle connections from the Embarcadero all the way to Candlestick Point. Specifically, the project would combine the existing India Basin Shoreline Park and 900 Innes Avenue into one grand 10-acre waterfront park development that would include six major zones including the neighborhood edge, the historic shorewalk, the marineway, the sage slopes, the marsh edge, and the boatyard, and also includes a significant segment of the Bay Trail.

(g) The Map of India Basin Business Park that was filed May 4, 1988, in Book Y of maps, at Pages 18 and 19, dedicated the Unaccepted Public Utility Easements affecting the Easement Vacation Area. No public utility easement facilities were ever installed within the Easement Vacation Area and the City never accepted the dedication of these Public Utility Easements. The Board of Supervisors now wishes to formally vacate the Easement Vacation Area in accordance with applicable laws, in order to implement the 700 Innes and India Basin Open Space portions of the India Basin Mixed Use Project. These portions at completion would include approximately 1,575 dwelling units, 209,000 square feet of nonresidential space, and 1,800 parking spaces, and would also include approximately 15.5 acres of publicly accessible open space, and a new network of streets and pedestrian paths.

(h) The Director prepared Public Works ("PW") Order No. 206510, dated May 10, 2022, regarding the vacations and other actions contemplated in this ordinance. In the PW Order, the Director found that: (1) the proposed street vacations do not deprive any private landowner of access to the built public street grid; (2) the Street Vacation Area and the Easement Vacation Area are currently no longer necessary for the City's present or prospective public street, sidewalk, or public utility or service easement purposes; (3) in accordance with California Streets and Highways Code Sections 892 and 8314, the rights-of-way and parts thereof proposed for vacation are currently no longer useful as a non-motorized transportation facility, as defined in California Streets and Highways Code Section 887; and (4) the consent of all property owners adjacent to the Street Vacation Area and within the Easement Vacation Area was obtained. A copy of PW Order No. 206510 is on file with the Clerk of the Board of Supervisors in File No. 220450, and incorporated herein by reference.

(i) Based on the findings in the PW Order, the Director recommends that the Board of Supervisors adopt this ordinance to vacate the Street Vacation Area as shown on SUR Map No. 2022-001, sheet 1, and the Easement Vacation Area as shown on SUR Map No. 2022-002,

sheet 1. The Board of Supervisors adopts as its own, the recommendations of the Director in PW Order No. 206510, concerning the vacation of the Street Vacation Area and Easement Vacation Area, and other actions in furtherance thereof.

Section 2. Planning Code, General Plan Consistency, and CEQA Findings.

(a) The India Basin Mixed-Use Project was analyzed under Case No. 2014-002541 pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). On July 26, 2018, the Planning Commission certified the Final Environmental Impact Report (Motion No. 20247) and adopted CEQA Findings, including a statement of overriding considerations (Motion No. 20248).

(b) In Planning Commission Resolution No. 20250, also adopted on July 26, 2018, the Planning Commission found that the India Basin Mixed-Use Project, including the 900 Innes Avenue Park Development and including the street vacations, land acquisition, and conveyances, are consistent with the General Plan. A copy of said Resolution is on file with the Clerk of the Board in File No. 220450 and is incorporated by reference herein. The Board of Supervisors adopts as its own the consistency findings of Resolution No. 20250.

(c) On October 16, 2018, the Board of Supervisors approved Motion No. M18-136 (File No. 180842) affirming the Planning Commission's certification of the Final EIR prepared for the India Basin Mixed-Use Project. The Board of Supervisors in Resolution No. 36-18 adopted the Planning Commission's CEQA Findings as its own. Copies of said motion and resolution are on file with the Clerk of the Board of Supervisors in File No. 171286, and are incorporated herein by reference.

(d) Further, in a letter dated May 1, 2019 (the "Planning Letter"), the Planning Department confirmed that the proposed vacations and other actions contemplated in this ordinance are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1. The Planning Department confirmed that the vacations and other

actions contemplated herein are within the scope of the project evaluated under the Final EIR prepared for the India Basin Mixed-Use Project. A copy of said letter is on file with the Clerk of the Board in File No. 220450 and is incorporated by reference herein. The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

(e) All of the India Basin Mixed-Use Project documents are on file with the Clerk of the Board of Supervisors in File Nos. 180841 (regarding the CEQA appeal), 180842 (affirming the CEQA determination), 180816 (amending the General Plan), 180680 (amending the Planning Code and Zoning Map), and 180681 (approving a Development Agreement). The Board of Supervisors finds that no substantial changes are proposed by the actions contemplated in this ordinance, nor by the circumstances under which these actions are undertaken that would cause new significant environmental effects or any increase in the severity of previously identified significant effects. The Board further finds that there is no new information of substantial importance showing that the approvals contemplated herein would have any significant effects not discussed in the environmental and approval documents for the India Basin Mixed-Use Project, or that significant effects would be substantially more severe, or that new or different mitigation measures or alternatives would substantially reduce one or more significant effects of that project. Consequently, the Board hereby adopts the Planning Department's environmental findings in the India Basin Mixed-Use Project as its own for purposes of this ordinance.

Section 3. Ordering Street and Public Utility Easement Vacation.

(a) The Board of Supervisors approves the recommendations and findings in PW Order No. 206510 and hereby vacates the Street Vacation Area, as shown on SUR Map No. 2022-001, sheet 1, pursuant to California Streets and Highways Code Sections 8300 et seq.

and San Francisco Public Works Code Section 787(a), and upon satisfaction of the terms, conditions, and reservations as set forth in this ordinance.

(b) The Board of Supervisors approves the recommendations and findings in PW Order No. 206510 and hereby vacates the Easement Vacation Area, as shown on SUR Map No. 2022-002, sheet 1, upon satisfaction of the terms, conditions, and reservations as set forth in this ordinance.

(c) The Board of Supervisors finds that the Street Vacation Area and the Easement Vacation Area are unnecessary for present or prospective public use, subject to the conditions described in this ordinance.

(d) The public interest, convenience, and necessity require that the vacations be done as declared in this ordinance.

(e) On recordation of this ordinance, the vacations shall be effective without any further action by the Board of Supervisors. No quitclaim deeds are required to effectuate the vacations.

Section 4. Interdepartmental Property Transfer from Public Works to the Recreation and Park Department.

Notwithstanding the requirements of Administrative Code Chapter 23, the Board of Supervisors hereby approves the interdepartmental property transfer of the Street Vacation Area from Public Works to the Recreation and Park Department, and directs the Director of the Division of Real Estate to modify the City's records concerning City property ownership and jurisdiction accordingly. Until such transfer occurs, the Street Vacation Area shall remain under the jurisdiction of Public Works.

Section 5. Official Acts in Connection with the Ordinance.

The Board of Supervisor authorizes the Clerk of the Board, the Port Director, the Director of the Real Estate Division, the County Surveyor, the General Manager of the Recreation and Park Department, and the Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of this ordinance, including, without limitation, the filing of this ordinance in the Official Records of the City and County of San Francisco, confirmation of the satisfaction of the conditions to the effectiveness of the vacation of the Street Vacation Area and the Easement Vacation Area, if any, and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the conditions.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Andrea Ruiz-Esquide
Andrea Ruiz-Esquide
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 220450 **Date Passed:** July 19, 2022

Ordinance 1) ordering the street vacation of a portion of Griffith Street and a portion of Hudson Avenue, generally bounded by Assessor's Parcel Block No. 4629A, Lot No. 010, a portion of Hudson Avenue at Assessor's Parcel Block No. 4646, Lot Nos. 001, 002, and 003, a portion of Innes Avenue and a portion of Griffith Street at Assessor's Parcel Block No. 4645, Lot No. 010, a portion of Hudson Avenue at Assessor's Parcel Block No. 4630, Lot No. 002, and a portion of Galvez Avenue ("the Street Vacation Area"), to facilitate the development of the 900 Innes Avenue (India Basin) Park Development; 2) ordering the vacation of unaccepted ten-foot public utility easements affecting portions of Assessor's Parcel Block No. 4607, Lot Nos. 024 and 025; Block 4620, Lot Nos. 001 and 002 (Lot No. 002 more recently referred to by the City as Lot Nos. 004 and 005); Block No. 4621, Lot No. 100; Block No. 4606, Lot No. 026; Block No. 4631, Lot Nos. 001 and 002; and Assessor's Parcel Block No. 4644, Lot Nos. 009 and 010, to facilitate the development of the India Basin Mixed-Use Project; 3) approving the interdepartmental transfer of the Street Vacation Area from Public Works to the Recreation and Park Department; 4) authorizing official acts in connection with this Ordinance, as defined herein; 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.

June 06, 2022 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION

July 12, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 19, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220450

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/19/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

7/28/22

Date Approved