



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 185483

Determination to recommend the conditional vacation of certain San Francisco Public Utilities Commission public service easements that exist within Subphases 1A and 1B of the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787 subject to certain conditions.

WHEREAS, Public Works (PW) has determined that said easement is exclusive to the San Francisco Public Utility Commission (SFPUC); and

WHEREAS, The portions of the SFPUC easements to be vacated are in the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west, the areas to be vacated ("the Vacation Area"), are specifically shown on SUR Maps 2016-005, 2016-007, 2016-008, 2016-009, 2016-010, 2016-011, 2016-012, 2016-013, 2016-014, 2016-015, 2016-016, 2016-021, and 2016-022, all dated October 31, 2016; and

WHEREAS, The vacation of the Vacation Areas is necessary to implement the Project, to fulfill the objectives and requirements of the Development Agreement and fulfill the objectives of the Parkmerced Special Use District (Planning Code section 249.64). The proposed vacations and other actions contemplated herein implement the Project vested by the Project Approvals, including the construction of buildings and streets consistent with the Parkmerced Design Standards and Guidelines, the Parkmerced Transportation Plan, and the Parkmerced Infrastructure Report, all of which are incorporated by reference into the Development Agreement; and

WHEREAS, SFPUC staff has confirmed that the Vacation Areas will not be needed in the future; and

WHEREAS, On February 10, 2011, at a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report ("Final EIR") for the Parkmerced Mixed-Use Development Project (the "Project"), by Motion No. 18269, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate,



accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act (California Public Resources Code Section 21000 et seq., "CEQA"), the State CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission by Motion No. 18270 adopted findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant environmental effects analyzed in the Final EIR, a statement of overriding considerations for approval of the Project, and a proposed mitigation monitoring and reporting program (collectively, "CEQA Findings"); and

WHEREAS, On May 24, 2011, at a duly noticed public hearing, the San Francisco Board of Supervisors reviewed and considered the Final EIR on appeal. By Motion M11-83, the Board of Supervisors upheld the Planning Commission's certification of the Final EIR and found the Final EIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines; and

WHEREAS, On June 7, 2011, at a duly noticed public hearing, the Board of Supervisors considered the Project's approvals, which included amendments to the City's General Plan (approved by Ordinance No. 92-11), Zoning Map (approved by Ordinance No. 91-11), and Planning Code (approved by Ordinance No. 90-11), as well as approval of a Development Agreement, approved on June 7, 2011 by Ordinance No. 89-11 (the "Development Agreement") (collectively, the "Project Approvals"); and

WHEREAS, On February 20, 2015, Parkmerced Owner, LLC (together, with its successors and assigns, the "Project Sponsor") submitted three applications for tentative subdivision maps pursuant to the requirements of the California Subdivision Map Act for Subphases 1A and 1B of the Project. On August 21, 2015, Public Works ("PW") pursuant to PW Order No. 183946 conditionally approved such tentative maps: (1) Tentative Map No. 8530 requested approval to subdivide Assessor's Blocks 7326, 7330, 7331, 7364, 7365, 7366 and 7370 (Parkmerced Planning Blocks 20, 21S, and 22); (2) Tentative Map No. 8531 requested approval to subdivide Assessor's Block 7335 (Parkmerced Planning Block 6); and (3) Tentative Map No. 8532 requested approval to subdivide Assessor's Block 7308 (Parkmerced Planning Block 1) (collectively, the "Subphase 1A and 1B Tentative Maps"). The Project Sponsor is currently processing with PW the approval of a final subdivision map for each of the Subphase 1A and 1B Tentative Maps (each, a "Final Map"); and

WHEREAS, Subphases 1A and 1B of the Project involve the conditional vacation of certain public service easements (including sewer, storm drain, and water line easements) owned by the San Francisco Public Utilities Commission located within and outside of existing streets (the "Public Utility Easements"). The SFPUC Vacation Area is shown in Public Works SUR Map Nos. 2016-005, 2016-007, 2016-008, 2016-009, 2016-010, 2016-011, 2016-012, 2016-013, 2016-014, 2016-015, 2016-016, 2016-020, and 2016-021; 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 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, Because certain of the easements will remain in use until specified times, no portion of the Public Utility Easements shall be vacated until the Project Sponsor provides PW with an acceptable Public Improvement Agreement (“PIA”) pursuant to Section 1351 of the San Francisco Subdivision Code and the Subdivision Map Act for all improvements within the Final Map or required for development of the area shown in the Final Map prior to approval of a Final Map or issuance of a Street Improvement Permit for Subphases 1A or 1B of the Project, whichever is earlier. Such PIA shall address security provisions and provide interim easements or licenses via separate offer, such that the City can complete the improvements if the Project Sponsor fails to do so; and

WHEREAS, On October 25, 2016, after a duly noticed public hearing, the San Francisco Public Utilities Commission in Resolution No. 16-0224, determined that the Public Utility Easements were surplus and unnecessary for public utility purposes, and therefore recommended that the Board of Supervisors terminate and vacate such easements subject to the conditions in this ordinance and authorize the General Manager of the SFPUC to quitclaim these real property interests

WHEREAS, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation because the Development Agreement requires the dedication and construction of an extensive street, bicycle path, pedestrian path, park, and trail system that is more extensive than the areas being vacated and that is designed to integrate with existing built streets in the adjacent neighborhoods; 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 Areas to be vacated are shown on SUR Maps 2016-005, 2016-007, 2016-008, 2016-009, 2016-010, 2016-011, 2016-012, 2016-013, 2016-014, 2016-015, 2016-016, 2016-021, and 2016-022.
4. These vacations are necessary to implement the Project, to fulfill the objectives and requirements of the Development Agreement and fulfill the objectives of the Parkmerced Special Use District (Planning Code section 249.64).
5. Solely for those Public Utility Easements shown on SUR Maps 2016-005, 2016-011, 2016-013, 2016-015, and 2016-016, in the PW Order the PW Director determined that the public interest, convenience, and necessity require that the City reserve from the vacation of the Public Utility Easements shown on SUR Maps 2016-005, 2016-011, 2016-013, 2016-015, and 2016-016, non-exclusive easements for the benefit of the City for water main utilities located in, upon,



and over the Public Utility Easements shown on SUR Maps 2016-005, 2016-011, 2016-013, 2016-015, and 2016-016 in which the SFPUC's in-place and functioning utilities are located as of the effective date of this ordinance, to the extent necessary to maintain, operate, repair, and remove existing lines of pipe and other convenient structures, equipment and fixtures for the operation by SFPUC of SFPUC utilities.

6. Project Sponsor shall provide PW with an acceptable Public Improvement Agreement ("PIA") pursuant to Section 1351 of the San Francisco Subdivision Code and the Subdivision Map Act for all improvements within the Final Map or required for development of area shown in the Final Map prior to recording a Final Map or issuance of a Street Improvement Permit for Subphases 1A or 1B of the Project, whichever is earlier. Such PIA shall address security provisions and provide interim easements or licenses via separate offer, such that the City can complete the improvements if Subdivider fails to do so.

8. Pursuant to the Streets and Highways Code Section 892, the Vacation Areas are not useful as a non-motorized transportation facility for the reasons set forth herein.

9. 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, subject to the requirements of the Development Agreement.

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. SUR Map Nos. 2016-005, 2016-007, 2016-008, 2016-009, 2016-010, 2016-011, 2016-012, 2016-013, 2016-014, 2016-015, 2016-016, 2016-021, and 2016-022

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 Department.

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.

11/21/2016

11/21/2016

X Bruce R. Storrs

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

X Mohammed Nuru

Nuru, Mohammed
Director
Signed by: Nuru, Mohammed

