

City and County of San Francisco

San Francisco Public Works



**London N. Breed, Mayor
Mohammed Nuru, Director**

GENERAL - DIRECTOR'S OFFICE

City Hall, Room 348
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(415) 554-6920 ■ www.SFPublicWorks.org



Public Works Order No: 201299

Determination to recommend the street vacation of the entirety of Seawall Lot 337 and portions of Terry A. Francois Boulevard along with public service easements in connection with the Mission Rock Project; reserving various temporary rights in favor of the City and PG&E, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787.

WHEREAS, Most public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way; and

WHEREAS, The area to be vacated (“the Vacation Area”) is the entirety of Seawall Lot 337 and portions of Terry A. Francois Boulevard adjacent to Seawall Lot 337 along with public service easements in connection with the Mission Rock Project, and is specifically shown on SUR Map 2019-002, dated June 3, 2019; and

WHEREAS, The Vacation Area and the property adjacent to the Vacation Area, is owned by the Port of San Francisco (Port); and

WHEREAS, The Port consented to the vacation in a letter dated December 14, 2018; and

WHEREAS, The Port has entered into a long-term Master Lease with the Seawall Lot 337 Associates, LLC (Developer); and

WHEREAS, On February 27, 2018, the Board of Supervisors passed, and the Mayor approved thereafter, Ordinance No. 33-18, approving a Development Agreement between the City and County of San Francisco and the Developer; and

WHEREAS, There are no dedicated and accepted public rights-of-way in the Vacation Area; however, the site’s proximity to San Francisco Bay, coupled with historic use of portions of the property as a de facto street, make it prudent to establish as a matter of title that there are no residual rights of the public to use the Vacation Area as a public right-of-way; and

WHEREAS, As part of the Mission Rock Project, the Developer will construct new public rights-of-way, and realign Terry A. Francois Boulevard; and

WHEREAS, This vacation does not limit the Port’s ability, as the property owner, to allow public access to Pier 48, Pier 50 or the waterfront, prior to the dedication and acceptance of future Terry Francois Boulevard; and



WHEREAS, The vacation of the Vacation Area does not deprive any private landowner of access to the built public street grid; and

WHEREAS, The Vacation Area is not necessary for the City's present or prospective public street proposes; and

WHEREAS, In accordance with California Streets and Highways Code Sections 892 and 8314, the rights-of-way and parts thereof proposed for vacation are no longer useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 887; and

WHEREAS, The vacation is being carried out pursuant to San Francisco Public Works Code Section 787; 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 City Planning, the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, CenturyLink, Comcast, ExteNet, Point to Point communications, Verizon/MCI, XO-Communications, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the San Francisco Public Utility Commission ("PUC"). No utility company or agency objected to the proposed vacation; and

WHEREAS, On January 24, 2019 the Transportation Advisory Staff Committee (TASC) reviewed and had no objections to the proposed vacation; and

WHEREAS, On January 30, 2019 the Department of City Planning (Case No. 2013.0208GPR) found that the proposed Vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. Said letter states that on October 5, 2017 the Planning Commission: (1) Certified the Final Environmental Impact Report (Motion No. 20017), and (2) Adopted CEQA Finding including a statement of overriding considerations (Motion 20018); and

WHEREAS, The PUC, at a duly noticed hearing on May 28, 2019, adopted Resolution No. 19-01100, declaring PUC easements in the Vacation Area as no longer being necessary; 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, The Director of Public Works has determined that:

1. The public interest, convenience, and necessity require that the City reserve from the vacation of the Vacation Area rights for City utilities located in, upon, or over the areas identified as CITY-1 and CITY-2, (each an "Existing City Facility") as shown in SUR Map. No.2019-002 to the

extent necessary to maintain, operate, repair, and remove lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of City utilities; and

2. Such rights reserved for the City should terminate, in whole or in part, upon the earliest of the following, as applied to each Existing City Facility: (1) the City's acceptance of a new dedicated public street (or streets) in the same location in which such Existing City Facilities are located, or (2) the Director's determination that the area being served by the Existing City Facility no longer requires such service; and
3. The public interest, convenience, and necessity require that the City reserve from the vacation of the Vacation Area temporary non-exclusive rights in favor of PG&E for certain in-place, and functioning, electric and gas facilities, located in, upon, or over the areas identified as PG&E-1, PG&E-2, PG&E-3, PG&E-4, PG&E-5, PG&E-6, and PG&E-7, (each an "Existing PG&E Facility") as shown on SUR Map No. 2019-002 to the extent necessary to maintain, operate, repair, and remove existing lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of the Existing PG&E Facilities: and
4. Such rights reserved for PG&E should terminate , in whole or in part, upon the earliest of the following, as applied to each individual Existing PG&E Facility: (1) the City's acceptance of a new dedicated public street (or streets) in the same location in which such Existing PG&E Facility is located, or (2) the determination by the Director, in consultation with the Port, that the area served by an Existing PG&E Facility no longer requires such service and either (A) PG&E has removed or abandoned the relevant Existing PG&E Facility or (B) following a request to terminate service, PG&E has failed to remove or abandon said facilities within 90 days of a written request from the Director.

NOW THEREFORE BE IT ORDERED THAT,

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

1. Ordinance to vacate the Vacation Area
2. Vacation Area SUR Map No. 2019-002

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Vacation Area.

The Director recommends the Board of Supervisors approve all actions set forth herein and heretofore taken by the Officers of the City 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.

X

DocuSigned by:

Bruce Storrs

Storrs, Bruce^{97ABC41507B0494...}

County Surveyor

X

DocuSigned by:

Nuru, Mohammed

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Director