

1 [Resolution of Intent - Street and Public Easement Vacation - Mission Rock Project]

2

3 **Resolution declaring the intent of the Board of Supervisors to order the street vacation**
4 **for the entirety of Seawall Lot 337 (located east of Third Street between China Basin**
5 **Channel and Mission Rock Street, including China Basin Park) and portions of Terry A.**
6 **Francois Boulevard along with public service easements in connection with the**
7 **Mission Rock Project; and setting a hearing date for the Board of Supervisors to sit as**
8 **a Committee of the Whole on September 3, 2019, at 3:00 p.m. for all persons interested**
9 **in the proposed vacation of said street areas and public service easements.**

10

11 WHEREAS, Seawall Lot 337 Associates, LLC (the “Developer”) is the master
12 developer for the Mission Rock Project (the “Project”) which seeks to revitalize Seawall Lot
13 337 with a mixed-use development project consisting of up to 1,950 residential units,
14 commercial uses, and new parks and open space; and

15 WHEREAS, The Developer is responsible for subdividing and improving the Project
16 site with horizontal improvements to serve vertical development and is currently processing
17 with Public Works the approval of tentative and final subdivision maps for the Project site,
18 including Seawall Lot 337; and

19 WHEREAS, This street and public service easement vacation proceeding is to vacate
20 (1) the entirety of Seawall Lot 337 (located east of Third Street between China Basin Channel
21 and Mission Rock Street, including China Basin Park); (2) portions of Terry A. Francois
22 Boulevard adjacent to Seawall Lot 337; and (3) public service easements located on Seawall
23 Lot 337 and portions of Terry A. Francois Boulevard adjacent to Seawall 337 (collectively, the
24 “Vacation Area”); and

25

1 WHEREAS, The location and extent of the Vacation Area is shown in SUR Map No.
2 2019-002, sheets 1 through 3; and

3 WHEREAS, Copies of such maps are on file with the Clerk of the Board in File No.
4 190654 and are incorporated herein by reference; and

5 WHEREAS, The real property underlying the Vacation Area is subject to the public
6 trust and is owned by the City and County of San Francisco, by and through the San
7 Francisco Port Commission (“Port”); and

8 WHEREAS, The proposed vacation of the Vacation Area is part of an action to
9 implement the Project pursuant to that the Development Agreement between the City and
10 County of San Francisco (the “City”) and Seawall Lot 337 Associates, LLC approved by the
11 City with the enactment of Ordinance No. 33-18 on March 6, 2018, and the Disposition and
12 Development Agreement between the City and County of San Francisco, by and through the
13 San Francisco Port Commission and Seawall Lot 337 Associates, LLC, approved by the City
14 on February 23, 2018, by Resolution No. 42-18; and

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

19 WHEREAS, The City undertakes this street and easement vacation process in
20 accordance with the Streets and Highways Code, Sections 8300 et seq.; and

21 WHEREAS, The Director prepared Public Works (“PW”) Order No. 201299, dated June
22 4, 2019, regarding the vacations and other actions contemplated herein and found that: (1)
23 the City, acting through the Port, owns all of the property in and adjacent to the Vacation Area;
24 (2) the Port has consented to the proposed vacations; (3) the proposed street vacations do
25 not deprive any private landowner of access to the built public street grid; (4) the Vacation

1 Area is currently no longer necessary for the City's present or prospective public street and
2 sidewalk purposes; (5) due to public convenience and necessity, the public service
3 easements and the in-place public utilities located within the public service easements are no
4 longer necessary for public purposes, and therefore, the public service easements should be
5 vacated, subject to the reservation of certain temporary rights set forth in this ordinance; and
6 (6) in accordance with California Streets and Highways Code, Sections 892 and 8314, the
7 rights-of-way and parts thereof proposed for vacation are currently no longer useful as a non-
8 motorized transportation facility, as defined in Streets and Highways Code, Section 887; now,
9 therefore, be it

10 RESOLVED, That pursuant to California Streets and Highways Code, Sections 8300 et
11 seq., the Board of Supervisors hereby declares that it intends to order the vacation of the
12 Vacation Area as shown on SUR Map No. 2019-002; and, be it

13 FURTHER RESOLVED, That notice is hereby given that on September 3, 2019,
14 beginning at approximately 3:00 p.m., in the Legislative Chamber of the Board of Supervisors,
15 all persons interested in or objecting to the proposed vacations will be heard; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the
17 Board to transmit to Public Works a certified copy of this Resolution, and the Board of
18 Supervisors urges the Director of Public Works and the Clerk of the Board to publish and post
19 this Resolution and to give notice of the hearing of such contemplated action in the manner
20 required by law.

21

n:\legana\as2019\1800029\01364836.docx

22

23

24

25