

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: February 3, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, February 4, 2020

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, February 4, 2020. This item was acted upon at the Committee Meeting on Monday, February 3, 2020, at 1:30 p.m., by the votes indicated.

Item No. 48 File No. 191252

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting a hearing date for the Board of Supervisors to sit as a Committee of the Whole on March 3, 2020, for all persons interested in the proposed vacation of said street areas.

AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 191252 Committee Item No. 1
Board Item No. 48

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 3, 2020

Board of Supervisors Meeting Date February 4, 2020

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | DRAFT SUR Map |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | PW Order No. 202465 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | SUR Map 2019-006 |
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Completed by: Erica Major Date January 30, 2020
Completed by: Erica Major Date February 3, 2020

[Resolution of Intent for Street Vacation - 301 Mission Street Millennium Tower]

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting a hearing date for the Board of Supervisors to sit as a Committee of the Whole on March 3, 2020, for all persons interested in the proposed vacation of said street areas.

WHEREAS, This street vacation proceeding associated with the 301 Mission Street Perimeter Pile Upgrade Project (the "Project") is conducted under the vacation procedures of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code, Sections 8300 et seq.) and Public Works Code, Section 787(a), for the sidewalk portions of Mission Street and Fremont Street near the Mission and Fremont Streets intersection (collectively, the "Vacation Area"); and

WHEREAS, The Vacation Area is more particularly identified on the Public Works ("PW") SUR Map No. 2019-006, dated January 8, 2019 (the "SUR Map"); and

WHEREAS, A copy of the SUR Map is on file with the Clerk of the Board of Supervisors in File No. 191252 and is incorporated herein by reference; and

WHEREAS, The Project is associated with the 50,500-square-foot (1.16-acre) parcel (Assessor's Parcel Block No. 3719, Lot Nos. 020 through 440) at 301 Mission Street, located on the south side of Mission Street between Fremont and Beale streets within San Francisco's Financial District (the "Property"); and

1 WHEREAS, The existing high-rise on the Property is referred to as the Millennium
2 Tower; and

3 WHEREAS, The Project is intended to address settlement and tilting of this Tower; and

4 WHEREAS, The Project consists of a structural upgrade of the Millennium Tower high-
5 rise building foundation that includes installation of a structural extension of the existing mat
6 foundation for the Tower building within an approximately 8-foot-wide zone beneath public
7 right of way sidewalk area immediately adjacent to the Tower along Fremont and Mission
8 Streets, supported by 52 new piles extending to bedrock; and

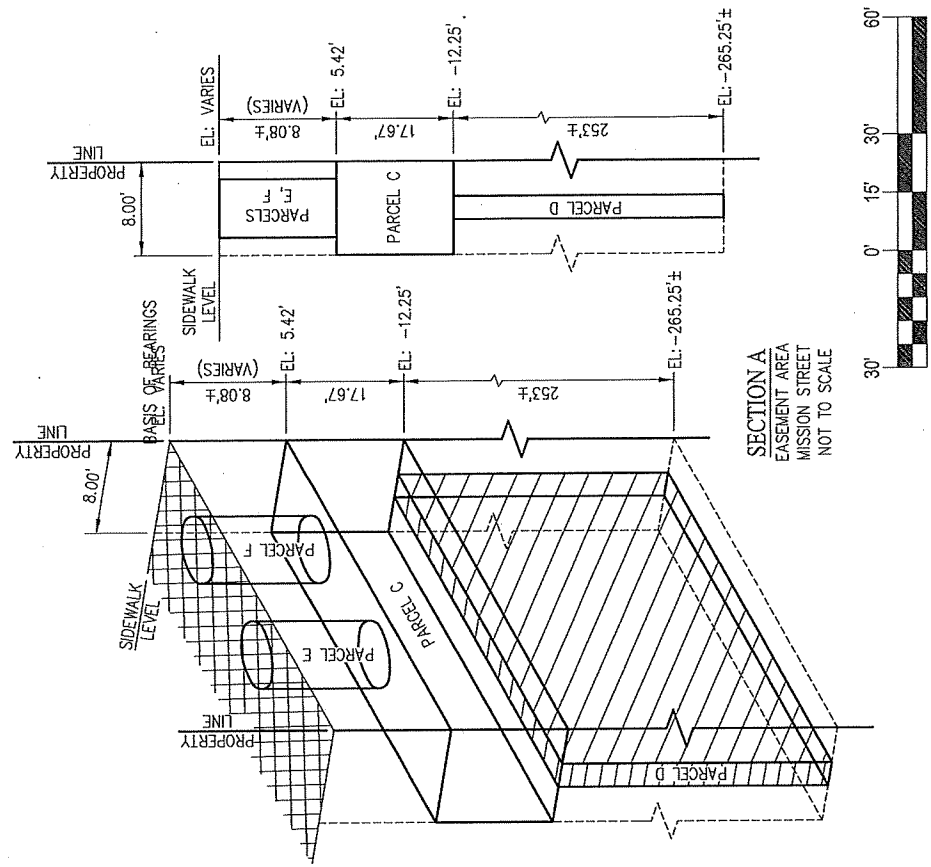
9 WHEREAS, The street vacation would allow a portion of the Vacation Area to be
10 permanently occupied by the structural upgrade for the Millennium Tower high-rise building in
11 accordance with the terms of an easement that the City and County of San Francisco
12 proposes grant to the Millennium Tower Association; now, therefore, be it



13 RESOLVED, That pursuant to California Streets and Highways Code, Sections 8300 et
14 seq., and San Francisco Public Works Code, Section 787(a), the Board of Supervisors hereby
15 declares that it intends to order the vacation of the Vacation Area, as shown on SUR Map No.
16 2019-006; and, be it

17 FURTHER RESOLVED, That notice is hereby given that on March 3, 2020, no earlier
18 than 3:00 P.M. in the Legislative Chamber of the Board of Supervisors, all persons interested
19 in or objecting to the proposed vacation will be heard; and, be it

20 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
21 of the Board of Supervisors to transmit to PW a certified copy of this resolution, and the Board
22 of Supervisors urges the PW Director and the Clerk of the Board of Supervisors to publish and
23 post this resolution and to give notice of the hearing of such contemplated action in the
24 manner required by law.

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|  | APPROVED:  | DATE: <u>1/8/2020</u> | CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS SUBDIVISION AND MAPPING | | |
| | BRUCE R. STORRS CITY & COUNTY SURVEYOR | STREET VACATION OF PORTIONS OF MISSION ST. AND FREMONT ST., FRONTING APN 3719-019 | FILE: SUR 2019-006 | SHEET 2 OF 3 | SCALE: 1" = 30' |

City and County of San Francisco



London N. Breed, Mayor
Mohammed Nuru, Director

San Francisco Public Works

GENERAL - DIRECTOR'S OFFICE

City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 ■ www.SFPublicWorks.org



Public Works Order No: 202465

Determination to recommend the street vacation of the south side of Mission Street and on the east side of Fremont Street, fronting Assessor's Block Number 3719, Lots 020-440, in connection with the Millennium Tower 301 Mission Perimeter Pile Upgrade Project 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 sidewalk portion of the south side of Mission Street and the east side of Fremont Street, fronting Assessor's Block Number 3719, Lots 020-440, also known as the Millennium Tower at 301 Mission Street, and is specifically shown on SUR Map 2019 - 006, dated January 8, 2020; and

WHEREAS, For reference purposes, the Vacation Area also shall be identified as Assessor's Parcel Block No. 3719, Lot 519, for the Mission Street portion and Assessor's Parcel Block No. 3719, Lot 520, for the Fremont Street portion of the Vacation Area; and

WHEREAS, In accordance with information provided by the Project Sponsor, since completion of construction of the Tower in 2009, the area around the Tower and Property has experienced differential settlement due to consolidation and compression of the soil layer beneath the Colma Sand, which is known as Old Bay Clay. The existing mat foundation has settled near the northwest corner of the Tower and that corner of the Tower is tilting; and

WHEREAS, The 301 Mission Perimeter Pile Upgrade Project ("the Project") consists of a structural upgrade of the Tower building foundation that includes installation of a horizontal extension of the existing mat foundation for the Tower building within an approximately 8-foot-wide zone beneath public right of way sidewalk area immediately adjacent to the Tower along Fremont and Mission Streets, supported by 52 new piles extending to bedrock. The 52 new piles are referred to as "perimeter piles" and the extended mat foundation is referred to as the "collar foundation." In addition to preventing further settlement in the northwest corner of the Tower's existing foundation, the Project Sponsor has stated that this effort may allow for gradual tilt correction of the Tower building over time. The Project sponsor will need an easement to permanently occupy the City sidewalk portion of the public right-of-way (the "301 Mission Street Easement"); and

WHEREAS, The City is prohibited from granting a non-revocable permit or easement over public right-of-way unless the subject area is vacated in accordance with the Streets and Highways Code Sections 8300 *et seq.* and Public Works Code Section 787. Consequently, in order to accommodate the Project



San Francisco Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

and grant the 301 Mission Street Easement, the City will need to temporarily vacate the Vacation Area prior to granting such Easement; and

WHEREAS, Under these circumstances, Public Works finds that the Vacation Area is no longer necessary for the City's present or prospective future public street, sidewalk, and public service easement purposes on a temporary basis to allow for the grant of the 301 Mission Street Easement; and

WHEREAS, Once the street vacation occurs and the Easement is granted and recorded, the City intends to restore the street status on the Vacation Area so it will continue in its current form as a dedicated public right-of-way. Therefore, when the 301 Mission Street Easement is recorded, Public Works recommends that the Vacation Area be rededicated to public use for street and right-of-way purposes subject to the Easement; and

WHEREAS, Concurrent with recordation of the 301 Mission Street Easement, the Vacation Area should be rededicated to public use for street and right-of-way purposes subject to the Easement in order to restore the existing street use status to the Vacation Area; and

WHEREAS, The permanently installed perimeter piles and collar foundation will occupy a portion of current public right of way on Mission and Fremont Streets that is subject to the public trust doctrine, which designation will be removed by a State Trust exchange agreement approved by the State Lands Commission, the San Francisco Port Commission, and this Board of Supervisors ("Public Trust Exchange") prior to the street vacation being operative and 301 Mission Street Easement being recorded; and

WHEREAS, The vacation of the Vacation Area is conditioned upon the State Lands Commission Public Trust Exchange being final and effective; and

WHEREAS, Related to the street vacation action, the City also will consider the settlement of litigation related to 301 Mission Street that is comprised of all complaints and associated cross-claims and cross-complaints coordinated and/or consolidated under the case entitled, *Laura S. Lehman v. Transbay Joint Powers Authority, et al.*, Case Number CGC-16-553758 in the Superior Court of San Francisco in a companion ordinance (the "Settlement Ordinance"). But for this settlement, the City would not undertake this street vacation or the companion legislation for the 301 Mission Street Easement. Consequently, Public Works recommends that the street vacation ordinance not be operative until the Settlement Ordinance is final and effective.

WHEREAS, On November 20, 2019, the Planning Department published a Preliminary Mitigated Negative Declaration ("PMND") for the 301 Mission Street, Millennium Tower Perimeter Pile Upgrade Project (the "Project"). The PMND found that although the Project could have potentially significant impacts on the environment, such impacts will be reduced to a less than significant level because Millennium Tower Association (the "Project Sponsor") will implement all mitigation measures identified in the PMND; and

WHEREAS, Prior to the Board of Supervisor's acting on the Street Vacation, the Planning Department will finalize CEQA documents and will issue a General Plan determination related to the street vacation; and

WHEREAS, In accordance with California Streets and Highways Code Sections 892 and 8300 et seq., the right-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, because the subject area is underground; 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 December 6, 2019, the Municipal Transportation Agency determined that the proposed vacation did not have to be presented to the Transportation Advisory Staff Committee (TASC); and WHEREAS, The public interest, convenience, and necessity require that the street vacation occur as contemplated to protect the public safety and allow for the Project to be implemented; and

WHEREAS, It is a policy matter for the Board of Supervisors to grant the 301 Mission Street Easement over the City's interest in the Vacation Area to the Project Sponsor;

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. 2019-006

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

The Director recommends that the Board of Supervisors approve all actions set forth herein with respect to this vacation and, after recordation of the 301 Mission Street Easement, rededicate the Vacation Area to street use for public right-of-way purposes subject to the Easement. 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
County Surveyor

X

DocuSigned by:

Nuru, Mohammed

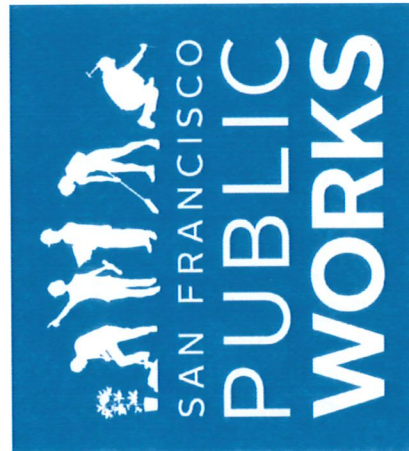
Nuru, Mohammed
Director



301 Mission Trust Exchange and Street Vacation

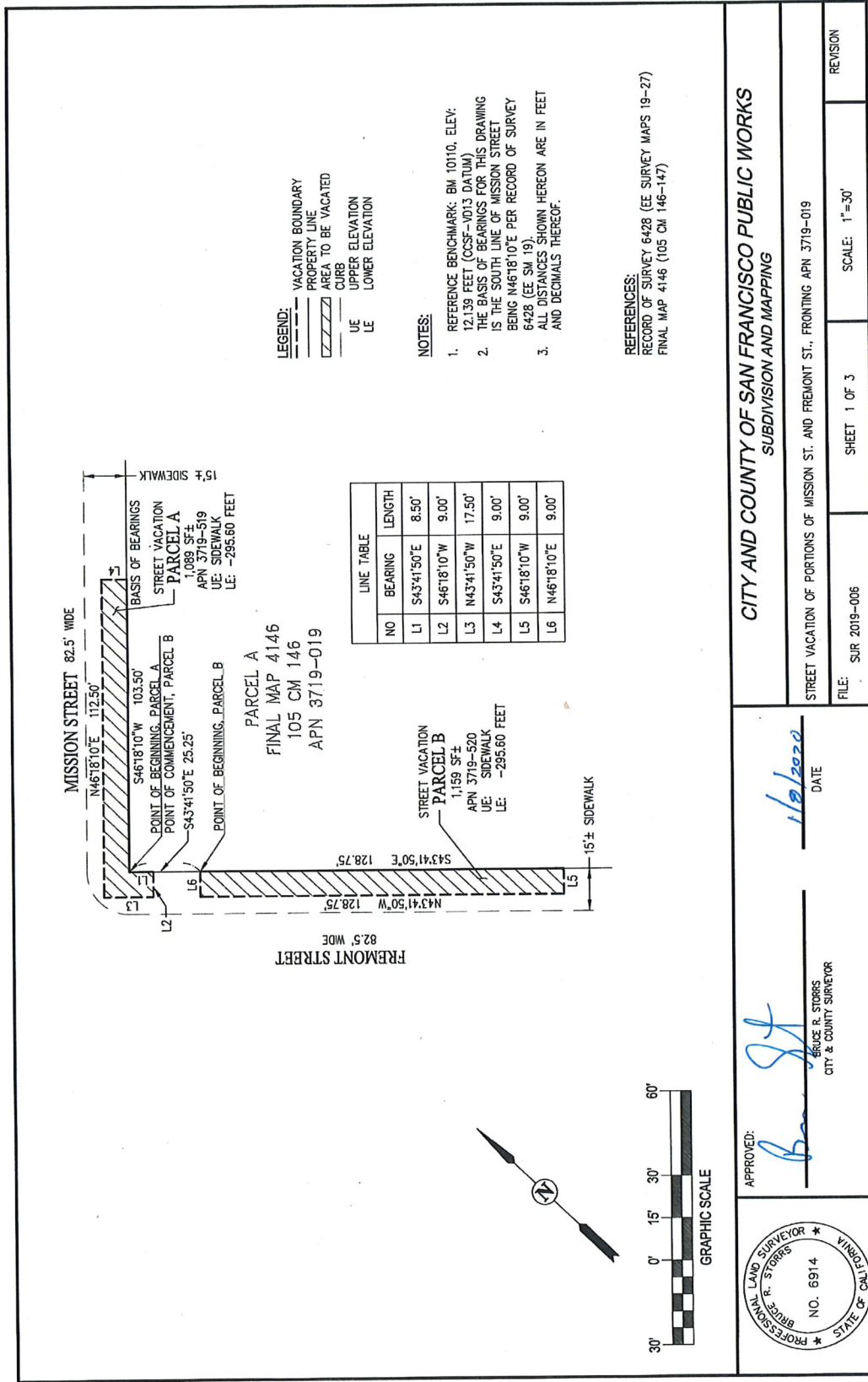
Land Use and Transportation Committee

February 3, 2020



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CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
SUBDIVISION AND MAPPING

STREET VACATION OF PORTIONS OF MISSION ST. AND FREMONT ST., FRONTING APN 3719-019

FILE: SUR 2019-006 SHEET 1 OF 3 SCALE: 1"=30'

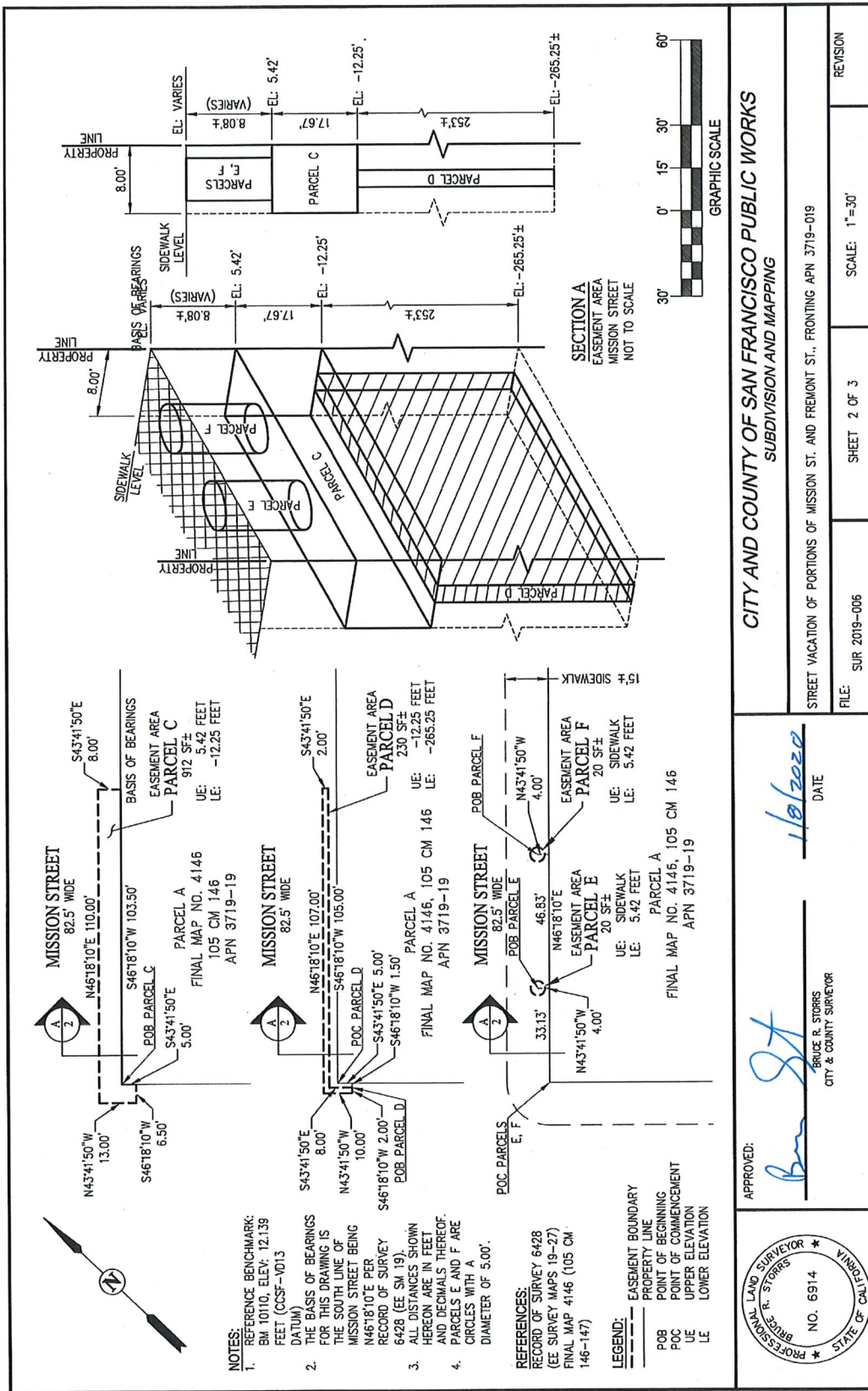
APPROVED: *[Signature]* DATE: 1/8/2020



BRUCE R. STORRS
 CITY & COUNTY SURVEYOR

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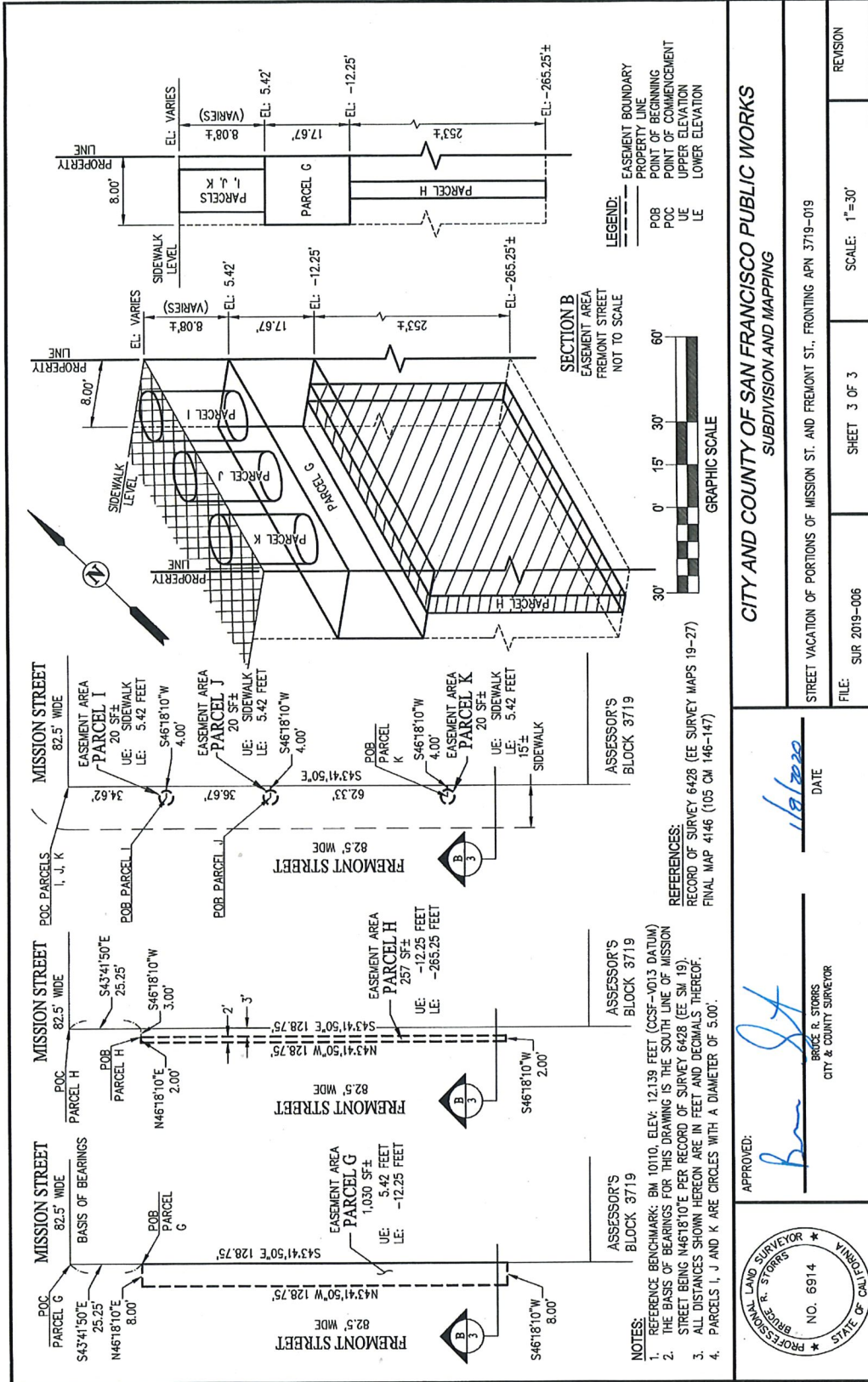
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| CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS | | SUBDIVISION AND MAPPING | |
| STREET VACATION OF PORTIONS OF MISSION ST. AND FREMONT ST., FRONTING APN 3719-019 | | REVISION | |
| FILE: SJR 2019-006 | SHEET 2 OF 3 | SCALE: 1"=30' | |
| APPROVED:  | | DATE: 11/10/2020 | |
| BRUCE R. STORRS CITY & COUNTY SURVEYOR | | | |
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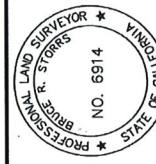
CITY AND COUNTY OF SAN FRANCISCO PUBLIC WORKS
 SUBDIVISION AND MAPPING

STREET VACATION OF PORTIONS OF MISSION ST. AND FREMONT ST., FRONTING APN 3719-019

| FILE: | SHEET | REVISION |
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| 2019-006 | 3 OF 3 | |

SCALE: 1"=30'

APPROVED:



BRUCE R. STORRS
 CITY & COUNTY SURVEYOR

DATE





RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 JAN 30 AM 10:01

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COB,
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LU Clerk

DATE: January 27, 2020

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

AP

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, February 4, 2020, as Committee Reports:

191252 Resolution of Intent for Street Vacation - 301 Mission Street Millennium Tower

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting the Board of Supervisors hearing date, sitting as a Committee of the Whole, for all persons interested in the proposed vacation of said street areas.

191280 Amended and Restated Land Disposition and Acquisition Agreement - Exchange of 639 Bryant Street for 2000 Marin Street

Ordinance approving an Amended and Restated Land Disposition and Acquisition Agreement with 2000 Marin Property, L.P. for the City's transfer of real property at 639 Bryant Street (Assessor's Parcel Block No. 3777, Lot No. 052) under the jurisdiction of the San Francisco Public Utilities Commission in exchange for real property at 2000 Marin Street (Assessor's Parcel Block No. 4346, Lot No. 003), subject to several conditions, including the reimbursement of certain transaction costs; waiving the Administrative Code, Section 23.3, appraisal and fair market value requirements; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings under the California Environmental Quality Act, including the adoption of a Mitigation Monitoring and Reporting Program.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, February 3, 2020, at 1:30 p.m.



TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sophia Kittler

9/c

RE: [Resolution of Intent for Street Vacation – 301 Mission Street Millennium Tower]

DATE: Tuesday, December 10, 2019

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street at the intersection of Mission and Fremont Streets and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower, and setting the hearing date for all persons interested in the proposed vacation of said street areas.

Should you have any questions, please contact Sophia Kittler at 415-554-6153.

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