FILE NO. 140173

[Street Vacation Order - Hunters Point Shipyard Phase II - Candlestick Point]

Ordinance ordering the vacation of portions of streets along with public service easements that may exist within the Hunters Point Shipyard Phase II Redevelopment Plan area, generally bounded the 1948 Bulkhead Line to the north, the 1941 Bulkhead Line to the east, Bancroft Avenue to the south, and Griffith Street to the west, including submerged areas; ordering the vacation of portions of streets along with public service easements that may exist within the Candlestick Point Redevelopment Plan area. generally bounded by Underwood Avenue, Arelious Walker Drive, Gilman Avenue, Donahue Street, Carroll Avenue, Alvord Street, Fitzgerald Avenue, the City and County of San Francisco County Line, Harney Way, Ingerson Avenue, and Hawes Street, including submerged areas; ordering the conditional vacation of portions of Griffith Street, Nichols Way, Cameron Way, Doublerock Street, Giants Drive, Hunters Point Expressway, Jamestown Avenue, Gilman Avenue, and Crisp Road for various purposes; reserving various easement rights in favor of the City and third party utilities, subject to conditions specified in this Ordinance; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Redevelopment Plans and the City's General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions in furtherance of this Ordinance.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in strikethrough italics Times New Roman font.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in strikethrough Arial font.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) On March 18, 2014, the Board of Supervisors adopted Resolution No. 73-14 (the "Resolution of Intention"), being a resolution declaring the intention of the Board of Supervisors to vacate the following streets within the Hunters Point Shipyard along with public service easements in the vacated streets or between them: Earl Street, Donahue Street, Coleman Street, Boalt Street, Alvord Street, Ship Street, Dock Street, Tevis Street, Von Schmidt Street, Pollock Street, Burke Avenue, Custer Avenue, Davidson Avenue, Evans Avenue, Fairfax Avenue, Galvez Avenue, Hudson Avenue, Innes Avenue, Jerrold Avenue, Kirkwood Avenue, LaSalle Avenue, McKinnon Avenue, Newcomb Avenue, Oakdale Avenue, Palou Avenue, Quesada Avenue, Revere Avenue, Shafter Avenue, Thomas Avenue, Underwood Avenue, Van Dyke Avenue, Wallace Avenue, Yosemite Avenue, Armstrong Avenue, and an unnamed submerged waterfront street strip; portions of the following streets near Candlestick Point and/or Yosemite Slough along with public service easements that may exist in the vacated streets or between them: Tovar Avenue, Earl Street, Donahue Street, Hunters Point Expressway, Donner Avenue, Fitzgerald Avenue, Jamestown Avenue, Ingerson Avenue, Boalt Street, Alvord Street, Hollister Avenue, Dock Street, Bancroft Avenue, a triangular portion of Van Dyke Avenue southeast of Hawes Avenue, Giants Drive, Gilman Avenue, and Crisp Road; and the following streets within the Alice Griffith Housing Project along with public service easements that may exist in the vacated streets or between them: Griffith Street, Nichols Way, Cameron Way, and Doublerock Street for various purposes. Together, the streets and public service easements described in this Section 1(a) are the "Vacation Area." Of the streets listed, the vacation will be conditional as to portions of the

following streets: Griffith Street, Nichols Way, Cameron Way, Doublerock Street, Giants Drive, Hunters Point Expressway, Jamestown Avenue, Gilman Avenue, and Crisp Road.

(b) The Vacation Area is shown in the Department of Public Works' SUR Map No. 6010, sheets 1 through 18, dated February 20, 2014. Copies of such maps are on file with the Clerk of the Board in File No. 140171 and are incorporated herein by reference.

(c) The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such resolution to be posted in the manner required by law.

(d) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on April 8, 2014, at 3:00 P.M., the Board heard all persons interested in the vacation of the Vacation Area.

(e) The vacation of the Vacation Area is necessary to fulfill the objectives of the Hunters Point Shipyard Redevelopment Plan, as amended on August 3, 2010, the Bayview Hunters Point Redevelopment Plan, as amended on August 3, 2010, and the Candlestick Point-Hunters Point Shipyard Phase II Development Project (the "Project") pursuant to the Candlestick Point-Hunters Point Shipyard Phase II Disposition and Development Agreement (the "DDA") by and between CP Development Co. and the San Francisco Redevelopment Agreement Agency, now known as the Office of Community Investment and Infrastructure ("OCII"). The abovementioned Redevelopment Plans and related approvals are found in Ordinance Nos. 207-10, 208-10, 210-10, and 211-10, copies of which are on file with the Clerk of the Board in File Nos. 100578, 100579, 100658, and 100659, respectively, and incorporate herein by reference.

(f) The City proposes to quitclaim its interest in the Vacation Area. Because many of these streets and easements will remain in use until specified times, certain portions of the

Vacated Area as described more fully below shall not be vacated until certain conditions are satisfied, as follows:

(1) Alice Griffith. Vacation of the Vacated Area shown on SUR Map No. 6010, sheets 13 and 14, portions of Griffith Street, Nichols Way, Cameron Way, and Doublerock Street serving the Alice Griffith Housing Project along with public service easements in such streets or crossing the property separating them: (i) shall be conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the Vacated Area referred to in this subparagraph; and (ii) shall become effective and be implemented by the City prior to the execution of the license agreement or similar instrument between the City, the San Francisco Housing Authority, and CP Development Co. or its assignee under the DDA providing CP Development Co. or its assignee rights to access and improve the property.

(2) Giants Drive. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 4, a portion of Giants Drive: (i) shall be conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the Vacated Area referred to in this subparagraph; and (ii) shall become effective and be implemented at the time OCII transfers title to the Vacated Area referred to in this subparagraph to CP Development Co. or its assignee under the DDA.

(3) Hunters Point Expressway within Development Boundary. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 6 consisting of that portion of Hunters Point Expressway located within the Candlestick Point development boundary: (i) shall be conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the Vacated Area referred to in this subparagraph; and (ii) shall become effective and be implemented at the time OCII transfers title to the Vacated Area referred to in this subparagraph to CP Development or its assignee pursuant to the DDA.

(4) Jamestown Avenue and Portion of Hunters Point Expressway Outside of Development Boundary. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 6

consisting of Jamestown Avenue and that portion of Hunters Point Expressway located outside the Candlestick Point development boundary: (i) shall be conditioned upon the same conditions to closing of the trust exchange between the State Lands Commission and State Parks in this location; and (ii) shall become effective and be implemented at the time such trust exchange is implemented as to the lands that include the Vacated Area referred to in this subparagraph.

(5) Gilman Avenue. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 7, portions of Gilman Avenue between Arelious Walker and Donahue: (i) shall be conditioned upon the granting of Sub-Phase Approval by OCII for the area that includes the Vacated Area referred to in this subparagraph; and (ii) shall become effective and be implemented at the time OCII transfers title to the Vacated Area referred to in this subparagraph to CP Development Co. or its assignee under the DDA.

(6) Crisp Road. Vacation of the Vacated Area shown on SUR Map No. 6010, sheet 16 consisting of the paper street portions of Oakdale Avenue, Arelious Walker Drive, Earl Street, Newcomb Avenue and Donahue Street located beneath Crisp Road shall be conditioned upon the granting of a Sub-Phase Approval by OCII for the area that: (i) includes the Vacated Area referred to in this subparagraph and (ii) includes a request by CP Development Co. or OCII to effectuate the vacation described in this subparagraph. Provided the that conditions of Subsection (i) and (ii) are satisfied, vacation of the subject portion of the Vacated Area shall become effective and be implemented at the time OCII transfers title to the Vacated Area referred to in this subparagraph to CP Development Co. or its assignee pursuant to the DDA.

(g) As to each of the Vacation Areas described in Section 1(f)(1)-(6) above, where a particular Sub-Phase Approval encompasses some, but not all, of the identified Vacation Area, the vacation shall be implemented only as to the portion that is subject to Sub-Phase Approval, and subject to the reservations in Sections 4 and 5 below.

(h) All remaining Vacation Areas not specifically identified in Section 1(f)(1)-(6) above shall be vacated immediately upon the effective date of this Ordinance.

(i) In accordance with the actions contemplated herein, this Board adopted Resolution No. March 18, 2014, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is on file with the Clerk of the Board in File No. 140171 and is incorporated herein by reference. The Board further finds that no substantial changes are proposed to the Project or the circumstances under which the Project is undertaken that would cause new significant environmental effects or any increase in the severity of previously identified significant effects. The Board further finds there is no new information of substantial importance showing that the Project would have any significant effects not discussed in the Project environmental impact report, 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 the Project.

(j) In a letter dated, November 21, 2014 (the "Planning Letter"), the City Planning Department determined that the proposed vacations and other actions contemplated herein are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board in File No. 140171 and is incorporated by reference herein. The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

(k) In a letter dated February 13, 2014 (the "OCII Letter"), OCII determined that the proposed vacations and other actions contemplated herein are consistent with the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Candlestick Point-Hunters Point Shipyard Phase II Development Project. A copy of said

letter is on file with the Clerk of the Board in File No. 140171 and is incorporated by reference herein.

(I) These street vacation actions are conducted under the general 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).

(m) The Director of DPW has prepared DPW Order No. 182274, dated February 24, 2014 in regard to the vacations and other actions contemplated herein and makes the following recommendations: (1) that the Board of Supervisors adopt the legislation to vacate the portions of Candlestick Point and Hunters Point as shown on SUR Map No. 6010; (2) that the Board of Supervisors approve all actions set forth herein and previously taken by the Officers of the City with respect to this vacation; (3) although the consent of all property owners adjacent to the Vacation Areas was not obtained, the applicant made reasonable attempts to notify and obtain consent from all property owners adjacent to a Vacation Area consisting of a paper street and the proposed street vacations do not deprive any private landowner of access to the built public street grid; and (4) that 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. The DPW Order is on file with the Clerk of the Board in File No. 140171 and is incorporated herein by reference. The Board adopts the DPW Order as its own.

(n) From all the evidence submitted at the April 8, 2014, public hearing on the vacations and the associated materials on file with the Clerk of the Board in File No. 140172, including the abovementioned DPW Order, the Board of Supervisors finds that : (1) for those portions of the Vacation Area to be conditionally vacated (identified in Section 1(f) above), upon satisfaction of the applicable condition or conditions, the respective Vacation Area will

no longer be necessary for the City's present or prospective future public street and sidewalk and public service easement purposes; (2) for all other areas, the Vacation Area is currently no longer necessary for the City's present or prospective future public street and sidewalk and public service easement purposes; (3) in accordance with Streets and Highways Code Section 892 and 8314, for those portions of the Vacation Area to be conditionally vacated (identified in Section 1(f) above), upon satisfaction of the applicable condition or conditions, the right-of-ways and parts thereof proposed within the respective Vacation Areas will no longer by useful as a nonmotorized transportation facility, as defined in Section 887; (4) for all other areas, in accordance with Streets and Highways Code Section 892 and 8314, the rightof-ways and parts thereof proposed for vacation are currently no longer useful as a nonmotorized transportation facility, as defined in Section 892 and 8314, the rightof-ways and parts thereof proposed for vacation are currently no longer useful as a nonmotorized transportation facility, as defined in Section 887. The Hunters Point Shipyard Redevelopment Plan and Bayview Hunters Point Redevelopment Plan require 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 hereby and that is designed to integrate with existing built streets in the adjacent neighborhoods.

(o) The public interest, convenience, and necessity require that the City reserve from the vacation of the Vacation Area non-exclusive easements for the benefit of the City (and subject to possible grants by the City of temporary, immediately revocable licenses by the City in favor of AT&T, PG&E, and any other utilities) for any City utilities, telecommunications facilities, or power and gas transmission facilities, respectively, located in, upon, and over any portion of the Vacation Area in which their respective 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, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation by City of City utilities, by AT&T of telecommunications facilities, by PG&E of power and gas transmission facilities, or

for other public utilities. This reservation and the automatic extinguishment of the reservation to occur upon satisfaction of certain conditions are described in Section 4 below.

(p) The public interest, convenience, and necessity require that the City reserve from the vacation of the Vacation Area temporary access for the benefit of the public over any portion of the Vacation Area where required to preserve access between a private property and the existing street grid as of the effective date of this Ordinance. This reservation and the automatic extinguishment of the reservation to occur upon satisfaction of certain conditions are described in Section 5 below.

(q) The United States Navy has rights for ingress and egress purposes for pedestrian, vehicular and other access to connect other parcels in the Hunters Point Shipyard as reserved in Quitclaim Deed recorded on December 3, 2004 at Reel 1776, Image 0207, as Document No. 2004-H861241-00, Official Records of the City and County of San Francisco, and corrected by Quitclaim Deed recorded on March 31, 2005 in Reel 1858, Image 0396 as Document No. 2005-H930323, Official Records. The Board finds and determines that the actions contemplated in this Ordinance shall have no effect on the access rights of the Navy.

(r) The public interest, convenience, and necessity require that the vacation be done as declared in this Ordinance.

Section 2. Except as set forth in Sections 3, 4, and 5 below, the Vacation Area shown on SUR Map No. 6010, sheets 1 through 18 is hereby ordered vacated pursuant to California Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a).

Section 3. Except as set forth in Sections 4 and 5 below, the Vacation Area, as shown on SUR Map No. 6010, sheets 4, 6, 7, 13, and 14 (to the extent referring to streets and public service easements to be conditionally vacated) is hereby ordered conditionally vacated in the

manner described in Section (1)(f), subject to the respective conditions described in that Subsection (f), pursuant to California Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a).

Section 4. The vacation of the Vacation Area is subject to the reservation of nonexclusive easements on the terms and conditions described in Section 1(o) above for the benefit of the City (and subject to possible grants by the City of temporary, immediately revocable licenses by the City in favor of AT&T, PG&E, and any other utilities) for any City utilities, telecommunications facilities, power and gas transmission utilities, or other public facilities that are located in, upon, and over any portion of the Vacation Area in which their respective in-place and functioning utilities are located, 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 such utilities. To the extent the non-exclusive easements described in this section have not previously merged into a fee interest held by the City, such non-exclusive easements reserved in this Section 4 shall be extinguished when replacement utilities serving the affected area have been substantially completed and are operable. The City shall execute a guitclaim of any interest in any easement reserved under this Section 4 and shall cause such guitclaim to be recorded against the subject property upon the fee title owner demonstrating to the City that replacement utilities serving the affected area have been substantially completed and operable. In the event a non-exclusive easement described in this section has merged into the fee interest held by the City, such interest shall be deemed to be automatically extinguished and conveyed at the time the fee interest is conveyed by the City to OCII or any other transferee pursuant to the Candlestick Point Hunters Point Shipyard Phase 2 DDA.

Section 5. The vacation of the Vacation Area is subject to the reservation of temporary access for the benefit of the public over any portion of the Vacation Area where required to preserve access between a private property and the existing street grid as of the effective date of this Ordinance. To the extent the access rights described in this section have not previously merged into a fee interest held by the City, such access reserved in this Section 5 shall be automatically extinguished when replacement access serving the affected area has been substantially completed and is open to the public. The City shall execute a quitclaim of the temporary access reserved under this Section 5 and shall cause such quitclaim to be recorded against the subject property upon the fee title owner demonstrating to the City that replacement access serving the affected area has been substantially completed and non-exclusive easement described in this section has merged into the fee interest held by the City, such interest shall be deemed to be automatically extinguished and conveyed at the time the fee interest is conveyed by the City to OCII or any other transferee pursuant to the DDA.

Section 6. Except as specifically provided in this Ordinance above and subject to the conditions set forth in Section 4 and Section 5 of this Ordinance, no easements or other rights are reserved for any public utility facilities that are in place in the Vacation Area and any rights based upon any such public utility facilities shall be extinguished upon the effectiveness of the vacation hereunder.

Section 7. (a) Notwithstanding the provisions of Administrative Code Chapter 23, the Board of Supervisors hereby authorizes the Director of Real Estate to: (1) execute a City quitclaim deed(s) to the OCII for those portions of the Vacation Area to be conditionally vacated (as described in Section (1)(f)) upon satisfaction of the applicable conditions set forth

in that section; and (2) execute a City quitclaim deed(s) to the San Francisco Housing Authority and OCII for the remainder of the Vacation Area shown on SUR Map No. 6010, sheets 1 thorough 18. To the extent that any of the Vacation Areas mentioned in Subsections (1) and (2) above remain under the jurisdiction of the San Francisco Housing Authority, the City quitclaim deed(s) shall be issued to the Housing Authority instead of OCII.

(b) The quitclaim deeds executed pursuant to this Section shall include the reservations of: (1) the non-exclusive easements to AT&T for telecommunications purposes, to PG&E for power and gas transmission purposes, and to the City for City utilities described in Section 4; and (2) the temporary access to the extent necessary as described in Section 5. The Board hereby delegates to the Director of Real Estate, in cooperation with the County Surveyor, the authority to determine precise locations of the boundaries of quitclaims to be prepared and recorded pursuant to this Ordinance so as to fully implement the intent of this Ordinance and to fully implement the Project.

Section 8. The Board of Supervisors hereby directs the Clerk of the Board of Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner required by law. The Clerk of the Board also is hereby directed to transmit to the Director of Public Works a certified copy of this Ordinance so that this Ordinance may be recorded together with any other documents necessary to effectuate this Ordinance.

Section 9. The Mayor, Clerk of the Board, Director of Property, and Director of Public Works are hereby authorized and directed 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 (including, without limitation, the filing of the Ordinance in the Official Records of the City and County of San Francisco and confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of any portion of the Vacation Area hereunder and confirmation of the reservation of easements and of temporary access pursuant to Section 4 and Section 5 of this Ordinance and execution and delivery of any evidence of same, which shall be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

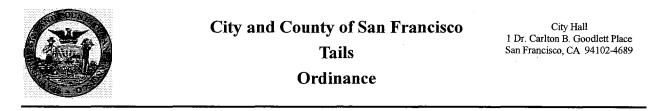
Section 10. Effective Date. This Ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the Ordinance, the Mayor returns the Ordinance unsigned or does not sign the Ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the Ordinance.

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

By: John D. Malamut Deputy City Attorney

n:\land\as2014\9690063\00898212.doc

Department of Public Works BOARD OF SUPERVISORS



File Number: 140173

Date Passed: April 15, 2014

Ordinance ordering the vacation of portions of streets along with public service easements that may exist within the Hunters Point Shipyard Phase II Redevelopment Plan area, generally bounded the 1948 Bulkhead Line to the north, the 1941 Bulkhead Line to the east, Bancroft Avenue to the south, and Griffith Street to the west, including submerged areas; ordering the vacation of portions of streets along with public service easements that may exist within the Candlestick Point Redevelopment Plan area, generally bounded by Underwood Avenue, Arelious Walker Drive, Gilman Avenue, Donahue Street, Carroll Avenue, Alvord Street, Fitzgerald Avenue, the City and County of San Francisco County Line, Harney Way, Ingerson Avenue, and Hawes Street, including submerged areas; ordering the conditional vacation of portions of Griffith Street, Nichols Way, Cameron Way, Doublerock Street, Giants Drive, Hunters Point Expressway, Jamestown Avenue, Gilman Avenue, and Crisp Road for various purposes; reserving various easement rights in favor of the City and third party utilities, subject to conditions specified in this Ordinance; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Redevelopment Plans and the City's General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions in furtherance of this Ordinance.

March 17, 2014 Land Use and Economic Development Committee - REFERRED WITHOUT RECOMMENDATION

April 08, 2014 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 15, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140173

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/15/2014 by the Board of Supervisors of the City and County of San Francisco.

7#

Angela Calvillo Clerk of the Board

Date Approved