

4/12/01  
grh

1 [Street Vacation in Connection with Mid-Embarcadero Roadway]  
2 **Resolution declaring the intention of the Board of Supervisors to vacate portions of**  
3 **The Embarcadero and Folsom Street between Howard and Harrison Streets in**  
4 **connection with the Mid-Embarcadero Roadway Project; setting the hearing date for**  
5 **May 14, 2001 at 3:00p.m. for all persons interested in the proposed vacation of the**  
6 **street areas; and adopting findings that the vacation is consistent with the City's**  
7 **General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the**  
8 **applicable Redevelopment Plan Area.**

9 WHEREAS, the City's "Waterfront Transportation Projects" are essentially complete  
10 and resulted in major improvements to the north south and mid- sections of The Embarcadero  
11 Roadway between Jefferson Street and Third Street; and,

12 WHEREAS, as part of the improvements to the Mid-Embarcadero Roadway  
13 component of the Waterfront Transportation Projects, the Board of Supervisors, by Resolution  
14 No. 100-96 approved the DPT variant for the Mid-Embarcadero Roadway and Terminal  
15 Separator Replacement project to create the Rincon Park Site between Howard Street and  
16 Harrison Street; and,

17 WHEREAS, the Port has requested the Department of Public Works to initiate the  
18 process for the vacation of certain street areas, the general location and extent of which are  
19 portions of the former Embarcadero Roadway and Folsom Street as further described below  
20 (the "Street Area"), and the San Francisco Port Commission, by Resolution No. 00-90, has  
21 authorized the Port's Executive Director or his designee to take all further actions necessary  
22 to complete such street vacation; and,

23 WHEREAS, The Street Area is shown in the Department of Public Works'  
24 SUR Map No. 9000, dated February 9, 2001, and is more particularly described in the legal  
25

1 description attached to such map, a copy of which map and accompanying legal description is  
2 on file with the Clerk of the Board of Supervisors in File No. 010361; and,

3 WHEREAS, the Board recognizes DPW Order No. 172,789 recommending the  
4 vacation of the Street Area; and,

5 WHEREAS, the Street Area underlies a site that is designated for a park and  
6 restaurant site pursuant to the Rincon Point/South Beach Redevelopment Plan, adopted by  
7 the Board of Supervisors by Ordinance No. 14-81 and last amended by the Board of  
8 Supervisors by Ordinance 334-97 and the Port's Waterfront Plan, adopted by the Port  
9 Commission by Resolution No. 97-50; and,

10 WHEREAS, the vacation of the Street Area is necessary to fulfill the objectives of the  
11 Waterfront Transportation Project and the realignment of the Embarcadero Roadway, and the  
12 objectives of the South Beach/Rincon Redevelopment Plan and the Port's Waterfront Plan;  
13 and,

14 WHEREAS, subject to the reservations and conditions specified in this resolution  
15 below, the Street Area is unnecessary for present or prospective public street use; and,

16 WHEREAS, The public convenience and necessity require that the City reserve and  
17 except from the vacation of the Street Area solely the following: the non-exclusive easement  
18 for the benefit of the San Francisco Public Utilities Commission ("PUC") and Pacific Gas &  
19 Electric Company ("PG&E"), in, upon, and over those certain portions of the Street Area in  
20 which their respective in-place and functioning facilities are located as described in the maps  
21 on file with the Clerk of the Board of Supervisors in File No. 010361, to the extent  
22 necessary to maintain, operate, repair and remove such existing lines of pipe, conduits,  
23 cables, wires, poles, and other appurtenant structures, equipment and fixtures for the  
24 operation of existing water lines and appurtenant facilities for the transportation or distribution  
25 of water, existing gas pipelines, existing street lighting facilities, and existing facilities for the

1 transportation or distribution of electric energy, and reasonable access to the foregoing  
2 facilities for the purposes set forth above; and,

3 WHEREAS, The public convenience and necessity further require that the Port grant to  
4 the San Francisco PUC and PG&E the easements described in the preceding paragraph; and,

5 WHEREAS, The public convenience and necessity further require that any reserved or  
6 excepted easements for existing utilities described in the preceding paragraphs shall be  
7 terminated in whole or in part, as appropriate, upon the earliest of (i) the termination of the  
8 easement under an instrument (if any) signed by the San Francisco PUC or PG&E, or (ii) the  
9 determination by the Director of Public Works or the Port's Chief Harbor Engineer (if within  
10 Port jurisdiction) that (A) reasonable alternative utility service has been provided to the areas  
11 served by such utilities for the period of service needed or (B) the areas served by the utilities  
12 no longer require such service (as may be evidenced by written notice of the owners being  
13 served that such service is no longer required); and that any new public utilities shall be  
14 placed in a new dedicated street pursuant to then applicable franchise rights or other  
15 applicable requirements of controlling local, state or federal statutes, or otherwise in locations  
16 and on terms and conditions reasonably satisfactory to the City's Director of Public Works or  
17 the Port's Executive Director (if within Port jurisdiction), including without limitation, the  
18 location, term, width, scope, access rights and maintenance rights of the new utilities; and,

19 WHEREAS, Except as specifically provided above and subject to the conditions set  
20 forth below, the public convenience and necessity require no easements or other rights be  
21 reserved for any public utility facilities that are in place in the Street Area and that any rights  
22 based upon any such public utility facilities be extinguished upon the effectiveness of the  
23 vacation; and,

24 WHEREAS, Any removal, relocation or abandonment of any in-place utilities required  
25 or permitted to be performed in connection with the development of Rincon Park and

1 restaurant site area shall be done at no cost or expense to the Port, provided that nothing  
2 herein shall be deemed to preclude any future owner or lessee of the Street Area from  
3 charging a private party for or otherwise causing a private party to bear the costs of such  
4 relocation where such charge or cost is otherwise permitted by law; and,

5 WHEREAS, The vacation of the Street Area shall be subject to satisfaction of the  
6 certain conditions precedent on or before the effective date of the vacation, as set forth below;  
7 and,

8 WHEREAS, On January 22, 2001, the Director of City Planning signed a letter, a copy  
9 of which is on file with the Clerk of the Board of Supervisors in File No. 010361,  
10 wherein the Director found that the proposed vacation of the Street Area is consistent with the  
11 City's General Plan, including the street vacation criteria set forth in the Urban Design  
12 Element, and with the Eight Priority Policies of City Planning Code Section 101.1; and,

13 WHEREAS, on February 6, 2001, the Redevelopment Agency signed a letter, a copy of  
14 which is on file with the Clerk of the Board of Supervisors in File No. 010361,  
15 wherein the Redevelopment Agency found that the proposed vacation of the Street Area is  
16 consistent with the South Beach/Rincon Park Redevelopment Area Plan; and,

17 WHEREAS, Before approving the vacation of the Street Area, the Board of Supervisors  
18 will consider the information contained in the Final Environmental Impact Report  
19 (EIR)/Environmental Impact Statement (EIS) for the Mid-Embarcadero Roadway project  
20 certified by the Planning Commission on September 19, 1996, and make any findings  
21 required by the California Environmental Quality Act and applicable regulations; and,

22 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the  
23 City and County will follow the procedure for vacating streets set forth in State law in the  
24 Streets and Highways Code and such rules and conditions as are adopted by the Board of  
25 Supervisors; now, therefore, be it

1 RESOLVED, That under Sections 8320 et seq. of the California Streets and Highway  
2 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the  
3 Street Area, as described in the map referred to above on file with the Clerk of the Board of  
4 Supervisors in File No. 010361; and, be it

5 FURTHER RESOLVED, That the vacation proceeding of the Street Area is conducted  
6 under the general vacation procedures of the Public Streets, Highways and Service  
7 Easements Vacation Law (Streets and Highway Code Sections 8320 et seq.); and, be it

8 FURTHER RESOLVED, That the vacation of the Street Area shall be conditioned upon  
9 and shall not become effective until (1) the Port's Executive Director has been authorized and  
10 directed to grant and has granted, and the Director of Property has been authorized and  
11 directed to accept and has accepted, an easement for the benefit of the San Francisco PUC  
12 as described above, (2) the Port's Executive Director has been authorized and directed to  
13 grant, and has granted to PG&E, an easement for the benefit of PG&E as described above,  
14 and (3) the Clerk of the Board of Supervisors has been authorized and directed to record (or  
15 cause to be recorded) a certified copy of the Ordinance ordering such vacation as provided in  
16 Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation  
17 shall be effective without any further action by the Board of Supervisors; and, be it

4/12/01  
grh 18 FURTHER RESOLVED, That notice is hereby given that on the 14th day of May, 2001,  
19 beginning at 3:00 p.m. in the Legislative Chambers of the Board of Supervisors, all persons  
20 interested in or objecting to the proposed vacation will be heard; and, be it

21 FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its  
22 own and incorporates by reference herein as though fully set forth, the findings in the Director  
23 of Planning's letter referred to above that the proposed vacation of the Street Area is in  
24

1 conformity with the City's General Plan and is consistent with the Eight Priority Policies of  
2 Planning Code Section 101.1; and, be it

3 FURTHER RESOLVED, That the San Francisco Board of Supervisors incorporates by  
4 reference herein as though fully set forth, the findings in the Redevelopment Agency's  
5 Executive Director's letter referred to above that the proposed vacation of the Street Area is in  
6 conformity with amendments to the Rincon Point/South Beach Redevelopment Plan; and, be  
7 it and be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its  
9 own and incorporates by reference herein as though fully set forth, the DPW Order No.  
10 172,789 recommending vacation of the Street Area; and be it

11 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
12 to transmit to the Department of Public Works a certified copy of this resolution, and the Board  
13 of Supervisors urges the Director of Public Works to publish or post this resolution promptly in  
14 the manner required by law and to give notice of the hearing of such contemplated action in  
15 the manner required by law.

16  
17 RECOMMENDED:

18  
19 (see file for signature)

20 Anthony J. DeLucchi

21 Director of Real Estate

22  
23 (see file for signature)

24 Edwin Lee

25 Director of Public Works

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(see file for signature)

Douglas F. Wong  
Director of Port

DESCRIPTIONS APPROVED/CHECKED:

(see file for signature)

Harlan Kelly, Jr.  
City Engineer



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

---

**File Number:** 010361

**Date Passed:**

Resolution declaring the intention of the Board of Supervisors to vacate portions of the Embarcadero and Folsom Streets between Howard and Harrison Streets in connection with the Mid-Embarcadero Roadway Project; setting the hearing date for May 14, 2001, at 3:00 P.M. for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the applicable Redevelopment Plan Area.

---

April 23, 2001 Board of Supervisors — ADOPTED


Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin

Absent: 4 - Ammiano, Newsom, Sandoval, Yee

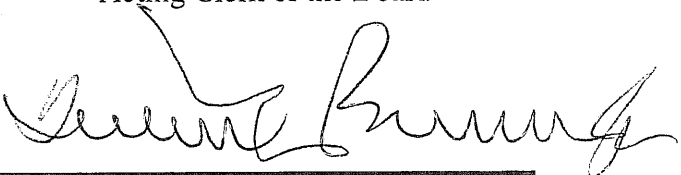


File No. 010361

I hereby certify that the foregoing Resolution was ADOPTED on April 23, 2001 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Jean Lum  
Acting Clerk of the Board

**APR 25 2001**  
\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.