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Edwin M. Lee, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 180254

Determination to recommend vacating the portion of San Jose Avenue lying between Cesar Chavez Street and 27th Street pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code.

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

WHEREAS, the portion of San Jose Avenue, between Cesar Chavez and 27th Streets to be vacated ("the Vacation Area"), is specifically shown on SUR Map 2012-001, dated March 21, 2012; 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 Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the Public Utility Commission ("PUC"). No utility company or agency objected to the proposed vacation, and the Vacation Area is unnecessary for the City's present or prospective public street purposes; and

WHEREAS, The California Pacific Medical Center ("CPMC") is owner of all real property adjacent to the Vacation Area; 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 are 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, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those



members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation; and

WHEREAS, The Director of Public Works for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.
2. The vacation is being carried out pursuant to section 787 of the San Francisco Public Works Code.
3. The vacation is being carried out pursuant to Section 8334 of the California Streets and Highway Code, which provides that a legislative body of a local agency may summarily vacate an excess right-of-way of a street, highway or public easement under certain circumstances.
4. The Vacation Area to be vacated is shown on the SUR Map No. 2012-001.
5. The Vacation Area is located within a portion of CPMC's St. Luke's Campus. The Vacation Area is gated at its northern end where it meets Cesar Chavez Street and has not been open to through traffic since at least 1968. CPMC currently uses the Vacation Area under a street encroachment permit recorded May 15, 1968, as instrument No. Q 63257, in Book B 241, Page 991 (the "Encroachment Permit"). The Vacation Area is not necessary for street purposes as (1) all properties that abut the Vacation Area are owned by CPMC as part of the St. Luke's Campus, (2) Cesar Chavez Street does not run through the St. Luke's Campus or end touching the property of another, and (3) the St. Luke's Campus is fully served by other roadways. As part of the plan for redevelopment of the St. Luke's Campus, CPMC has filed a lot line adjustment application to merge the three other parcels on the St. Luke's Campus, together with the Vacation Area, to create one parcel.
6. The Vacation Area is necessary for the CPMC St. Luke's Replacement Hospital Project, provided the Vacation Area is transferred to CPMC and thereafter developed as contemplated by and as described in the environmental impact report ("EIR") for CPMC's Long Range Development Plan ("LRDP").
7. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes as described herein.
8. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not necessary for non-motorized transportation for the reasons set forth herein, and therefore has no use as a non-motorized transportation facility.
9. There will be no physical public or private utilities affected by the vacation of the Vacation Area, based on the absence of any objections from any utility company, the consents obtained and agreements in place for relocation of existing facilities to the satisfaction of the Director and of all utility operators before the effective date of the street vacation, and the Director's recommendation that this street vacation and order rescinding the Encroachment Permit for the Vacation Area not become effective until the removal of existing utility facilities in the Vacation



Area or the installation of all necessary replacement facilities outside of the Vacation Area to the satisfaction of the Director, to allow for the abandonment of existing utilities in the Vacation Area. Therefore, the continued and uninterrupted functioning and capacity of such existing utility facilities will not be affected. Any one of these reasons would be sufficient to find that there are no public utility facilities currently in use that would be affected by the vacation

10. The vacation of the Vacation Area will allow for the transfer of the Vacation Area to CPMC and the opportunity to redevelop the St. Luke's Campus, including a new St. Luke's Replacement Hospital and associated entry plaza and pedestrian pathway, portions of which would be located on the Vacation Area. The conveyance of the Vacation Area is a policy matter for the Board of Supervisors.

11. The public interest, convenience and necessity require that, except as provided in this Order, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in such vacation area and that any rights based upon any such public or private utilities or facilities may be extinguished.

12. The Vacation Area is unnecessary for the City's present or prospective public street purposes.

13. At its hearing on April 26, 2012, the Planning Commission certified by Motion No. 18588 a Final Environmental Impact Report ("FEIR") for the LRDP, which includes the St. Luke's Campus and the proposed street vacation, as adequate, accurate and complete, pursuant to the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) ("CEQA"), the CEQA Guidelines (14. Cal. Code Reg. Section 15000 et seq.) and Chapter 31 of the Administrative Code. A copy of the Motion is in the file for Case No. _____. Also on April 26, by Motion No. 18589, the Planning Commission adopted findings, including a statement of overriding considerations, and an MMRP, pursuant to CEQA. In accordance with the actions contemplated herein, the Director has reviewed the FEIR, and adopts and incorporates by reference as though fully set forth herein the findings, including the statement of overriding considerations and mitigation monitoring and reporting program, adopted by the Planning Commission.

NOW THEREFORE BE IT ORDERED THAT,

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

1. SUR Map No. 2012-001

The Director further recommends, consistent with the Planning Commission's finding that the vacation contemplated herein is consistent with the General Plan and in conformance with the Eight Priority Policies of Planning Code Section 101.1 as set forth in Motion 18592 adopted April 26, 2012, that the Board of Supervisors move forward with the legislation to vacate said Vacation Area consistent with the foregoing, including the recommendation that the street vacation and order rescinding the Encroachment Permit for the Vacation Area not be effective until the removal of existing utility facilities in the Vacation Area or installation of all necessary replacement facilities outside the Vacation Area to the satisfaction of the Director, to allow for the abandonment of existing utilities in the 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.

5/10/2012

5/10/2012

X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor

X Fuad Sweiss, City Engineer

Sweiss, Fuad
Deputy Director for Engineering

5/11/2012

X Mohammed Nuru

Nuru, Mohammed
Director

