



Edwin M. Lee, Mayor  
Mohammed Nuru, Director



Bruce R. Storrs, City and County Surveyor

**DPW Order No: 184660**

**Determination to recommend vacating James Alley, generally bounded by Assessor's Block 0192 and Jackson Street, pursuant to California Streets and Highways Code Sections 8300 et seq. and Section 787 of the San Francisco Public Works Code.**

WHEREAS, This Public Works Order supersedes Public Works Order 184,148, dated October 15, 2015; and

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

WHEREAS, James Alley, generally bounded by Assessor's Block 0192 and Jackson Street, the area to be vacated ("the Vacation Area"), is specifically shown on SUR Map 2015-003, dated October 15, 2015; and

WHEREAS, On November 26, 2014, the Department of City Planning (Case No. 2014.1396R) found that the proposed vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. In that same letter, the Planning Department also issued a determination the under the California Environmental Quality Act.

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 applicant obtained the consent of all property owners 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 may be 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 Area to be vacated is shown on the SUR Map No. 2015-003.
4. The Vacation Area will be used as open space for the Chinese Hospital, provided that the Vacation Area is transferred to the Chinese Hospital and thereafter developed as contemplated.
5. Pursuant to the Streets and Highways Code Section 892, the Vacation Area is not useful as a non-motorized transportation facility for the reasons set forth herein.
6. 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. Reserving therefrom pursuant to the provision of Section 8340 of the Street and Highways Code:
  - a) For the benefit of the property at 821-823 Jackson Street, also known as Assessor's Block 0192 Lot 039, a permanent pedestrian access easement and right at any time or from time to time to construct, maintain, operate, replace, remove, renew, and other convenient structures, equipment and fixtures for the operation of PG&E gas meters, including access and the right to keep the property free from inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across that portion of James Alley so vacated and abandoned and any other mutually acceptable terms between the Chinese Hospital Association and the subject property owners, and;
  - b) For the benefit of Pacific Bell Telephone Company (dba AT&T-California), its successors and assigns, the permanent easement and right at any time or from time to time to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cable, wires, and other convenient structures, equipment and fixtures for the operation of telegraphic and telephone lines and other communication facilities, including access and the right to keep the property free from flammable materials and



wood growth, and otherwise protect the same from all hazards, in, upon, over and across that portion of James Alley so vacated and abandoned

7. The Director of the Real Estate Division has negotiated a purchase and sale agreement and a quitclaim for the Vacation Area. Approval of the real estate transaction is a policy matter for the Board of Supervisors

**NOW THEREFORE BE IT ORDERED THAT,**

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

1. Ordinance to vacate the Vacation Area;
2. Vacation Area SUR Map No. 2015-003

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

Attachments:

1. SUR Map NO. 2015-003, dated October 15, 2015.
2. Planning Department letter, dated November 26, 2014.
3. Street vacation description (Exhibit A).
4. Street vacation Plat (Exhibit B).

3/1/2016

3/1/2016

X Bruce R. Storrs

Storrs, Bruce  
City & County Surveyor  
Signed by: Storrs, Bruce

3/1/2016

X 

Sweiss, Fuad  
Deputy Director & City Engineer  
Signed by: Sweiss, Fuad

X Mohammed Nuru

Nuru, Mohammed  
Director  
Signed by: Nuru, Mohammed

