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Committee Item No. ____ 2____ Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

160153

Date February 29, 2016

Board of Supervisors Meeting

Date _____

Cmte Board

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OTHER	(Use back side if additional space is needed)
	SUR Map 2015.003
	DPW Order No. 194148
	General Plan Referral

Completed by:	<u>Alisa Somera</u>	Date	<u>February 26, 2016</u>
Completed by: _		Date	

FILE NO. 160153

ORDINANCE

[Street Vacation - James Alley - Chinese Hospital Improvements]

Ordinance ordering the street vacation of James Alley, generally bounded by Assessor's Block No. 0192 and Jackson Street, as part of improvements to the Chinese Hospital; approving a quitclaim of the City's interest in the vacation area pursuant to the terms and conditions of a Purchase and Sale Agreement between the City and County of San Francisco, as seller, and Chinese Hospital Association, as buyer; reserving various easement rights in favor of third party utilities and private property owners; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with 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 italies 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) California Street and Highways Code Sections 8300 et seq. and San Francisco

Public Works Code Section 787(a) set forth the procedures that the City and County of San

Francisco follows to vacate public streets and public service easements.

(b) The Board of Supervisors finds it appropriate to pursue a street vacation of a remaining portion of James Alley, south of Jackson Street and surrounded by Assessor's Block 0192 and Jackson Street as part of improvements to the Chinese Hospital.

(c) The location and extent of the area to be vacated (the "Vacation Area") is more particularly shown on Public Works ("PW") SUR Map No. 2015-003, dated October 15, 2015. A copy of this map is on file with the Clerk of the Board of Supervisors in File No. 160153 and is incorporated herein by reference.

(d) On _____, 2016, the Board of Supervisors adopted Resolution No.

______(the "Resolution of Intention"), being a resolution declaring the intention of the Board of Supervisors to vacate James Alley, generally bounded by Assessor's Block 0192 and Jackson Street. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 160105.

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

(f) When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the San Francisco City Hall, on ______,2016, the Board heard public testimony about the vacation of the Vacation Area.

(g) In PW Order No. 184148, dated October 15, 2015, on file with the Clerk of the Board of Supervisors in File No. 160153 the PW Director determined (1) the Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes; and (2) with exception of those noted in Section 3 of this ordinance for AT&T-California and Assessor's Block 0192 Lot 039, the public interest, convenience, and necessity do not require any easements or other rights be reserved for any public or private utility facilities that are in place in the Vacation Area and that any rights based upon any such public or private utility facilities shall be extinguished automatically upon the effectiveness of the vacation; and (3) it is a policy matter for the Board of Supervisors to quitclaim the City's interest in the Vacation Area to Chinese Hospital Association.

(h) The PW Director also recommends that the street vacation be conditioned on simultaneous recordation of the City's quitclaim deed for the Vacation Area in connection with consummation of the transaction contemplated in that certain Purchase and Sale Agreement dated _______, 2016 between City, as seller, and Chinese Hospital Association, as buyer, for a purchase price of \$185,000 (the "Purchase Agreement"), as recommended by the Director of the Real Estate Division ("RED Director"), a copy of the Purchase Agreement is on file with the Clerk of the Board of Supervisors in File No.

and incorporated herein by reference. The Board of Supervisors adopts as its own, the recommendations of the PW Director as set forth in PW Order No. 184148 concerning the vacation of the Vacation Area and other actions in furtherance thereof and the Board hereby incorporates such recommendations and findings by reference as though fully set forth herein.

(i) The RED Director determined that the proposed purchase price in the Purchase Agreement is reasonable and represents fair market value for the Vacation Area to be acquired by Chinese Hospital Association.

(j) The Board of Supervisors acknowledges the recommendation of the RED Director as referenced in the PW Order to approve the real estate transaction contemplated in this ordinance and as contemplated in the Purchase Agreement.

(k) In a letter dated November 26, 2014 (the "Planning Letter"), the City Planning Department determined that the proposed vacation of the Vacation Area and other actions contemplated herein are consistent with the General Plan and priority policies of the Planning Code, Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 160153 and is incorporated herein by reference as though fully set forth herein. The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

(I) Also in the Planning Letter, the Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). The Board hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. 160153 and is incorporated herein by reference.

Section 2. Vacation and Conditions.

(a) With the exception of the reservations in Section 3 below, the Board of Supervisors hereby vacates the Vacation Area, as shown on SUR Map No. 2015-003, upon satisfaction of the conditions described in this ordinance and pursuant to California Street and Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a).

(b) The Board of Supervisors finds that the Vacation Area is unnecessary for present or prospective public use, subject to the conditions described in this ordinance.

(c) The public interest and convenience require that the vacation be done as declared in this ordinance.

(d) The Street Vacation shall be effective as to all of the Vacation Area upon simultaneous recording of the City's quitclaim deed in substantially the same form as the draft quitclaim deed on file with the Clerk of the Board of Supervisors in File No. ______, and in connection with the closing of the transaction contemplated in the Purchase Agreement.

Section 3. The vacation of the Vacation Area is conditioned upon the reservation of the following easement rights:

(a) Excepting and reserving therefrom, pursuant to the provision of California Street and Highways Code Section 8340, 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 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.

(b) Excepting and reserving therefrom, pursuant to California Street and Highways Code Section 8340, for the benefit of the property at 821-823 Jackson Street, also known as Assessor's Block 0192 Lot 039, the permanent easement for pedestrian access and an easement and right at any time or from time to time to construct, maintain, operate, replace, remove, renew, and enlarge pipe, conduits, cable, wires, 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 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.

Section 4. Real Property Transaction.

(a) The Board approves the execution, delivery, and performance of the Purchase Agreement, and the RED Director or his or her designee is hereby authorized to execute the Purchase Agreement, in substantially the form of Agreement referenced herein, on behalf of the City, and any such other documents that are necessary or advisable to complete the

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transaction contemplated by the Purchase Agreement and effectuate the purpose and intent of this ordinance.

(b) The Board of Supervisors authorizes the RED Director to enter into any amendments or modifications to the Purchase Agreement (including, without limitation, the attached exhibits) that the RED Director, in consultation with the City Attorney, deems to be in the best interest of the City, do not otherwise materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of the Purchase Agreement, and are in compliance with all applicable laws, including City's Charter.

(c) The RED Director also is authorized to issue a quit claim deed of the City's interest in the Vacation Area to Chinese Hospital Association in substantially the same form as on file with the Clerk of the Board of Supervisors in connection with closing the transaction contemplated in the Purchase Agreement, and to take any and all steps (including, but not limited to, the execution and delivery of any and all certificates, agreements, notices, consents, escrow instructions, closing documents and other instruments or documents) as the RED Director deems necessary or appropriate to consummate the conveyance of the Vacation Area pursuant to the Purchase Agreement, or to otherwise effectuate the purpose and intent of this ordinance.

Section 5. Official Acts in Connection with the Ordinance.

(a) All actions heretofore taken by the officers of the City with respect to this ordinance are hereby approved, confirmed, and ratified, and the Mayor, Clerk of the Board, RED Director, County Surveyor, and PW Director 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

this ordinance in the Official Records of the City and County of San Francisco; confirmation of satisfaction of the conditions to the effectiveness of the vacation of the Vacation Area hereunder; and execution and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the conditions upon signature by any such City official or his or her designee).

(b) Upon the effectiveness of this vacation and the related real estate transaction, this ordinance shall be recorded.

Section 6. 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

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City and County of San Francisco





Edwin M. Lee, Mayor Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

DPW Order No: 184148

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, 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, and 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 consent of all property owners adjacent to the Vacation Area was obtained by the applicant; 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



San Francisco Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city. 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. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, or public service easement purposes, with exception of a permanent easement for the benefit of the San Francisco Public Utility Commission, with the right at any time or from time to time to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipes, and other convenient structures, equipment and fixtures for the operation of storm drains, 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.

6. 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.

7. 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 and for the benefit of the property at 821-823 Jackson Street, also known as Assessor's Block 0192 Lot 039, the permanent 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.

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



San Francisco Public Works

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

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:

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

10/15/2015

10/15/2015

Bruce R. Storrs

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

10/15/2015

Signed by: Sweiss, Fuad

Sweiss, Fuad

Deputy Director & City Engineer

X Mohammed Nuru

Nuru, Mohammed Director Signed by: Nuru, Mohammed





SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date:	November 26, 2014	San Francisco, CA 94103-2479
Case No.	Case No. 2014.1396R James Alley Street Vacation	Reception: 415.558.6378
Block/Lot No.:	0192/039	Fax: 415.558.6409
Project Sponsor:	Javier Rivera San Francisco Department of Public Works 1155 Market Street, 3 rd Floor San Francisco, CA 94103	Planning Information: 415.558.6377
Applicant:	Same as Above	
Staff Contact:	Lily Langlois – (415) 575-9083 <u>lily.langlois@sfgov.org</u>	DECEIVED
Recommendation:	Finding the project, on balance, is in conformity with the General Plan	IVED
Recommended By:	John Rahaim, Director of Planning	

1650 Mission St. Suite 400

PROJECT DESCRIPTION

The project proposes to vacate James Alley. James Alley is a non-standard street with a width of 6.25 feet. The vacation of the alley is to accommodate hospital uses for the new Chinese Hospital. The design and landscaping of James Alley should be consistent with the project description and conditions of approval as approved by the Planning Commission on July 12, 2012 under Motion 18664.

ENVIRONMENTAL REVIEW

The project was evaluated in the 835-845 Jackson Street Chinese Hospital Replacement Project Final Environmental Impact Report, certified July 12, 2012, Planning Commission Motion No. 18660.

JAMES ALLEY STREET VACATION

CASE NO. 2014.1396R

- 6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
- 7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
- 8. Enlargement of a property that would result in (i) additional dwelling units in a multifamily area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
- 9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;
- 10. Removal of significant natural features, or detriment to the scale and character of surrounding development;
- 11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning; or
- 12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

- 1. Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;
- 2. In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations;
- 3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
- 4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
- 5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

Neighborhood Environment

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

JAMES ALLEY STREET VACATION

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character would not be negatively affected.

- 3. That the City's supply of affordable housing be preserved and enhanced. *The Project would have no adverse effect on the City's supply of affordable housing.*
- 4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

The Project would have no adverse effect on historic buildings or landmarks.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION: Finding the Project, on balance, in-conformity with the General Plan

cc: Javier Rivera, SFDPW

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp I hereby submit the following item for introduction (select only one): or meeting date \times 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment) 2. Request for next printed agenda Without Reference to Committee. 3. Request for hearing on a subject matter at Committee. inquires" \square 4. Request for letter beginning "Supervisor 5. City Attorney request. 6. Call File No. from Committee. 7. Budget Analyst request (attach written motion). \square 8. Substitute Legislation File No. 9. Reactivate File No. 10. Question(s) submitted for Mayoral Appearance before the BOS on Please check the appropriate boxes. The proposed legislation should be forwarded to the following: Small Business Commission □ Youth Commission □ Ethics Commission □ Planning Commission Building Inspection Commission Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form. Sponsor(s): Supervisor Aaron Peskin Subject:

[James Alley - Street Vacation Connection with Chinese Hospital Improvements]

The text is listed below or attached:

Ordinance ordering the street vacation of James Alley, generally bounded by Assessor's Block 0192 and Jackson Street as part of improvements to the Chinese Hospital; approving a quiteclaim of the City's interest in the vacation area pursuant to the terms and conditions of a purchase and sale agreement between City and County of San Francisco, as seller, and Chinese Hospital Association, as buyer; reserving various easement rights in favor of third party utilities and private property owners; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the San Francisco General Plan and eight priority policies of San Francisco Planning Code section 101.1; and authorizing official acts in connection with this ordinance. For Clerk's Use Only:

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