

1 [Interdepartmental jurisdictional transfer of a portion of the Youth Guidance Center site.]

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3 **Resolution Transferring Jurisdiction of Approximately Two Acres of the Youth**
4 **Guidance Center Property, Located at 375 Woodside Avenue, San Francisco, and**
5 **Identified as a Portion of Assessor’s Block 2842, Lot 007, from the Juvenile Probation**
6 **Department to the Real Estate Division of the Administrative Services Department To**
7 **Hold in Trust for the Superior Court of the City and County of San Francisco for Future**
8 **Court Uses In Exchange for the Fair Market Value of the Property; and Adopting**
9 **Findings that the Transfer of Jurisdiction Is Consistent with the City’s General Plan and**
10 **the Eight Priority Policies of Planning Code Section 101.1.**

11
12 WHEREAS, The City and County of San Francisco (the “City”) owns that certain real
13 property commonly known as the Youth Guidance Center, located at 375 Woodside Avenue,
14 San Francisco, and identified as a portion of Assessor’s Block 2842, Lot 007, comprised of
15 approximately sixty-three acres of land, including that certain approximately two-acre site to
16 be identified by the mutual agreement of the Parties following completion of a survey and
17 legal description, together with all improvements thereon and easements and appurtenances
18 thereto (the “Property”); and,

19 WHEREAS, The Youth Guidance Center is under the jurisdiction of the City’s Juvenile
20 Probation Department; and,

21 WHEREAS, The Property is improved with three (3) existing structures, of which
22 currently the Superior Court of the City and County of San Francisco (the “Court”) occupies
23 and uses approximately three thousand (3,000) square feet and the City occupies and uses
24 the remaining approximately seven thousand, five hundred and seventy-five (7,575) square
25 feet (the “City Premises”); and,

1 WHEREAS, The Court has conducted a preliminary examination, evaluation, and
2 assessment of the Property and has determined the Property is suitable for future court needs
3 (“Future Court Property”); and,

4 WHEREAS, The City and the Court have reached a conceptual agreement to transfer
5 jurisdiction over the Future Court Property from the Juvenile Probation Department to the Real
6 Estate Division of the Administrative Services Department, pursuant to Section 23.20 of the
7 San Francisco Administrative Code, and have set forth such agreement in a Memorandum of
8 Understanding (the “MOU”) on file with the Clerk of the Board of Supervisors in File
9 No. _____, which is hereby declared to be a part of this resolution as if set forth
10 fully herein; and,

11 WHEREAS, The Real Estate Division will hold the Future Court Property in trust for the
12 Court for the Court’s future uses, consistent with the Court’s mission, and shall after the
13 interdepartmental transfer of jurisdiction treat the Future Court Property as a court facility for
14 purposes of the Trial Court Facilities Act of 2002, commencing at Government Code
15 Section 70301; and,

16 WHEREAS, The Trial Court Facilities Act of 2002 requires any county to transfer
17 responsibility for the funding and operation of all trial court facilities, as defined at Government
18 Code Section 70301(d), located in each county to the Judicial Council of California, such
19 transfers of responsibility to be evidenced by the transfer of title to the court facilities to the
20 State of California and consummated between July 1, 2004 and June 30, 2007; and,

21 WHEREAS, The Real Estate Division will subsequently use its good faith efforts to
22 enter into a transfer agreement with the State of California for the Future Court Property and,
23 pursuant to such agreement, shall execute a quitclaim deed transferring ownership of the
24 Future Court Property from the City to the State of California as a court facility subject to the
25 Trial Court Facilities Act of 2002; and,

1 WHEREAS, Under the MOU, the City will continue to occupy and use the City
2 Premises until June 30, 2009, without paying rent, in exchange for which, City will waive any
3 right to relocation benefits from the State of California; and,

4 WHEREAS, The Court and the City have agreed that, as consideration for the
5 interdepartmental transfer and the City's agreement to hold the Property as a court facility and
6 therefore to transfer ownership of the Future Court Property upon the Court's direction, the
7 Court will pay to City the fair market value of the Future Court Property, as determined by an
8 independent appraisal, less the estimated costs of any future demolition of the existing
9 improvements, which shall be the Court's responsibility (as adjusted, the "Fair Market Value"),
10 using funds available to the Court in the County's Courthouse Construction Fund, established
11 pursuant to California Government Code Section 76100; and,

12 WHEREAS, In accordance with the provisions of Section 23.11 of the San Francisco
13 Administrative Code, the Director of Property has reported to the Mayor his opinion that the
14 subject property can be most advantageously used by the Court and has therefore
15 recommended that the jurisdictional transfer be made to the Real Estate Division to hold the
16 Future Court Property on the Court's behalf; and,

17 WHEREAS, The Mayor recommends the proposed transfer of the Future Court
18 Property; and,

19 WHEREAS, In a letter dated _____, 2004, a copy of which is on file with
20 the Clerk of the Board of Supervisors in File No. _____, which is hereby declared to
21 be a part of this resolution as if set forth fully herein, the Environmental Review Officer of the
22 Planning Department determined that the jurisdictional transfer of the Property complies with
23 the California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq. and
24 the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000, et seq., in that
25 the transfer of property is categorically exempt from CEQA; and,

1 WHEREAS, In a letter dated _____, 2004, a copy of which is on file with
2 the Clerk of the Board of Supervisors in File No. _____, which is hereby declared to be
3 a part of this resolution as if set forth fully herein, the Director of Planning found that the
4 jurisdictional transfer of the Property is consistent with the City's General Plan and with the
5 Eight Priority Policies of City Planning Code Section 101.1; now, therefore be it

6 RESOLVED, That pursuant to San Francisco Administrative Code Section 23.13, this
7 Board hereby determines that the subject property is surplus to the Juvenile Probation
8 Department and that it can be used most advantageously by the Court; and, be it

9 FURTHER RESOLVED, That, accordingly and in accordance with the
10 recommendations of the Director of Property and the Mayor, the Director of Property is
11 authorized and directed to transfer jurisdiction of the Future Court Property to the Real Estate
12 Division of the Administrative Services Department to hold in trust on behalf of the Court and
13 to treat the Future Court Property as a court facility within the meaning of the Trial Court
14 Facilities Act of 2002 in exchange for the Court's payment to City of the Fair Market Value of
15 the Future Court Property; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors, relying on the information
17 contained in File No. _____, this Board finds that this project is categorically exempt
18 from further environmental review under CEQA and the CEQA Guidelines; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and
20 incorporates by reference herein as though fully set forth the findings in the Director of
21 Planning's letter referred to above, that the jurisdictional transfer is in conformity with the
22 General Plan and is consistent with the Eight Priority Policies of Planning Code Section 101.1;
23 and, be it

24 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
25 Property to execute the Memorandum of Understanding in substantially the form on file with

1 the Clerk of the Board of Supervisors in File No. _____ and to enter into any additions,
2 amendments or other modifications to the Memorandum of Understanding (including, without
3 limitation, the exhibits) that the Director of Property determines, in consultation with the City
4 Attorney, are in the best interests of the City, do not materially increase the obligations or
5 liabilities of the City, and are necessary or advisable to complete the transaction contemplated
6 in the Memorandum of Understanding and to effectuate the purpose and intent of this
7 resolution, such determination to be conclusively evidenced by the execution and delivery by
8 the Director of Property any amendments thereto; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
10 Property to execute a quitclaim deed to transfer ownership of the Future Court Property to the
11 State of California in accordance with the Trial Court Facilities Act of 2002 at such time as the
12 Court so directs the Director of Property.

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14 RECOMMENDED:

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16 _____
17 Director of Property

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19 _____
20 Mayor

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