

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 16-155

WHEREAS, The Parking Authority of the City and County of San Francisco (Parking Authority) is a State agency whose operations are governed by the Parking Law of 1949 (the Act), codified at California Streets & Highway Code section 32500 et seq., which authorizes local agencies to create parking authorities for the limited purposes of constructing and operating public parking facilities; and,

WHEREAS, The Board of Supervisors created the Parking Authority in October 1949 by Ordinance No. 9126; and,

WHEREAS, As directed by the Charter and authorized by the Act , the members of the Board of Directors of the San Francisco Municipal Transportation Agency (SFMTA) serve *ex officio* as the Parking Authority Commission; and,

WHEREAS, Proposition D of 1988, Proposition E of 1999 and Proposition A of 2007 amended the Charter to effectively consolidate the management and operation of publicly owned parking facilities under the SFMTA, which has exclusive authority over City-owned off-street public parking facilities (except parking facilities at the Airport or at the Port); and,

WHEREAS, The Parking Authority on October 18, 2007 contracted with the SFMTA to manage all Parking Authority facilities in accordance with SFMTA off-street parking policies and regulations, and SFMTA staff perform all administrative tasks for the Parking Authority, which has no staff of its own; and,

WHEREAS, The Parking Authority owns in fee the following five parking garages and underlying parcels, and one surface parking lot and underlying parcels, and the Lombard Street Garage on leased land (the Parking Authority Facilities) which provide parking to the general public:

1. Moscone Center Garage, 255 Third Street
2. North Beach Garage, 735 Vallejo Street
3. Performing Arts Garage and adjacent lot, 360 Grove Street
4. Polk/Bush Garage, 1399 Bush Street
5. San Francisco General Hospital Garage, 2500 24<sup>th</sup> Street
6. Surface Lot at 2450 California Street; and,

WHEREAS, The Parking Authority owns the Lombard Street Garage, located at 2055 Lombard Street in San Francisco, and all improvements thereof, and the Parking Authority leases the underlying property from the San Francisco Unified School District which lease will expire in 2044, the assignment of which is subject to Board of Supervisors' approval under Charter section 9.118(c); and,

WHEREAS, "The SFMTA's Real Estate and Facilities Vision for the 21st Century," a report of an extensive study of properties under SFMTA jurisdiction (including Parking Authority properties), issued in February 2013, concluded that some Parking Authority Facilities may be better utilized if developed for other uses in place of or in addition to public parking, such as transit oriented commercial or residential development, but more research and study must be done to explore further potential development opportunities and associated benefits and impacts; and,

WHEREAS, Development of non-parking uses of Parking Authority Facilities may better serve public needs, would effect a public purpose, and would generate revenue to support increasing demands for public transit, as required by the Charter, but such a determination would require further study and review as to economic feasibility, funding, demand, environmental impacts; and,

WHEREAS, The Parking Law of 1949, at Streets and Highway Code section 32804 strictly limits the Parking Authority's ability to develop or use its properties for non-parking uses; and,

WHEREAS, Streets and Highway Code section 32067 authorizes the Board of Supervisors to transfer by ordinance the Parking Authority's properties to the City by two-thirds vote; and,

WHEREAS, The transfer of the Parking Authority Facilities will not change the use of those properties for public parking and will not change the use of the revenues generated by the Parking Authority Facilities, which Charter Section 8A.105(b)1 dedicates to the SFMTA; and,

WHEREAS, Upon transfer of the Parking Authority Facilities from the Parking Authority to the City, under Charter section 8A.112(a) the Parking Authority Facilities will come under the SFMTA's exclusive jurisdiction over off-street public parking facilities; and,

WHEREAS, Investigation of non-parking uses of the Parking Authority Facilities accords with the directive of Charter Section 8A.109(b) which provides: "The Mayor, the Board of Supervisors, and the Agency diligently shall seek to develop new sources of funding for the Agency's operations, including sources of funding dedicated to the support of such operations, which can be used to supplement or replace that portion of the Municipal Transportation Fund consisting of appropriations from the General Fund of the City and County"; and

WHEREAS, Certain garages have ground floor retail spaces and telecommunications equipment sites that are leased to commercial entities, which leases must be assigned from the Parking Authority to the SFMTA as a condition of the transfer of ownership of the Parking Authority properties, which will be effected by separate agreements conditioned upon the Board of Supervisors' approval of said transfer of ownership; and

WHEREAS, Charter Section 8A.102(b)(1) grants to the SFMTA exclusive authority over the management, operation, use, and control of properties that are under its jurisdiction, which includes the authority to explore alternate, non-parking, revenue-generating uses of its properties; and,

WHEREAS, On October 19, 2016, the SFMTA, under authority delegated by the Planning Department, determined that the Parking Authority Property Ownership Transfer Recommendation is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and the Parking Authority Commission and is incorporated herein by reference; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors by ordinance, in accordance with the requirements of California Streets and Highway Code Section 32067, transfer fee title to the City and County of San Francisco the following real property and all improvements and personal property located thereon that are owned by the Parking Authority:

1. Moscone Center Garage, 255 Third Street, San Francisco, Assessor’s Parcel Number 3735-060;
2. North Beach Garage, 735 Vallejo Street, San Francisco, Assessor’s Parcel Number 0147-029;
3. Performing Arts Garage and adjacent lot, 360 Grove Street, San Francisco, Assessor’s Parcel Numbers 0792-029 and 0792-022;
4. Polk/Bush Garage, 1399 Bush Street, San Francisco; Assessor’s Parcel Number 0669-012;
5. San Francisco General Hospital Garage, 2500 24<sup>th</sup> Street, San Francisco; Assessor’s Parcel Number 4213-001;
6. Surface Parking Lot at 2450 California Street, San Francisco, Assessor’s Parcel Numbers 0635-009A and 0635-009; and be it further

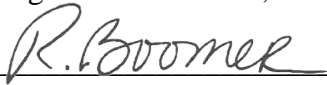
RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors by ordinance, in accordance with the requirements of California Streets and Highway Code Section 32067, transfer fee title to the City and County of San Francisco the garage facility, building and other improvements commonly known as the “Lombard Street Garage,” located at 2055 Lombard Street, Assessor’s Parcel Number 0509-009, and all personal property located thereon that are owned by the Parking Authority; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors approve the assignment of the Parking Authority’s leasehold interest in the property under the ground lease dated January 6, 1984 between the San Francisco Unified School District, as lessor, and the Parking Authority, as lessee, for the real property located at 2055 Lombard Street, Assessor’s Parcel Number 0509-009, the benefits and obligations of which the SFMTA will assume as lessee in place of the Parking Authority; and be it further

RESOLVED, That the Director of Transportation is authorized to enter into any amendments or modifications of the Assignment Agreement between the Parking Authority, the SFMTA, and the San Francisco Unified School District that the Director of Transportation determines, in consultation with the City Attorney, are in the best interests of the City and are necessary or advisable to effect the transfer of the Lombard Street Garage and effect the purposes of this Resolution, and that do not materially alter the obligations of or costs to the SFMTA or Parking Authority; and be it further

RESOLVED, That the Director of Transportation is authorized to enter into any amendments or modifications of the leases for the ground floor retail spaces and telecommunications equipment sites in certain garages to assign said leases from the Parking Authority to the SFMTA that the Director of Transportation determines, in consultation with the City Attorney, are in the best interests of the City and are necessary or advisable to effect the transfer of those leases and effect the purposes of this Resolution, and that do not materially alter the obligations of or costs to the SFMTA or Parking Authority.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 15, 2016.

  
\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency