

1 [Interdepartmental jurisdictional transfer of property near Islais Creek, Indiana and Cesar
2 Chavez Streets.]

3 **Resolution transferring jurisdiction of the real property identified as portions of**
4 **Assessor’s Parcel Nos. 4352/001 and 4382/005 at Indiana and Cesar Chavez Streets,**
5 **from the Public Utilities Commission to the Municipal Transportation Agency as part of**
6 **the new Islais Creek Motor Coach Operations and Maintenance Facility; adopting**
7 **findings pursuant to the California Environmental Quality Act; and adopting findings**
8 **that the transfer of jurisdiction is consistent with the City’s General Plan and the Eight**
9 **Priority Policies of Planning Code Section 101.1.**

10 WHEREAS, Pursuant to the environmental review under the California Environmental
11 Quality Act (“CEQA”) for the Municipal Transportation Agency’s Islais Creek Motor Coach
12 Operations and Maintenance Facility (the “Project”), the Planning Commission adopted and
13 issued a final Negative Declaration on June 20, 1989 (the “Negative Declaration”), and
14 subsequently concluded in a Planning Department Memorandum dated September 14, 1998,
15 (the “Subsequent Memorandum”), that the Project would have no significant effect on the
16 environment, copies of which are on file with the Clerk of the Board of Supervisors in File No.
17 060004, and are hereby declared to be a part of this resolution as if fully set forth herein; and,

18 WHEREAS, Portions of Assessor’s Parcels Nos. 4352/001 and 4382/005 (the “subject
19 property”) are currently under the jurisdiction of the Public Utilities Commission but the
20 Municipal Transportation Agency needs to use the subject property for parking and storage for
21 the Project , as described in the Negative Declaration and Subsequent Memorandum; and,

22 WHEREAS, The transfer of jurisdiction of the subject property will facilitate the
23 construction of the Project; and,
24
25

1 WHEREAS, On March 24, 1998 the Public Utilities Commission adopted Resolution
2 98-0046, a copy of which is on file with the Clerk of the Board of Supervisors in File No.
3 060004, which is hereby declared to be a part of this resolution as if set forth fully herein,
4 requesting that the subject property comprising .34 acres, be transferred to the Municipal
5 Transportation Agency at the historical cost of \$195,280 for use as parking and storage for the
6 Project and authorizing the Director of Property to submit legislation to accommodate the
7 jurisdictional transfer of the subject property; and,

8 WHEREAS, On January 4, 2005, the Municipal Transportation Agency adopted
9 Resolution No. 05-006 authorizing the jurisdictional transfer of the subject property, a copy of
10 which is on file with the Clerk of the Board of Supervisors in File No. 060004, which is hereby
11 declared to be a part of this resolution as if set forth fully herein; and,

12 WHEREAS, On March 1, 2005, the Municipal Transportation Agency and Public
13 Utilities Commission entered into a Memorandum of Understanding (the "MOU") regarding the
14 Public Utilities Commission's continued access to the subject property after the jurisdictional
15 transfer to operate and maintain a sewer and related improvements and to ensure the
16 Municipal Transportation Agency's use of the subject property will be in a manner that
17 protects such sewer and related improvements, a copy of such MOU is on file with the Clerk
18 of the Board of Supervisors in File No. 060004, which is hereby declared to be a part of this
19 resolution as if set forth fully herein; and,

20 WHEREAS, In accordance with the provisions of Section 23.12 of the San Francisco
21 Administrative Code, the Director of Property has reported to the Mayor that the historical cost
22 of the subject property is \$195,280, and in his opinion the subject property can be most
23 advantageously used by the Municipal Transportation Agency and has therefore
24 recommended that the transfer be made at the historical cost of \$195,280; and,

25

Real Estate Division

BOARD OF SUPERVISORS

Page 2

5/18/07

D:\InSite\Files\SFRN\Attachments\24449.DOC

1 WHEREAS, The Mayor recommends the proposed transfer of the subject property;
2 and,

3 WHEREAS, The Department of City Planning reported in a letter dated May 31, 2005,
4 that the proposed transfer of the subject property for parking and storage use as a component
5 of the Project is in conformity with the City's General Plan and consistent with the Eight
6 Priority Policies of Planning Code Section 101.1; now, therefore, be it

7 RESOLVED, That the Board of Supervisors hereby adopts and incorporates the
8 Negative Declaration findings pursuant to CEQA as though such findings were fully set forth in
9 this resolution; and be it

10 FURTHER RESOLVED, That the Board of Supervisors adopts as conditions of
11 approval those mitigation measures described in the Negative Declaration; and be it

12 FURTHER RESOLVED, That based upon the Board of Supervisors' review of the
13 Negative Declaration and the Subsequent Memorandum, the Board of Supervisors further
14 finds that (1) no substantial changes have occurred in the Project or transfer of jurisdiction of
15 the subject property under this resolution that will require revisions to the Negative Declaration
16 due to the involvement of new significant environmental effects; (2) no substantial changes
17 have occurred with respect to the circumstances under which the Project or the approval of
18 the transfer of jurisdiction of the subject property under this resolution are undertaken which
19 will require major revisions to the Negative Declaration as to the involvement of new
20 environmental effects; and (3) no new information of substantial importance to the Project or
21 the approval of the transfer of jurisdiction of the subject property has become available which
22 indicates that (a) the Project will have significant effects not discussed in the Negative
23 Declaration, (b) significant environmental effects will be substantially more severe, (c)
24 mitigation measures or alternatives found not feasible which would reduce one or more
25 significant effects have become feasible, or (d) mitigation measures or alternatives which are

1 considerably different from those in the Negative Declaration would substantially reduce one
2 of more significant effects on the environment; and be it

3 FURTHER RESOLVED, That the Board of Supervisors finds that the transfer of
4 jurisdiction of the subject property to the Municipal Transportation Agency is consistent with
5 the General Plan and the Eight Priority Policies of Planning Code Section 101.1 for the same
6 reasons as those set forth in the Director of Planning's letter referred to above and hereby
7 incorporates such findings by reference as though fully set forth in this resolution; and, be it

8 FURTHER RESOLVED, That pursuant to San Francisco Administrative Code Section
9 23.16, the Board of Supervisors hereby determines that the subject property can be most
10 advantageously used by the Municipal Transportation Agency; and be it

11 FURTHER RESOLVED, That accordingly and in accordance with the
12 recommendations of the Director of Property, the Mayor, the Muni Real Estate Manager and
13 the PUC Real Property Manager, and the approvals of the Municipal Transportation Agency's
14 Board of Directors and the Public Utilities Commission, jurisdiction of the subject property is
15 hereby transferred to the Municipal Transportation Agency upon payment of \$195,280 to the
16 Public Utilities Commission subject to the requirement that the Municipal Transportation
17 Agency shall be responsible for all costs related to the construction, operation and
18 maintenance of the Project or any other Municipal Transportation Agency activity on the
19 subject property as set forth in the MOU.

20

21 RECOMMENDED:

22

23 See original for signatures
24 Manager, Real Property
25 Public Utilities Commission

Real Estate Division

BOARD OF SUPERVISORS

Page 4

5/18/07

D:\InSite\Files\SFRN\Attachments\24449.DOC

1 _____
2 Manager, Muni Real Estate
Municipal Transportation Agency

3 _____
4 Director of Property
Real Estate Division

5
6 _____
7 Mayor

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25