

1 [Interdepartmental jurisdictional transfer of Hayes Green Park.]

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3 **Resolution Transferring Jurisdiction over Hayes Green Park, Located on Octavia**
4 **Boulevard, between Hayes Street and Fell Street, from the Department of Public Works**
5 **to the Recreation and Park Department for Park and Open Space Uses; Adopting**
6 **Findings pursuant to California Environmental Quality Act; and Adopting Findings that**
7 **the Transfer of Jurisdiction is Consistent with the City’s General Plan and the Eight**
8 **Priority Policies of Planning Code Section 101.1.**

9 WHEREAS, The Hayes Green Park (“Hayes Green”) is located on certain real property
10 along Octavia Boulevard, between Hayes and Fell Streets, owned by the City and County of
11 San Francisco (the “City”) under the jurisdiction of the Department of Public Works (“DPW”),
12 as shown on the rendering on file with the Clerk of the Board of Supervisors in File No.
13 _____; and

14 WHEREAS, Hayes Green contains roughly 19,758 square feet, with approximate
15 dimensions of 280 feet in length and 69 feet in width, and is identified as a portion of Lot 67, in
16 Assessor’s Block 817 and a portion of the former Octavia Street; and

17 WHEREAS, The Recreation and Park Commission (the “Commission”) supported the
18 open space element in the Department of City Planning’s Draft Market and Octavia
19 Neighborhood Plan and approved the Hayes Green conceptual plan prepared by DPW on
20 May 15, 2003; and

21 WHEREAS, DPW verbally agreed to transfer jurisdiction of Hayes Green to the
22 Commission; and

23 WHEREAS, The Octavia Boulevard general contractor is currently constructing Hayes
24 Green and estimates a completion date of May 25, 2005; and

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1 WHEREAS, In addition to paying for the construction of Hayes Green with proceeds
2 from the sale of former Central Freeway parcels, DPW will provide the Recreation and Park
3 Department (“Rec & Park”) with a maintenance budget of \$45,000 per year for a total of
4 \$135,000 for the first three years of Hayes Green’s existence; and

5 WHEREAS, On March 17, 2005, the Commission adopted Resolution No. 0503-005, a
6 copy of which is on file with the Clerk of the Board of Supervisors in File No. _____,
7 which is hereby declared to be a part of this resolution as set forth fully herein, requesting that
8 the Board of Supervisors approve the jurisdictional transfer of Hayes Green to the
9 Commission; and

10 WHEREAS, Hayes Green encompasses certain portions of the Octavia Street
11 dedicated public right of way between Hayes and Fell Streets, as shown on the map on file
12 with the Clerk of the Board of Supervisors in File No. _____, which is hereby
13 declared to be a part of this resolution as if set forth fully herein; and

14 WHEREAS, Such portions of the Octavia Street right of way lying within the Hayes
15 Green boundaries have been replaced by the Octavia Boulevard and therefore will no longer
16 be necessary for through vehicular or pedestrian traffic; and

17 WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco
18 Administrative Code, the Director Property has reported to the Mayor his opinion that the
19 subject property can be most advantageously used by the Commission for recreation and
20 park purposes and has therefore recommended that the transfer be made; and

21 WHEREAS, The Mayor recommends the proposed transfer of Hayes Green; and

22 WHEREAS, In a letter dated May 10, 2005, a copy of which is on file with the Clerk of
23 the Board of Supervisors in File No. _____, which is hereby declared to be a part of
24 this resolution as if set forth fully herein, the Director of Planning found that the jurisdictional
25 transfer of Hayes Green is consistent with the City’s General Plan and with the Eight Priority

1 Policies of City Planning Code Section 101.1, and pursuant to the California Environmental
2 Quality Act (“CEQA”), State CEQA Guidelines and Chapter 31 of the San Francisco
3 Administrative Code, the Director of Planning also found that the transfer is categorically
4 exempt from CEQA; now, therefore be it

5 RESOLVED, That pursuant to San Francisco Administrative Code Section 23.16, this
6 Board of Supervisors hereby determines that Hayes Green is no longer necessary or
7 advantageous to DPW and that it can be used most advantageously by the Commission; and,
8 be it

9 FURTHER RESOLVED, That, accordingly and in accordance with the
10 recommendations of the Director of Property, the Mayor, the Director of Public Works and the
11 Acting General Manager of the Recreation and Park Department, and with the approval of the
12 Commission, jurisdiction of Hayes Green is hereby transferred to the Commission; and, be it

13 FURTHER RESOLVED, That those portions of the Octavia Street right of way that are
14 within the boundaries of Hayes Green and are shown on the map on file with the Clerk of the
15 Board of Supervisors in File No. _____, which is hereby declared to be a part of this
16 resolution as set forth fully herein, are hereby closed to through vehicular or pedestrian traffic
17 and rededicated for park and open space use only; and

18 FURTHER RESOLVED, That the Board of Supervisors finds, based on the record
19 before it and in its independent judgment, that the actions proposed in this legislation are
20 categorically exempt from CEQA for the reasons set forth in the CEQA findings of the Director
21 of Planning set forth above and adopts as its own and incorporates by reference herein as
22 though fully set forth said findings; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and
24 incorporates by reference herein as though fully set forth the findings in the Director of
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1 Planning’s letter referred to above, that the jurisdictional transfer is in conformity with the
2 General Plan and is consistent with the Eight Priority Policies of Planning Code Section 101.1.

3 RECOMMENDED:
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6 Acting General Manager
7 Recreation & Park Department
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_____ Director of Public Works

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10 Director of Property

_____ Mayor

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