

BOARD of SUPERVISORS



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MEMORANDUM

TO: Harlan Kelly, Jr., General Manager, Public Utilities Commission
Mohammed Nuru, Director, Public Works

FROM: *AS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 10, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on November 1, 2016:

File No. 161197

Resolution approving the jurisdictional transfer of 1801 Jerrold Avenue, Assessor's Parcel Block No. 5281, Lot No. 001, consisting of approximately 64,340 square feet, commonly known as the Asphalt Plant Site, currently under the jurisdiction of Public Works (SFPW) to the San Francisco Public Utilities Commission (SFPUC), and a portion of 160 Napoleon Street, Assessor's Parcel Block No. 4343, Lot Nos. 018 and 031, and Block No. 4346, Lot Nos. 001 and 001A, consisting of 59,132 square feet, commonly known as the Napoleon Site, currently under the jurisdiction of the SFPUC to the SFPW, subject to the terms and conditions of a Memorandum of Understanding between SFPUC and SFPW; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Frank Lee, Public Works
John Thomas, Public Works
Lena Liu, Public Works

1 [Jurisdictional Transfer and Exchange of City Property - San Francisco Public Utilities
2 Commission - Public Works - 160 Napoleon Street - 1801 Jerrold Avenue and a Portion of
3 160 Napoleon Street]

4 **Resolution approving the jurisdictional transfer of 1801 Jerrold Avenue, Assessor's**
5 **Parcel Block No. 5281, Lot No. 001, consisting of approximately 64,340 square feet,**
6 **commonly known as the Asphalt Plant Site, currently under the jurisdiction of Public**
7 **Works (SFPW) to the San Francisco Public Utilities Commission (SFPUC), and a**
8 **portion of 160 Napoleon Street, Assessor's Parcel Block No. 4343, Lot Nos. 018 and**
9 **031, and Block No. 4346, Lot Nos. 001 and 001A, consisting of 59,132 square feet,**
10 **commonly known as the Napoleon Site, currently under the jurisdiction of the SFPUC**
11 **to the SFPW, subject to the terms and conditions of a Memorandum of Understanding**
12 **between SFPUC and SFPW; adopting environmental findings and other findings that**
13 **the actions set forth in this Resolution are consistent with the General Plan, and the**
14 **eight priority policies of Planning Code, Section 101.1; and authorizing other actions in**
15 **furtherance of this Resolution, as defined herein.**

16
17 WHEREAS, The City and County of San Francisco owns certain real property located
18 at 1801 Jerrold Avenue, in San Francisco, California, and known as Assessor's Parcel Block
19 No. 5281, Lot No. 001 (Asphalt Plant Site); and

20 WHEREAS, The San Francisco Public Works Department (SFPW) has jurisdiction
21 over the Asphalt Plant Site that is comprised of approximately 64,340 square feet, as
22 described and depicted on a map of the Asphalt Plant Site (Exhibit A and B) on file with the
23 Clerk of the Board of Supervisors in File No. _____ and incorporated herein by reference; and

24 WHEREAS, The SFPW is no longer using the Asphalt Plant Site for a municipal
25 asphalt plant; and

1 WHEREAS, The City and County of San Francisco owns certain real property located
2 at Block No. 4343, Lot Nos. 018 and 031 and Block No. 4346, Lot Nos. 001 and 001A
3 (SFPUC Parcels), which are bounded by Napoleon, Evans, and Cesar Chavez Streets; and

4 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has jurisdiction
5 over the SFPUC Parcels, which are subject to SFPUC easements and SFPUC subsurface
6 wastewater facilities running through sewer rights of way, as depicted on a map of the
7 SFPUC's Wastewater Restricted Area (Exhibit C) on file with the Clerk of the Board of
8 Supervisors in File No. _____ and incorporated herein by reference; and

9 WHEREAS, The SFPUC Parcels have no surface structural improvements and the
10 SFPUC uses a portion of the SFPUC Parcels for parking and seven furnished trailers
11 (Trailers) (Exhibit F) for office use; and

12 WHEREAS, The SFPW maintains a facility for its operational vehicles, equipment and
13 storage on Cesar Chavez Street near Evans Street (SFPW Yard) which is located on a
14 portion of, and adjacent to, the SFPUC Parcels; and

15 WHEREAS, On February 22, 2000, by Resolution No. 00-0064, the SFUPC authorized
16 execution of a revocable, personal, non-exclusive, and non-possessory permit (Permit)
17 between the SFPUC and SFPW that provides for SFPW to enter and use a portion of the
18 SFPUC Parcels for equipment and materials storage and parking; and

19 WHEREAS, The SFPW desires to acquire jurisdiction over and occupy approximately
20 59,132 square feet of the SFPUC Parcels (Napoleon Site) to expand its SFPW Yard and
21 operations; and

22 WHEREAS, Because a portion of the Napoleon Site is located within the existing
23 Permit area and over SFPUC's subsurface wastewater facilities, the SFPW's proposed
24 acquisition of jurisdiction over, and occupation of, the Napoleon Site will be subject to
25 restrictions set forth in a Memorandum of Understanding (MOU) between the SFPUC and the

1 SFPW that protects and assures the SFPUC access to the existing and any future wastewater
2 facilities placed under the Napoleon Site; and

3 WHEREAS, The SFPW desires to obtain ownership and use of the seven Trailers
4 currently owned by the SFPUC; and

5 WHEREAS, The Trailers are operational but have limited residual monetary value to
6 the SFPUC; and

7 WHEREAS, The SFPUC'S Southeast Water Pollution Control Plant (SEP) facilities
8 located directly across from the Asphalt Plant Site are old, and require substantial
9 maintenance, repair, and replacement; and

10 WHEREAS, The SFPUC is undertaking scheduled repair and replacement projects at
11 the SEP and at various locations in San Francisco in the near term, and has immediate need
12 for additional space for storage of equipment and vehicles and temporary relocation of
13 existing uses in the vicinity of the SEP; and

14 WHEREAS, In the longer term, the SFPUC anticipates a continuing need for more
15 space for capital improvement projects related to existing facilities and upgrades to the
16 wastewater system; and

17 WHEREAS, Because of the existing intensive competition for available industrial land
18 in San Francisco, particularly in proximity to the SFPUC's existing utility plants and facilities,
19 the SFPUC now seeks to secure land necessary to support its current and future obligations
20 to provide essential utility services; and

21 WHEREAS, The SFPUC desires to acquire jurisdiction over the Asphalt Plant Site as
22 part of its capital improvement program in exchange for consenting to transfer the Napoleon
23 Site and ownership of the Trailers to SFPW, subject to appropriate restrictions regarding the
24 use of, and access to, the existing and future wastewater facilities within the Napoleon Site;
25 and

1 WHEREAS, The SFPW desires to acquire jurisdiction of over the Napoleon Site and
2 ownership of the Trailers in exchange for consenting to the jurisdictional transfer of the
3 Asphalt Plant Site to the SFPUC subject to the terms and conditions set forth in a MOU; and

4 WHEREAS, On June 2, 2016, the Planning Department determined that the
5 jurisdictional transfer of the Asphalt Plant Site from the SFPW to the SFPUC and the
6 Napoleon Site from the SFPUC to the SFPW would not be subject to the California
7 Environmental Quality Act Public Resources Code Section 21000 *et seq.* (CEQA), pursuant to
8 CEQA Guidelines Section 15301(b), Class 1, Section 15304 (Minor Alterations of Land),
9 Class 4, and Section 15305 (Minor Alterations in Land Use Limitations), which provide that an
10 activity is not subject to CEQA if the activity will result in minor alterations of the land and use;
11 said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is
12 incorporated herein by reference; and

13 WHEREAS, On October 25, 2016, the SFPUC approved Resolution No. 16-0228, a
14 copy of which is on file with the Clerk of the Board of Supervisors in File No. _____ and
15 incorporated herein by reference, which found the Napoleon Site surplus to the SFPUC'S
16 utility needs and authorizes the SFPUC General Manager to negotiate and execute a MOU
17 with the SFPW for the jurisdictional transfer and exchange of the Napoleon Site and Trailers,
18 subject to the SFPUC's continued rights to access, maintain, operate, repair, and replace the
19 wastewater facilities contained within and under the Napoleon Site, to SFPW and acceptance
20 of the Asphalt Site from SFPW; and

21 WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco
22 Administrative Code, the Director of Property has determined and reported to the Mayor that
23 the appraised fair market value of the Napoleon Site and Trailers is approximately the same
24 as the appraised fair market value of the Asphalt Site, and in his opinion, the appraisals
25 demonstrate that the fair market value of the two properties proposed for exchange are

1 reasonably equivalent and the Asphalt Plant Site can be used more advantageously by the
2 SFPUC and the Napoleon Site can be used more advantageously by the SFPW; and

3 WHEREAS, In order to implement the jurisdictional transfer, the SFPUC and the SFPW
4 are negotiating a MOU; and

5 WHEREAS, In a General Plan Referral dated October 17, 2016, the City's Planning
6 Department found that the jurisdictional transfer and exchange of the Asphalt Plant Site from
7 the SFPW and to the SFPUC and the Napoleon Site from the SFPUC to the SFPW is
8 consistent with the City's General Plan and with Planning Code Section 101.1-(b); a copy of
9 the General Plan Referral is on file with the Clerk of the Board of Supervisors in File No. _____
10 and is incorporated herein by reference; and

11 WHEREAS, The Board of Supervisors finds that the actions contemplated in this
12 Resolution are consistent with the General Plan, and with Planning Code, Section 101.1-(b)
13 for the reasons set forth in said letter; now, therefore, be it

14 RESOLVED, That in accordance with the recommendation of the Director of Public
15 Works, the General Manager of the SFPUC, and the Director of Property, the Board of
16 Supervisors hereby declares that the public interest or necessity will not be inconvenienced by
17 the jurisdictional transfer and exchange of the Asphalt Plant Site and the Napoleon Site; and,
18 be it

19 FURTHER RESOLVED, That the Board of Supervisors finds that the actions
20 contemplated in this Resolution are consistent with the City's General Plan and with Planning
21 Code Section 101.1-(b) for the reasons set forth in the letter from the Planning Department to
22 the Director of Property referenced above; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs
24 the Director of Property to transfer jurisdiction of the Asphalt Plant Site and the Napoleon Site
25 in accordance with the terms and conditions of the MOU; and, be it

1 FURTHER RESOLVED, That the jurisdictional transfer and exchange contemplated
2 herein is not subject to Chapter 23A of the San Francisco Administrative Code, the Surplus
3 Property Ordinance, because the Asphalt Plant Site and Napoleon Site are not "surplus
4 property" as defined in Section 23A.4; and, be it

5 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, the
6 Director of Property, the Director of Public Works and the General Manager of the SFPUC are
7 each authorized and directed to enter into any and all documents and take any and all actions
8 which such party, in consultation with the City Attorney, determines are in the best interest of
9 the City, are necessary or advisable to consummate the performance of the purposes and
10 intent of this Resolution, and comply with all applicable laws, including the City's Charter, and
11 including but not limited to the MOU and any modifications or amendments thereto.

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13 Recommended:


Approved: 

EDWIN M. LEE
Mayor

to

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HARLAN L. KELLY, JR.
General Manager of the SFPUC

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MOHAMMED NURU
Director of Public Works

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JOHN UPDIKE
Director of Property