

1 [Use of Former Embarcadero Freeway Parcel on Broadway Street.]

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3 **Resolution adopting a City policy regarding the use of the former Embarcadero**
4 **Freeway right-of-way parcel known as Broadway Parcel I, on Broadway between**
5 **Sansome and Battery Streets, Assessor Block 165, Lot 21, and the application of**
6 **proceeds generated from its sale or other transfer.**

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8 WHEREAS, In 1991, following damage to the Embarcadero Freeway (Route 480) caused by
9 the 1989 Loma Prieta earthquake, the California Legislature adopted and the Governor signed Senate
10 Bill 181, codified as Streets & Highways Code section 72, which obligated the California State
11 Department of Transportation (Caltrans) to remove the damaged freeway structure and convey the
12 former Route 480 right-of-way land to the City and County of San Francisco at no cost to the City; and,

13 WHEREAS, Streets and Highways Code Section 72 requires the City to construct a system of
14 ramps and City streets and utilize the Route 480 right-of-way land, or the proceeds from the sales of
15 those right-of-way parcels, to construct an alternative system of local streets that would essentially
16 provide motorists with accessibility comparable to that provided by Route 480; and,

17 WHEREAS, In accordance with Section 72 the City and Caltrans jointly agreed on the Mid-
18 Embarcadero Roadway Project as a system of ramps and City streets that would essentially provide
19 motorists with accessibility comparable to that provided by Route 480; and

20 WHEREAS, The City's Department of Public Works (DPW), which was responsible for
21 designing and constructing the Mid-Embarcadero Roadway Project, successfully completed the
22 construction of the project; and,

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1 WHEREAS, The Mid-Embarcadero Roadway Project has achieved its purpose of essentially
2 providing motorists with accessibility comparable to that provided by Route 480, and has enhanced the
3 City by opening up views of the water and allowing the public to reconnect with the San Francisco
4 waterfront; and,

5 WHEREAS, Caltrans transferred portions of the Route 480 right-of-way land to the City and, in
6 accordance with a resolution previously approved by the Board of Supervisors, the City accepted title
7 to those lands, without restriction in the Director's Deeds from Caltrans, and consistent with the
8 conditions set forth in Section 72 and in the transfer agreements with Caltrans; and,

9 WHEREAS, The City used a few of the former right-of-way parcels to mitigate the economic
10 impacts to the Chinatown and North Beach communities of the demolition of Route 480 and the
11 impacts of the construction of the
12 Mid-Embarcadero Roadway Project, by designating them as public open space and affordable housing
13 sites; and,

14 WHEREAS, The City used the revenues from interim uses (such as parking leases) of the
15 former right-of-way parcels to help fund construction of the Mid-Embarcadero Roadway Project, and
16 while the City was able to sell one of the former right-of-way parcels through the Redevelopment
17 Agency for assembly of the Gap headquarters project, the City was unable to sell or otherwise transfer
18 any of the other parcels designated for transfer in time to cover the bulk of the City's costs of
19 constructing the Mid-Embarcadero Roadway Project; and,

20 WHEREAS, DPW received \$9 million in Proposition B funds from San Francisco
21 Transportation Authority to build the Mid-Embarcadero Roadway Project and promised to repay at
22 least \$5.6 million of the loan with net proceeds from the sale of the former right-of-way parcels; and,
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1 WHEREAS, DPW will repay \$2.6 million of the \$5.6 million Proposition B loan in its FY
2 2003-04 budget from the sale of surplus right-of-way parcels and from the below-market lease of the
3 former right-of-way parcel know as Broadway Parcel II, and DPW intends to repay the \$3 million
4 balance of the loan with the proceeds generated by the sale of the former right-of-way parcel located on
5 the south side of Broadway Street between Sansome and Battery Streets, know as Broadway Parcel I,
6 Assessor Block 165, Lot 2 (“Broadway Parcel I”); and,
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8 WHEREAS, On January 11, 1999, the Board of Supervisors adopted Resolution No. 27-99,
9 which provided for the use and disposition of the three former right-of-way parcels on Broadway,
10 including Broadway Parcel I; and,

11 WHEREAS, Under Resolution 27-99 Broadway Parcel I was designated to transferred to the
12 Police Department, for an amount equal to the land’s fair market value, for the construction of a
13 replacement Central Police Station; and,

14 WHEREAS, To date, the Police Department has been unable to transfer funds necessary to
15 acquire jurisdiction over Broadway Parcel I from the DPW; and,

16 WHEREAS, DPW will receive \$1 million from the sale of the right-of-way parcel that was
17 transferred to the Redevelopment Agency to assemble the Gap Headquarters site, and an additional
18 \$1.1 million from the sale to the Redevelopment Agency of an adjacent former right-of-way parcel in
19 accordance with one resolution previously approved by the Board of Supervisors and another pending
20 resolution before the Board of Supervisors; and,
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22 WHEREAS, DPW must repay the \$3 million Mid-Embarcadero Roadway Project Proposition B
23 loan balance by July 1, 2005 to maintain Proposition B funding for Embarcadero Roadway
24 maintenance, sidewalk repairs and street resurfacing; now, therefore, be it
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1 RESOLVED, That the Board of Supervisors will continue to designate Broadway Parcel I for
2 the Police Department to acquire jurisdiction from DPW at a price equivalent to the land's fair market
3 value, to construct its Central Police Station, so long as the Police transfers funds equal to such value
4 on or before June 30, 2005, and the DPW shall use the proceeds of the transfer to repay the \$3 million
5 Mid-Embarcadero Roadway Project Proposition B loan balance; and, be it

6 FURTHER RESOLVED, That if the Police Department has not transferred such funds to
7 acquire jurisdiction over Broadway Parcel I from DPW by June 30, 2005, then the DPW shall be
8 authorized to sell Broadway Parcel I by auction on the open market, subject to Board of Supervisors
9 confirmation of the sale by resolution, or, with prior Board of Supervisors approval by ordinance, DPW
10 may sell, ground lease or otherwise transfer the parcel through a Request for Proposal (RFP) process,
11 and, be it

12 FURTHER RESOLVED, Any such land disposition proceeds from a transfer to a third party of
13 Broadway Parcel I in excess of \$3 million shall be used by DPW to repay the Transportation Authority
14 up to another \$3.4 million on the balance of the \$9 million in Proposition B funds that DPW used to
15 construct the Mid-Embarcadero Roadway Project.
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