

1 [Interdepartmental jurisdictional transfer of property.]

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3 **Resolution Transferring Jurisdiction From The Public Utilities Commission To The**
4 **Municipal Transportation Agency The Real Property Identified As A Portion Of**
5 **Assessor’s Parcel No. 5262/9 For A Substation For The San Francisco Municipal**
6 **Transportation Agency’s Third Street Light Rail Project; Adopting Findings Pursuant**
7 **To The California Environmental Quality Act; And Adopting Findings That The Transfer**
8 **Of Jurisdiction Is Consistent With The City’s General Plan And The Eight Priority**
9 **Policies Of The Planning Code Section 101.1.**

10

11 WHEREAS, On December 3, 1998, the Planning Commission, by Motion No. 14742,
12 certified the Final Environmental Impact Report (“FEIR”) for the Municipal Transportation
13 Agency’s Third Street Light Rail Project (“Project”), finding in its independent judgment, that
14 the FEIR was accurate, adequate and objective and in compliance with the California
15 Environmental Quality Act (“CEQA”); and,

16 WHEREAS, On February 21, 2001, the Department of City Planning issued a
17 Memorandum to City Planning file No. 96.281E pursuant to CEQA Guidelines Section 15164
18 (“Addendum”) to the FEIR, a copy of which is on file with the Board of Supervisors in File
19 No. _____, determining that changes in the Project would not result in any new
20 significant environmental effects or substantial increase in the severity of previously identified
21 effects; and,

22 WHEREAS, A component of the Project as described in the FEIR is the construction of
23 a substation at the Southeast Treatment Plant Facility, Assessor’s Parcel No. 5262/9 in San
24 Francisco, California, which is owned by the City under the jurisdiction of the Public Utilities
25 Commission; and,

1 WHEREAS, The transfer of jurisdiction of a portion of Parcel No. 5262/9 will facilitate
2 the construction of the substation at the Southeast Treatment Plant Facility and is an action in
3 furtherance of the Project; and,

4 WHEREAS, On October 10, 2000, the Public Utilities Commission adopted Resolution
5 No. 00-0236, a copy of which is on file with the Clerk of the Board of Supervisors in File
6 No. _____, which is hereby declared to be a part of this resolution as if set forth
7 fully herein, requesting that a portion of Parcel No. 5262/9 comprising 3,464 square feet, as
8 shown outlined on the map labeled Exhibit A, a copy of which is on file with the Clerk of the
9 Board of Supervisors in File No. _____, which is hereby declared to be a part of
10 this resolution as if set forth fully herein, (collectively, the subject property) be transferred to
11 the Municipal Transportation Agency at historical cost of \$1,975 to be used as the substation
12 site; and,

13 WHEREAS, On June 20, 2000, and February 19, 2002, the Municipal Transportation
14 Agency adopted Resolution Nos. 00-071 and 02-012, respectively, authorizing the
15 jurisdictional transfer and accepting responsibility for any hazardous material on the subject
16 property, copies of which are on file with the Clerk of the Board of Supervisors in File
17 No. _____, which are hereby declared to be a part of this resolution as if set forth
18 fully herein; and,

19 WHEREAS, In accordance with the provisions of Section 23.11 of the San Francisco
20 Administrative Code, the Director of Property has reported to the Mayor that the historical cost
21 of the subject property is \$1,975, and in his opinion the subject property can be most
22 advantageously used by the Municipal Transportation Agency, and has therefore
23 recommended that the transfer be made at the historical cost of \$1,975; and,

24 WHEREAS, The Mayor recommends the proposed transfer of the subject property;
25 and,

1 WHEREAS, The Board of Supervisors, by Resolution 760-00, in approving parking and
2 traffic changes along the Third Street Corridor in furtherance of the Project, adopted findings
3 with respect to the FEIR as required by CEQA, all as more particularly set forth in such
4 resolution; and,

5 WHEREAS, For purposes of compliance with CEQA, the approval by the Board of
6 Supervisors of the transfer of jurisdiction of a portion of Parcel No. 5262/9 for construction of
7 the substation is part of the Project for which the Board of Supervisors by Resolution
8 No. 760-00, has adopted findings with respect to the FEIR as required by CEQA, which
9 findings are on file with the Clerk of the Board of Supervisors under File No. 001347, and
10 which findings, are incorporated herein by this reference; and,

11 WHEREAS, The Municipal Transportation Agency has prepared findings in support of
12 the transfer of jurisdiction and construction of the substation that reflect changes to the Project
13 as described in the Addendum, which findings are attached to this Resolution as
14 Attachment A and are incorporated herein by reference; and,

15 WHEREAS, Such findings incorporate by reference the findings adopted by the Board
16 of Supervisors by Resolution No. 760-00, except as modified by the findings in Attachment A,
17 and have been made available to the public and this Board of Supervisors for the Board of
18 Supervisors' review, consideration and action; and,

19 WHEREAS, This Board of Supervisors has reviewed and considered the information
20 contained in the FEIR and Addendum and the other information on file with the Clerk of the
21 Board in File No. 001347; and,

22 WHEREAS, The Department of City Planning has reported in a letter dated
23 September 7, 1999, that the engineering elements of the Third Street Light Rail Project Initial
24 Operating Segment, which includes the proposed transfer of the subject property and the
25 proposed construction of the substation, and in a letter dated June 28, 2001, that the changes

1 to the Project covered in the Addendum are in conformity with the City's General Plan and
2 consistent with the Eight Priority Policies of Planning Code Section 101.1, which letters are on
3 file with the Clerk of the Board of Supervisors in File No. _____, and which are
4 hereby declared to be a part of this resolution as if set forth fully herein, and the San
5 Francisco Planning Commission found in Planning Commission Resolution No. 16068, a copy
6 of which is on file with the Clerk of the Board of Supervisors in File No. _____,
7 and which is hereby declared to be a part of this resolution as if set forth fully herein, that the
8 urban design elements of the Third Street Light Rail Project, including landscaping for the
9 substation, are in conformity with the City's General Plan and consistent with the Eight Priority
10 Policies of Planning Code Section 101.1; now, therefore, be it

11 RESOLVED, That the Board of Supervisors hereby adopts and incorporates the
12 environmental findings under CEQA contained in Resolution No. 760-00 by reference as
13 though such findings were fully set forth in this resolution; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby approves Attachment A
15 to this Resolution and hereby adopts and incorporates by reference the findings under CEQA
16 contained therein; and, be it

17 FURTHER RESOLVED, That, based upon the Board of Supervisors' review of the
18 FEIR, the Board of Supervisors further finds that (1) no substantial changes have occurred in
19 the Project, including the transfer of jurisdiction of a portion of Parcel No. 5262/9 and
20 construction of the substation that will require revisions to the FEIR due to the involvement of
21 new significant environmental effects or a substantial increase in the severity of previously
22 identified significant effects; (2) no substantial changes have occurred with respect to the
23 circumstances under which the Project or the approval of the transfer of jurisdiction of a
24 portion of Parcel No. 5262/9 under this resolution are undertaken which will require major
25 revisions to the FEIR due to the involvement of new environmental effects or a substantial

1 increase in the severity of effects identified in the FEIR; and (3) no new information of
2 substantial importance to the Project or the approval of the transfer of jurisdiction of a portion
3 of Parcel No. 5262/9 has become available which indicates that (a) the Project will have
4 significant effects not discussed in the FEIR, (b) significant environmental effects will be
5 substantially more severe; (c) mitigation measures or alternatives found not feasible which
6 would reduce one or more significant effects have become feasible; or (d) mitigation
7 measures or alternatives which are considerably different from those in the FEIR would
8 substantially reduce one or more significant effects on the environment; and, be it

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

14 FURTHER RESOLVED, That pursuant to San Francisco Administrative Code Section
15 23.13, this Board hereby determines that the subject property is surplus to the Public Utilities
16 Commission and that it can be used most advantageously by the Municipal Transportation
17 Agency; and, be it

18 FURTHER RESOLVED, That, accordingly and in accordance with the
19 recommendations of the Director of Property, the Mayor, the Director of Transportation and
20 the General Manager of the Public Utilities Commission and with the approvals of the
21 Municipal Transportation Agency's Board of Directors and the Public Utilities Commission,
22 jurisdiction of the subject property is

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1 hereby transferred to the Municipal Transportation Agency upon payment of \$1,975 to the
2 Public Utilities Commission subject to the requirement that the Municipal Transportation
3 Agency shall be responsible for all costs related to the investigation, assessment, disposal,
4 remediation, and monitoring of hazardous materials to the extent related to the construction,
5 operation and maintenance of the Project or any other Municipal Transportation Agency
6 activity on the entire property being transferred, and that the Public Utilities Commission shall
7 be responsible for the costs of investigation, assessment, disposal, remediation, and
8 monitoring of hazardous materials related to all other hazardous materials on the property
9 remaining under its jurisdiction, including any pre-existing hazardous materials condition.

10 RECOMMENDED:

\$1,975 Available
Appropriation No. _____

11 _____
12 General Manager,
13 Public Utilities Commission

Controller

14
15
16 _____
Director of Transportation

17
18 _____
19 Director of Property

20
21 _____
Mayor