

1 [Interdepartmental Jurisdictional Transfer of Property – 341 Corbett Avenue]

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3 **Ordinance transferring jurisdiction of certain unimproved real property located at**
4 **341 Corbett Avenue (Block 2659, Lot 059) between 19th Street and Danvers Street from**
5 **the Mayor’s Office of Housing to the Department of Public Works.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are *strike-through italics Times New Roman*.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough~~ normal.

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10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings. The Board of Supervisors of the City and County of San
12 Francisco (the “Board”) hereby finds and declares:

13 A. In November 2002, the Board enacted the Surplus City Property Ordinance,
14 Ordinance No. 227-02, which added Chapter 23A to the San Francisco Administrative Code
15 to establish a procedure for the identification and sale of surplus City property to assist in the
16 provision of housing for the homeless.

17 B. On May 18, 2004, the Board finally passed Ordinance 96-04 declaring certain
18 City-owned property to be surplus, and transferring jurisdiction of such surplus property,
19 including certain property located at 341 Corbett Avenue (Block 2659, Lot 059) (the “Corbett
20 Property”), located between 19th Street and Danvers Street, to the Mayor’s Office of Housing
21 in accordance with the Surplus City Property Ordinance.

22 C. The Corbett Property is zoned “P” (Public) in the City’s Zoning Map. On June 8,
23 2006, the Planning Commission adopted Resolution No. 17259, a copy of which is on file with
24 the Clerk of the Board of Supervisors in File No. _____, which is hereby declared to
25 be a part of this Ordinance as if set forth fully herein, which recommends an amendment to

1 the Zoning Map to change the zoning of the Corbett Property from “P” to “RH-2”. No such
2 amendment to the Zoning Map was made.

3 D. The Corbett Property is sloped and heavily vegetated with numerous mature
4 trees, making development for housing physically challenging. The Corbett Property does
5 provide an opportunity for community gardening given its location and soil conditions.

6 E. The Department of Public Works manages and implements a robust program to
7 facilitate the interim use of properties such as the Corbett Property for community gardening.
8 The Mayor’s Office of Housing does not operate a similar program.

9 Section 2. Transfer of Jurisdiction. The Board has determined that the best use of the
10 Corbett Property is to retain its current physical state, with the addition of a community
11 garden, to be enjoyed by all neighborhood residents, consistent with past uses. The
12 Department of Public Works is best positioned to provide the appropriate permits to facilitate
13 neighborhood-based gardening efforts. Accordingly, the Board hereby transfers the Corbett
14 Property to the Department of Public Works without payment, to be used and maintained in its
15 as-is condition but with community garden uses under appropriate permit. If the Department
16 of Public Works determines that the Corbett Property is not needed for community garden
17 purposes, then the Department of Public Works shall transfer the Corbett Property back to the
18 Mayor's Office of Housing and the Director of Property shall record such jurisdictional transfer
19 in the City's real estate records without additional action by the Board, provided that the
20 Director of Property shall notify the Board of Supervisors that the Corbett Property has been
21 transferred back to the Mayor's Office of Housing. In addition, if not previously transferred
22 back to the Mayor's Office of Housing within five (5) years following the effective date of this
23 Ordinance, then the Director of Property, the Director of DPW, and the Director of the Mayor's
24 Office of Housing shall meet and confer at that time, in addition to consulting with the District
25 Supervisor and members of the public, to evaluate the best use of the Corbett Property and

1 whether it should be maintained as neighborhood open space or transferred back to the
2 Mayor's Office of Housing. Such evaluation shall take into account whether the Corbett
3 Property is being used as public space, whether that use as public space is benefiting the
4 neighborhood, whether the transfer would be detrimental to the surrounding neighborhood,
5 and the benefit to affordable housing production of transferring the Corbett Property. The
6 Department of Public Works, in consultation with the District Supervisor, shall also explore
7 options for the sale of the Corbett Property to a nonprofit organization dedicated to creating
8 and maintaining open space, with the Corbett Property to remain as neighborhood open
9 space and any sale proceeds to go to the Mayor's Office of Housing in accordance with San
10 Francisco Administrative Code Chapter 23A. The intent of this provision is to allow the space
11 to be used as neighborhood open space while at the same time allowing for sale of the
12 property and the use of any of the proceeds for the creation of affordable housing. Any such
13 sale will be subject to the prior approval of the Board of Supervisors, and the failure to
14 consummate a sale under this provision shall not invalidate the jurisdictional transfer of the
15 Corbett Property to DPW for use as open space. In addition, any profits from the use of the
16 Corbett Property during DPW's period of jurisdiction (not including the standard permit fees
17 collected by DPW for community garden uses), shall be transferred from DPW to the Mayor's
18 Office of Housing for affordable housing uses consistent with San Francisco Administrative
19 Code Chapter 23A. This Ordinance shall supersede and revoke the prior direction of the
20 Board, under Ordinance No. 96-04, to dispose and/or develop the Corbett Property under San
21 Francisco Administrative Code Chapter 23A.

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23 APPROVED AS TO FORM:
24 DENNIS J. HERRERA, City Attorney

25 By: _____
Charles Sullivan, Deputy City Attorney