

1 [Jurisdictional Transfer and Exchange of City Property - Ocean Avenue and Phelan Avenue]

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3 **Resolution 1) approving the jurisdictional transfer of an approximately 5,835 square foot**
4 **portion of City property located near Ocean Avenue and Phelan Avenue under the**
5 **jurisdiction of the San Francisco Public Utilities Commission with an approximately 6,264**
6 **square foot portion of adjacent City property under the jurisdiction of the San Francisco**
7 **Municipal Transportation Agency; 2) approving the subsequent exchange of the 6,264**
8 **square foot portion of such City property and an approximately 6.21 acre portion of**
9 **adjacent City property under the jurisdiction of the San Francisco Public Utilities**
10 **Commission for adjacent real property owned by the San Francisco Community College**
11 **District and comprised of approximately 6.60 acres; adopting environmental findings and**
12 **other findings that the actions set forth in this Resolution are consistent with the City's**
13 **General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3)**
14 **authorizing other actions in furtherance of this Resolution.**

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16 WHEREAS, The City and County of San Francisco (City) owns certain real property
17 located on Phelan Avenue near Ocean Avenue, in San Francisco, California, and known as
18 Assessor's Block Number 3180, Lot 001 (City Property); and

19 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has jurisdiction over
20 a portion of the City Property that is comprised of approximately 6.21 acres, as depicted on a map
21 of the City Property (Project Map) on file with the Clerk of the Board of Supervisors in File No.
22 _____ and incorporated herein by reference (SFPUC Reservoir Property); and

23 WHEREAS, SFPUC has jurisdiction over another portion of the City Property that is
24 comprised of approximately 5,835 square feet and depicted on the Project Map (SFPUC
25 Additional Property); and

1 WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) has jurisdiction
2 over a portion of the City Property that is comprised of approximately 6,264 square feet and
3 depicted on the Project Map (SFMTA Property); and

4 WHEREAS, The San Francisco Community College District (College) owns real property
5 that is adjacent to the City Property and comprised of approximately 6.60 acres, as depicted on
6 the Project Map (College Property); and

7 WHEREAS, SFPUC wishes to acquire fee interest in the College Property and the College
8 wishes to acquire fee interest in the SFPUC Reservoir Property and the SFMTA Property through
9 an exchange and conveyance of the properties (Exchange), all pursuant to an Agreement for the
10 Exchange and Conveyance of Real Property (Exchange Agreement); and

11 WHEREAS, SFPUC and College have each independently verified that the collective fair
12 market value of the consideration received by College for the Exchange is equal to the collective
13 fair market value of the consideration received by SFPUC for the Exchange; and

14 WHEREAS, The execution of the Exchange Agreement and performance of their
15 respective obligations under the Exchange Agreement was approved by SFPUC's Commission on
16 December 9, 2008 through Resolution No. 08-0029 (SFPUC Exchange Resolution), and by
17 College's Board of Trustees through Resolution No. 081218-W1. Copies of such resolutions are
18 on file with the Clerk of the Board of Supervisors in File No. _____ and are incorporated
19 herein by reference; and

20 WHEREAS, SFPUC wishes to have jurisdiction of the SFMTA Property to facilitate the
21 Exchange, and SFMTA wishes to have jurisdiction of the SFPUC Additional Property to facilitate
22 its efforts to relocate its bus loop operations at the City Property; and

23 WHEREAS, SFMTA is not actively using the SFMTA Property and the SFPUC is only
24 using the SFPUC Additional Property for the installation and operation of pipelines, and the
25 jurisdictional transfers of the SFMTA Property and the SFPUC Additional Property will facilitate

1 cooperative City governance and progress toward the implementation of the Balboa Park Station
2 Area Plan, which was adopted by the Board of Supervisors under Ordinance No. 60-09. A copy
3 of Ordinance No. 60-09 is on file with the Clerk of the Board of Supervisors in File No. 110115 and
4 is incorporated herein by reference; and

5 WHEREAS, SFMTA and SFPUC have verified that the fair market value of the SFMTA
6 Property is equal to the collective fair market value of the SFPUC Additional Property; and

7 WHEREAS, SFMTA and SFPUC are parties to a Memorandum of Understanding dated
8 March 1, 2009, which provides for the jurisdictional transfer of the SFMTA Property to SFPUC and
9 the jurisdictional transfer of the SFPUC Additional Property to SFMTA (Transfer MOU); and

10 WHEREAS, The Transfer MOU was approved by SFMTA's Board of Directors on March
11 17, 2009 through Resolution No. 09-043 and by SFPUC's Commission on February 10, 2009
12 through Resolution No. 09-0030 (Jurisdictional Transfer Resolutions). Copies of the Jurisdictional
13 Transfer Resolutions are on file with the Clerk of the Board of Supervisors in File No. _____
14 and are incorporated herein by reference; and

15 WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco
16 Administrative Code, the Director of Property has determined and reported to the Mayor that the
17 estimated fair market value of the SFMTA Property is equal to the fair market value of the SFPUC
18 Additional Property, the fair market value of the SFPUC Additional Property exceeds its historical
19 cost, and in his opinion, the SFPUC Additional Property can be used more advantageously by
20 SFMTA and the SFMTA Property can be used more advantageously by SFPUC; and

21 WHEREAS, In accordance with the provisions of Section 23.15 of the San Francisco
22 Administrative Code, the Mayor believes the SFPUC Additional Property can be used more
23 advantageously by SFMTA and the SFMTA Property can be used more advantageously by
24 SFPUC and recommends the proposed jurisdictional transfers of the SFMTA Property to SFPUC
25 and the SFPUC Additional Property to SFMTA; and

1 WHEREAS, In a letter to the Department of Real Estate dated November 5, 2010, the
2 City's Planning Department found that the jurisdictional transfers of the SFPUC Additional
3 Property to SFMTA and the SFMTA Property to SFPUC, and the subsequent Exchange, were all
4 consistent with the City's General Plan and with Planning Code Section 101.1(b). A copy of such
5 letter is on file with the Clerk of the Board of Supervisors in File No. 110115 and is incorporated
6 herein by reference. The Board of Supervisors finds that the actions contemplated in this
7 Resolution are consistent with the City's General Plan and with Planning Code Section 101.1(b)
8 for the reasons set forth in said letter; and

9 WHEREAS, Under Motion No. 17774, the San Francisco Planning Commission (Planning
10 Commission) adopted the Balboa Park Station Area Plan Environmental Impact Report (SCH#
11 2006072114 (Plan EIR) pursuant to the requirements the California Environmental Quality Act,
12 California Public Resources Code Sections 21000 et seq. (CEQA), and the Guidelines for
13 Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. (CEQA
14 Guidelines) on December 4, 2008, which certified the Plan EIR as complete along with other
15 required findings, and the Plan EIR contemplated, among other things, the jurisdictional transfer of
16 the SFMTA Property and the SFPUC Property and the Exchange; and

17 WHEREAS, The Planning Commission also adopted environmental findings for the Plan
18 EIR pursuant to CEQA and a Statement of Overriding Considerations for significant and
19 unavoidable transportation and historical resources impacts, and established a Mitigation
20 Monitoring Program that attaches mitigation measures and improvement measures identified in
21 the Plan EIR (Environmental Findings), all under Motion No. 17775 on December 4, 2008; and

22 WHEREAS, The Board of Supervisors approved Ordinance No. 60-09 to adopt the Balboa
23 Park Station Area Plan and, as part of that action, also adopted the Environmental Findings as its
24 own. The Board of Supervisors determines there are no significant new information since its
25 adoption of the Balboa Park Station Area Plan and Environmental Findings that would change the

1 conclusions of the Plan EIR, or require any changes to the Environmental Findings on which the
2 Board of Supervisors continues to rely in accordance with CEQA for the actions contemplated
3 herein. A copy of Ordinance No. 60-09, the Plan EIR and the Planning Commission motions,
4 including the Environmental Findings, are on file with the Clerk of the Board of Supervisors in File
5 No. 110115 and are incorporated herein by reference; and

6 WHEREAS, In adopting the SFPUC Exchange Resolution, SFPUC, in accordance with
7 CEQA, adopted the Environmental Findings, as its own and adopted additional overriding benefits
8 associated with the actions contemplated in the SFPUC Exchange Resolution; and,

9 WHEREAS, In adopting the Jurisdictional Transfer Resolutions, each of SFPUC and
10 SFMTA adopted the Environmental Findings as its own; and

11 WHEREAS, In accordance with the recommendation of the Executive Director/CEO of the
12 SFMTA, the General Manager of SFPUC, and the Director of Property, the Board of Supervisors
13 hereby declares that the public interest or necessity will not be inconvenienced by the Exchange
14 or the jurisdictional transfer of the SFMTA Property and the SFPUC Additional Property; now,
15 therefore, be it

16 RESOLVED, That the Board of Supervisors hereby authorizes and directs the Director of
17 Property, to transfer jurisdiction of the SFMTA Property to SFPUC and the SFPUC Additional
18 Property to SFMTA; and, be it

19 RESOLVED, That the Board of Supervisors hereby authorizes and directs the Director of
20 Property to transfer the SFMTA Property and the SFPUC Reservoir Property to College in
21 exchange for the College Property and to perform the other transactions described in the
22 Exchange Agreement; and, be it

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1 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, and
2 the Director of Property are each authorized and directed to enter to take any and all actions
3 which such party, in consultation with the City Attorney, determines are in the best interest of the
4 City, do not materially increase the obligations of the City or materially decrease the benefits to
5 the City, are necessary or advisable to consummate the performance of the purposes and intent
6 of this Resolution, and comply with all applicable laws, including the
7 City's Charter, including any modifications or amendments to the Exchange Agreement.

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9 RECOMMENDED:

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11 _____
12 Nathaniel P. Ford Sr.
13 Executive Director/CEO,
14 San Francisco Municipal Transportation Agency

15 _____
16 Ed Harrington
17 General Manager, SFPUC

18 _____
19 John Updike
20 Acting Director of Property

21 _____
22 Edwin M. Lee
23 Mayor