

1 [Jurisdictional Property Transfer – Portions of Sue Bierman Park at Washington and Clay
2 Streets (Block 0203, Lot 014).]

3 **Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at**
4 **Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works**
5 **to the Recreation and Park Department; and adopting findings that the transfer is**
6 **consistent with the General Plan and Section 101.1 of the Planning Code.**

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

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

11 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
12 makes the following findings:

13 A. The City acquired certain parcels of property from the California Department of
14 Transportation ("Caltrans") following the demolition of the Embarcadero Freeway in 1991.

15 B. By Ordinance No. 109-01 (the "Original Transfer Ordinance"), the Board of
16 Supervisors transferred portions of the property the City received from Caltrans, including
17 certain property bounded by Washington, Clay, Davis and Drumm Streets now known as Sue
18 Bierman Park and formerly known as Ferry Park (a portion of Assessor's Block 203, Lot 14),
19 to the Recreation and Park Department for use as public open space, but reserved to the
20 Department of Public Works ("DPW") a strip of property adjacent to Washington Street and a
21 strip of property adjacent to Clay Street (together, the "Reserved Street Widening Parcels") for
22 a potential light rail extension.

23 C. Section 3 of the Original Transfer Ordinance provides that the Reserved Street
24 Widening Parcels may be utilized only for the purpose of expanding the City's light rail
25 system, and if they are not used for that purpose within five (5) years then the Director of

1 Property will, subject to the California Environmental Quality Act and other applicable laws,
2 recommend to the Board of Supervisors the jurisdictional transfer of these parcels from DPW
3 to the Recreation and Park Department.

4 D. Section 4 of the Original Transfer Ordinance provides that the jurisdictional
5 transfer of the Reserved Street Widening Parcels to the Recreation and Park Department will
6 be subject to the following limitation (the "Use Restriction"): no building, improvement or
7 structure may be constructed on the surface of the property, provided that the following
8 improvements, if such improvements satisfy applicable local laws, shall not be prohibited:
9 (a) landscape improvements, including but not limited to pedestrian pathways, gazebos,
10 tables, benches, lighting fixtures, trash receptacles, automatic public toilets, bicycle racks and
11 drinking fountains, and (b) improvements necessary to the function of an underground parking
12 facility, if any, that cannot be constructed underground (the "Parking Facility Improvements")
13 so long as the Parking Facility Improvements are designed to minimize to the greatest extent
14 feasible the intrusion on the public open space and so long as the Recreation and Park
15 Commission is not responsible for maintenance of the Parking Facility Improvements.

16 E. The Reserved Street Widening Parcels have been used as public open space
17 as part of Sue Bierman Park and are currently designated as a P (Public) Zoning in the
18 Zoning Map of the City and County of San Francisco.

19 F. More than five (5) years have passed since the effective date of the Original
20 Transfer Ordinance and the Municipal Transportation Agency (the "MTA") has not used the
21 Reserved Street Widening Parcels for a light rail system, and MTA staff has indicated that it
22 has no plans to extend a light rail system across these parcels.

23 G. The Director of DPW has indicated in a letter dated January 12, 2007, a copy of
24 which is on file with the Clerk of the Board in File No. _____, that DPW has no
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1 objection to the jurisdictional transfer of the Reserved Street Widening Parcels from DPW to
2 the Recreation and Park Department because the MTA has already made the decision not to
3 expand light rail to Chinatown via Washington and Clay Streets.

4 H. On October 4, 2007, the Recreation and Park Commission adopted Resolution
5 No. 0710-009, a copy of which is on file with the Clerk of the Board in File
6 No. _____, recommending that the Board of Supervisors approve the jurisdictional
7 transfer of the Reserved Street Widening Parcels to the Recreation and Park Department.

8 I. In a letter dated November 20, 2007, the Planning Department determined that
9 the proposed jurisdictional transfer is consistent, on balance, with the General Plan and the
10 Eight Priority Policies of Planning Code Section 101.1, and determined that this transfer is
11 exempt from environmental review under Section 15308, a copy of which letter is on file with
12 the Clerk of the Board of Supervisors in File No. _____.

13 J. The Board of Supervisors concurs with the Planning Department's determination
14 of conformity with the General Plan and the Eight Priority Policies of Planning Code
15 Section 101.1, and the exemption from environmental review under CEQA.

16 Section 2. The Board of Supervisors hereby determines that the Reserved Street
17 Widening Parcels can be used most advantageously by the Recreation and Park Department
18 and therefore transfers the jurisdiction of the Reserved Street Widening Parcels to the
19 Recreation and Park Department at no cost, subject to the Use Restriction.

20 Section 3. The Board of Supervisors authorizes and directs the Mayor, Clerk of the
21 Board of Supervisors, Director of Property, Director of DPW, and General Manager of the
22 Recreation and Park Department to take any and all actions necessary or appropriate in order
23 to effectuate the purpose and intent of this Ordinance. All actions heretofore taken by the
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1 officers of the City with respect to the jurisdictional transfer of the Reserved Street Widening
2 Parcels to the Recreation and Park Department are hereby approved, confirmed and ratified.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 Charles Sullivan
8 Deputy City Attorney

9 RECOMMENDED:

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11 _____
12 Amy L. Brown
13 Director of Property

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