

1 [Jurisdictional Transfer]

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3 **Resolution transferring jurisdiction from the Department of Public Works to the**
4 **Mayor's Office of Housing Real Property Identified as Assessor's Block 141, Lot 11 for**
5 **the development of affordable housing; and adopting findings pursuant to City**
6 **Planning Code Section 101.1.**

7

8 WHEREAS, The City and County of San Francisco, a municipal corporation, is the
9 owner of Assessor's Block 141, Lot 11, located in San Francisco, California (the "Property"),
10 which property is one of the former Embarcadero Roadway parcels and is under the
11 jurisdiction of the Department of Public Works; and

12 WHEREAS, On January 11, 1999, the Board of Supervisors adopted Resolution No.
13 27-99, on file with the Clerk of the Board of Supervisors in File No. 98-2098, which is hereby
14 declared to be a part of this resolution as if set forth fully herein, approving in principle the
15 disposition of three parcels that were formerly owned by the California Department of
16 Transportation as part of the right of way of the Embarcadero Freeway, including a proposal
17 for the Mayor's Office of Housing ("MOH") to utilize the Property for the development of
18 affordable housing (the "Project") consistent with Proposition A approved by the voters in
19 November 1996; and

20 WHEREAS, The Director of Public Works has consented to and recommends the
21 proposed transfer of the Property be made; and

22 WHEREAS, The MOH will subsequently submit legislation requesting the Board and
23 Mayor approve a Lease Disposition and Development Agreement with the Chinatown
24 Community Development Center (the "Developer") and Ground Lease for the Property; and

25

1 WHEREAS, The Project as currently proposed by the Developer and MOH will serve a
2 public purpose of the City and will consist of 87 units of affordable rental housing for low and
3 very low income families, a childcare center, neighborhood-serving commercial space and
4 parking for the housing to be built within the existing 84-foot height limit for the Property; and,

5 WHEREAS, In accordance with the provision of Section 23.11 of the San Francisco
6 Administrative Code, the Acting Director of Property has reported to the Mayor that the
7 subject property was transferred to City from the State of California Department of
8 Transportation at no cost under Senate Bill 181 (codified as California Streets and Highways
9 Code Section 72), and in his opinion the Property can be most advantageously used by the
10 MOH for the Project and has therefore recommended that the transfer be made; and

11 WHEREAS, Board Resolution No. 27-99 provides that any proceeds from the
12 disposition of the Property shall be used in accordance with Streets and Highways Code
13 Section 72, to the extent such proceeds are deemed necessary by the City's Waterfront
14 Transportation Project to fulfill the City's obligations under that Section to provide local street
15 access comparable to that provided by the former Embarcadero Freeway (the "Mid-
16 Embarcadero Roadway Project") and, to that end, the Ground Lease provides that the
17 Developer will pay all rent under the Ground Lease, totaling \$500,000, to the Department of
18 Public Works ("DPW") for such project; and,

19 WHEREAS, The Department of City Planning has reported in a letter dated June 16,
20 2003 that the proposed transfer of the Property and the proposed construction of affordable
21 housing is in conformity with the City's General Plan and consistent with the Eight Priority
22 Policies of Planning Code Section 101.1, and

23 WHEREAS, The Department of City Planning reported in its letter dated June 16, 2003
24 that it has issued a Preliminary Mitigated Negative Declaration (the "Neg Dec") that the
25 Project could not have a significant effect on the environment under State Environmental

1 Review Guidelines Sections 15064 (Determining Significant Effect), 15065 (Mandatory
2 Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration).

3 WHEREAS, The Mayor recommends the proposed transfer of the Property; now,
4 therefore, be it

5 RESOLVED, That the Board of Supervisors has reviewed and considered the Planning
6 Commission Motion No. 16588 certifying the Neg Dec, and hereby endorses and adopts said
7 Planning Commission Motion, and incorporates the same herein by reference; and, be it

8 FURTHER RESOLVED, That under CEQA Guidelines Section 15162, and based
9 upon the Board of Supervisor's review of the Neg Dec, the Board finds that: (1) there are no
10 substantial modifications in the Project that would require important revisions to the Neg Dec
11 due to the involvement of new significant environmental effects or a substantial increase in
12 the severity of previously identified significant effects; (2) no substantial changes have
13 occurred with respect to the circumstances under which the Project is to be undertaken that
14 would require major revisions to the Neg Dec due to the involvement of significant effects or
15 a substantial increase in the severity of effects identified in the Neg Dec; and (3) no new
16 information of substantial importance to the Project has become available that would indicate
17 (a) the Project or the actions will have significant effects not discussed in the Neg Dec,
18 (b) significant environmental effects would be substantially more severe, (c) mitigation
19 measures or alternatives found not feasible that would reduce one or more significant effects
20 have become feasible, or (d) mitigation measures or alternatives which are considerably
21 different from those in the Neg Dec would substantially reduce one or more significant effects
22 on the environment; and, be it

23 FURTHER RESOLVED, That pursuant to San Francisco Administrative Code Section
24 23.13, this Board hereby determines that the Property is surplus to the DPW and that it can
25 be used most advantageously by the MOH; and, be it

1 FURTHER RESOLVED, That this Board adopts as its own and incorporates by
2 reference herein as though fully set forth the findings made by the City Planning Department
3 in its letter dated June 16, 2003, a copy of which is on file with the Clerk of the Board of
4 Supervisors in File no. _____; and be it

5 FURTHER RESOLVED, That jurisdiction of the Property is hereby transferred to the
6 Mayor's Office of Housing at no cost.

7
8 RECOMMENDED:
9 City and County of San Francisco,
10 a municipal corporation

11 _____
12 Director of Public Works

_____ Mayor

13 _____
14 Mayor's Office of Housing

15 _____
16 Acting Director of Property