

1 [Jurisdictional Transfer of City Property - 17th Street and Folsom Street]

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3 **Resolution 1) approving the jurisdictional transfer of portions of Assessor's Block No.**
4 **3571, Lot No. 018, of the City and County of San Francisco, all currently under the**
5 **jurisdiction of the San Francisco Public Utilities Commission, partially to the Mayor's**
6 **Office of Housing as to 29,075 square feet, and partially to the Recreation and Park**
7 **Department as to 31,578 square feet; (2) approving the transfer price of \$4,000,000 from**
8 **the Mayor's Office of Housing to San Francisco Public Utilities Commission and of**
9 **\$2,271,850 from the Recreation and Park Department to San Francisco Public Utilities**
10 **Commission; (3) adopting findings, including environmental findings, General Plan**
11 **findings, and Planning Code Section 101.1 findings; and (4) authorizing other actions in**
12 **furtherance of this Resolution.**

13
14 WHEREAS, The City and County of San Francisco (City) owns certain real property
15 located on the North side of 17th Street, bounded on the east and west by Folsom Street and
16 Shotwell Street, in San Francisco, California, and known as Assessor's Block Number 3571,
17 Lot 018, which is under the jurisdiction of the SFPUC, as depicted on a map (Project Map) on
18 file with the Clerk of the Board of Supervisors in File No. 111004 and incorporated herein by
19 reference (City Property); and

20 WHEREAS, The SFPUC has declared all but the southwestern most 272.25 square
21 feet (a square of 16.5' on all sides) of the City Property surplus to the needs of the SFPUC;
22 and

23 WHEREAS, MOH wishes to acquire jurisdiction as noted on the Project Map over a
24 portion of the City Property (MOH Parcel) to explore a possible project in conformance with
25 Administrative Code Section 23. No project has yet been designed, planned or proposed for

1 the MOH Parcel., Accordingly, the Board finds that, at such time any such project is proposed
2 for the MOH Parcel, such project would be subject to review under the California
3 Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (CEQA),
4 and the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections
5 15000 et seq. (CEQA Guidelines), and Chapter 31 of the San Francisco Administrative Code,
6 as well as all other applicable laws and regulations; and

7 WHEREAS, City, including MOH with respect to the MOH Parcel, retains absolute
8 discretion to; (a) require modifications in any such MOH project to mitigate significant adverse
9 environmental impacts; (b) select feasible alternatives that avoid significant adverse impacts;
10 (c) require the implementation of specific measures to mitigate any significant adverse
11 environmental impact; (d) reject all or part of any such MOH project as proposed if its
12 economic and social benefits do not outweigh otherwise unavoidable significant adverse
13 impacts; or (e) approve any such MOH project upon a finding that its economic and social
14 benefits outweigh otherwise unavoidable significant adverse environmental impacts; and

15 WHEREAS, RPD wishes to acquire jurisdiction as noted on the Project Map over a
16 portion of the City Property (RPD Parcel) to develop a neighborhood park and, as such, RPD
17 has planned, designed, and proposed a project for the RPD Parcel (Park Project). The
18 proposed Park Project was reviewed under CEQA, the CEQA Guidelines, and Chapter 31 of
19 the Administrative Code, and a Community Plan Exemption with a Final Mitigated Negative
20 Declaration (FMND) was finalized on April 15, 2011. The Board finds that insofar as this
21 Resolution contemplates any direct or indirect physical changes in the environment, including
22 the proposed Park Project, it is within the scope of and consistent with the FMND and that
23 there are no changes in circumstances, no changes proposed to the proposed Park Project
24 and no new mitigation measures proposed that would require additional environmental review;
25 and

1 WHEREAS, The Park Project addresses a High Needs Area, the Mission District, of
2 the Recreation and Open Space Element of the General Plan; and

3 WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco
4 Administrative Code, the Director of Property has determined and reported to the Mayor that
5 the estimated fair market value of the MOH Parcel and RPD Parcel combined is Six Million
6 Two Hundred Seventy One Thousand Eight Hundred Fifty Dollars (\$6,271,850), the fair
7 market value of the MOH Parcel and RPD Parcel combined exceeds its historical cost, and in
8 his opinion, the MOH Parcel and RPD Parcel can each be used more advantageously by
9 MOH and RPD respectively; and

10 WHEREAS, in order to implement the jurisdictional transfers, MOH, RPD and SFPUC
11 have negotiated and executed a Memorandum of Understanding, a copy of which is on file
12 with the Clerk of the Board of Supervisors in File No. 111004 and is incorporated herein by
13 reference (MOU); and

14 WHEREAS, The payment due SFPUC from RPD for the RPD Parcel shall be pursuant
15 to funding available from the Eastern Neighborhood Plan Area Impact Fees - Open Space
16 Sub-Fund (EN Fund) allocated by the Eastern Neighborhood Citizens Advisory Committee on
17 January 10, 2011, or if due to unforeseen circumstances, the EN Fund is insufficient to cover
18 the full amount owed SFPUC within the time allotted under the MOU, the remainder of the
19 RPD payment owed SFPUC shall be paid in full on such date owed using RPD Open Space
20 Acquisition Funds; and

21 WHEREAS, In a letter to the Director of Property dated September 13, 2011, the City's
22 Planning Department found that the jurisdictional transfers of the City Property to MOH and
23 RPD were all consistent with the City's General Plan and with Planning Code Section 101.1
24 (b). A copy of such letter is on file with the Clerk of the Board of Supervisors in File No.
25 111004 and is incorporated herein by reference. The Board of Supervisors finds that the

1 actions contemplated in this Resolution are consistent with the City's General Plan and with
2 Planning Code Section 101.1 (b) for the reasons set forth in said letter; and

3 WHEREAS, The execution of the MOU and the jurisdictional transfer contemplated
4 herein was approved by SFPUC's Commission on September 13, 2011, through Resolution
5 No. 11-0139, and by RPD's Commission on August 18, 2011, through Resolution No. 1108-
6 011, copies of both Resolutions are on file with the Clerk of the Board of Supervisors in File
7 No. 111004 and incorporated herein by reference ; and

8 WHEREAS, In adopting the SFPUC and RPD Commission Resolutions, both SFPUC,
9 and RPD, in accordance with CEQA, adopted the Environmental Findings as its own and
10 adopted additional overriding benefits associated with the actions contemplated in the MOU;
11 and

12 WHEREAS, In accordance with the recommendation of the General Manager of the
13 SFPUC, the General Manager of the RPD, the Director of MOH, and the Director of Property,
14 the Board of Supervisors hereby declares that the public interest or necessity will not be
15 inconvenienced by the jurisdictional transfer of the City Property; now, therefore, be it

16 RESOLVED, That the Board of Supervisors hereby adopt the Community Plan
17 Exemption, FMND, and the associated Mitigation Monitoring and Reporting Program (MMRP)
18 for the proposed Park Project; and be it

19 FURTHER RESOLVED, The Board of Supervisors hereby authorizes and directs the
20 Director of Property to transfer jurisdiction of the City Property to MOH (for the MOH Parcel)
21 and RPD (for the RPD Parcel), consistent with the terms and conditions of the MOU; and be it

22 FURTHER RESOLVED, That the jurisdictional transfer and payments made subject to
23 the terms and conditions of the MOU are deemed to be in conformance with Chapter 23A of
24 the San Francisco Administrative Code, the Surplus Property Ordinance, given the MOH
25 Project will consider affordable housing as an option; and be it

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

10 RECOMMENDED:

11 _____
12 Ed Harrington, General Manager, SFPUC

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14 _____
15 Philip A. Ginsburg, General Manager, Recreation and Parks Department

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17 _____
18 Olson Lee, Acting Director, Mayor's Office of Housing

19
20 _____
21 John Updike, Acting Director of Real Estate

22
23 _____
24 Edwin M. Lee, Mayor

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