

1 [Accept and Expend Grant - Retroactive - Cooperative Agreement - California Department of  
2 Transportation - Caltrans Clean California Local Enhancement Program - South of Market  
3 Street Tree Nursery - Up to \$2,400,000]

3

4 **Resolution retroactively authorizing the Department of Public Works to accept and**  
5 **expend \$2,400,000 from the California Department of Transportation’s (“Caltrans”)**  
6 **Clean California Local Enhancement Program to upgrade facilities on the State**  
7 **Highway System in support of the South of Market Street Tree Nursery Project, for a**  
8 **term of March 1, 2022, through June 30, 2023, and approving and authorizing Public**  
9 **Works to enter into a Cooperative Agreement with Caltrans regarding project**  
10 **construction and implementation; and affirming the California Department of**  
11 **Transportation’s determination under the California Environmental Quality Act.**

12

13 WHEREAS, The Department of Public Works Bureau of Urban Forestry (“Public  
14 Works”) has collaborated with the California Department of Transportation (“Caltrans”) on the  
15 South of Market Street Tree Nursery project, which would convert a highly visible blighted  
16 parcel at the 5th Street and State Highway Route 80 interchange, between Harrison and  
17 Bryant Streets, into an active tree nursery, education center, and operations yard (“Project”),  
18 as further described in Public Works Order No. 206674, on file with the Clerk of the Board of  
19 Supervisors in File No. 220762; and

20 WHEREAS, The Project site is currently a vacant parcel at the 5th Street and State  
21 Route 80 interchange that serves as a primary entry and exit point to San Francisco and has  
22 been the site of ongoing dumping, encampment, public safety, and maintenance challenges;  
23 and

24 WHEREAS, The Project will benefit the City, Caltrans, and the community at large by  
25 providing a space that beautifies the right-of-way for travelers and supports community

1 engagement, education, climate protection, and sustainability efforts through urban forestry;  
2 and

3 WHEREAS, The Project includes a proposed 14,000 square foot nursery site that  
4 receives ample sunlight and contains utility connections, making it a desirable site for growing  
5 trees and introducing greenery to the surrounding South of Market neighborhood, which lacks  
6 trees and open space; and

7 WHEREAS, While developing the San Francisco Urban Forest Plan and the Central  
8 SOMA Plan, the City identified the Project site and associated challenges and developed  
9 concepts that resulted in the proposed Project; and

10 WHEREAS, Caltrans administers the Clean California Local Enhancement Program,  
11 which is intended to beautify and improve Caltrans' State Highway System properties; and

12 WHEREAS, Caltrans and Public Works collaborated on and refined the Project scope  
13 and formulated a Project budget under which Caltrans would work with the City to construct  
14 and install the necessary structures and infrastructure, install utility connections, and install  
15 public art; and

16 WHEREAS, Caltrans submitted a proposal for the Project to the Clean California Local  
17 Enhancement Program; and

18 WHEREAS, On or about November 30, 2021, Caltrans approved the Project's Clean  
19 California Local Enhancement Program proposal, on file with the Clerk of the Board of  
20 Supervisors in File No. 220762; and

21 WHEREAS, Caltrans and Public Works have negotiated a cooperative agreement, on  
22 file with the Clerk of the Board of Supervisors in File No. 220762, under which Caltrans would  
23 be the Project sponsor responsible for establishing the scope of the Project and securing the  
24 financial resources to fund the Project construction, and the City, acting by and through Public  
25 Works, would be responsible for managing the scope, cost, schedule, and quality of the

1 Project construction and the related plans, specifications, and estimates (the “Cooperative  
2 Agreement”); and

3 WHEREAS, On November 22, 2021, Caltrans, the Lead Agency for the Project  
4 pursuant to the California Environmental Quality Act (California Public Resources Code,  
5 Sections 21000 et seq.), issued a notice of exemption, on file with the Clerk of the Board of  
6 Supervisors in File No. 220762, which determined that the Project constitutes a Class 1  
7 Categorically Exempt project under Title 14, Division 6, Chapter 3, Section 15301 of the  
8 California Code of Regulations (“Notice of Exemption”); and

9 WHEREAS, Caltrans and the City are in the process of preparing an airspace lease  
10 agreement, which would allow Public Works to operate the facility as a combination nursery,  
11 corporation yard, and educational space; and

12 WHEREAS, Funded improvements would include a nursery office and educational  
13 structure, ornamental security fencing and gates, irrigation systems, public art, driveways and  
14 vehicle access, ground surface preparation, and electrical and water service; and

15 WHEREAS, This Project would achieve the community’s and Caltrans’ goals for  
16 beautifying this lot by improving perceived safety and aesthetics, and highlighting urban  
17 forestry efforts towards resiliency and sustainability; and

18 WHEREAS, The Project does not require matching funds; and

19 WHEREAS, The Project budget includes \$1,679,000 for ongoing contractual services  
20 as described in the Grant Information Form, on file with the Clerk of the Board of Supervisors  
21 in File No. 220762; and

22 WHEREAS, The Project budget includes \$287,786 for indirect costs, calculated by the  
23 San Francisco Public Works FY 2021-2022 Indirect Cost Plan, as described in the Grant  
24 Information Form; and

25

1           WHEREAS, The project budget and the construction shall not be available without the  
2 Board of Supervisors' approval of the acceptance and expenditure of the Grant Funds and the  
3 approval of the Cooperative Agreement; now, therefore, be it

4           RESOLVED, The Board of Supervisors, acting as the Responsible Agency under  
5 CEQA, has reviewed and considered the Notice of Exemption and has determined that the  
6 actions contemplated in this Resolution comply with the California Environmental Quality Act  
7 (California Public Resources Code, Sections 21000 et seq.); and, be it

8           RESOLVED, That the Board of Supervisors accepts the recommendations of the  
9 Department as set forth in Public Works Order No. 206674; and, be it

10          FURTHER RESOLVED, Public Works is hereby authorized to accept and expend up to  
11 \$2,400,000 in Caltrans Clean California Local Enhancement Program funds for the Project;  
12 and, be it

13          FURTHER RESOLVED, Public Works is hereby authorized to enter into a cooperative  
14 agreement that is in substantial conformity with the Cooperative Agreement, as determined in  
15 consultation with the City Attorney; and, be it

16          FURTHER RESOLVED, That the Director of Public Works is authorized to execute all  
17 required documents for receipt of Caltrans Clean California Local Enhancement Program  
18 funds and to take further action in accordance with all grant requirements; and, be it

19          FURTHER RESOLVED, That the Board of Supervisors ratifies any administrative  
20 action taken to date with respect to the grant funds, including but not limited to the submittal of  
21 any applications and related materials; and, be it

22          FURTHER RESOLVED, That within 30 days of the execution of the Cooperative  
23 Agreement by all parties, the Department shall provide the final Agreement to the Clerk of the  
24 Board for inclusion in File No. 220762.

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Approved: /s/ \_\_\_\_\_  
London Breed, Mayor

Approved: /s/ \_\_\_\_\_  
Ben Rosenfield, Controller

Recommended:  
  
/s/ \_\_\_\_\_  
Carla Short, Interim Director  
Department of Public Works

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