

**CITY AND COUNTY OF SAN FRANCISCO
RECREATION & PARK COMMISSION
RESOLUTION NO. 1406-011**

CONDITIONAL JURISDICTIONAL TRANSFER OF REAL PROPERTY

WHEREAS, the City owns certain real property, comprised of a 3.29-acre property at San Francisco County Assessors Block 0046, Lot 001 and a portion of Block 0047, Lot 001, fronted by Bay, Hyde, Chestnut, and Larkin Streets, (the “Site”), in San Francisco California; and

WHEREAS, the City and County of San Francisco purchased the Site in 1930 for the San Francisco Public Utilities Commission’s (PUC) predecessor, the San Francisco Water Department, for use as a reservoir; and

WHEREAS, such Site, also known as the Francisco Street Reservoir, has not been in active use since the 1940s; and

WHEREAS, the Site has great value as a public open space, both to the City of San Francisco, in general, and to the northeastern area of the City of San Francisco, in particular; and

WHEREAS, the surrounding community and neighborhood groups have expressed a significant interest in seeing the Site transformed into a public open space; and

WHEREAS, the San Francisco Recreation and Park Department (RPD) wishes to acquire jurisdiction over the Site in order to design and propose development of a City park, if authorized by the Recreation and Park Commission by this Resolution. RPD intends to design a potential park for the Site in accordance with RPD standards and procedures and to further RPD’s mission to provide enriching recreational activities, maintain beautiful parks and preserve the environment for the well-being of our diverse community; and

WHEREAS, no specific park design has yet been developed or planned and any such proposal would be subject to a citywide outreach and planning effort; and

WHEREAS, on May20, 2014, the Planning Department determined that the jurisdictional transfer of the Site from PUC to RPD would not be subject to the California Environmental Quality Act Public Resources Code Section 21000 *et seq.* (CEQA), pursuant to CEQA Guidelines Section 15060(c)(2), which provides that an activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change on the environment; and

WHEREAS, pursuant to Charter Section 8B.121, PUC has exclusive charge of real assets under its jurisdiction, and if the Recreation and Park Commission approves this Resolution, the PUC will be asked make a determination that the Site is surplus to the needs of any utility under its jurisdiction and to authorize a request to the Board of Supervisors to approve transfer of jurisdiction of the Site, in exchange for fair market value determined by appraisal, as required by applicable law, subject to the terms of a Memorandum of Understanding (MOU) between PUC and RPD; and

WHEREAS, the appraised value of the PUC property is \$9.9 million dollars, as determined by an appraisal conducted by an objective, MAI and State-certified consultant appraiser, based on the highest and best use of the property; and

WHEREAS, the agreed purchase price for the Site is \$9.9 million dollars, paid over twelve (12) years, plus the Controller's Pooled Interest Rate; and

WHEREAS, the MOU sets forth the terms and conditions for effecting the conditional jurisdictional transfer; and

WHEREAS, from the time the PUC tenders initial possession of the Site to RPD until jurisdiction is transferred, RPD, as well as its employees, consultants, contractors, invitees and guests, may use the Site within RPDs authority under Section 4.113 of the City's Charter; and

WHEREAS, funds from the Open Space Acquisition Funds are the anticipated source of funds for the Site acquisition; and

WHEREAS, community neighborhood associations and their non-profit fiscal sponsor will fund the design and planning for the Site and will develop a funding strategy for any construction and maintenance of a park on the Site, all concept plans, memoranda of understandings and other related documents subject to the later approval of the Recreation and Park Commission; and

WHEREAS, the planning process for a park will take into account a broad range of stakeholders and user groups to make any park on the Site a citywide park; and

WHEREAS, RPD and the PUC agree to the price of the Site, therefore be it

RESOLVED, The Recreation and Park Commission hereby authorizes the General Manager to execute the MOU with the PUC in substantially the form on file with this Commission Resolution, and hereby recommends that the Board of Supervisors approve the conditional jurisdictional transfer from the PUC to RPD of the Site for the purpose of designing and planning a public park.

Adopted by the following vote:

Ayes	4
Noes	0
Absent	2

I hereby certify that the foregoing resolution was adopted at the Recreation and Park Commission meeting held on June 19, 2014.


Margaret A. McArthur, Commission Liaison