

AMENDED IN COMMITTEE  
7/16/14

FILE NO. 140782

RESOLUTION NO.

1 [Conditional Jurisdictional Transfer of City Property - Francisco Reservoir - \$9,900,000]

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3 **Resolution approving the jurisdictional transfer of Assessor's Block No. 0046, Lot No.**  
4 **001, consisting of 3.29 acres and 143,344 square feet, and a portion of Assessor's**  
5 **Block No. 0047, Lot No. 001, commonly known as Francisco Reservoir, and**  
6 **surrounding area currently under the jurisdiction of the San Francisco Public Utilities**  
7 **Commission (SFPUC), to the Recreation and Park Department (RPD) as to subject to**  
8 **the terms and conditions of a Memorandum of Understanding between SFPUC and**  
9 **RPD; approving the transfer price of \$9,900,000; and making environmental findings,**  
10 **and findings of consistency with the General Plan, and the eight priority policies of**  
11 **Planning Code, Section 101.1.**

12  
13 WHEREAS, The City and County of San Francisco (City) owns certain real property  
14 located at 2445 Hyde Street, in San Francisco, California, and known as Assessor's Block No.  
15 0046, Lot No. 001, and a portion of Assessor's Block No. 0047, Lot No. 001, which is under  
16 the jurisdiction of the San Francisco Public Utilities Commission (SFPUC), as depicted on a  
17 map (Project Map) on file with the Clerk of the Board of Supervisors in File No. 140782 and  
18 incorporated herein by reference (City Property); and

19 WHEREAS, The SFPUC has declared the City Property as surplus to the needs of any  
20 utility under the jurisdiction of the SFPUC; and

21 WHEREAS, The Recreation and Park Department (RPD) wishes to acquire jurisdiction  
22 as noted on the Project Map over the City Property to design and develop a park; and

23 WHEREAS, On May 20, 2014, the Planning Department determined that the  
24 jurisdictional transfer of the City Property from SFPUC to RPD would not be subject to the  
25 California Environmental Quality Act Public Resources Code Section 21000 *et seq.* (CEQA),

1 pursuant to CEQA Guidelines Section 15060(c)(2), which provides that an activity is not  
2 subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect  
3 physical change in the environment, because there is no current design or specific plan for  
4 use of the City Property. Said determination is on file with the Clerk of the Board of  
5 Supervisors in File No. 140782 and is incorporated herein by reference; and

6 WHEREAS, The proposed acquisition of the City Property through the conditional  
7 jurisdictional transfer addresses a High Needs Area and/or an open space deficient area, of  
8 the Recreation and Open Space Element of the General Plan; and

9 WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco  
10 Administrative Code, the Director of Property has determined and reported to the Mayor that  
11 the estimated fair market value of the City Property is Nine Million Nine Hundred Thousand  
12 Dollars (\$9,900,000), the fair market value of the City Property exceeds its historical cost, and  
13 in his opinion, the City Property can be used more advantageously by RPD; and

14 WHEREAS, In order to implement the jurisdictional transfer, RPD and SFPUC  
15 have negotiated and executed a Memorandum of Understanding (MOU), a copy of which is  
16 on file with the Clerk of the Board of Supervisors in File No. 140782; and

17 WHEREAS, RPD anticipates making payments due under the terms of the MOU from  
18 the Open Space Acquisition Fund; and

19 WHEREAS, In a letter to the SF Recreation and Park Department dated June 26, 2014,  
20 the City's Planning Department found that the jurisdictional transfer of the City Property to RPD  
21 complies with CEQA and is consistent with the City's General Plan and with Planning Code  
22 Section 101.1-(b). A copy of such letter is on file with the Clerk of the Board of Supervisors in  
23 File No. 140782 and is incorporated herein by reference. The Board of Supervisors finds that  
24 the actions contemplated in this Resolution are consistent with the City's General Plan and with  
25 Planning Code Section 101.1-(b) for the reasons set forth in said letter; and

1           WHEREAS, The execution of the MOU and the jurisdictional transfer contemplated  
2 herein was approved by SFPUC on July 8, 2014, through Resolution No. 14-0113, and by  
3 Recreation and Park Commission on June 19, 2014, through Resolution No. 1406-011, copies  
4 of both Resolutions are on file with the Clerk of the Board of Supervisors in File No. 140782;  
5 and

6           WHEREAS, In adopting the SFPUC and Recreation and Park Commission  
7 Resolutions, both SFPUC, and the Recreation and Park Commission, acted in accordance  
8 with CEQA; now, therefore, be it

9           RESOLVED, That in accordance with the recommendation of the General Manager of  
10 the SFPUC, the General Manager of the RPD, and the Director of Property, the Board of  
11 Supervisors hereby declares that the public interest or necessity will not be inconvenienced by  
12 the jurisdictional transfer of the City Property; and, be it

13           FURTHER RESOLVED, That the Board of Supervisors finds that the actions  
14 contemplated in this Resolution are consistent with the City's General Plan and with Planning  
15 Code Section 101.1-(b) for the reasons set forth in the letter from the Planning Department to  
16 the Director of Property referenced above; and, be it

17           FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs  
18 the Director of Property to transfer jurisdiction of the City Property in accordance with the  
19 terms and conditions of the MOU; and, be it

20           FURTHER RESOLVED, That the jurisdictional transfer contemplated herein is not  
21 subject to Chapter 23A of the San Francisco Administrative Code, the Surplus Property  
22 Ordinance, for the reasons set forth in Section 23A.2-(l); and, be it

23           FURTHER RESOLVED, That the Recreation and Park Department report to the Board  
24 of Supervisors prior to December 31, 2014 on (1) the Department's strategy to acquire open  
25 space properties that meet the Open Space Acquisition Policy priorities; and (2) an evaluation

1 of the District 6 Open Space Committee process and how it could be extended to other high  
2 needs neighborhoods in the City; and, be it

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

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13 Harlan L. Kelley, Jr., General Manager, SFPUC

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16 Philip A. Ginsburg, General Manager  
17 Recreation and Parks Department

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19 John Updike, Director of Real Estate

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22 Edwin M. Lee, Mayor

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