

1 [Administrative Code - Transfer of Moscone Center Garage and Performing Arts Garage to
2 Municipal Transportation Agency]

3 **Ordinance amending the Administrative Code to transfer the Moscone Center Garage**
4 **(255 Third Street) and the Performing Arts Garage (360 Grove Street) from the Parking**
5 **Authority to the Municipal Transportation Agency; and assigning a ground lease for**
6 **certain Department of Public Works property for access between the Performing Arts**
7 **Garage and Gough Street; affirming the determination under the California**
8 **Environmental Quality Act; and making findings of consistency with the General Plan**
9 **and the eight priority policies of Planning Code Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Findings.

19 (a) The San Francisco Municipal Transportation Agency (“SFMTA”), under authority
20 delegated to it by the Planning Department, has determined that the transfer of ownership of
21 San Francisco Parking Authority property to the City and County of San Francisco under the
22 jurisdiction of the SFMTA is not a “project” under the California Environmental Quality Act
23 (“CEQA”) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and
24 15378(b). Said determination is on file with the Clerk of the Board of Supervisors in File No.
25 170271 and is incorporated herein by reference. The Board affirms this determination.

(b) On November 15, 2016, the Commission of the Parking Authority of the City and
County of San Francisco (“Parking Authority”), a State agency governed by California Streets

1 and Highways Code Sections 32500 et seq., in Resolution No. 16-156, recommended that the
2 Board of Supervisors transfer the property of the Parking Authority to the SFMTA. A copy of
3 said Resolution No. 16-156 is on file with the Clerk of the Board of Supervisors in File No.
4 170271.

5 (c) On November 15, 2016, the SFMTA Board of Directors, in Resolution No. 16-
6 155, recommended that the Board of Supervisors transfer the property of the Parking
7 Authority to the SFMTA. A copy of said Resolution No. 16-155 is on file with the Clerk of the
8 Board of Supervisors in File No. 170271.

9 (d) The SFMTA and Parking Authority desire at this time that the Moscone Center
10 Garage and the Performing Arts Garage be transferred from the Parking Authority to the
11 SFMTA.

12
13 Section 2. The Administrative Code is hereby amended by adding Section 17.4, to
14 read as follows:

15 **SEC. 17.4. TRANSFER OF PARKING AUTHORITY PROPERTY TO THE MUNICIPAL**
16 **TRANSPORTATION AGENCY.**

17 (a) As authorized by California Streets and Highways Code Section 32067, the Moscone
18 Center Garage, 255 Third Street, San Francisco, Assessor's Parcel Number 3735-060, and the
19 Performing Arts Garage, 360 Grove Street, San Francisco, Assessor's Parcel Numbers 0792-029 and
20 0792-022, which includes all real property, interests in property, leases involving and all improvements
21 and personal property thereon of those parking facilities, are transferred to the Municipal
22 Transportation Agency. Leases and other interests of the Parking Authority in the Moscone Center
23 Garage and the Performing Arts Garage are assigned to the Municipal Transportation Agency,
24 including but not limited to the ground lease of certain property under the jurisdiction of the
25 Department of Public Works for access between the Performing Arts Garage and Gough Street, a copy

1 of which is on file with the Clerk of the Board of Supervisors in File No. 170271 and is incorporated
2 herein by reference. The Municipal Transportation Agency, as assignee, shall assume all obligations
3 and benefits of said Lease from the Parking Authority, as assignor.

4 (b) The Assignment Agreement assigning the Lease dated February 27, 1981, between the
5 State of California, Department of Transportation, as lessor, and the Parking Authority, as lessee, for
6 the real property located on Gough Street near Grove Street, which is a portion of Assessor's Parcel
7 Number 0792-028 and provides access between the Performing Arts Garage and Gough Street, is
8 approved. Although the City and County owns the fee interest in such real property and holds the
9 lessor interest in such Lease, the leasehold interest in the real property and the lessee interest in the
10 Lease are intended to survive the assignment and not intended to merge by operation of law. The
11 Municipal Transportation Agency, as assignee, shall assume all obligations and benefits of such Lease
12 from the Parking Authority, as assignor. A copy of the Assignment Agreement and Lease is on file with
13 the Clerk of the Board of Supervisors in File No. 170271 and is incorporated herein by reference.

14 (c) For purposes of Administrative Code Section 23.3, the transfer of the Moscone Center
15 Garage and the transfer of the Performing Arts Garage to the Municipal Transportation Agency in this
16 Section 17.4 is a donation, which does not require an appraisal of the value of the property to be
17 conveyed. The transfer of those parking facilities from the Parking Authority to the Municipal
18 Transportation Agency is authorized by California Streets and Highways Code Section 32067. Said
19 transfer will effect a public purpose, will not change the use of the property as parking facilities, and
20 will not change the use of the revenues of the property, which Charter Section 8A.105(b)1 requires be
21 used to support the Municipal Transportation Agency.

22 (d) The SFMTA has affirmed, in correspondence in Board File No. 170271, that it
23 will provide at a minimum semi-annual written reports to the Board of Supervisors on any
24 studies and plans to develop the Moscone Center Garage and the Performing Arts Garage,
25 and will also provide to the Board of Supervisors a public outreach plan to engage the

1 community on potential development alternatives, and any completed studies by third-party
2 consultants shall be made immediately available to the Board of Supervisors.

3 (e) The Municipal Transportation Agency and the Mayor, in consultation with the City
4 Attorney, are authorized to take such actions as necessary to effect the purposes of this Section 17.4 to
5 transfer to the Municipal Transportation Agency from the Parking Authority the real property,
6 personal property, and any other property interests of the Moscone Center Garage and of the
7 Performing Arts Garage.

8 Section 3. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

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13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 ROBERT K. STONE
17 Deputy City Attorney

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