

1 [Jurisdictional Transfer of City Property - San Francisco Municipal Transportation Agency -
2 Mayor's Office of Housing and Community Development - \$6,150,000]

3 **Resolution approving the jurisdictional transfer of City property at the intersection of**
4 **Geneva Avenue and San Jose Avenue, Assessor's Property Block No. 6973, Lot**
5 **No 039, from the San Francisco Municipal Transportation Agency to the Mayor's Office**
6 **of Housing and Community Development for \$6,150,000; affirming the Planning**
7 **Department's determination under the California Environmental Quality Act; and**
8 **finding the proposed transfer is consistent with the General Plan, and the eight priority**
9 **policies of Planning Code, Section 101.1.**

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11 WHEREAS, The City and County of San Francisco (City) owns certain real property
12 located at the intersection of Geneva Avenue and San Jose Avenue in San Francisco,
13 California, which is comprised of approximately 30,750 square feet and known as Assessor's
14 Parcel Block No. 6973, Lot No. 039 (Upper Yard); and

15 WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) has
16 jurisdiction over the Upper Yard and uses it for staff parking; and

17 WHEREAS, The Mayor's Office of Housing and Community Development (MOHCD) is
18 interested in using the Upper Yard for a project that will be 100% Affordable Housing, as
19 defined in Administrative Code, Section 23A.4, and likely include 80 to 100 residential units
20 and ground floor retail; and

21 WHEREAS, The SFMTA and MOHCD agreed to the jurisdictional transfer of the Upper
22 Yard from the SFMTA to MOHCD on the terms and conditions of a negotiated Memorandum
23 of Understanding dated April 18, 2014 (Original MOU), a copy of which is on file with the Clerk
24 of the Board of Supervisors in File No. 180534 and is incorporated herein by reference; and

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1 WHEREAS, On April 15, 2014, the SFMTA Board of Directors approved the
2 jurisdictional transfer of the Upper Yard from the SFMTA to MOHCD on the terms and
3 conditions of the Original MOU under Resolution No. 14-058, a copy of which is on file with
4 the Clerk of the Board of Supervisors in File No. 180534 and is incorporated herein by
5 reference; and

6 WHEREAS, To further the production of quality affordable housing in San Francisco,
7 the SFMTA was willing to transfer jurisdiction of the Upper Yard to MOHCD for less than fair
8 market value; and

9 WHEREAS, On April 18, 2016, the SFMTA and MOHCD agreed to a jurisdictional
10 transfer fee of \$6,150,000 for the Upper Yard, as memorialized by a First Amendment to
11 Memorandum of Understanding dated April 18, 2016 (First Amendment), a copy of which is
12 on file with the Clerk of the Board of Supervisors in File No. 180534 and is incorporated herein
13 by reference; and

14 WHEREAS, The SFMTA is an Enterprise Department, as defined under Administrative
15 Code, Section 23A.4, that is urged, but not required, to consider the transfer of underutilized
16 property to MOHCD for Affordable Housing under Administrative Code, Section 23A.7(c); and

17 WHEREAS, In accordance with Section 23.14 of the Administrative Code, the Director
18 of Property reported to the Mayor that the appraised fair market value of the Upper Yard is
19 approximately \$9,840,000 if developed with adjacent parcel pursuant to an independent third
20 party appraisal completed in March 2014 and that the Upper Yard could be used more
21 advantageously by MOHCD for Affordable Housing; and

22 WHEREAS, In accordance with Section 23.15 of the Administrative Code, the Mayor
23 believes the Upper Yard can be used more advantageously by MOHCD and recommends that
24 the Board of Supervisors approve the jurisdictional transfer of the Upper Yard to MOHCD on
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1 the terms and conditions described in the Original MOU, as modified by the First Amendment;
2 and

3 WHEREAS, The Planning Department has determined that the jurisdictional transfer of
4 the Upper Yard is not a project under the California Environmental Quality Act, which
5 determination is noted in the Planning Department's General Plan Referral letter dated
6 June 28, 2016; the General Plan Referral letter is on file with the Clerk of the Board of
7 Supervisors in File No. 180534, and is incorporated herein by this reference; the Board of
8 Supervisors concurs with this determination and adopts it as its own; and

9 WHEREAS, In the same General Plan Referral letter, the Planning Department
10 determined that the jurisdictional transfer of the Upper Yard from the SFMTA to MOHCD is in
11 conformity with the General Plan, and consistent with the eight priority policies of Planning
12 Code, Section 101.1; and

13 WHEREAS, Pursuant to Administrative Code, Section 23.14, an Appraisal and
14 Appraisal Review, both as defined in Administrative Code, Section 23.2, are not required
15 when the requesting department, such as MOHCD, is not an Enterprise Department and the
16 property will be used for 100% Affordable Housing; now, therefore, be it

17 RESOLVED, That in accordance with the recommendations of the Mayor, the Director
18 of Transportation of the SFMTA, the Director of MOHCD, and the Director of Property, the
19 Board of Supervisors hereby declares that the public interest or necessity will not be
20 inconvenienced by the jurisdictional transfer of the Upper Yard; and, be it

21 FURTHER RESOLVED, The Board of Supervisors finds that the actions contemplated
22 in this Resolution are consistent with the General Plan and with Planning Code,
23 Section 101.1(b) for the reasons set forth in the letter from the Planning Department to the
24 Director of Property referenced above; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs
2 the Director of Property to transfer jurisdiction of the Upper Yard to MOHCD in accordance
3 with the terms and conditions of the Original MOU as modified by the First Amendment; and,
4 be it

5 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, the
6 Director of Property, the Director of MOHCD and the Director of Transportation of the SFMTA
7 are each authorized and directed to enter into any and all documents and to take any and all
8 actions which such party, in consultation with the City Attorney, determines are in the best
9 interest of the City, are necessary or advisable to consummate the performance of the
10 purposes and intent of this Resolution and the Original MOU, as modified by the First
11 Amendment, and comply with all applicable laws, including the City's Charter.

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Mark Farrell, Mayor

John Updike
Director of Property

Kate Hartley
Director of Mayor's Office of Housing and Community Development

Ed Reiskin
Director of Transportation