

File No. 190919 Committee Item No. 1  
 Board Item No. 19

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date November 4, 2019

Board of Supervisors Meeting  
 Cmte Board

Date NOVEMBER 13, 2019

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>MOU 090319</u>          |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN GP Ref 091218</u>   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>RED Ltr 072219</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 092519</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                      |

Completed by: Erica Major Date November 1, 2019  
 Completed by: Erica Major Date 11/1/2019

1 [Jurisdictional Transfer and Exchange of City Property - Municipal Transportation Agency -  
2 Real Estate Division - 1419 Bryant Street - 1200-15th Street - \$0]

3 **Resolution approving the jurisdictional transfer of 1419 Bryant Street, a portion of**  
4 **Assessor's Parcel Block No. 3904, Lot No. 002, consisting of approximately 48,000**  
5 **square feet, currently under the jurisdiction of the Municipal Transportation Agency**  
6 **(MTA) to the Real Estate Division on behalf of Animal Care and Control (ACC), and**  
7 **1200-15th Street, Assessor's Parcel Block No. 3925, Lot No. 002, consisting of 15,260**  
8 **square feet improved with an office building of approximately 29,116 rentable square**  
9 **feet, commonly known as the City's Animal Shelter, currently under the jurisdiction of**  
10 **the ACC to the MTA, subject to the terms and conditions of a Memorandum of**  
11 **Understanding between MTA and ACC; approving the transfer price of \$0; adopting**  
12 **environmental findings, and other findings that the actions set forth in this Resolution**  
13 **are consistent with the General Plan, and the eight priority policies of Planning Code,**  
14 **Section 101.1; and authorizing other actions in furtherance of this Resolution, as**  
15 **defined herein.**

16  
17 WHEREAS, The City and County of San Francisco owns certain real property located  
18 at 1419 Bryant Street, in San Francisco, California, and known as a portion of Assessor's  
19 Parcel Block No. 3904, Lot No. 002 (Bryant St. Property); and

20 WHEREAS, The Municipal Transportation Agency (MTA) has jurisdiction over the  
21 Bryant St. Property which is improved with an historical brick building (approximately 33,400  
22 rentable square feet) that was used by the MTA's Overhead Lines Division, and is comprised  
23 of approximately 40,900 square feet of the total 48,000 square foot parcel, as depicted on an  
24 Assessor's Block Map, shown on an GIS Aerial Image and Site Plan (collectively Exhibit A to  
25

1 the Memorandum of Understanding (MOU)) on file with the Clerk of the Board of Supervisors  
2 in File No. 190919 and incorporated herein by reference; and

3 WHEREAS, The City and County of San Francisco owns certain real property located  
4 at 120015th Street, Assessor's Parcel Block No. 3925, Lot No. 002 (15th St. Property); and

5 WHEREAS, The 15th St. Property is currently under the jurisdiction of the Animal Care  
6 and Control (ACC) and improved with an approximately 29,116 square feet building, used for  
7 an animal shelter by ACC, and is an approximately 15,260 square feet parcel as depicted on  
8 an Assessor's Block Map, shown on an GIS Aerial Image and Site Plan (collectively Exhibit B  
9 to the MOU); and

10 WHEREAS, The 15th St. Property is adjacent to the MTA's Scott Maintenance Facility;  
11 and

12 WHEREAS, The 15th St. Property is no longer adequate for ACC's uses; and

13 WHEREAS, The SFMTA desires to acquire jurisdiction over the 15th St. Property to  
14 expand its maintenance facility area in exchange for the Bryant St. Property subject to the  
15 terms and conditions set forth in a MOU between MTA and ACC; and

16 WHEREAS, Real Estate Division (RED) desires to acquire jurisdiction over, and ACC  
17 desires to occupy and use, the Bryant St. Property to expand its animal shelter space in  
18 exchange for the 15th St. Property subject to the terms and conditions set forth in the MOU;  
19 and

20 WHEREAS, On September 12, 2018, in a General Plan Referral, the Planning  
21 Department determined that on January 1, 2016, the jurisdictional transfer of the 15th St.  
22 Property from ACC to the MTA and the Bryant St. Property from the MTA to ACC was  
23 determined to be consistent with the Eastern Neighborhoods Area Plan Environmental Impact  
24 Report, certified by the San Francisco Planning Commission on August 7, 2008, by Motion  
25

1 No. 176661, and exempt from the California Environmental Quality Act Public Resources  
2 Code, Section 21000 *et seq.* (CEQA), pursuant to CEQA Guidelines, Section 15183; and

3 WHEREAS, In accordance with the provisions of Section 23.14 of the  
4 Administrative Code, the Director of Property has determined and reported to the Mayor that  
5 the appraised fair market value of the 15th St. Property is approximately the same as the  
6 appraised fair market value of the Bryant St. Property, and in his opinion, the appraisals  
7 demonstrate that the fair market value of the two properties proposed for exchange are  
8 reasonably equivalent and the Bryant St. Property can be used more advantageously by the  
9 ACC and the 15th St. Property can be used more advantageously by the MTA or for another  
10 City use; and

11 WHEREAS, In order to implement the jurisdictional transfer, the MTA and ACC  
12 entered into an MOU, a copy of which is on file with the Clerk of the Board of Supervisors in  
13 File No. and incorporated herein by reference; and

14 WHEREAS, In a General Plan Referral dated September 18, 2018, the Planning  
15 Department found that the jurisdictional transfer and exchange of the 15th St. Property from  
16 ACC and to the MTA and the Bryant St. Property from the MTA to ACC is exempt from  
17 environmental review per CEQA Guidelines and consistent with the General Plan, and with  
18 Planning Code, Section 101.1.; a copy of the General Plan Referral is on file with the Clerk of  
19 the Board of Supervisors in File No. <sup>190919</sup> and is incorporated herein by reference; the Board of  
20 Supervisors finds that the actions contemplated in this Resolution are consistent with the  
21 General Plan, and with Planning Code, Section 101.1, for the reasons set forth in said letter;  
22 now, therefore, be it

23 RESOLVED, That in accordance with the recommendation of the Director of Animal  
24 Care and Control, the Director of Transportation of the MTA, and the Director of Property, the  
25 Board of Supervisors hereby declares that the public interest or necessity will not be

1 inconvenienced by the jurisdictional transfer and exchange of the 15th St. Property and the  
2 Bryant St. Property; and, be it

3 FURTHER RESOLVED, That the jurisdictional transfer and exchange of the 15th St.  
4 Property and the Bryant St. Property for zero dollars furthers a proper public purpose; and, be  
5 it

6 FURTHER RESOLVED, That the Board of Supervisors finds that the actions  
7 contemplated in this Resolution are consistent with the General Plan, and with Planning Code,  
8 Section 101.1, for the reasons set forth in the letter from the Planning Department to the  
9 Director of Property referenced above; and, be it

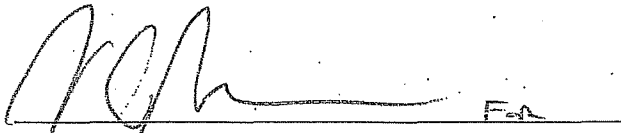
10 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs  
11 the Director of Property to transfer jurisdiction of the 15th St. Property and the Bryant St.  
12 Property in accordance with the terms and conditions of the MOU and that said transfer of  
13 jurisdiction be effective upon the Board of Supervisors' and Mayor approval; and, be it

14 FURTHER RESOLVED, That the jurisdictional transfer and exchange contemplated  
15 herein is not subject to Chapter 23A of the Administrative Code, the Surplus Property  
16 Ordinance, because the 15th St. Property and Bryant St. Property are not "surplus property"  
17 as defined in Section 23A.4; and, be it

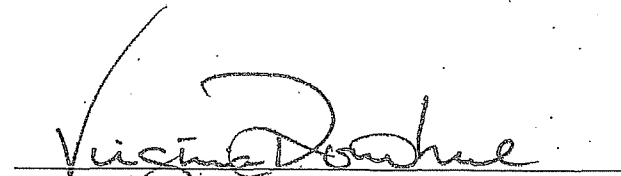
18 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, the  
19 Director of Property, the Director of Animal Care and Control and the Director of  
20 Transportation are each authorized and directed to enter into any and all documents and take  
21 any and all actions which such party, in consultation with the City Attorney, determines are in  
22 the best interest of the City, are necessary or advisable to consummate the performance of  
23 the purposes and intent of this Resolution, and comply with all applicable laws, including the  
24 City's Charter, and including but not limited to the MOU and any modifications or amendments  
25 thereto.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

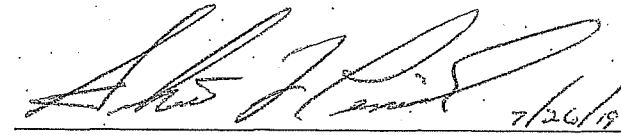
RECOMMENDED:



Edward Reiskin, Director of Transportation  
San Francisco Municipal Transportation Agency



Virginia Donohue, Director  
Animal Care and Control



Andrico Q. Penick, Director of Property



# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

*Date:* September 12, 2018  
*Case No.* Case No. 2018-011528GPR  
Jurisdiction Transfer ACC & SFMTA

Reception:  
415.558.6378

Fax:  
415.558.6409

*Block/Lot No.:* 3925/002 (1200 15<sup>th</sup> Street) and 3904/002 (Bryant Street)  
*Project Sponsor:* CCSF – GSA – Real Estate Division  
25 Van Ness Avenue, #400  
San Francisco, CA 94102

Planning  
Information:  
415.558.6377

*Applicant:* Kerstin Magary  
SFMTA  
1 South Van Ness Avenue, 8<sup>th</sup> Floor - #8191  
San Francisco, CA 94103  
(415) 701-4323  
kerstin.magary@sfmta.com

*Staff Contact:* Jessica Look – (415) 575-6812  
jessica.look@sfgov.org

*Recommendation:* Finding the project, on balance, is in conformity with  
the General Plan

*Recommended*  
*By:*   
John Rahaim, Director of Planning

### PROJECT DESCRIPTION

The project involves a jurisdictional transfer and swap of San Francisco's Animal Care and Control (ACC) shelter at 1200 15<sup>th</sup> Street to San Francisco Municipal Transportation Authority (SFMTA) and SFMTA's 1419 Bryant Street facility to ACC.

1200 15<sup>th</sup> Street, which is comprised of a portion of APN 3925-002 and vacated Treat Avenue, is an improved office building and used as an animal shelter by ACC. The site is zoned P-Public. 1401-1419 Bryant Street, which is a portion of APN 3904-002 and also zoned P-Public, contains an unreinforced masonry building that is a historical landmark. It is currently being used by the SFMTA's Overhead Lines Division. The building also abuts another building owned and used by SFMTA, which is 2502 Alameda Street. SFMTA plans to continue using this building after the jurisdictional transfer.

ACC will be constructing tenant improvements to the building on 1419 Bryant Street and SFMTA will continue to access 2502 Alameda Street via the Bryan Street parking lot pursuant to the department's MOU.

The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

### ENVIRONMENTAL REVIEW

The effects of the project were fully reviewed under the Eastern Neighborhoods Area Plan EIR certified by the San Francisco Planning Commission on 8/7/08, by Motion No. 17661. On 1/6/2016 the project was determined to be consistent with the Eastern Neighborhoods Area Plan EIR and exempt from environmental review per CEQA Guidelines Section 15183 (Planning Case No. 2015-005388ENV).

### GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is a jurisdictional transfer and swap of ACC's shelter at 1200 15<sup>th</sup> Street to SFMTA and SFMTA's 1419 Bryant Street facility to ACC. The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

### COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 7

**ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.**

#### POLICY 7.1

**Promote San Francisco, particularly the civic center, as a location for local, regional, state and federal governmental functions**

*Both the ACC and the SFMTA facility continue to remain in physical proximity of their original locations as well as near various governmental activities. This is important to continue the efficient functioning of daily activities of their agencies and other related agencies as well. The City will continue to strengthen the locational advantages of this clustering of governmental services.*

### PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to



be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

#### Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no negative effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. Neighborhood- serving retail will be preserved and enhanced with the swap of uses as city staff as potential customers will still remain within the area.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

*The Project would have no adverse effect on the City's housing stock or on neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced.

*The Project would have no adverse effect on the City's supply of affordable housing. There are no plans for housing within this project.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project will not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking. ACC will have parking for visitor's and City fleet cars at the new Bryant location (existing parking remains).*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

*The Project would not impact the existing economic base in the area.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project would not adversely impact achieving the greatest possible preparedness against injury and loss of life in an earthquake. ACC is constructing tenant improvements at 1419 Bryant and will comply with all applicable building code. If SFMTA does any tenant improvements at 1200 15<sup>th</sup> Street, it too will follow applicable building code.*

7. That landmarks and historic buildings be preserved.

*The project will rehabilitate the Bryant Street building in accordance to preservation code and review. It will be continued to serve and be open for public use.*

8. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project does not contain any parks or open space and there will not be any structures that could have any effect on a park or open space. There are no immediately adjacent parks or open space.*

|                        |   |
|------------------------|---|
| <b>RECOMMENDATION:</b> | <b>Finding the Project, on balance, in-conformity with the General Plan</b> |
|------------------------|---|

*I:\Citywide\General Plan\General Plan Referrals\2018\2018-011528GPR - Jurisdiction Transfer ACC & SFMTA\Draft Letter - Jurisdiction Transfer ACC & SFMTA - 2018-011528GPR.docx*

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "MOU"), dated as of June 19, 2018, is made by and among the San Francisco Municipal Transportation Agency ("SFMTA"), San Francisco Animal Care & Control ("ACC"), and the Real Estate Division of the San Francisco Office of the City Administrator ("RED").

### RECITALS

A. The City and County of San Francisco ("City") owns, under ACC's jurisdiction, that certain real property known as 1200 15<sup>th</sup> Street in San Francisco, California, which is comprised of portions of APN 3925-002 and vacated Treat Avenue, improved with an office building, used as an animal shelter, and depicted on the attached Exhibit A (the "15<sup>th</sup> Street Property").

B. City owns, under the SFMTA's jurisdiction, that certain real property at 1401-1419 Bryant Street in San Francisco, California, which is comprised a portion of APN 3904-002, improved with an unreinforced masonry building that is a historical landmark, used by SFMTA's Overhead Lines Division, and depicted on the attached Exhibit B (the "Bryant Street Property"), which abuts City property under the SFMTA's jurisdiction, improved with a power control building, and commonly known as 2502 Alameda Street (the "Alameda Street Property").

C. City owns, under the SFMTA's jurisdiction, that certain real property at 1570-1580 Burke Street in San Francisco, California (the "Burke Street Property"), which is comprised of APN 5203-066, under SFMTA's jurisdiction, improved with a warehouse, and used by SFMTA.

D. The 15<sup>th</sup> Street Property, which is adjacent to the SFMTA's Scott Maintenance Facility, is not adequate for ACC's uses, and RED believes it would be more advantageous for ACC to use the Bryant Street Property and for the SFMTA to use the 15<sup>th</sup> Street Property to further their respective missions.

E. The City's Director of Property has determined the fair market value of each of the 15<sup>th</sup> Street Property and the Bryant Street Property is \$11,900,000 based upon a third party appraisal.

F. The SFMTA, ACC, and RED agree to and seek the approval of the City's Mayor and Board of Supervisors to a no fee jurisdictional transfer of the Bryant Street Property from the SFMTA to RED, and a no fee jurisdictional transfer of the 15<sup>th</sup> Street Property from RED to the SFMTA (the "Proposed Transfer") based upon the agreed upon fair market values as determined by the Director of Property.

G. The SFMTA is agreeable to the Proposed Transfer if (i) it is approved by the SFMTA Board of Directors and the City's Mayor and Board of Supervisors and Supervisors, (ii) the SFMTA retains full use and possession of the Bryant Street Property until the Burke Street Property is modified to accommodate the Overhead Lines Division currently at the Bryant Street Property (the "Burke Street Project"), (iii) the SFMTA retains vehicular and pedestrian access over the Bryant Street Property at all times between Bryant Street and the Alameda Street Property, and (iv) the SFMTA timely receives full possession and control of the 15<sup>th</sup> Street Property.

### AGREEMENT

City and SFMTA hereby agree to the following:

1. Effective Date; Term. This MOU shall be effective on the date it is fully executed by the parties hereto ("Effective Date"), and shall terminate on the earlier to occur of the date (i) the SFMTA Board of Directors, the Mayor, or the City's Board of Supervisors rejects legislation approving the Proposed Transfer and (ii) the 15<sup>th</sup> Street Project (as defined in Section 7(a)) is substantially completed.

2. Proposed Transfer Approval Process. Within thirty (30) days of the Effective Date, RED shall submit a General Plan Referral application for the Proposed Transfer with the City Planning Department and the SFMTA shall submit a resolution for the approval of the Proposed Transfer by the SFMTA Board of Directors, along with all required backup materials (collectively, the "SFMTA Resolution"), to the Secretary of the SFMTA Board of Directors. If the SFMTA Board of Directors rejects the SFMTA Resolution, this MOU shall terminate on the date of such rejection. If the SFMTA Board of Directors approves the SFMTA Resolution, then within thirty (30) days of such approval or as soon thereafter as possible after RED's receipt of a General Plan Referral, the City's Director of Property shall submit a resolution for the approval of the Proposed Transfer, along with all required backup materials (collectively, the "Board Resolution"), with the Clerk of the City's Board of Supervisors. The Board Resolution shall be in a form reasonably acceptable to the SFMTA's Senior Manager for Facilities and Strategic Real Estate and ACC's Director Virginia Donohue.

RED and ACC shall cooperate in providing any materials or information reasonably required by the SFMTA for the submission or approval of the SFMTA Resolution, and the SFMTA and ACC shall cooperate in providing any materials or information reasonably required by RED for the submission or approval of the Board Resolution. The SFMTA and ACC shall each pay one-half of the costs charged by the City's Planning Department for the General Plan conformity finding required under City Charter Section 4.105 and City Administrative Code Section 2A.53 and the appraisal and appraisal review required under City Administrative Code 23.14 if such requirement is not waived by the Board of Supervisors. If the Board of Supervisors rejects the Board Resolution, this MOU shall terminate on the date of such rejection.

3. SFMTA Vacation and Transfer of Bryant Street Property. City's Public Works ("SFPW") is performing the Burke Street Project for the SFMTA at the SFMTA's sole cost. SFPW anticipates the Burke Street Project will be substantially completed by spring of 2019. If the SFMTA Resolution is approved by the SFMTA Board of Directors and the Board Resolution is approved by the City's Board of Supervisors and the Burke Street Project is substantially completed, the SFMTA shall vacate the Bryant Street Property within thirty (30) days of such substantial completion. The transfer of jurisdiction of the Bryant Street Property from the SFMTA to ACC shall be effective on the date (the "Bryant Street Transfer Date") the SFMTA has completed such vacation.

4. ACC Vacation and Transfer of 15<sup>th</sup> Street Property. ACC has engaged SFPW to modify the Bryant Street Property to serve as an animal shelter ("Bryant Street Project") at ACC's sole cost. ACC anticipates the Bryant Street Project will be substantially completed by fall of 2020 and, commencing on the Bryant Street Transfer Date, ACC shall provide the SFMTA's Facilities and Real Property Management with monthly updates on the status of the Bryant Street Project and ACC's planned date for vacating the 15<sup>th</sup> Street Property. If the Board Resolution is approved by the City's Board of Supervisors and the Bryant Street Project is substantially completed, ACC shall vacate the 15<sup>th</sup> Street Property within thirty (30) days of such substantial completion. The transfer of jurisdiction of the 15<sup>th</sup> Street Property from ACC to the SFMTA shall be effective on the date (the "15<sup>th</sup> Street Transfer Date") that ACC has completed such vacation (the "15<sup>th</sup> Street Transfer Date").

5. No Transfer Fee. Pursuant to two third party independent appraisals of the 15<sup>th</sup> Street Property and the Bryant Street Property, and review appraisals of same, the Director of Property has determined the fair market value of each of the Bryant Street Property and the 15<sup>th</sup> Street

Property is \$11,900,000. In consideration of the equal value of both properties, no additional payment is required for the Proposed Transfer.

6. Condition of Properties.

(a) ACC acknowledges that the SFMTA has made no representations or warranties concerning the Bryant Street Property and agrees to accept it in its AS-IS condition, subject to the SFMTA's rights and obligations under this subsection. On the Effective Date, the SFMTA and ACC shall jointly inspect the Bryant Street Property to document its condition. The SFMTA shall not make any material modifications to the Bryant Street Property after the Effective Date without ACC's prior written consent. On the Bryant Street Transfer Date, the Bryant Street Property shall be in substantially the same condition it was in on the Effective Date, except to the extent changed by reasonable wear and tear, damage or destruction not caused by the acts or omissions of the SFMTA, any modifications made by ACC or its agents or made with ACC's prior written consent, and the removal of any items by the SFMTA pursuant to the following sentence. The SFMTA shall have the right, but not the obligation, to remove all supplies, furnishings, equipment, and other personal property from the Bryant Street Property prior to the Bryant Street Transfer Date. The SFMTA shall cease all its operations at the Bryant Street Property on or before the Bryant Street Transfer Date.

If the SFMTA makes any material modifications to the Bryant Street Property after the Effective Date without ACC's prior written consent, the SFMTA, at its sole election and cost, shall either remove such material modification or pay the reasonable Bryant Street Project costs (if any) incurred by ACC due to such unapproved SFMTA material modification within thirty (30) of receiving ACC's invoice and reasonable documentation for such costs. On the Bryant Street Transfer Date, ACC and the SFMTA shall jointly inspect the Bryant Street Property to document its delivery condition.

(b) The SFMTA acknowledges that ACC has made no representations or warranties concerning the 15<sup>th</sup> Street Property and agrees to accept it in its AS-IS condition, subject to ACC's obligations under this subsection. On the Effective Date, the SFMTA and ACC shall jointly inspect the 15<sup>th</sup> Street Property to document its condition. ACC shall not make any material modifications to the 15<sup>th</sup> Street Property after the Effective Date without the prior written consent of the SFMTA. On the 15<sup>th</sup> Street Transfer Date, the 15<sup>th</sup> Street Property shall be in substantially the same condition it was in on the Effective Date, except to the extent changed by reasonable wear and tear, damage or destruction not caused by the acts or omissions of ACC, any changes made by the SFMTA or its agents or made with the SFMTA's prior written consent, and the removal of supplies, equipment, and personal property required pursuant to the following sentence. ACC shall have the right, but not the obligation, to remove all supplies, furnishings, equipment, and other personal property from the 15<sup>th</sup> Street Property prior to the 15<sup>th</sup> Street Transfer Date. ACC shall cease all ACC operations at the 15<sup>th</sup> Street Property on or before the 15<sup>th</sup> Street Transfer Date.

If ACC makes any material modifications to the 15<sup>th</sup> Street Property after the Effective Date without the SFMTA's prior written consent, ACC, at its sole election and cost, shall either remove such material modification or pay the reasonable 15<sup>th</sup> Street Project costs (if any) incurred by the SFMTA due to such unapproved ACC material modification within thirty (30) of receiving the SFMTA's invoice and reasonable documentation for such costs. On the 15<sup>th</sup> Street Transfer Date, ACC and the SFMTA shall jointly inspect the 15<sup>th</sup> Street Property to document its delivery condition.

7. Regulatory Approvals and Investigations.

(a) ACC shall have the right to seek all regulatory approvals required for the Bryant Street Project as long as such approvals are not binding on the SFMTA and are not effective as to the Bryant Street Property until the Bryant Street Transfer Date has occurred, unless otherwise

approved in writing by the SFMTA's Director of Transportation. The SFMTA shall have the right to seek all regulatory approvals required to modify the 15<sup>th</sup> Street Property to serve as an administrative office and dispatch and assembly facility with locker rooms and other uses incidental to SFMTA's Enforcement Division operations (the "15<sup>th</sup> Street Project") as long as such approvals are not binding on ACC and are not effective as to the 15<sup>th</sup> Street Property until the 15<sup>th</sup> Street Transfer Date has occurred, unless otherwise approved in writing by ACC's Director.

(b) ACC shall have the right to inspect the Bryant Street Property prior to the Bryant Street Transfer Date if (i) ACC obtains the SFMTA's prior written consent to the timing and manner of such inspection, which consent shall not be unreasonably withheld or conditioned, (ii) such inspections are performed in a manner that does not unreasonably interfere with the SFMTA's use of the Bryant Street Property, (iii) ACC conducts, or require the inspections to be conducted, in a good manner and in compliance with all applicable laws, and (iv) if any third party performs such inspection for ACC, such inspection shall be pursuant to a written agreement approved by the SFMTA and ACC shall require such party to secure the insurance recommended by the City Risk Manager for such inspection, which insurance shall name the SFMTA, City, and its departments, agencies, officers, agents, commissioners, directors, and employees as additional insureds.

(c) The SFMTA shall have the right to inspect the 15<sup>th</sup> Street Property prior to the 15<sup>th</sup> Street Transfer Date if (i) the SFMTA obtains ACC's prior written consent to the timing and manner of such inspection, which consent shall not be unreasonably withheld or conditioned, (ii) such inspections are performed in a manner that does not unreasonably interfere with ACC's use of the 15<sup>th</sup> Street Property, (iii) the SFMTA conducts, or require the inspections to be conducted, in a good manner and in compliance with all applicable laws, and (iv) if any third party performs such inspection for the SFMTA, such inspection shall be pursuant to a written agreement approved by ACC and the SFMTA shall require such party to secure the insurance recommended by the City Risk Manager for such inspection, which insurance shall name ACC, City, and its departments, agencies, officers, agents, commissioners, directors, and employees as additional insureds.

(d) ACC shall be responsible for and indemnify, defend and hold the SFMTA harmless against, all costs, including without limitation, court costs and attorneys' fees, associated with all claims, damages, liabilities or losses which arise as a result of the investigation of the Bryant Street Property by or for ACC prior to the Bryant Street Transfer Date, except to the extent caused by the gross negligence or willful misconduct of the SFMTA. The SFMTA shall be responsible for and indemnify, defend and hold ACC harmless against, all costs, including without limitation, court costs and attorneys' fees, associated with all claims, damages, liabilities or losses which arise as a result of the investigation of the 15<sup>th</sup> Street Property by or for the SFMTA prior to the 15<sup>th</sup> Street Transfer Date, except to the extent caused by the gross negligence or willful misconduct of ACC. The parties' respective obligations under this subsection shall survive the termination of this MOU.

8. No Third Party Uses. As of the 15<sup>th</sup> Street Transfer Date, ACC and RED each represent that no third party has the right to use or occupy any portion of the 15<sup>th</sup> Street Property, and the SFMTA represents that no third party has the right to use or occupy any portion of the Bryant Street Property. Neither ACC nor RED shall grant any third party the right to use or occupy any portion of the 15<sup>th</sup> Street Property during the term of this MOU without the prior written consent of the SFMTA, and the SFMTA shall not grant any third party the right to use or occupy any portion of the Bryant Street Property during the term of this MOU.

9. Permitted Use By SFMTA of Bryant Street Property. The SFMTA currently accesses the Alameda Street Property through the parking lot at the back of the Bryant Street Property. Following the 15<sup>th</sup> Street Transfer Date, ACC shall be using several locked gates within the parking lot. Following the 15<sup>th</sup> Street Transfer Date, the SFMTA's employees, contractors, and

agents shall have vehicular and pedestrian access through the parking lot between Bryant Street and the Alameda Street Property as necessary for access to the Alameda Street Property. (See Exhibit B-1, Schematic Plan for vehicle and man gates.) The SFMTA and ACC shall cooperate in good faith to ensure the SFMTA has the above-referenced access, including providing SFMTA card keys or other manner of access through ACC's locked gates within the parking lot; that security to both the Bryant Street Property and the Alameda Street Property is maintained; and that ACC's construction can proceed without any undue delay from such SFMTA access. SFMTA shall not attempt access through ACC's closed and/or locked gates, including the enclosed animal transfer cage, without notice when the animal transfer cage is occupied. ACC shall install some manner of alert (a red light for example) at the beginning of the parking lot for notice that the animal transfer cage is occupied.

10. Notices. Any notice given under this MOU shall be in writing and given by delivering the notice in person, by commercial courier or by sending it by regular mail, with postage prepaid, to the mailing address listed below or any other address notice of which is given. For the convenience of the parties, copies of notices may also be given by electronic mail to the email address listed below or such other addresses as may be provided from time to time.

If to RED: Director of Real Estate  
City & County of San Francisco  
25 Van Ness, Suite 400  
San Francisco, CA 94102  
john.updike@sfgov.org  
Re: 15<sup>th</sup> Street and Bryant Street MOU

If to ACC: Director  
Animal Care and Control  
City & County of San Francisco  
1200 15<sup>th</sup> Street  
San Francisco, CA 94103  
@sfgov.org  
Re: 15<sup>th</sup> Street and Bryant Street MOU

If to SFMTA: Director of Transportation  
Municipal Transportation Agency  
1 South Van Ness Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94103  
edward.reiskin@sfmta.com  
Re: 15<sup>th</sup> Street and Bryant Street MOU

11. Authority. All matters requiring ACC's approval under this MOU shall be approved of by the Director of ACC or his or her designee. All matters requiring RED's approval under this MOU shall be approved of by the Director of Property or his or her designee. All matters requiring the SFMTA's approval under this MOU shall be approved of by the SFMTA Director of Transportation or his or her designee, or by the SFMTA Board of Directors, if required.

12. Cooperation. Subject to the terms and conditions of this MOU, ACC, RED, and SFMTA staff shall use reasonable efforts to do, or cause to be done, all things reasonably necessary or advisable to carry out the purposes of this MOU as expeditiously as practicable, including, without limitation, performance of further acts and the execution and delivery of any additional documents in form and content reasonably satisfactory to all parties (subject to any necessary approvals). Notwithstanding anything to the contrary in this MOU, no party is in any way limiting its discretion or the discretion of any department, board or commission with jurisdiction over the actions described in this MOU or any future use of the Bryant Street Property or the 15<sup>th</sup> Street Property, including but not limited to a party hereto, from exercising any discretion

available to such department, board or commission with respect thereto, including but not limited to the discretion to (i) make such modifications deemed necessary to mitigate significant environmental impacts, (ii) select other feasible alternatives to avoid such impacts; (iii) balance the benefits against unavoidable significant impacts prior to taking final action if such significant impacts cannot otherwise be avoided, or (iv) determine not to proceed with the Proposed Transfer, the Bryant Street Project, or the 15<sup>th</sup> Street Project. In addition to any conditions described in this MOU, the parties' obligations are expressly subject to the receipt of all legally required approvals following environmental review.

13. Miscellaneous. (a) This MOU may be amended or modified only by a writing signed by the Director of ACC or his or her designee, the Director Property or his or her designee, and the SFMTA's Director of Transportation or his or her designee. (b) No waiver by any party of any of the provisions of this MOU shall be effective unless in writing and signed by an authorized representative, and only to the extent expressly provided in such written waiver.



The parties hereto execute this MOU as of the date first written above.

ACC:

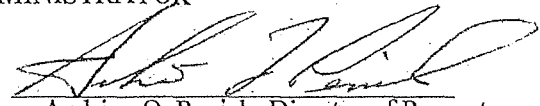
SAN FRANCISCO ANIMAL CARE &  
CONTROL

By:   
Virginia Donohue, Director

Date: August 31, 2018

RED:


REAL ESTATE DIVISION OF THE SAN  
FRANCISCO OFFICE OF THE  
ADMINISTRATOR

By:   
Andrico Q. Penick, Director of Property

Date: 8/21/18

SFMTA:

SAN FRANCISCO MUNICIPAL  
TRANSPORTATION AGENCY

By:   
Edward Reiskin  
Director of Transportation

Date: June 19, 2019

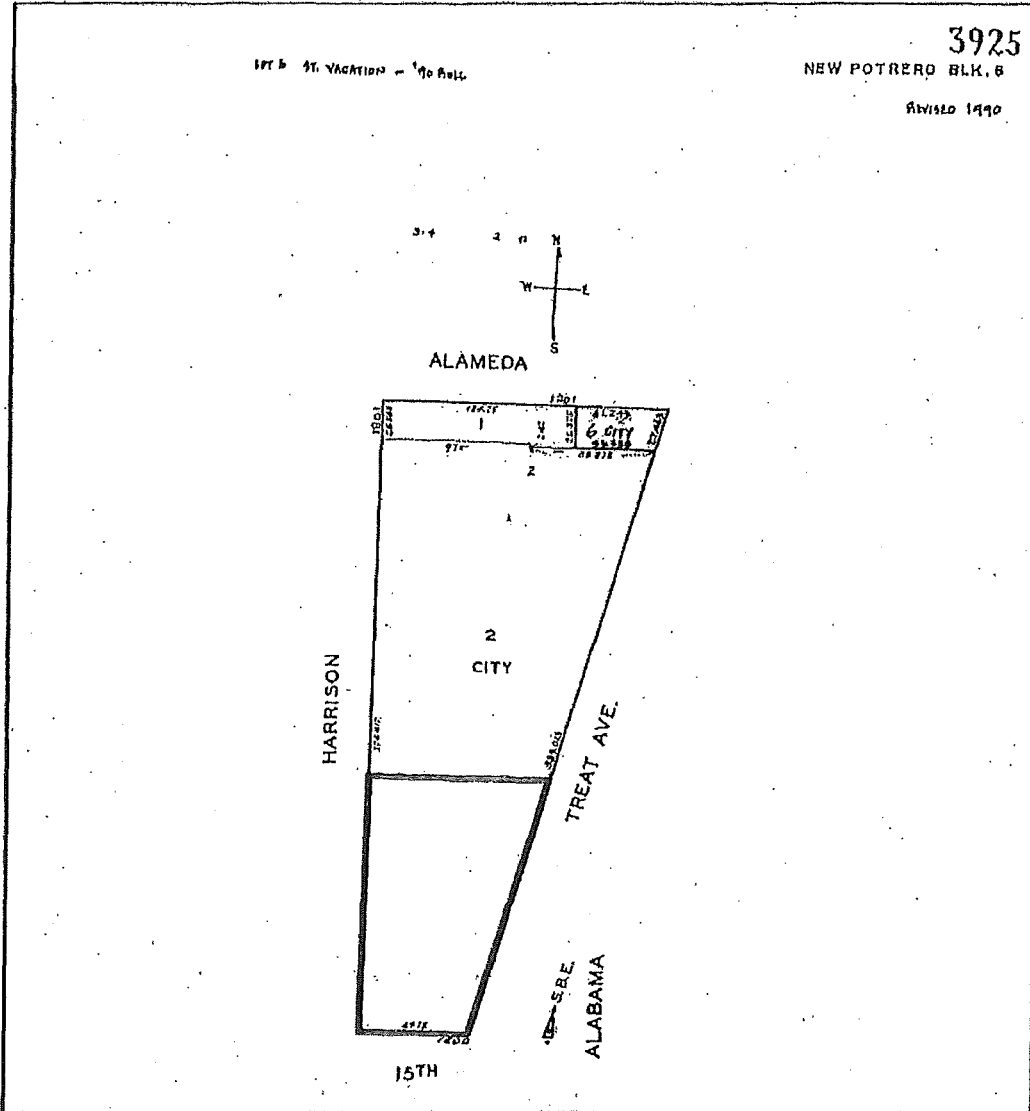
San Francisco Municipal Transportation Agency  
Board of Directors

Resolution No: 190309-112

Adopted: September 3, 2019

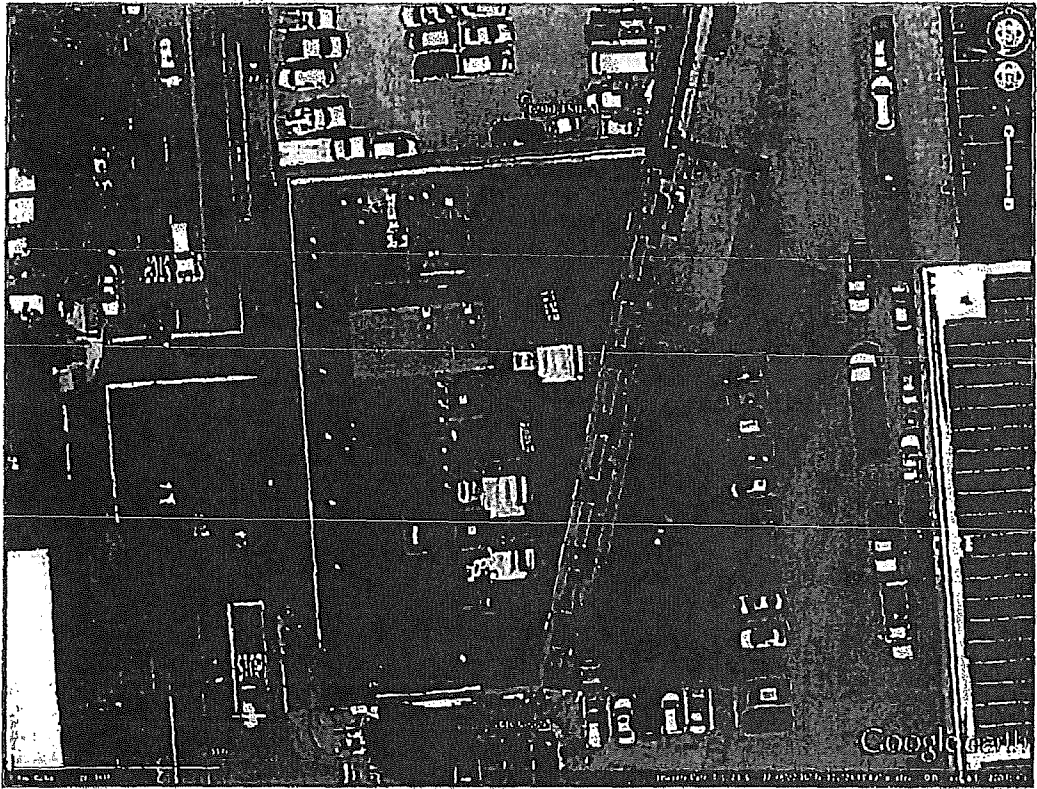
Attest:   
Secretary, SFMTA Board of Director

**LAND/SITE DESCRIPTION**



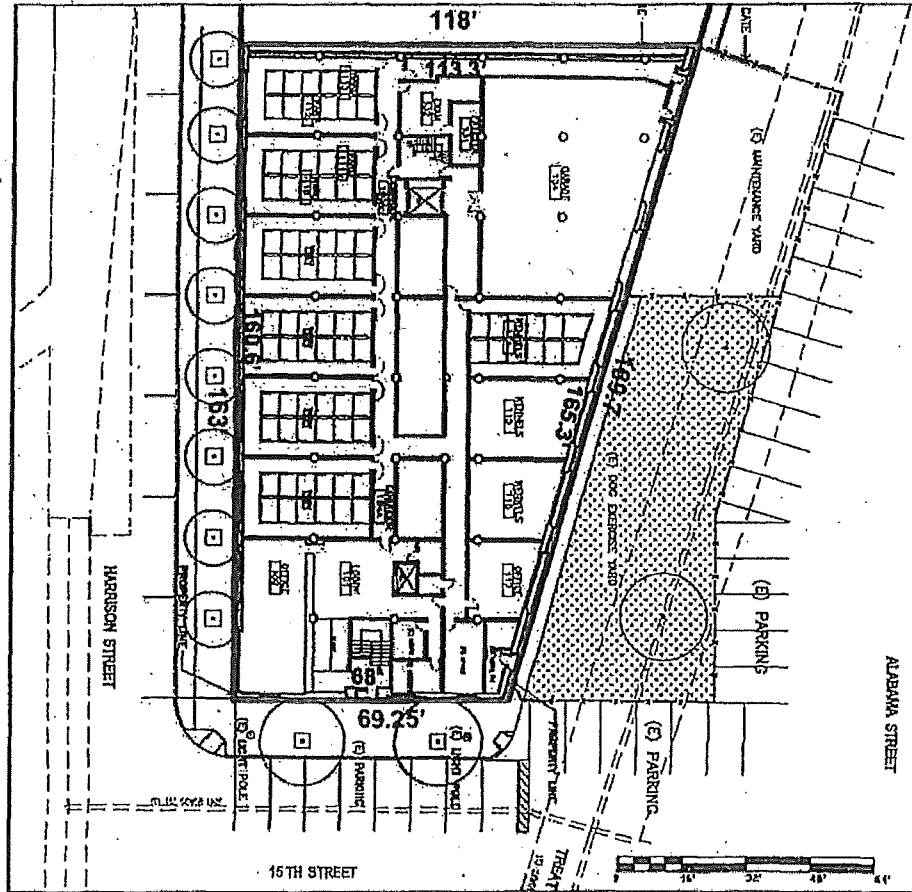
**Assessor's Block Map (Excerpt)**  
Red outline denotes approximate parcel boundaries

1200 15th Street, San Francisco, CA 94103  
San Francisco Animal Care & Control Building



**Aerial Image**  
Assessor's Block 3925/Lot 2 (portion)  
Red outline denotes approximate parcel boundaries

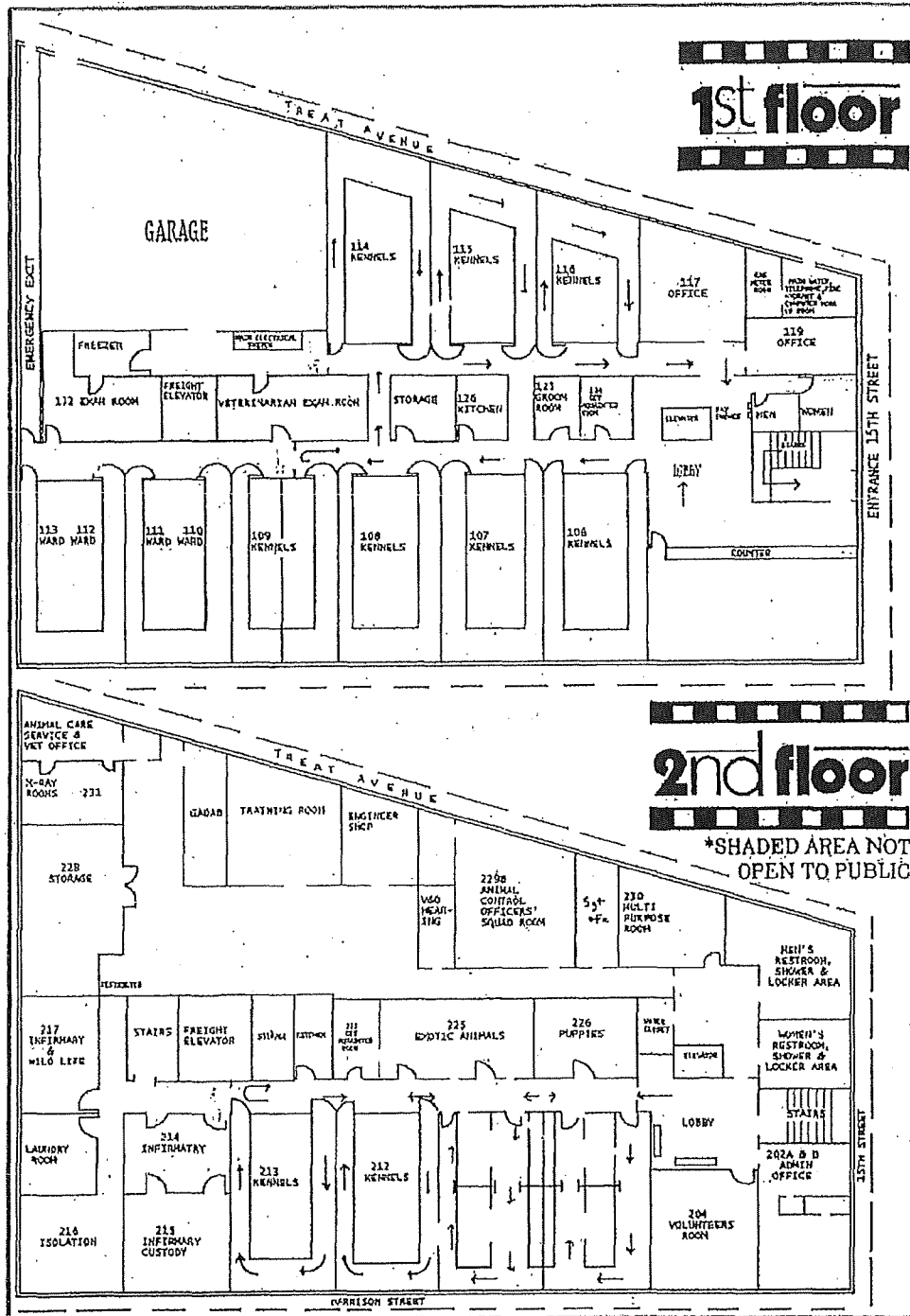
**BUILDING IMPROVEMENTS**



**Site Plan**  
 Site dimensions shown in red  
 Building dimensions shown in blue

**Building Size Summary**

|                        |                     |
|------------------------|---------------------|
| Footprint              | 14,558 SF           |
| Stories                | 2                   |
| Wall Height            | 25 feet (estimated) |
| Area                   | 29,116 SF           |
| Coverage Ratio         | 95.4%               |
| Floor Area Ratio       | 1.91                |
| Land-to-Building Ratio | 0.52                |
| Parking Ratio          | No parking assumed  |

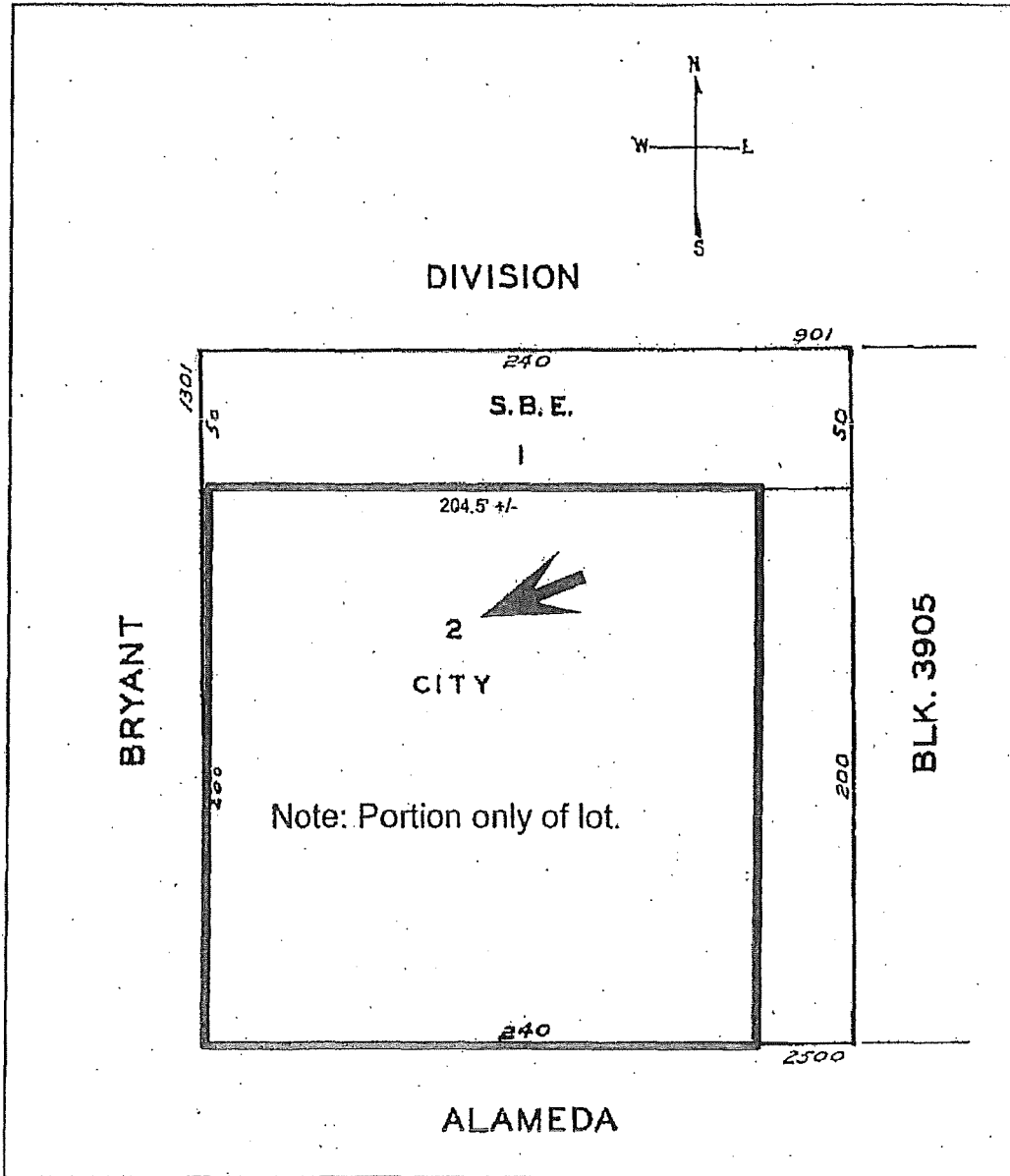


Floor Plan

**EXHIBIT B**

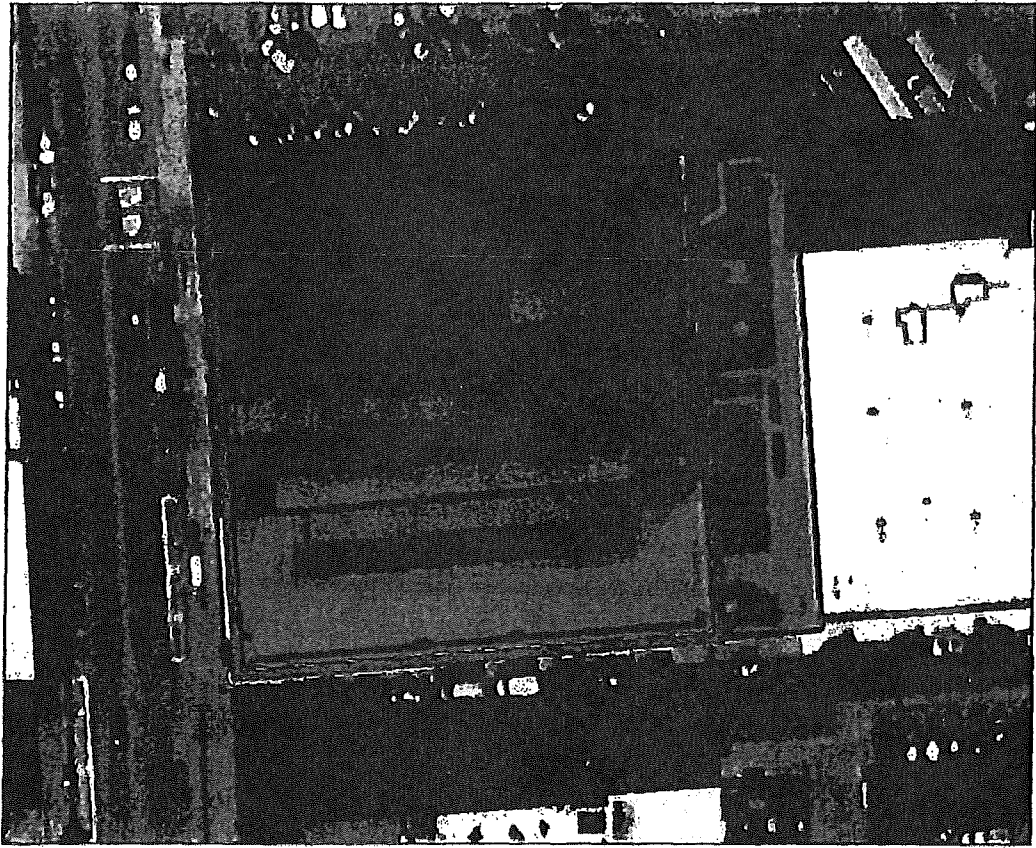
**Depiction of Bryant Street Property**

**LAND/SITE DESCRIPTION**



**Assessor's Block Map (Excerpt)**  
Red outline denotes appraisal parcel boundaries

1419 Bryant St, San Francisco, CA 94103  
Municipal Railway Overhead Lines



**GIS Aerial Image**

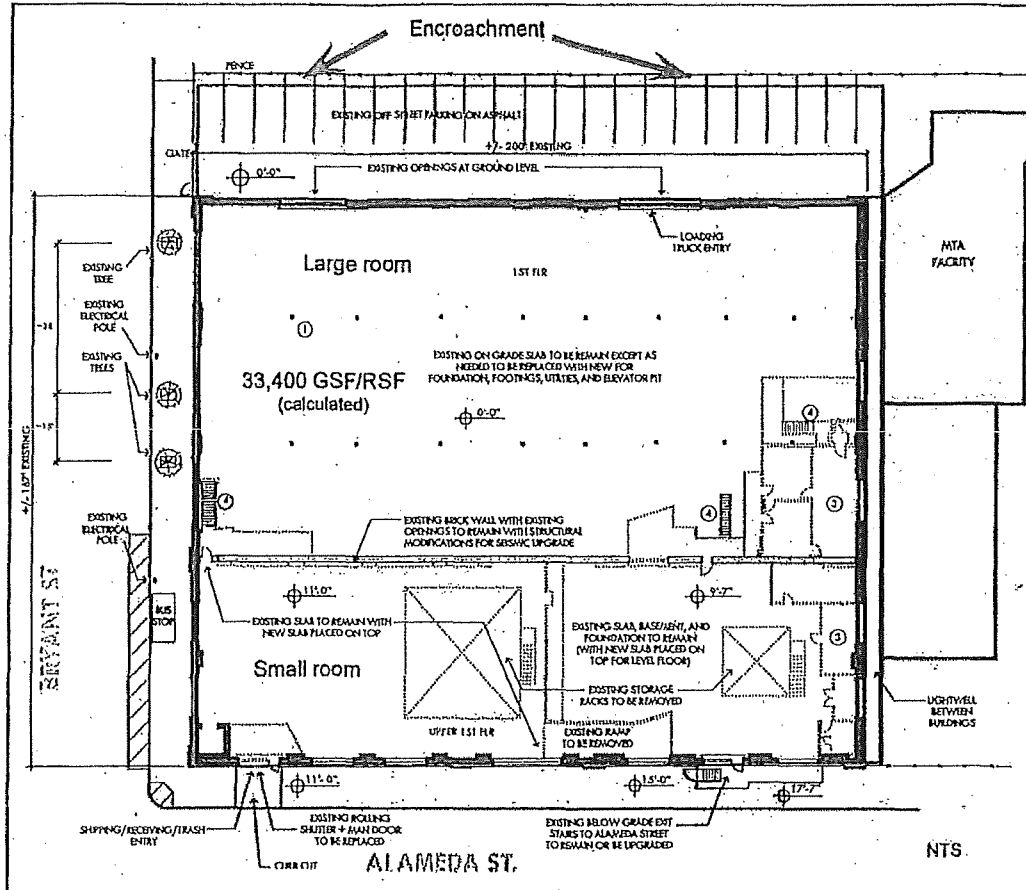
Assessor's Block 3904/Lot 2 shaded violet

Red outline denotes appraisal parcel boundaries

Note: Appraisal parcel now includes land in lightwell.



**BUILDING IMPROVEMENTS**



**Site Plan Showing Dimensions**  
 Red outline denotes appraisal parcel boundaries

(Note: Appraisal parcel now includes land in lightwell.)

**EXHIBIT B-1**

Schematic Site Plan

ENGINEERING DESIGN AND  
CONSTRUCTION DIVISION



San Francisco  
Public Works  
1419 Bryant Street  
San Francisco, CA 94102

SAN FRANCISCO  
ANIMAL CARE & CONTROL

1419 Bryant Street  
San Francisco, CA 94102

100% CONSTRUCTION  
DOCUMENTS

| No. | Date     | Description        |
|-----|----------|--------------------|
| 1   | 10/15/10 | ISSUED FOR PERMITS |
| 2   | 10/15/10 | ISSUED FOR PERMITS |
| 3   | 10/15/10 | ISSUED FOR PERMITS |
| 4   | 10/15/10 | ISSUED FOR PERMITS |
| 5   | 10/15/10 | ISSUED FOR PERMITS |
| 6   | 10/15/10 | ISSUED FOR PERMITS |
| 7   | 10/15/10 | ISSUED FOR PERMITS |
| 8   | 10/15/10 | ISSUED FOR PERMITS |
| 9   | 10/15/10 | ISSUED FOR PERMITS |
| 10  | 10/15/10 | ISSUED FOR PERMITS |

NOT FOR  
CONSTRUCTION

SITE PLAN

A1.20

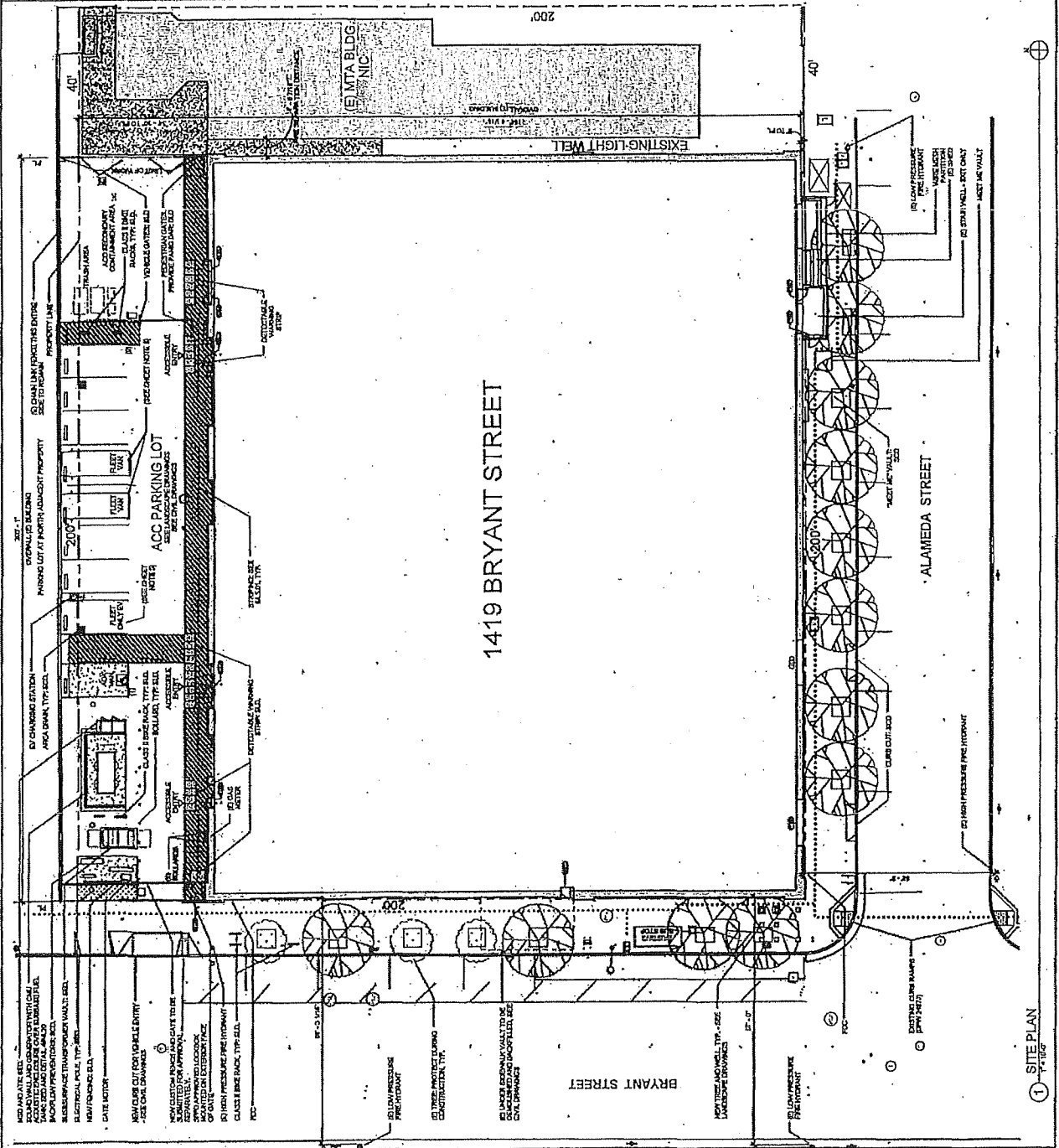
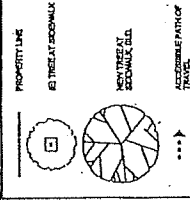
7/20/10

VOL.1

**SHEET NOTES**

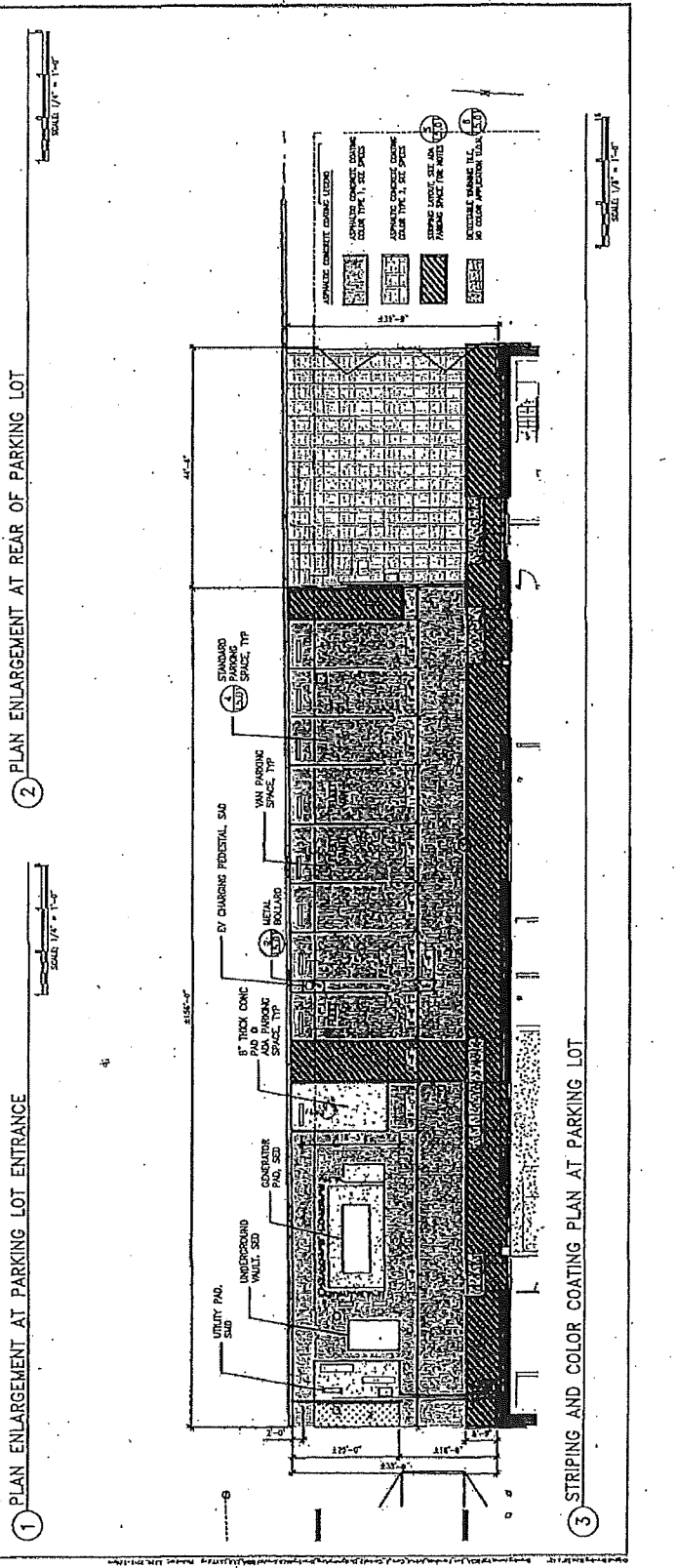
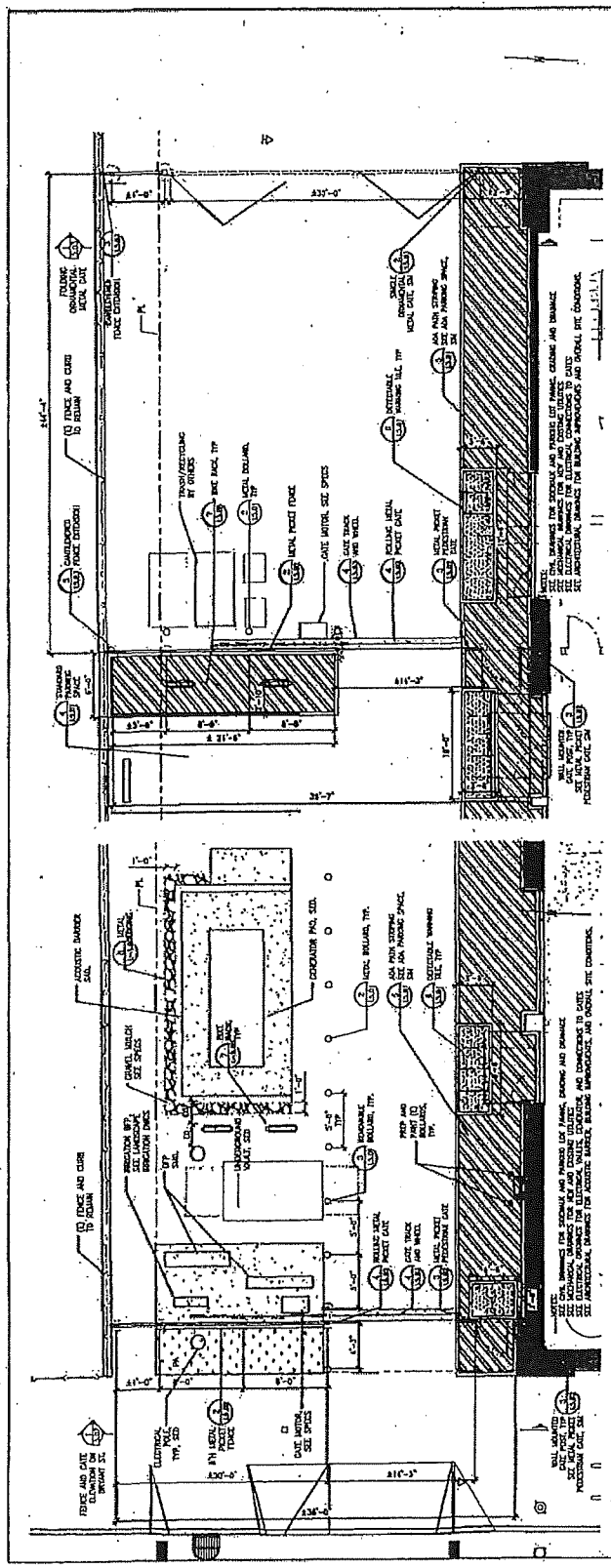
1. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
2. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
3. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
4. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
5. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
6. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
7. ALL NOTES AND SPECIFICATIONS ARE SUBJECT TO THE CITY OF SAN FRANCISCO'S STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.

**LEGEND**

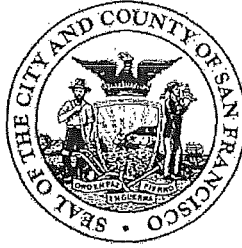


1419 BRYANT STREET

1 SITE PLAN  
11/10/10



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Tom Maguire, Interim Executive Director, San Francisco Municipal  
Transportation Agency  
Virginia Donohue, Director, Animal Care and Control  
Jonas Ionin, Director of Commission Affairs, Planning Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 25, 2019

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Real Estate Department on September 17, 2019:

File No. 190919

Resolution approving the jurisdictional transfer of 1419 Bryant Street, a portion of Assessor's Parcel Block No. 3904, Lot No. 002, consisting of approximately 48,000 square feet, currently under the jurisdiction of the Municipal Transportation Agency (MTA) to the Real Estate Division on behalf of Animal Care and Control (ACC), and 1200-15th Street, Assessor's Parcel Block No. 3925, Lot No. 002, consisting of 15,260 square feet improved with an office building of approximately 29,116 rentable square feet, commonly known as the City's Animal Shelter, currently under the jurisdiction of the ACC to the MTA, subject to the terms and conditions of a Memorandum of Understanding between MTA and ACC; approving the transfer price of \$0; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.

If you have comments or reports to be included with the files, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

- c: Kate Breen, San Francisco Municipal Transportation Agency
- Janet Martinsen, San Francisco Municipal Transportation Agency
- Joel Ramos, San Francisco Municipal Transportation Agency
- Dan Sider, Planning Commission
- Aaron Starr, Planning Commission
- AnMarie Rodgers, Planning Commission
- Scott Sanchez, Planning Commission
- Corey Teague, Planning Commission
- Lisa Gibson, Planning Commission
- Devyani Jain, Planning Commission
- Joy Navarrete, Planning Commission
- Laura Lynch, Planning Commission



London N. Breed, Mayor  
Naomi M. Kelly, City Administrator

Andrico Q. Penick  
Director of Real Estate

July 22, 2019

Through Naomi Kelly,  
City Administrator

Honorable Board of Supervisors  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 224  
San Francisco, CA 94102

2019 SEP -4 PM 3:19  
CITY AND COUNTY OF SAN FRANCISCO  
REAL ESTATE DIVISION

**Re: Jurisdictional Transfer and Exchange of City Property**  
**1419 Bryant Street – San Francisco Municipal Transportation Agency**  
**1200 15<sup>th</sup> Street – Animal Care and Control**

Dear Board Members:

Attached for your consideration is a Resolution for the jurisdictional transfer of (a) 1419 Bryant Street, a portion of Assessor's Block No. 3904, Lot No. 002, consisting of approximately 48,000 square feet, currently under the jurisdiction of the San Francisco Municipal Transportation Agency (SFMTA) to the Real Estate Division of the City Administrator's Office (RED) on behalf of San Francisco Animal Care and Control (ACC), and (b) 1200 15<sup>th</sup> Street, Block 3925, Lot No. 002, consisting of 15,260 square feet improved with an office building of approximately 29,116 rentable square feet, commonly known as the City's Animal Shelter, currently under the jurisdiction of the ACC to the SFMTA, subject to the terms and conditions of a Memorandum of Understanding between SFMTA and ACC; (2) adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and the eight priority policies of City Planning Code, Section 101.1; and (3) authorizing other actions in furtherance of this Resolution.

Background

The 1200 15<sup>th</sup> Street property, currently under the jurisdiction of and use by ACC, is not adequate for ACC's uses. This property is also adjacent to the SFMTA's Scott Maintenance Facility, which is improved with a warehouse.

The SFMTA currently uses the Bryant Street property for its overhead lines division. This division is moving to 1570-1580 Burke Street which is currently also under the SFMTA's jurisdiction and improved with a warehouse.

The SFMTA, ACC and RED seek the approval to a new fee jurisdictional transfer of the Bryant Street Property from the SFMTA to RED and a new fee jurisdictional transfer of the 15<sup>th</sup> Street property from ACC/RED to the SFMTA.

Both properties were appraised and said appraisals reviewed back in 2016 when the negotiations and draft MOU regarding the transfer commenced.

Relying upon the appraisals which indicated that the properties were the same value, the Director of Property concluded that the Bryant Street Property would be more advantageously used by Animal Care and Control.

Legislation

Through this proposed legislation, we are asking the Board of Supervisors to:

1. Transfer jurisdiction of 1419 Bryant Street, a portion of Assessor's Block No. 3904, Lot No. 002, from San Francisco Municipal Transportation Agency (SFMTA) to the Real Estate Division of the City Administrator's Office, and
2. Transfer jurisdiction of 1200 15<sup>th</sup> Street, Block 3925, Lot No. 002, from Animal Care and Control to the SFMTA.

Attached for your consideration are:

- City Planning's letter dated September 12, 2018 stating that the proposed jurisdictional transfer is in conformity with the General Plan.
- Memorandum of Understanding between ACC and SFMTA

Should you have any questions, please contact Claudia J. Gorham of our office at 415.554.9871.

Respectfully,



Andrico Q. Penick  
Director of Property

1/24/19