

FILE NO. 010620

ORDINANCE NO.

109-01

1 [This ordinance transfers property adjacent to the Embarcadero from the Department of Public
2 Works to the Recreation and Park Department and requires that the transferred parcels and
3 adjoining park land remain open space.]

4 **Ordinance transferring jurisdiction over certain real property located at Drumm Street,**
5 **between Clay and Washington streets, described generally as Assessor's Block 202,**
6 **Lots 6, 14 and a portion of 15, excluding the subsurface thereof, and a portion of Block**
7 **203, Lot 14, from the department of Public Works to the Recreation and Park**
8 **Commission; and providing that no building, improvement or structure may be**
9 **constructed on the surfaces of such parcels and adjoining Assessor's Block 202,**
10 **Lot 18.**

11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
17 makes the following findings:

18 A. SB 181, codified in 1991 as California Streets and Highways Code Section 72,
19 authorized the conveyance by the State of California, Department of Transportation
20 ("CalTrans") to the City and County of San Francisco (the "City"), at no cost to the City, of
21 portions of the right of way of the damaged former Route 480, commonly known as the
22 Embarcadero Freeway, not needed by CalTrans for right-of-way purposes.

23 B. Pursuant to Street and Highway Code Section 72 and Board of Supervisors
24 Resolution No. 636-94, adopted on July 18, 1994, the City acquired from the State, among
25 other things, certain real property comprised of Assessor's Block 202, Lots 6, 14 and a portion
of 15 ("Lot 15"), and a portion of Assessor's Block 203, Lot 14, as more particularly described

1 by the legal descriptions on file with the Clerk of the Board of Supervisors in File No. 010620
2 (collectively, the "Property").

3 C. The Property is held by the City under the jurisdiction of the Department of
4 Public Works.

5 D. The Recreation and Park Commission has jurisdiction within the meaning of
6 San Francisco Charter Section 4.113 over Assessor's Block 202, Lot 18, as more particularly
7 described by the legal description on file with the Clerk of the Board of Supervisors in File No.
8 010620 ("Lot 18"), which adjoins the Property.

9 E. On September 16, 1996, the Board of Supervisors by Resolution No. 828-96
10 preliminarily endorsed construction of a proposed underground public parking facility (the
11 "Underground Parking Facility") on the southern half of Assessor's Block 202, that portion of
12 the block not already under the jurisdiction of the Recreation and Park Commission, to be
13 included as part of the preferred alternative for the Mid-Embarcadero Replacement Project.
14 This Board has not taken a position on the advisability of such Underground Parking Facility.

15 F. On November 4, 1996, the Board of Supervisors by Resolution No. 1028-96,
16 approved the Final Environmental Impact Report for the Alternatives to Replacement of the
17 Embarcadero Freeway and the Terminal Separator Structure, File No. 92.202E/94.060E (the
18 "Final EIR"), which sets forth several traffic and transit improvements including reserving
19 right-of-way necessary to widen Washington and Clay Streets between Davis and Drumm
20 Streets for potential light rail expansion. To widen Washington and Clay Streets the property
21 line for Assessor's Block 203, Lot 14 will be shifted approximately 17.40 feet to the south on
22 the Washington Street frontage and approximately 17.61 feet to the north on the Clay Street
23 frontage and two portions of Assessor's Block 203 (collectively the "Reserved Street Widening
24 Parcels") will thereby be a part of the widened Washington and Clay Streets. The legal
25

1 descriptions of the Reserved Street Widening Parcels are on file with the Clerk of the Board of
2 Supervisors in File No. 010620.

3 G. The Property and Lot 18 are zoned "P" under Planning Code Section 234, which
4 includes open space.

5 H. The height and bulk designation for the Property and Lot 18 is "OS" (Open
6 Space), for which Planning Code Section 290 provides that "no building or structure or
7 addition shall be permitted [in an OS district] unless in conformity with the Master [General]
8 Plan." Section 290 further provides that "the inclusion of land in [OS] Districts is intended to
9 indicate its principal or exclusive purpose as open space, with future development of any
10 character strictly limited."

11 I. On November 4, 1996, the Board of Supervisors adopted Resolution
12 No. 1022-96, which endorsed the urban design concepts of the Mid-Embarcadero Roadway
13 project. Resolution No. 1022-96 limited "improvements" on the Property to "landscape
14 improvements until such time as additional public uses that may be proposed in the future are
15 further analyzed by the Planning Commission and the Board of Supervisors."

16 J. The Board finds that the public will substantially benefit if no building,
17 improvement or structure is constructed on the surface of the Property and Lot 18.

18 Section 2. Notwithstanding Article II of Chapter 23 of the San Francisco Administrative
19 Code regarding interdepartmental transfers of jurisdiction of City property, the Board of
20 Supervisors hereby transfers jurisdiction of the Property, including any and all improvements
21 thereon and excluding the subsurface of Assessor's Block 202, Lots 6, 14 and 15 thereof, to
22 the Recreation and Park Commission, and dedicates that property to recreational purposes
23 within the meaning of San Francisco Charter Section 4.113. Such transfer shall be subject to
24 and therefore limited by the Underground Parking Facility as set forth in Resolution
25 No. 828-96, if such Underground Parking Facility is constructed.

1 Section 3. The Reserved Street Widening Parcels may be utilized only for the purpose
2 of expanding the City's light rail system. In the event that Washington and Clay Streets are
3 not widened for that purpose within five (5) years after the effective date of this Ordinance, the
4 Director of Property shall recommend to the Board of Supervisors that, subject to the
5 California Environmental Quality Act and other applicable laws, the jurisdiction of the
6 Reserved Street Widening Parcels be transferred to the Recreation and Park Commission
7 and subjected to the limitations of Section 4 below.

8 Section 4. As of the date hereof and for so long as the Property, excluding the
9 subsurface of Assessor's Block 202, Lots 6, 14 and 15, and Lot 18 are held by the City, and in
10 addition to San Francisco Charter Section 4.113's restrictions of use on the park land (subject
11 to Section 5 below), no building, improvement or structure may be constructed on the
12 surfaces of the Property and Lot 18, provided that the following improvements, if such
13 improvements satisfy applicable local laws, shall not be prohibited: (a) landscape
14 improvements, including, but not limited to, pedestrian pathways, gazebos, tables, benches,
15 lighting fixtures, trash receptacles, automatic public toilets, bicycle racks and drinking
16 fountains, and (b) improvements necessary to the functioning of the Underground Parking
17 Facility that cannot be constructed underground (the "Parking Facility Improvements") so long
18 as the Parking Facility Improvements are designed to minimize to the greatest extent feasible
19 the intrusion upon the public open space use of the Property and Lot 18, and so long as the
20 Recreation and Park Commission is not responsible for maintenance of the Parking Facility
21 Improvements.

22 Section 5. Any proposed development of the Underground Parking Facility will require
23 prior approval of the Board of Supervisors. However, notwithstanding anything to the contrary
24 in Section 4 of this Ordinance, by reserving the subsurface of Assessor's Block 202, Lots 6,
25 14 and 15 in the Department of Public Works, this Board of Supervisors intends that the

1 limitations contained in Section 4.113(2) of the San Francisco Charter regarding operation
2 and revenues of underground parking stations shall not apply to the proposed Underground
3 Parking Facility. The operation and allocation of revenues of such proposed Underground
4 Parking Facility shall instead be determined by an agreement among the Department of
5 Public Works and other relevant City agencies, subject to Board of Supervisors approval.
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7 APPROVED AS TO FORM:
8 LOUISE H. RENNE, City Attorney

9 By: *Mariam M. Morley*
10 Mariam M. Morley
11 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 010620

Date Passed:

Ordinance transferring jurisdiction over certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, excluding the subsurface thereof, and a portion of Block 203, Lot 14, from the Department of Public Works to the Recreation and Park Commission; and providing that no building, improvement or structure may be constructed on the surfaces of such parcels and adjoining Assessor's Block 202, Lot 18.

April 30, 2001 Board of Supervisors — PASSED, ON FIRST READING

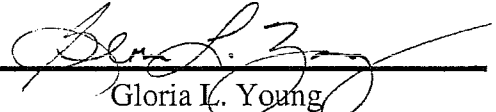
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

May 7, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 010620

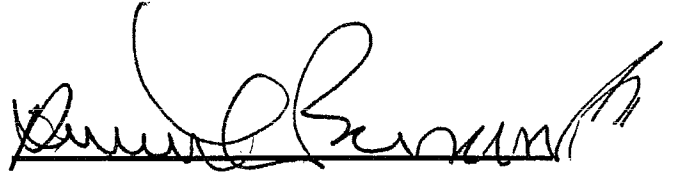
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on May 7, 2001 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 18 2001

Date Approved



Mayor Willie L. Brown Jr.