[Interdepartmental Jurisdictional Transfer of Property – 341 Corbett Avenue]

Ordinance transferring jurisdiction of certain unimproved real property located at
341 Corbett Avenue (Block 2659, Lot 059) between 19th Street and Danvers Street from
the Mayor’s Office of Housing to the Department of Public Works.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are *strike-through italics Time New Roman*.
Board amendment additions are double-underlined;
Board amendment deletions are strikethrough normal.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco (the “Board”) hereby finds and declares:

A. In November 2002, the Board enacted the Surplus City Property Ordinance, Ordinance No. 227-02, which added Chapter 23A to the San Francisco Administrative Code to establish a procedure for the identification and sale of surplus City property to assist in the provision of housing for the homeless.

B. On May 18, 2004, the Board finally passed Ordinance 96-04 declaring certain City-owned property to be surplus, and transferring jurisdiction of such surplus property, including certain property located at 341 Corbett Avenue (Block 2659, Lot 059) (the “Corbett Property”), located between 19th Street and Danvers Street, to the Mayor’s Office of Housing in accordance with the Surplus City Property Ordinance.

C. The Corbett Property is zoned “P” (Public) in the City’s Zoning Map. On June 8, 2006, the Planning Commission adopted Resolution No. 17259, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 111105, which is hereby declared to be a part of this Ordinance as if set forth fully herein, which recommends an amendment to

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the Zoning Map to change the zoning of the Corbett Property from “P” to “RH-2”. No such
amendment to the Zoning Map was made.

D. The Corbett Property is sloped and heavily vegetated with numerous mature
trees, making development for housing physically challenging. The Corbett Property does
provide an opportunity for community gardening given its location and soil conditions.

E. The Department of Public Works manages and implements a robust program to
facilitate the interim use of properties such as the Corbett Property for community gardening.
The Mayor’s Office of Housing does not operate a similar program.

Section 2. Transfer of Jurisdiction. The Board has determined that the best use of the
Corbett Property is to retain its current physical state, with the addition of a community
garden, to be enjoyed by all neighborhood residents, consistent with past uses. The
Department of Public Works is best positioned to provide the appropriate permits to facilitate
neighborhood-based gardening efforts. Accordingly, the Board hereby transfers the Corbett
Property to the Department of Public Works without payment, to be used and maintained in its
as-is condition but with community garden uses under appropriate permit. If the Department
of Public Works determines that the Corbett Property is not needed for community garden
purposes, then the Department of Public Works shall transfer the Corbett Property back to the
Mayor’s Office of Housing and the Director of Property shall record such jurisdictional transfer
in the City’s real estate records without additional action by the Board, provided that the
Director of Property shall notify the Board of Supervisors that the Corbett Property has been
transferred back to the Mayor's Office of Housing. In addition, if not previously transferred
back to the Mayor's Office of Housing within five (5) years following the effective date of this
Ordinance, then the Director of Property, the Director of DPW, and the Director of the Mayor’s
Office of Housing shall meet and confer at that time, in addition to consulting with the District
Supervisor and members of the public, to evaluate the best use of the Corbett Property and

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whether it should be maintained as neighborhood open space or transferred back to the Mayor's Office of Housing. Such evaluation shall take into account whether the Corbett Property is being used as public space, whether that use as public space is benefiting the neighborhood, whether the transfer would be detrimental to the surrounding neighborhood, and the benefit to affordable housing production of transferring the Corbett Property. The Department of Public Works, in consultation with the District Supervisor, shall also explore options for the sale of the Corbett Property to a nonprofit organization dedicated to creating and maintaining open space, with the Corbett Property to remain as neighborhood open space and any sale proceeds to go to the Mayor's Office of Housing in accordance with San Francisco Administrative Code Chapter 23A. The intent of this provision is to allow the space to be used as neighborhood open space while at the same time allowing for sale of the property and the use of any of the proceeds for the creation of affordable housing. Any such sale will be subject to the prior approval of the Board of Supervisors, and the failure to consummate a sale under this provision shall not invalidate the jurisdictional transfer of the Corbett Property to DPW for use as open space. In addition, any profits from the use of the Corbett Property during DPW's period of jurisdiction (not including the standard permit fees collected by DPW for community garden uses), shall be transferred from DPW to the Mayor's Office of Housing for affordable housing uses consistent with San Francisco Administrative Code Chapter 23A. This Ordinance shall supersede and revoke the prior direction of the Board, under Ordinance No. 96-04, to dispose and/or develop the Corbett Property under San Francisco Administrative Code Chapter 23A.

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

By: Charles Sullivan, Deputy City Attorney
Ordinance transferring jurisdiction of certain unimproved real property located at 341 Corbett Avenue (Assessor’s Block No. 2659, Lot No. 059) between 19th Street and Danvers Street from the Mayor’s Office of Housing to the Department of Public Works.

December 05, 2011 Land Use and Economic Development Committee - AMENDED

December 05, 2011 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

December 13, 2011 Board of Supervisors - AMENDED; AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
   Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

December 13, 2011 Board of Supervisors - NOT CONTINUED ON FIRST READING
   Ayes: 5 - Avalos, Campos, Kim, Mar and Mirkarimi
   Noes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell and Wiener

December 13, 2011 Board of Supervisors - PASSED ON FIRST READING AS AMENDED
   Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell and Wiener
   Noes: 5 - Avalos, Campos, Kim, Mar and Mirkarimi

January 10, 2012 Board of Supervisors - FINALLY PASSED
   Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell and Wiener
   Noes: 5 - Avalos, Campos, Kim, Mar and Olague
File No. 111105

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/10/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

City and County of San Francisco