Resolution approving the jurisdictional transfer of Assessor's Block No. 0046, Lot No. 001, consisting of 3.29 acres and 143,344 square feet, and a portion of Assessor's Block No. 0047, Lot No. 001, commonly known as Francisco Reservoir, and surrounding area currently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC), to the Recreation and Park Department (RPD) as to subject to the terms and conditions of a Memorandum of Understanding between SFPUC and RPD; approving the transfer price of $9,900,000; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

WHEREAS, The City and County of San Francisco (City) owns certain real property located at 2445 Hyde Street, in San Francisco, California, and known as Assessor's Block No. 0046, Lot No. 001, and a portion of Assessor's Block No. 0047, Lot No. 001, which is under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC), as depicted on a map (Project Map) on file with the Clerk of the Board of Supervisors in File No. 140782 and incorporated herein by reference (City Property); and

WHEREAS, The SFPUC has declared the City Property as surplus to the needs of any utility under the jurisdiction of the SFPUC; and

WHEREAS, The Recreation and Park Department (RPD) wishes to acquire jurisdiction as noted on the Project Map over the City Property to design and develop a park; and

WHEREAS, On May 20, 2014, the Planning Department determined that the jurisdictional transfer of the City Property from SFPUC to RPD would not be subject to the California Environmental Quality Act Public Resources Code Section 21000 et seq. (CEQA),
pursuant to CEQA Guidelines Section 15060(c)(2), which provides that an activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no current design or specific plan for use of the City Property. Said determination is on file with the Clerk of the Board of Supervisors in File No. 140782 and is incorporated herein by reference; and

WHEREAS, The proposed acquisition of the City Property through the conditional jurisdictional transfer addresses a High Needs Area and/or an open space deficient area, of the Recreation and Open Space Element of the General Plan; and

WHEREAS, In accordance with the provisions of Section 23.14 of the San Francisco Administrative Code, the Director of Property has determined and reported to the Mayor that the estimated fair market value of the City Property is Nine Million Nine Hundred Thousand Dollars ($9,900,000), the fair market value of the City Property exceeds its historical cost, and in his opinion, the City Property can be used more advantageously by RPD; and

WHEREAS, In order to implement the jurisdictional transfer, RPD and SFPUC have negotiated and executed a Memorandum of Understanding (MOU), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 140782; and

WHEREAS, RPD anticipates making payments due under the terms of the MOU from the Open Space Acquisition Fund; and

WHEREAS, In a letter to the SF Recreation and Park Department dated June 26, 2014, the City's Planning Department found that the jurisdictional transfer of the City Property to RPD complies with CEQA and is consistent with the City's General Plan and with Planning Code Section 101.1-(b). A copy of such letter is on file with the Clerk of the Board of Supervisors in File No. 140782 and is incorporated herein by reference. The Board of Supervisors finds that the actions contemplated in this Resolution are consistent with the City's General Plan and with Planning Code Section 101.1-(b) for the reasons set forth in said letter; and
WHEREAS, The execution of the MOU and the jurisdictional transfer contemplated
herein was approved by SFPUC on July 8, 2014, through Resolution No. 14-0113, and by
Recreation and Park Commission on June 19, 2014, through Resolution No. 1406-011, copies
of both Resolutions are on file with the Clerk of the Board of Supervisors in File No. 140782;

and

WHEREAS, In adopting the SFPUC and Recreation and Park Commission
Resolutions, both SFPUC, and the Recreation and Park Commission, acted in accordance
with CEQA; now, therefore, be it

RESOLVED, That in accordance with the recommendation of the General Manager of
the SFPUC, the General Manager of the RPD, and the Director of Property, the Board of
Supervisors hereby declares that the public interest or necessity will not be inconvenienced by
the jurisdictional transfer of the City Property; and, be it

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

FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs
the Director of Property to transfer jurisdiction of the City Property in accordance with the
terms and conditions of the MOU; and, be it

FURTHER RESOLVED, That the jurisdictional transfer contemplated herein is not
subject to Chapter 23A of the San Francisco Administrative Code, the Surplus Property
Ordinance, for the reasons set forth in Section 23A.2-(I); and, be it

FURTHER RESOLVED, That the Recreation and Park Department report to the Board
of Supervisors prior to December 31, 2014 on (1) the Department’s strategy to acquire open
space properties that meet the Open Space Acquisition Policy priorities; and (2) an evaluation
of the District 6 Open Space Committee process and how it could be extended to other high
needs neighborhoods in the City; and, be it

FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, the
Director of Property, the General Manager of the SFPUC, and the General Manager of the
RPD are each authorized and directed to enter into any and all documents and take any and
all actions which such party, in consultation with the City Attorney, determines are in the best
interest of the City, are necessary or advisable to consummate the performance of the
purposes and intent of this Resolution, and comply with all applicable laws, including the
City's Charter, and including but not limited to the MOU and any modifications or amendments
thereto.

Harlan L. Kelley, Jr., General Manager, SFPUC

Philip A. Ginsburg, General Manager
Recreation and Parks Department

John Updike, Director of Real Estate

Edwin M. Lee, Mayor
Resolution approving the jurisdictional transfer of Assessor's Block No. 0046, Lot No. 001, consisting of 3.29 acres and 143,344 square feet, and a portion of Assessor's Block No. 0047, Lot No. 001, commonly known as Francisco Reservoir, and surrounding area currently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC), to the Recreation and Park Department (RPD) as to subject to the terms and conditions of a Memorandum of Understanding between SFPUC and RPD; approving the transfer price of $9,900,000; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

July 16, 2014 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 16, 2014 Budget and Finance Committee - RECOMMENDED AS AMENDED

July 22, 2014 Board of Supervisors - ADOPTED

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

Excused: 1 - Avalos

File No. 140782

I hereby certify that the foregoing Resolution was ADOPTED on 7/22/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 7/31/2014