

TEXT OF PROPOSED ORDINANCE PROPOSITION I

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

Section 1. Findings.

(a) On November 3, 1998, the voters of San Francisco demonstrated their support for the Octavia Boulevard Plan for replacement of the Central Freeway by passing Proposition E, the Central Freeway Replacement Project Act of 1998, by more than 10,000 votes.

(b) Proposition E called for the City and County of San Francisco to authorize the California Department of Transportation (CalTrans) to replace the Central Freeway with an elevated structure from Mission Street to Market Street and a ground-level boulevard on Octavia Street, from Market Street to Fell Street (collectively, the "Central Freeway Replacement Project.")

(c) In March of 1999, the Board of Supervisors of the City and County of San Francisco established a Central Freeway Project Office to prepare design, engineering and environmental review documents necessary to build the Octavia Boulevard portion of the Central Freeway Replacement Project (the "Octavia Boulevard Plan").

(d) In July of 1999, members of the Board of Supervisors, sitting as the San Francisco County Transportation Authority ("Transportation Authority"), voted to accept the conceptual design and preliminary engineering of the Octavia Boulevard Plan.

(e) The replacement of the last four blocks of the Central Freeway with the Octavia Boulevard Plan will provide the City with significant benefits, including the opportunity to build more than 500 units of new housing, improved north-south access for vehicles traveling to and from the Central Freeway, and substantial revenue for transportation improvements on adjacent corridors.

(f) Construction of the Octavia Boulevard Plan will free up approximately three hundred and eighty thousand (380,000) square feet of land formerly occupied by that portion of Route 101 containing the elevated freeway structure north of Market Street and freeway ramps north of Fell Street (collectively, the "Excess Central Freeway Parcels").

(g) The Excess Central Freeway Parcels include prime residential, commercial and mixed use lots that could be used for housing, including much-needed permanently affordable housing. Proposition E specifically recognized that, in planning for the uses of the Excess Central Freeway Parcels, special consideration should be given to the need for affordable housing.

(h) The California Legislature is currently considering Senate Bill 798, which would require that the State transfer to the City

at no cost the Excess Central Freeway Parcels, with the City to use the proceeds from the sale and/or disposition of those parcels for transportation improvements to Octavia Boulevard and along corridors leading to the Central Freeway, including but not limited to the Oak Street/Fell Street corridor to the Sunset and Richmond neighborhoods, South of Market, the Mission corridor, the Upper Market corridor, and the Franklin/Gough corridor to the Marina. Senate Bill 798 is similar to Senate Bill 181, passed by the California Legislature in the wake of the removal of the Embarcadero Freeway, which transferred the unused Embarcadero Freeway right-of-way to the City and County of San Francisco so that the right-of-way, or proceeds from the sale thereof, could be used to create an alternate system of city streets.

(i) The Excess Central Freeway Parcels are estimated to have a market value of approximately thirty-three million dollars (\$33,000,000), which is well in excess of the amount needed to complete the Octavia Boulevard Plan. The sale and/or disposition of these parcels will provide the City with much needed revenue for other transportation improvements.

(j) The San Francisco Department of City Planning has undertaken studies with the San Francisco Redevelopment Agency and the Hayes Valley neighborhood to determine appropriate land uses, housing types, densities and design standards for the Excess Central Freeway Parcels, as summarized in the Hayes Valley Development Guidelines endorsed by the City Planning Commission in 1993. The San Francisco Department of City Planning is currently in the process of implementing a "Strategic Neighborhood Action Plan" pursuant to funding approved by the Board of Supervisors in the City's fiscal year 1999-2000 budget. The Strategic Neighborhood Action Plan will include the development and implementation of a community-based, public planning process to ensure the involvement and participation of the community in land use and transit planning. The proposed Strategic Neighborhood Action Plan would apply to the Upper Market/Hayes Valley Neighborhood, which includes the Excess Central Freeway Parcels.

(k) If a widened freeway structure is approved and the Board of Supervisors' ban on construction of new freeway ramps north of Fell Street is repealed, the City will not receive all of the substantial benefits of the Excess Central Freeway Parcels. A widened structure will preclude any affordable housing development between Market Street and Fell Street; and re pealing the ban on construction of new ramps north of Fell Street will hold the parcels

between Fell Street and Turk Street in limbo pending the outcome of years of engineering and environmental review. In either case, the City will not be able to construct much-needed housing in this area or sell the land and use the proceeds for other transportation improvements for the foreseeable future.

Section 2. Title.

This ordinance shall be known as and may be referred to as "The Central Freeway Corridor Housing and Transportation Improvement Act."

Section 3. Transportation Improvements Funded by Proceeds from the Disposition of the Excess Central Freeway Parcels.

(a) Consistent with SB 798 and Article XIX of the California Constitution, the City shall first use any proceeds from the sale and/or disposition of Excess Central Freeway Parcels transferred by CalTrans to the City for design, engineering, construction and maintenance of the Octavia Boulevard Plan as finally adopted by the San Francisco Board of Supervisors, sitting as the Transportation Authority.

(b) The City shall utilize any remaining proceeds from the sale and/or disposition of the Excess Central Freeway Parcels for transportation improvements to corridors on or ancillary to Octavia Boulevard, including but not limited to the Oak Street/Fell Street corridor to the Sunset and Richmond neighborhoods, South of Market, the Mission corridor, the Upper Market corridor, and the Franklin/Gough corridor to the Marina.

(c) The Transportation Authority shall allocate remaining revenue from the sale and/or disposition of Excess Central Freeway Parcels for transportation improvements to corridors on or ancillary to Octavia Boulevard, with advice from its Central Freeway Citizens Advisory Committee and its Technical Working Group, which includes the Municipal Railway, the Department of Parking and Traffic, the Department of Public Works, the City Planning Department, the San Francisco Redevelopment Agency and regional transit operators. Such revenue shall be allocated to transportation projects on a competitive basis, according to the following minimum criteria: (1) conformance with the priorities expressed in the San Francisco Long Range Countywide Transportation Plan (as finally approved by the Transportation Authority in April, 2000); (2) improved transit and traffic flow and pedestrian safety along corridors leading to and from the Central Freeway; (3) cost-effectiveness; and (4) project eligibility under SB 798 and Article XIX of the California Constitution.

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LEGAL TEXT OF PROPOSITION I (CONTINUED)

Section 4. Construction of Housing on Excess Central Freeway Parcels and Neighborhood Planning Process.

(a) It is the express intent of the voters that housing, mixed use and/or complimentary developments be constructed on the Excess Central Freeway Parcels. To that end, no competing transportation use, such as the widening of the elevated freeway structure between Market Street and Fell Street, shall prevail. Nothing herein shall be construed to prohibit public transit or alternative transportation use consistent with the Hayes Valley Development Guidelines and the Octavia Boulevard Plan.

(b) The City shall utilize a community-based public planning process, involving representatives from the Hayes Valley and Western Addition neighborhoods, the City Planning Department, the Redevelopment Agency, the Mayor's Office of Housing and the Transportation Authority's Technical Working Group, to determine the mix and type of land uses for the Excess Central Freeway Parcels. Such uses shall include the construction of affordable rental and/or ownership housing on such parcels and shall be consistent with the Octavia Boulevard Plan and related transportation improvements.

(c) The recommendations from this community-based planning process shall be presented to the City Planning Commission and the Redevelopment Commission (as appropriate) for incorporation into the Hayes Valley Development Guidelines to ensure that the future development of the Excess Central Freeway Parcels will reflect the outcome of the planning process.

Section 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.