

FILE NO. 010737

RESOLUTION NO. 391-01

1 [Accepting Esprit Park.]

2 **Resolution authorizing the acceptance of Esprit Park under the jurisdiction of the**
3 **Recreation and Park Department pursuant to an Owner Participation Agreement**
4 **between the Redevelopment Agency of the City and County of San Francisco and**
5 **Esprit De Corp, and stating that it is the policy of the Board of Supervisors not to use**
6 **affordable housing mitigation funds to acquire open space.**

7
8 WHEREAS, In furtherance of the objectives of the Community Redevelopment Law of
9 California, the San Francisco Redevelopment Agency ("Agency") has undertaken a project in
10 the area known as the "Mission Bay South Redevelopment Project Area," located in the area
11 bounded generally by Seventh Street, Mariposa Street, relocated Terry Francois Boulevard
12 and China Basin Channel and containing approximately two hundred thirty-eight (238) acres
13 of land, which area is herein called the "Project Area"; and

14 WHEREAS, The Agency prepared a Redevelopment Plan and the City, acting through
15 its Board of Supervisors, has by Ordinance No. 335-98 adopted on November 2, 1998,
16 approved the Redevelopment Plan for the Mission Bay South Redevelopment Project (the
17 "Plan"), providing for the redevelopment or rehabilitation of certain lands in the Project Area
18 and the further uses of such land. The Plan has been filed as Document No. G470337, Reel
19 H264, Image 420, on November 18, 1998, in the Office of the Recorder of the City and County
20 of San Francisco; and

21 WHEREAS, Esprit de Corp. ("Esprit") owns certain developed real property within the
22 Project Area depicted as Parcel X4 in Attachment 2 to the Plan; and

23 WHEREAS, Esprit also is the owner of Block 4061, Lot 2, in the City, which is located
24 outside the Project Area, bounded by Minnesota, Indiana, Nineteenth and Twentieth Streets,
25 and includes approximately 80,000 square feet of land (the "Park Site"). The Park Site has

1 been improved at Esprit's cost with mature park improvements and includes lawns, trees,
2 other landscaping, subsurface and storm water drainage, irrigation, benches and other
3 outdoor furniture, pathways and lighting (the "Park Improvements"). (Hereafter the Park Site
4 and the Park Improvements shall be called collectively the "Park"); and

5 WHEREAS, An independent appraisal has determined that the fair market value of the
6 Park Site for development at its highest and best use based on the existing zoning is
7 \$9,780,000.00. The date of valuation of the Park Site was December 11, 2000. The
8 estimated replacement value of the Park Improvements is in excess of \$1,000,000.00; and

9 WHEREAS, On July 9, 1987, the Planning Commission adopted Resolution No. 11065
10 to amend the Recreation and Open Space Element of the General Plan to redesignate the
11 Park Site as public open space, if the Park were successfully acquired by the City; and,

12 WHEREAS, On May 1, 1997, the Planning Commission adopted Resolution No. 14363
13 approving an Amendment to the Recreation and Open Space Element of the General Plan in
14 order to designate, among other things, the Park for future acquisition. A copy of Resolution
15 No. 14363 is on file with the Clerk of the Board of Supervisors in File No. 010737;
16 and

17 WHEREAS, On June 2, 1997, the Board of Supervisors adopted Resolution No. 565-
18 97 approving the amendment to the General Plan as approved in the Planning Commission's
19 Resolution No. 14363 and designating the Park for future acquisition. A copy of Resolution
20 No. 565-97 is on file with the Clerk of the Board of Supervisors in File No. 010737;
21 and

22 WHEREAS, On March 20, 2001, the Recreation and Park Commission adopted
23 Resolution No. 0103-044 urging the Agency Commission to approve a proposed owner
24 participation agreement between the Agency and Esprit and urging the Board of
25 Supervisors to accept and approve the transfer of the Park to the Recreation and Park

1 Department pursuant to the proposed owner participation agreement. A copy of Resolution
2 No. 0103-044 is on file with the Clerk of the Board of Supervisors in File No. 010737;
3 and

4 WHEREAS, On April 17, 2001, the San Francisco Redevelopment Agency
5 Commission adopted Resolution No. 61-2001 approving the Owner Participation Agreement
6 ("OPA") and finding that, in accordance with the requirements of Section 304.10 of the Plan,
7 the public benefits of the OPA between the Agency and Esprit exceed those that would
8 otherwise be obtained through the imposition of Planning Code fees and exactions on the
9 future use and development of the Site. A copy of Resolution No. 61-2001 is on file with the
10 Clerk of the Board of Supervisors in File No. 010737; and

11 WHEREAS, Pursuant to the OPA, the public benefits referenced herein include, among
12 other things, that, upon approval of acceptance of the Park by the San Francisco Board of
13 Supervisors, Esprit would convey the Park to the City at no cost to the City. In exchange for
14 such public benefits, the Agency agrees to waive Planning Code fees and exactions on future
15 redevelopment of Parcel X4 in accordance with the Plan and will not change the Plan in
16 connection with its permitted uses, density or intensity of permitted development, or the
17 maximum height of buildings thereon for a period of 10 years. At such a time that a specific
18 development proposal is brought forth for Parcel X4, the Agency and Esprit will follow the
19 procedural framework set forth in the OPA for redevelopment of Parcel X4 in accordance with
20 the Plan; and

21 WHEREAS, A copy of the OPA is on file with the Clerk of the Board of Supervisors in
22 File No. 010737; and,

23 WHEREAS, In a letter with attachments dated December 15, 2000 from the Director of
24 Planning to the Director of Property, the Planning Department determined that the acquisition
25 of the Park for public open space use is (1) in conformity with the General Plan, (2) consistent

1 with the Eight Priority Policies of Planning Code Section 101.1, and (3) categorically exempt
2 from environmental review under the California Environmental Quality Act ("CEQA") in
3 accordance with CEQA Guidelines, as a Class 25 action -- transfers of ownership of land to
4 preserve open space. A copy of such letter is on file with the Clerk of the Board of
5 Supervisors in File No. 010737; now, therefore, be it

6 RESOLVED, That the Board of Supervisors concurs with the findings and
7 determinations of the Planning Department and hereby incorporates by reference as if fully
8 set forth herein the December 15, 2000 letter from the Director of Planning to the Director of
9 Property and relies on such letter (and its attachments) as the CEQA basis for the actions
10 proposed in this resolution; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors finds, based on the
12 record before it, that the acquisition of the Park for continued park uses is categorically
13 exempt from environmental review under CEQA and CEQA Guidelines as an action under
14 Class 25 -- transfers of ownership of land to preserve open space of State Environmental
15 Review Guidelines; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors finds that the acquisition
17 of the Park is consistent with the General Plan and the Eight Priority Policies of Planning
18 Code Section 101.1 for the same reasons as those set forth in the Director of Planning's letter
19 of December 15, 2000 referred to above and hereby incorporates such findings by reference
20 as though fully set forth in this resolution; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Director
22 of Property to accept, on behalf of the City, the conveyance of the Park from Esprit in
23 accordance with the OPA; and, be it

24 FURTHER RESOLVED, That upon the recordation of a duly signed and acknowledged
25 grant deed from Esprit together with a signed certificate of acceptance from the City, the Park

1 shall be under the jurisdiction of the City's Recreation and Park Department; and, be it

2 FURTHER RESOLVED, That the Director of Property is hereby authorized to enter into
3 any additions, amendments or other modifications to the grant deed (including, without

4 limitation, the exhibits thereto) that the Director of Property determines in consultation with the
5 City Attorney's Office are in the best interests of the City, do not decrease the value of the
6 Park for park purposes or otherwise materially increase the obligations or liabilities of the City,
7 and are necessary or advisable to complete the transfer of the Park to the City and effectuate
8 the purpose and intent of this resolution; and, be it

9 FURTHER RESOLVED, That it is the policy of the Board of Supervisors not to use
10 affordable housing mitigation funds to acquire open space.

11 RECOMMENDED:

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15 See file for signature

16 Recreation and Parks Director
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18
19

20 RECOMMENDED:

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23
24 See file for signature

25 Director of Property

DM
5/8/01



City and County of San Francisco

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

Tails

Resolution

File Number: 010737

Date Passed:

Resolution authorizing the acceptance of Esprit Park under the jurisdiction of the Recreation and Park Department pursuant to an owner participation agreement in the Redevelopment Agency of the City and County of San Francisco and Esprit De Corp and stating that it is the policy of the Board of Supervisors not to use affordable housing mitigation funds to acquire open space.

May 14, 2001 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin,
Sandoval

Noes: 1 - Gonzalez

Absent: 1 - Yee

