

1 [Conveyance of Real Property - 101 Hyde Street - Mayor's Office of Housing and Community  
2 Development - \$1]

3 **Resolution approving and authorizing an agreement for the conveyance of a parcel of**  
4 **real estate, consisting of approximately 10,633 square feet in land area approved for**  
5 **construction of an 85 dwelling-unit multi-family residential project, for the Mayor's**  
6 **Office of Housing and Community Development, pursuant to the land dedication**  
7 **permitted under a separate Ordinance (File No. 160550); adopting findings under the**  
8 **California Environmental Quality Act; adopting findings that the conveyance is**  
9 **consistent with the General Plan, and the eight priority policies of Planning Code,**  
10 **Section 101.1; and authorizing the Director of Property to execute documents, make**  
11 **certain modifications, and take certain actions in furtherance of this Resolution, as**  
12 **defined herein.**

13  
14 WHEREAS, 1066 Market LLC ("Developer") has a right to purchase Assessor's Parcel  
15 Block No. 0346, Lot No. 003A, located at 101 Hyde Street in the City and County of San  
16 Francisco containing 10,633 square feet of land area with an approved conditional use  
17 entitlement for construction of an 85 dwelling unit multi-family residential project with ground  
18 floor commercial space (the "Property"), pursuant to a Purchase Agreement and Escrow  
19 Instructions, dated as of May 25, 2016, by and between Paul Merritt Erickson, Trustee of The  
20 H.C. & R.C. Merritt Family Trust ("Seller") and Developer ("Purchase Agreement"); and

21 WHEREAS, Developer is also the owner of Assessor's Parcel Block No. 0350, Lot  
22 No. 003, located at 1066 Market Street in the City and County of San Francisco containing  
23 27,310 square foot of land with an approved Downtown Project Authorization for construction  
24 of a 304 dwelling unit multi-family residential development project with ground floor  
25 commercial space project site (the "Principal Site"); and

1           WHEREAS, Ordinance No. 126-16 (File No. 160550) was approved by the Board of  
2 Supervisors on its first reading on June 21, 2016, and will be read for final approval on June  
3 28, 2016, to waive the Inclusionary Affordable Housing requirements set forth in Planning  
4 Code, Section 415 and exempt 21,422 square feet from the calculation of gross floor area  
5 pursuant to Planning Code, Sections 123, 124 and 128 for the Principal Site in exchange for  
6 dedication of the Property to the City and County of San Francisco by way of causing the  
7 Property to be deeded directly to the City and County of San Francisco from Seller and  
8 subsequently assuming, by way of an assignment and assumption agreement (the  
9 “Assignment Agreement”), the Purchase Agreement; and

10           WHEREAS, Such dedication shall allow City to obtain ownership of the Property for  
11 development on the Property of an affordable residential development consisting of  
12 approximately 85 dwelling units; and

13           WHEREAS, The Planning Commission adopted a mitigated negative declaration,  
14 CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion No. 19389 for  
15 the Property, a copy of which is on file with the Clerk of the Board of Supervisors under File  
16 No. 160550 and is incorporated herein by reference (“101 Hyde Planning Approvals”); and

17           WHEREAS, The Planning Commission adopted a mitigated negative declaration,  
18 CEQA findings, a Mitigation and Monitoring Reporting Program and Downtown Project  
19 Authorization in its Motion No. 19389 for the Principal Site, a copy of which is on file with the  
20 Clerk of the Board of Supervisors under File No. 160550 and is incorporated herein by  
21 reference (“1066 Market Planning Approvals”); and

22           WHEREAS, MOHCD determined that the Property is suitable for development of  
23 approximately 85 affordable housing dwelling units as required under Ordinance No.  
24 126-16 (File No. 160550); and  
25

1           WHEREAS, The terms and conditions of Developer's assignment of the Purchase  
2 Agreement and the conveyance of the Property from Seller to the City have been negotiated,  
3 as further outlined in the Assignment Agreement a copy of the form of Assignment Agreement  
4 is on file with the Clerk of the Board of Supervisors under File No. 160694 and is incorporated  
5 herein by reference; and

6           WHEREAS, Because the Property is being conveyed to the City pursuant through the  
7 land dedication process permitted under Ordinance No. 126-16 (File No. 160550), the  
8 purchase price to be paid by the City to Developer under the Assignment Agreement is \$1;  
9 and

10           WHEREAS, The 101 Hyde Planning Approvals determined that the development of the  
11 Principal Site and the land dedication and development of the Property with approximately 85  
12 affordable dwelling units are consistent with the General Plan, and with the eight priority  
13 policies of Planning Code, Section 101.1; now, therefore, be it

14           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
15 hereby adopts the findings contained in the 101 Hyde Planning Approvals and 1066 Market  
16 Planning Approvals regarding CEQA, and hereby incorporates such findings by reference as  
17 though fully set forth in this Resolution; and, be it

18           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
19 hereby finds that the conveyance of the Property is consistent with the General Plan, and with  
20 the eight priority policies of Planning Code, Section 101.1 for the same reasons as set forth in  
21 the 101 Hyde Planning Approvals and the 1066 Market Planning Approvals, and hereby  
22 incorporates such findings by reference as though fully set forth in this Resolution; and, be it

23           FURTHER RESOLVED, That in accordance with the recommendation of the Director  
24 of MOHCD and Director of Property, the Board of Supervisors hereby approves the  
25 conveyance of the Property to the City, and the transaction contemplated thereby in

1 substantially the form of such Purchase Agreement and Assignment Agreement presented to  
2 the Board and authorizes the Director of Property to execute the Assignment Agreement; and,  
3 be it

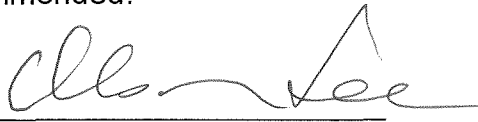
4 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
5 Property to enter into any amendments or modifications to the Purchase Agreement and  
6 Assignment Agreement and/or enter into ancillary agreements (including, without limitation,  
7 the attached exhibits) that the Director of Property determines, in consultation with the City  
8 Attorney and Director of MOHCD, are in the best interest of the City, do not otherwise  
9 materially increase the obligations or liabilities of the City, are necessary or advisable to  
10 effectuate the purposes of the Purchase Agreement and Assignment Agreement and are in  
11 compliance with all applicable laws, including City's Charter; and, be it

12 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,  
13 in the name and on behalf of the City and County, to accept the deed to the Property from the  
14 Seller upon the closing in accordance with the terms and conditions of the Purchase  
15 Agreement and the Assignment Agreement, and to take any and all steps (including, but not  
16 limited to, the execution and delivery of any and all certificates, agreements, notices,  
17 consents, escrow instructions, closing documents and other instruments or documents) as the  
18 Director of Property deems necessary or appropriate in order to consummate the conveyance  
19 of the Property pursuant to the Purchase Agreement and Assignment Agreement, or to  
20 otherwise effectuate the purpose and intent of this Resolution, such determination to be  
21 conclusively evidenced by the execution and delivery by the Director of Property of any such  
22 documents; and, be it


23 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the  
24 Board of Supervisors a fully executed copy of the Assignment Agreement within thirty (30)  
25 days of signature of same.

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Recommended:



Director  
Mayor's Office of Housing and Community Development



Director of Property



City and County of San Francisco

Tails

Resolution

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

File Number: 160694

Date Passed: June 21, 2016

Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate, consisting of approximately 10,633 square feet in land area approved for construction of an 85 dwelling-unit multi-family residential project, for the Mayor's Office of Housing and Community Development, pursuant to the land dedication permitted under a separate Ordinance (File No. 160550); adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein.

June 20, 2016 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

June 21, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee

Excused: 1 - Mar

File No. 160694

I hereby certify that the foregoing Resolution was ADOPTED on 6/21/2016 by the Board of Supervisors of the City and County of San Francisco.

Peggy Nevin

AC

Angela Calvillo
Clerk of the Board

[Handwritten signature]

Mayor

7/1/16

Date Approved