

1 [Real Property Lease - YMCA of San Francisco - Building 49 - 701 Illinois Street - Crane Cove
2 Park - Initial Annual Base Rent \$92,809.80]

3 **Resolution approving and authorizing the execution, delivery, and performance of**
4 **Lease No. 16997 for Building 49 located at 701 Illinois Street within Crane Cove Park by**
5 **the Young Men’s Christian Association (YMCA) of San Francisco, for an initial term of**
6 **10 years plus options to extend for a total term of up to 34 years, 11 months, with an**
7 **initial annual base rent of \$92,809.80 and a fee waiver for a companion license**
8 **agreement, effective upon approval of this Resolution; making findings under the**
9 **California Environmental Quality Act; and to authorize the Executive Director of the**
10 **Port to enter into any additions, amendments or other modifications to the Lease that**
11 **do not materially increase the obligations or liabilities of the City or Port and are**
12 **necessary or advisable to complete the transactions which this Resolution**
13 **contemplates and effectuate the purpose and intent of this Resolution.**

14
15 WHEREAS, Pursuant to Chapter 1333 of the Statutes of 1968 (as amended, the
16 “Burton Act”) and the implementing Agreement Relating to Transfer of the Port of San
17 Francisco from the State of California to the City and County of San Francisco (“Transfer
18 Agreement”), the State of California granted to the City and County of San Francisco (“City”)
19 certain current and former tide and submerged lands to be held under the jurisdiction of the
20 San Francisco Port (“Port”) and subject to the common law public trust for commerce,
21 navigation, and fisheries and the statutory trust imposed by the Burton Act, (collectively, the
22 "Public Trust"); and

23 WHEREAS, On February 9, 2021, the Port Commission, by Resolution No. 21-07,
24 authorized Port staff to issue a request for proposals (“Request for Proposals” or “RFPs”) and
25 manage the solicitation process for the adaptive rehabilitation, reuse, lease and operation of

1 two historic structures – the ‘Kneass Building’ and ‘Building 49’ – both located in the Pier 70
2 Area adjacent to Crane Cove Park generally along Illinois Street between 18th and 19th
3 Streets; and

4 WHEREAS, On April 14, 2021, the Port issued the Request for Proposals for the
5 Kneass Building” and “Building 49”, (or collectively the “Crane Cove Park Buildings”); and

6 WHEREAS, On October 26, 2021, the Port Commission approved Resolution No. 21-
7 46 authorizing staff to enter into lease negotiations with Young Men’s Christian Association of
8 San Francisco, a California Nonprofit Public Benefit Corporation (“YMCA SF” or “YMCA”); and

9 WHEREAS, On August 7, 2008, the Planning Commission finally certified the Final
10 Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans
11 (Eastern Neighborhoods EIR) (Planning Department Case No. 2004.0160E) in compliance
12 with the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000
13 et seq.), the CEQA Guidelines (14 Cal. Code Regs., Section 15000 et seq.) and Chapter 31 of
14 the San Francisco Administrative Code; copies of the Planning Commission certification
15 Motion and Eastern Neighborhoods EIR are on file with the Clerk of the Board in Board File
16 No. 230541 and are incorporated herein by reference; and

17 WHEREAS, On October 5, 2015, the Planning Department issued a Community Plan
18 Exemption (CPE) for the Crane Cove Park – Pier 70 project (Planning Department Case No.
19 2015-0013214ENV) under the Eastern Neighborhoods EIR, which found that the Crane Cove
20 Park project is encompassed within the analysis contained in the Eastern Neighborhoods EIR
21 and required no further environmental review; a copy of the CPE is on file with the Clerk of the
22 Board of Supervisors in Board File No. 230541 and is incorporated herein by this reference;
23 and

24 WHEREAS, Planning Department staff prepared a Mitigation Monitoring and Reporting
25 Program (MMRP) setting forth mitigation measures that were identified in the Eastern

1 Neighborhoods EIR that are applicable to the Crane Cove Park project, and these mitigation
2 measures are set forth in their entirety in the MMRP, a copy of which is on file with the Clerk
3 of the Board of Supervisors in Board File No. 230541 and incorporated herein by this
4 reference; and

5 WHEREAS, On April 11, 2022, the Planning Department issued a Determination of No
6 Substantial Modification which found that the YMCA SF Building 49 project (“Project”) is within
7 the scope of the project evaluated in the Eastern Neighborhoods EIR and the prior
8 Community Plan Exemption (2015-001314ENV), and no additional environmental review is
9 required, a copy of which is on file with the Clerk of the Board of Supervisors in Board File
10 No. 230541 and incorporated herein by this reference; and

11 WHEREAS, The proposed Lease No. 16997 (the “Lease”) between Port and YMCA
12 SF, a copy of which is on file with the Clerk of the Board of Supervisors in Board File
13 No. 230541 and incorporated herein by this reference, for the rehabilitation, reuse, lease, and
14 operation of Building 49 by the YMCA SF as described in the Memorandum to the Port
15 Commission dated April 21, 2023 (the “Memorandum”), a copy of which is on file with the
16 Clerk of the Board of Supervisors in Board File No. 230541 and incorporated herein by this
17 reference, will benefit the Public Trust through historic rehabilitation of and investment in Trust
18 assets, enhance water recreation opportunities, and provide visitor-serving amenities which
19 will attract the public to use and enjoy these cultural and historic resources and generate
20 revenue to fund necessary improvements throughout the Port; and

21 WHEREAS, Port staff recommends approval of a companion, no-fee License 17011
22 (the “License”) governing the YMCA SF’s use of a portion of Crane Cove Park for YMCA SF
23 programming, a copy of which is on file with the Clerk of the Board of Supervisors in Board
24 File No. 230541 and incorporated herein by this reference, as described in the Memorandum;
25 and

1 WHEREAS, On April 25, 2023, pursuant to Port Commission Resolution No. 23-20, the
2 Port Commission approved the Lease and License, both with the YMCA SF, and authorized
3 the Port Executive Director or her designee to execute the Lease and License upon approval
4 by the Board of Supervisors; now, therefore, be it

5 RESOLVED, That the Board of Supervisors has reviewed and considered the Final
6 EIR, CPE, Determination of No Substantial Modification, and all other environmental
7 documents on file referred to herein, and adopts them as its own and incorporates them by
8 reference as though fully set forth in this resolution, and adopts all required mitigation
9 measures contained in the MMRP as conditions of approval; and, be it

10 FURTHER RESOLVED, That there have been no substantial changes to the Eastern
11 Neighborhoods Rezoning and Area Plans or the Crane Cove Park project, and no substantial
12 changes in circumstances, that would require major revisions to the Eastern Neighborhoods
13 EIR or prior Community Plan Exemption due to the involvement of new significant
14 environmental effects or an increase in the severity of previously identified significant impacts,
15 and there is no new information of substantial importance that would change the conclusions
16 set forth in the Eastern Neighborhoods EIR or prior Community Plan Exemption; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Lease as
18 described in the Memorandum and on terms set forth in the Lease on file with the Clerk of the
19 Board of Supervisors and authorizes the Port Executive Director or her designee to execute
20 the Lease; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors hereby approves the License
22 as described in the Memorandum and on terms set forth in the License on file with the Clerk
23 of the Board of Supervisors, and authorizes the Executive Director or her designee to execute
24 the License; and, be it

25

1 FURTHER RESOLVED, That the Board of Supervisors authorizes the Port Executive
2 Director or her designee, to enter into any additions, amendments or other modifications to
3 the Lease or License that the Executive Director, in consultation with the City Attorney,
4 determines are in the best interest of the Port, do not materially increase the obligations or
5 liabilities of the Port or materially decrease the public benefits accruing to the Port, and are
6 necessary and advisable to complete the transaction and effectuate the purpose and intent of
7 this resolution, such determination to be conclusively evidenced by the execution and delivery
8 by the Executive Director of any such documents; and, be it

9 FURTHER RESOLVED, That within thirty (30) days of the Lease and License being
10 fully executed by all parties, the Port shall provide the final agreements to the Clerk of the
11 Board for inclusion into the official file.