

File No. 110724

Committee Item No. 12
Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: July 27, 2011

Board of Supervisors Meeting

Date 8/2/11

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget & Legislative Analyst Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ethics Form 126 |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | *Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |

OTHER

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Completed by: Victor Young
Completed by: Victor Young

Date: July 22, 2011
Date: 7-25-11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Exchange and Conveyance of Real Estate - Folsom and Essex Streets Intersection]
2

3 **Resolution 1) approving the exchange of a portion of City property located near the**
4 **intersection of Folsom Street and Essex Street with a portion of abutting real property**
5 **owned by 515 Folsom Street LLC; 2) adopting environmental findings and other**
6 **findings that the actions set forth in this Resolution are consistent with the City's**
7 **General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3)**
8 **authorizing other actions in furtherance of this Resolution.**

9 WHEREAS, Under a Cooperative Agreement by and among the State of California
10 (State), the City and County of San Francisco (City), and the Transbay Joint Powers Authority
11 (Authority) dated July 11, 2003, the State transferred real property located near the
12 intersection of Folsom Street and Essex Street and commonly known as APN Lot 64 Block
13 3749 (Parcel B) to the City to facilitate the development of the Transbay Terminal project; and,

14 WHEREAS, The Redevelopment Agency of the City and County of San Francisco
15 (Agency) has an option to acquire Parcel B from the City under an Option Agreement for the
16 Purchase and Sale of Real Property by and among the City, the Authority, and the Agency,
17 dated as of January 31, 2008; and,

18 WHEREAS, 515 Folsom Street LLC (LLC) owns real property that abuts Parcel B and
19 is commonly known as APN Lot 53 Block 3749 (LLC Property); and,

20 WHEREAS, The LLC wishes to exchange (Exchange) a portion of the LLC Property
21 comprised of approximately 746 square feet (LLC Portion) with a portion of Parcel B
22 comprised of approximately 2,278 square feet (City Portion); and,

23 WHEREAS, Based on an independent appraisal, the Director of Property has
24 determined that the fair market value of the City Portion is \$152,000 and the fair market
25 value of the LLC Portion is \$82,363; and,

1 WHEREAS, The City proposes to convey the City Portion to the LLC in exchange for
2 the LLC Portion and \$69,637 (Additional Fee) on the terms and conditions substantially as
3 shown in the Agreement for the Exchange and Conveyance of Real Estate between the
4 City and the LLC, dated for reference purposes only as of June 21, 2011 (Exchange
5 Agreement), a copy of which is on file with the Clerk of the Board of Supervisors under File
6 No. 110724 and incorporated herein by reference; and,

7 WHEREAS, The LLC has submitted an application to cause the City Portion and the
8 portion of the LLC Property that will remain after the Exchange to be a separate legal parcel;
9 and,

10 WHEREAS, The Agency has requested that the City effect the Exchange and obtain
11 the materials required to apply for a lot line adjustment to cause a portion of Parcel B that
12 remains after the Exchange to be comprised of two legal parcels (Agency Lot Line
13 Application) before the City transfers Parcel B to Agency under the Option Agreement; and,

14 WHEREAS, The Exchange Agreement provides for a reduction of the Additional Fee
15 if the LLC timely prepares and submits all materials required for the Agency Lot Line
16 Application; and,

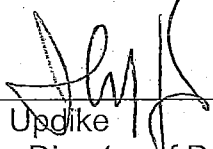
17 WHEREAS, By letter dated July 1, 2011, the City Planning Department found the
18 Exchange to be categorically exempt from environmental review and in conformance with
19 the City's General Plan, which letters are on file with Clerk of the Board of Supervisors
20 under File No. 110724 and incorporated herein by reference; now, therefore, be it

21 RESOLVED, That the Board of Supervisors hereby adopts as its own and
22 incorporates by reference herein, as though fully set forth, the findings of the Planning
23 Department that the Exchange is consistent with the Eight Priority Policies of City Planning
24 Code Section 101.1; and, be it

1 FURTHER RESOLVED, That in accordance with the recommendations of the
2 Director of Property, the Board of Supervisors hereby authorizes the Director of Property to
3 transfer the City Portion to the LLC in exchange for the LLC Portion and the Additional Fee,
4 to reduce the Additional Fee if LLC timely prepares and submits all materials required for
5 the Agency Lot Line Application, and to perform the other transactions contemplated in the
6 Exchange Agreement; and, be it

7 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, and
8 the Director of Property are each authorized and directed to enter to take any and all
9 actions which such party, in consultation with the City Attorney, determines are in the best
10 interest of the City, do not materially increase the obligations of the City or materially
11 decrease the benefits to the City, are necessary or advisable to consummate the
12 performance of the purposes and intent of this Resolution, and comply with all applicable
13 laws, including the City's Charter, including any modifications or amendments to the
14 Exchange Agreement.

15
16 RECOMMENDED:

17 
18 _____
19 John Updike
20 Acting Director of Property
21
22
23
24
25



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED

JUL 06 2011

REAL ESTATE DIV.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

General Plan Referral

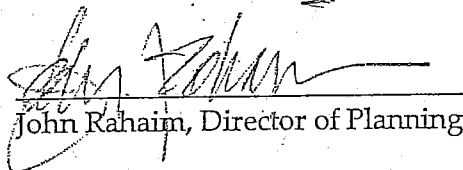
Date: July 1, 2011
Case No. Case No. 2011.0612R
Exchange and Conveyance of 515 Folsom Street

Block/Lot No.: 3749/064 and 3749/053
Project Sponsor: John Updike, Acting Director
San Francisco Real Estate Department
25 Van Ness Ave. Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Adam Varat - (415) 558-6405
adam.varat@sfgov.org

Recommendation: Finding the project, on balance, is in conformity with the General Plan

Recommended By: 
John Rahaim, Director of Planning

PROJECT DESCRIPTION

The Project is the intent to exchange and convey fee simple interests between the City and County of San Francisco and 515 Folsom Street LLC. The City proposes to exchange an approximately 2,278 square foot City-owned property (Block 3749, Lot 064) with an approximately 746 square foot portion of a property owned by 515 Folsom Street LLC (Block 3749, Lot 053).

Upon completion of the exchange, the City will transfer the property to the San Francisco Redevelopment Agency (SFRA). The SFRA has plans to develop the property as an affordable housing project.

The submittal is for a General Plan Referral to recommend whether the Project is in conformity with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.53 of the Administrative Code. This General Plan Referral regards the exchange of real property only, and not any subsequent action to develop the property.

SITE DESCRIPTION AND PRESENT USE

The currently City-owned property at Block 3749, Lot 064 is currently a vacant lot. The portion of the lot proposed to be transferred to 515 Folsom Street LLC is vacant space in front of a three-story commercial building. The lot currently owned by 515 Folsom Street LLC contains the three-story commercial building, with vacant space to the west of the building. The two lots have an odd configuration as a legacy of the former Transbay Terminal bus ramps. The proposed transfer would regularize both parcels.

ENVIRONMENTAL REVIEW

On June 30, 2011 the Environmental Planning Division of the Department determined that the Project (Exchange and Conveyance of 515 Folsom Street) would not result in foreseeable physical change in the environment per CEQA Guidelines Section 15060(c)(2).

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, in conformity with the General Plan.

GENERAL PLAN POLICIES

General Plan policies and objectives are in **bold**
Staff discussion is in *italics*

HOUSING ELEMENT

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.1

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

POLICY 1.3

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

POLICY 1.5

Support development of affordable housing on surplus public lands.

OBJECTIVE 4

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY

POLICY 4.1

Actively identify and pursue opportunity sites for permanently affordable housing.

The project would regularize a City-owned parcel to enable the SFRA to build new affordable housing on the parcel. As such, the project would facilitate an increase in the supply of affordable housing in San Francisco.

POLICY 11.2

Ensure housing is provided with adequate public improvements, services, and amenities.

The project would be built in the Transbay/ Rincon Hill area, which is transitioning from vacant lots and industrial uses to a high-density residential neighborhood with Folsom Street as its commercial spine.

The Transbay Design for Development and the Rincon Hill Area Plan describe strategies for improvement of streets, open spaces, and community facilities in the neighborhood, and provide tools and strategies for their implementation. Hence, as the area develops, it will develop as a complete neighborhood with adequate public improvements, services, and amenities.

DOWNTOWN AREA PLAN

OBJECTIVE 7

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

RINCON HILL AREA PLAN

POLICY 1.1

Allow housing as a principal permitted use throughout the district.

OBJECTIVE 2.1

PROVIDE QUALITY HOUSING IN A PLEASANT ENVIRONMENT THAT HAS ADEQUATE ACCESS TO LIGHT, AIR, OPEN SPACE AND NEIGHBORHOOD AMENITIES, AND THAT IS BUFFERED FROM EXCESSIVE NOISE.

OBJECTIVE 2.2

ENCOURAGE NEW HOUSING PRODUCTION THAT MEETS A VARIETY OF HOUSING NEEDS, ESPECIALLY AFFORDABLE HOUSING.

The Downtown Area Plan and Rincon Hill Area Plans contain objectives and policies that call for retention of existing housing and provision of new housing in and near Downtown, especially affordable housing.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project, demolition and replacement of the Chinese Recreation Center, is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no effect on neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would regularize a City-owned parcel to enable the SFRA to build new affordable housing on the parcel. As such, the project would facilitate an increase in the supply of affordable housing in San Francisco.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

This project would not affect landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION: Finding the Project, on balance, **in conformity**
with the General Plan

Attachments:

Parcel map

Parcel map showing extent of proposed land transfer

Aerial Photo

I:\Citywide\General Plan\General Plan Referrals\2011\2011.0612R_Exchange_515Folsom.DOC

** Complete copy of document is
located in

File No. 110724

AGREEMENT FOR THE EXCHANGE
AND CONVEYANCE OF REAL ESTATE

by and between the

CITY AND COUNTY OF SAN FRANCISCO

and

515 FOLSOM STREET LLC

For the conveyance and exchange of

An approximately 2,278 sq. ft. portion of APN Lot 64 Block 3749

and

An approximately 746 sq. ft. portion of APN Lot 53 Block 3749

San Francisco, California

June 21, 2011

FORM SFEC-126:
NOTIFICATION OF CONTRACT APPROVAL
(S.F. Campaign and Governmental Conduct Code § 1.126)

City Elective Officer Information <i>(Please print clearly.)</i>	
Name of City elective officer(s): Members, Board of Supervisors	City elective office(s) held: Members, Board of Supervisors
Contractor Information <i>(Please print clearly.)</i>	
Name of contractor: 515 Folsom Street LLC	
<i>Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.</i>	
Robert N. Field, Manager	
Contractor address: 244 Front Street, Danville, CA 94526	
Date that contract was approved: <i>Subject to Board of Supervisor approval</i>	Amount of contract: \$69,637
Describe the nature of the contract that was approved: Agreement for the Exchange and Conveyance of Real Estate	
Comments:	

This contract was approved by (check applicable):

the City elective officer(s) identified on this form

a board on which the City elective officer(s) serves: San Francisco Board of Supervisors
Print Name of Board

the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

Filer Information <i>(Please print clearly.)</i>	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

Signature of City Elective Officer (if submitted by City elective officer)

Date Signed

Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

Date Signed