

1 [Temporary License Agreement - San Francisco General Hospital - Safety Improvements]

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3 **Resolution approving and authorizing a temporary, non-exclusive, non-possessory**
4 **License Agreement for certain safety enhancement improvements over portions of**
5 **San Francisco General Hospital Campus for a term of up to 10 years, to commence**
6 **upon Board approval.**

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8 WHEREAS, The San Francisco Department of Public Health (DPH) operates and
9 maintains the campus of San Francisco General Hospital (SFGH) located on Potrero
10 Avenue in San Francisco; and

11 WHEREAS, The faculty of The Regents of the University of California’s San
12 Francisco campus (UCSF) provide clinical care at SFGH, and UCSF faculty and staff
13 occupy certain clinical, office and research laboratory space on the SFGH campus; namely
14 space in Buildings 1, 5, 9,10, 20, 30, 40 and 100; and

15 WHEREAS, UCSF desires to install at its sole cost certain temporary exterior and
16 interior seismic safety enhancement improvements (“interim improvements”) to enhance
17 the safety of persons entering and exiting the buildings during UCSF staff’s continued
18 occupancy of premises in the buildings; and

19 WHEREAS, The proposed interim improvements include items such as securing
20 designated clay roof tiles on Building 30, the installation and maintenance of a self-
21 supporting protective canopy on the west side of Building 40, and the installation and
22 maintenance of fencing and barrier landscaping at certain locations 10 feet from the
23 perimeter of certain of the buildings, designed to limit access to a potential “fall zone”
24 around the buildings, which improvements are more particularly described in the proposed
25 License Agreement – (San Francisco General Hospital Interim Seismic Safety Installations)

1 (the "License Agreement"), a copy of which is on file with the Clerk of the Board of
2 Supervisors in File No. 140242; and

3 WHEREAS, The fencing, landscape alterations, and steel canopy are anticipated to
4 be in place until UCSF staff vacates the buildings, estimated to be approximately five to
5 seven years; and

6 WHEREAS, The proposed License Agreement grants UCSF a license to install the
7 proposed alterations at UCSF's sole cost and to keep them in place for a period of up to 10
8 years or such earlier time as UCSF vacates the buildings, and requires UCSF to maintain
9 the alterations at its sole cost, provided that City will maintain the landscaping at City's cost;
10 and

11 WHEREAS, In consideration of UCSF's payment for the installation of the temporary
12 improvements, which will enhance the safety of all users of the buildings during the term of
13 the License Agreement, no license fee or other additional payment is required under the
14 License Agreement; and

15 WHEREAS, In compliance with the California Environmental Quality Act, Public
16 Resources Code, Sections 21000 et seq. (CEQA); its implementing guidelines, 15 Cal.
17 Code of Regulations, 15000 et seq. ("CEQA Guidelines"); and San Francisco
18 Administrative Code, Chapter 31 ("Chapter 31"); the City's Planning Commission certified
19 the SFGH Seismic Compliance Hospital Replacement Program Environmental Impact
20 Report (City Planning Case No. 2007.0603E) ("SFGH EIR") on June 19, 2008, a copy of
21 which is on file with the Clerk of the Board in File No. 140242, and is incorporated into this
22 resolution by reference; and

23 WHEREAS, In connection with its approval of the SFGH Seismic Compliance
24 Hospital Replacement Program (the "Project"); the Board of Supervisors, by Resolution
25 307-08, adopted findings in accordance with the CEQA, the CEQA Guidelines and Chapter

1 31, including a statement of overriding considerations and a mitigation monitoring and
2 reporting program (“CEQA Findings”), a copy of which is on file with the Clerk of the Board
3 in File No. 140242, and is incorporated into this resolution by reference; and

4 WHEREAS, City’s Planning Department prepared an Addendum to the SFGH EIR,
5 dated January 2, 2014, a copy of which is on file with the Clerk of the Board of Supervisors
6 in File No. 140242 and is incorporated in this resolution by this reference; and

7 WHEREAS, The Addendum addresses the change to the Project as a result of the
8 implementation of the interim improvements proposed in the License Agreement and
9 concludes that the interim improvements will result in minor technical changes or additions
10 to the Project analyzed in the SFGH EIR and will not cause new significant impacts not
11 identified in the SFGH EIR and no new mitigation measures will be necessary to reduce
12 significant impacts; further, other than as described in the Addendum, no Project changes
13 have occurred and no changes have occurred with respect to the circumstances
14 surrounding the Project that will cause significant environmental impacts to which the
15 Project will contribute considerably, and no new information has become available that
16 shows that the Project will cause significant environmental impacts, and, therefore, no
17 supplemental environmental review is required under CEQA beyond the Addendum to
18 approve the interim improvements; and

19 WHEREAS, The Planning Commission, by Resolution No. 17625 on June 19, 2008,
20 found the Project consistent with the City’s General Plan and the Eight Priority Policies of
21 City Planning Code, Section 101.1; and

22 WHEREAS, On February 21, 2014, the Planning Department issued a memorandum
23 concluding that implementation of the interim improvements does not change the findings
24 in Resolution No. 17625 regarding consistency of the Project with the City’s General Plan
25 and Eight Priority Policies; a copy of Resolution No. 17625 and the February 21, 2014,

1 memorandum are on file with the Clerk of the Board of Supervisors in File No. 140242 and
2 are incorporated in this resolution by this reference; and

3 WHEREAS, City's Health Commission heard and approved the License Agreement
4 (Item #7) at its meeting on February 4, 2014; now, therefore, be it

5 RESOLVED, That the Board of Supervisors has considered the SFGH EIR, the
6 CEQA Findings, including the statement of overriding considerations and the mitigation
7 monitoring and reporting program and the Addendum, and determines that no additional
8 environmental review beyond the SFGH EIR and Addendum is required to approve the
9 License agreement under CEQA, Section 21166 and CEQA Guidelines, Sections 15180,
10 15162, 16163 and 15164 for the following reasons:

11 (1) Implementation of the interim improvements does not require major revisions
12 to the SFGH EIR due to the involvement of new significant environmental effects or a
13 substantial increase in the severity of previously identified significant impacts;

14 (2) No substantial changes have occurred with respect to the circumstances
15 under which the Project analyzed in the SFGH EIR will be undertaken that would require
16 major revisions to the SFGH EIR due to the involvement of new significant environmental
17 effects, or a substantial increase in the severity of effects identified in the SFGH EIR; and

18 (3) No new information of substantial importance to the Project analysis in the
19 SFGH EIR has become available, which would indicate that (i) the interim improvements
20 will have significant effects not discussed in the SFGH EIR; (ii) significant environmental
21 effects will be substantially more severe; (iii) mitigation measures or alternatives found not
22 feasible, which would reduce one or more significant effects, have become feasible; or (iv)
23 mitigation measures or alternatives, which are considerably different from those in the
24 SFGH EIR, will substantially reduce one or more significant effects on the environment that
25 would change the conclusions set forth in the SFGH EIR; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors finds and declares that the
2 proposed Project is (i) in conformity with the priority policies of Section 101.1(b) of the City
3 Planning Code, (ii) in accordance with Section 4.105 of the San Francisco Charter and
4 Section 2A.53(f) of the City Administrative Code, and (iii) consistent with the City's General
5 Plan, and adopts the findings of Planning Commission Resolution No. 17625 and the
6 memorandum from the Planning Department dated February 21, 2014, and, be it

7 FURTHER RESOLVED, That in accordance with the recommendations of the Health
8 Commission and the Director of Property, the Board of Supervisors hereby approves the
9 temporary License Agreement and the transaction contemplated thereby in substantially
10 the form of such agreement presented to this Board; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
12 Property to enter into any additions, amendments or other modifications to the License
13 Agreement (including, without limitation, the attached exhibits) that the Director of Property
14 determines are in the best interest of the City, that do not materially increase the
15 obligations or liabilities of the City, and are necessary or advisable to complete the
16 transaction contemplated in the License Agreement and to effectuate the purpose and
17 intent of this resolution, such determination to be conclusively evidenced by the execution
18 and delivery by the Director of Property of the License Agreement and any amendments
19 thereto; and, be it

20 FURTHER RESOLVED, That the Director of Property is hereby authorized in the
21 name and on behalf of the City and County, to execute the temporary License Agreement
22 and to take any and all steps the Director of Property deems necessary or appropriate in
23 order to consummate the conveyance of the temporary License Agreement, or to otherwise
24 effectuate the purpose and intent of this resolution, such determination to be conclusively
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1 evidenced by the execution and delivery by the Director of Property of any such
2 documents.

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RECOMMENDED:

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John Updike
Director of Property

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Barbara Garcia
Director, Department of Public Health

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