

1 [Real Property Lease - Near the Intersection of Phelan and Ocean Avenues - San
2 Francisco Community College District]

3 **Resolution approving the lease of property near the intersection of Phelan and Ocean**
4 **Avenues for a public plaza for seventy-five years to San Francisco Community College**
5 **District, an institution of higher education organized under the State of California**
6 **Education Code (SFCCD); adopting environmental findings and other findings that the**
7 **actions set forth in this Resolution are consistent with the City’s General Plan and**
8 **Eight Priority Policies of City Planning Code Section 101.1; and authorizing other**
9 **actions in furtherance of this Resolution.**

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11 WHEREAS, The Municipal Transportation Agency (SFMTA) has jurisdiction over a
12 portion of property owned by the City and County of San Francisco (City) and located within a
13 portion of Lot 001, Block 3180, west of the intersection of Phelan Avenue and Ocean Avenue,
14 San Francisco, California (Plaza Property); and

15 WHEREAS, SFMTA uses the Plaza Property and adjacent City property under SFMTA
16 jurisdiction (Housing Property) for a Muni bus loop (Existing Bus Loop); and

17 WHEREAS, The Balboa Park Station Area Plan (Plan), adopted by the City’s Board of
18 Supervisors on April 7, 2009, and approved by the City’s Mayor on April 17, 2009, included a
19 public plaza element on the Plaza Property and a housing element on the Housing Property;
20 and,

21 WHEREAS, The Plaza Property and the Housing Property cannot be developed for the
22 public plaza and housing elements without sufficient funds to pay the costs to relocate and
23 reconfigure the Existing Bus Loop; and

24 WHEREAS, The Redevelopment Agency of the City and County of San Francisco
25 (Agency) purchased the Housing Property from SFMTA for the development of a mixed-use

1 affordable housing project through an agreement approved through Ordinance No. 49-11,
2 adopted by the City's Board of Supervisors on March 15, 2011, and approved by the City's
3 Mayor on March 16, 2011, on file with the Clerk of the Board of Supervisors in File No.
4 110115 and incorporated herein by reference, and the proceeds from such sale will be used
5 to partially fund the reconfiguration and relocation of the Existing Bus Loop; and

6 WHEREAS, The SFMTA conditionally received a grant of additional funds from the
7 Federal Transit Administration and Metropolitan Transportation Commission that would pay
8 for the remainder of the costs to reconfigure and relocate the Existing Bus Loop and the costs
9 to design and build a public plaza on the Plaza Property; and

10 WHEREAS, A public plaza on the Plaza Property would abut the new Muni bus loop,
11 SFCCD's Ocean Campus and other proposed housing and mixed-use developments within
12 this sub-area of the Plan, resulting in an integrated Transit Oriented Development consistent
13 with the goals of the Plan; and

14 WHEREAS, The SFCCD's Ocean Campus abuts the Plaza Property and SFCCD
15 would benefit from the development of the Plaza Property as a public plaza for public and
16 gateway uses; and

17 WHEREAS, The SFMTA is willing to lease the Plaza Property to SFCCD, and SFCCD
18 is willing to lease the Plaza Property from SFMTA, for 75 years on the terms and conditions of
19 a lease agreement (Lease), on file with the Clerk of the Board of Supervisors in File No.
20 _____, which is incorporated herein by reference; and

21 WHEREAS, On August 2, 2011, the SFMTA Board of Directors approved the Lease
22 through adoption of Resolution No. 11-107, on file with the Clerk of the Board of Supervisors
23 in File No. _____, which is incorporated herein by reference; and

24 WHEREAS, In a letter to the Department of Real Estate dated November 5, 2010, the
25 City's Planning Department found that the Lease is consistent with the City's General Plan

1 and with the Planning Code Section 101.1(b). A copy of such letter is on file with the Clerk of
2 the Board of Supervisors in File No. 110115 and is incorporated herein by reference. The
3 Board of Supervisors finds that the actions contemplated in this Resolution are consistent with
4 the City's General Plan and with the Planning Code Section 101.1(b) for the reason set forth
5 in said letter; and

6 WHEREAS, On December 4, 2008, pursuant to Motion No. 17775, the San Francisco
7 Planning Commission (Planning Commission) certified the Final Environmental Impact Report
8 (FEIR) for the Plan, which contemplated, among other things, the development of public open
9 space on the Plaza Property, adopted environmental findings pursuant to the California
10 Environmental Quality Act (CEQA) and a Statement of Overriding Considerations for
11 significant and unavoidable transportation and historical resources impacts, and established a
12 Mitigation Monitoring Program that attaches mitigation measures and improvement measures
13 identified in the FEIR; and

14 WHEREAS, The Board of Supervisors approved Ordinance No. 60-09 to adopt the
15 Plan and, as part of that action, also adopted the environmental findings of the Planning
16 Commission as its own, and a copy of Ordinance No. 60-09, the FEIR and the Planning
17 Commission motions, including the environmental findings, Statement of Overriding
18 Considerations, and Mitigation Monitoring Program, are on file with the Clerk of the Board of
19 Supervisors in File No. 110115 and are incorporated herein by reference; and

20 WHEREAS, In approving the sale of the Housing Property to Agency, the SFMTA
21 Board relied upon the Plan EIR and adopted the Planning Commission's environmental
22 findings, Statement of Overriding Considerations and Mitigation Monitoring Program as its
23 own and adopted additional finding that there was no new information requiring subsequent
24 environmental analysis in Resolution No. 09-196 of November 17, 2009, and the SFMTA
25 Board of Directors adopted those same additional findings and incorporated SFMTA

1 Resolution No. 09-196 by reference in approving the proposed Lease under SFMTA
2 Resolution No. 11-107; and

3 WHEREAS, The Board of Supervisors adopts and incorporates by reference these
4 additional environmental findings of the SFMTA Board of Directors as its own; and

5 WHEREAS, In accordance with the recommendation of the Director of Transportation
6 of the SFMTA and the Acting Director of Property, the Board of Supervisors hereby declares
7 that the public interest or necessity will not be inconvenienced by the Lease; now, therefore,
8 be it

9 RESOLVED, That the Board of Supervisors hereby authorizes and directs the Director
10 of Property and the Director of Property of the SFMTA to enter into the Lease and to cause
11 the City to perform the obligations and exercise the rights described in the Lease; and, be it

12 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, the
13 Director of Transportation of the SFMTA, and the Director of Property are each authorized
14 and directed to take any and all actions which such party, in consultation with the City
15 Attorney, determines are in the best interest of the City, do not materially increase the
16 obligations of the City or materially decrease the benefits of the City, are necessary or
17 advisable to consummate the performance of the purposes and intent of this Resolution, and
18 comply with all applicable laws, including the City's Charter, including any modifications or
19 amendments to the Lease.

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RECOMMENDED:

Director of Transportation
San Francisco Municipal Transportation Agency (SFMTA)

Acting Director of Property
Real Estate Division