

1 [Land Transfer Agreement - Sale of a Portion of San Jose Avenue Between 27th Street and  
2 Cesar Chavez Street - Sutter West Bay Hospitals - California Pacific Medical Center: St.  
3 Luke's Campus]

4 **Resolution authorizing the Director of Property to execute a land transfer agreement**  
5 **with Sutter West Bay Hospitals, doing business as California Pacific Medical Center**  
6 **(CPMC), for the future conveyance by the City and County of San Francisco to CPMC of**  
7 **real property consisting of a portion of San Jose Avenue between 27th Street and**  
8 **Cesar Chavez Street; and making findings, including findings under the California**  
9 **Environmental Quality Act, and findings of consistency with the General Plan and**  
10 **Planning Code, Section 101.1.**

11  
12 WHEREAS, The City and County of San Francisco (the "City") owns certain real  
13 property known as San Jose Avenue located between 27th Street and Cesar Chavez Street in  
14 the City ("Street Property"). The location and extent of the Street Property is shown on the  
15 Department of Public Works' SUR Map No. 2012-001, dated May 14, 2012. A copy of this  
16 map is on file with the Clerk of the Board of Supervisors in File No. 120363 and is  
17 incorporated herein by reference; and

18 WHEREAS, The Street Property is located within a portion of the St. Luke's Campus of  
19 California Pacific Medical Center ("CPMC"). The Street Property is gated at its northern end  
20 where it meets Cesar Chavez Street and has not been open to through traffic since at least  
21 1968. The Street Property is used by CPMC for St. Luke's Campus-related purposes under a  
22 Street Encroachment Permit, recorded May 15, 1968, as instrument No. Q 63257, in Book B  
23 241, Page 991; and

1           WHEREAS, CPMC proposed to design and develop a new hospital on the St. Luke's  
2 Campus. Portions of the new hospital and associated entry plaza and pedestrian pathway,  
3 would be located on the Street Property; and

4           WHEREAS, CPMC and the City have negotiated an Agreement for Transfer of Real  
5 Estate (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors  
6 in File No. 120363, which provides for transfer of the City's interest in the Street Property to  
7 CPMC, subject to the satisfaction of express conditions, including the effective date of the  
8 vacation of the Street Property after the relocation of existing utility facilities on the Street  
9 Property, and the vacation or releasing of the Encroachment Permit. The Agreement does  
10 not bind the City to approving the vacation of the Street Property or approving CPMC's Long  
11 Range Development Plan ("LRDP") or any other proposed development. Rather the  
12 Agreement sets forth the terms of the real estate transaction should the conditions, including  
13 the approval and effective date of the street vacation, be satisfied; and,

14           WHEREAS, On May 23, 2013, the City's Planning Commission conducted a duly  
15 noticed public hearing on CPMC's LRDP, including the proposed vacation and sale of the  
16 Street Property. The Planning Commission found by Motion Nos. 18883 and 18887 that the  
17 LRDP and other actions contemplated therein, including the Street Property sale are  
18 consistent with the City's General Plan, as proposed to be amended concurrently herewith,  
19 and the eight priority policies of Planning Code Section 101.1. Copies of said Motions are on  
20 file with the Clerk of the Board of Supervisors in File No. 120363; and

21           WHEREAS, At a hearing on April 26, 2012, by Motion No. 18588, the Planning  
22 Commission certified as adequate, accurate and complete the Final Environmental Impact  
23 Report ("FEIR") for the CPMC LRDP. On March 12, 2013, the Board of Supervisors, in  
24 Motion No. M13-042, affirmed the decision of the Planning Commission to certify the FEIR  
25 and rejected the appeal of the FEIR certification. Copies of Planning Commission Motion No.

1 18588 and Board of Supervisors Motion No. M13-042 are on file with the Clerk of the Board of  
2 Supervisors in File Nos. 120459 and 120550. In accordance with the actions contemplated  
3 herein, this Board has reviewed the FEIR, and the FEIR Addendum for the revised CPMC  
4 LRDP Project, and adopts and incorporates by reference, as though fully set forth herein, the  
5 findings, including a statement of overriding considerations and the mitigation monitoring and  
6 reporting program, pursuant to the California Environmental Quality Act (California Public  
7 Resources Code Section 21000 et seq.) ("CEQA"), the CEQA Guidelines (14 California Code  
8 of Regulations Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative  
9 Code ("Chapter 31"), adopted by the Planning Commission on May 23, 2013, in Motion No.  
10 18880. A copy of said motion is on file with the Clerk of the Board of Supervisors in File No.  
11 120357; now, therefore, be it

12           RESOLVED, The Board of Supervisors finds that the transfer of the Street Property is  
13 consistent with the General Plan, amended concurrently herewith, and with the eight Priority  
14 Policies of Planning Code Section 101.1, for the reasons set forth in both Planning  
15 Commission Motion Nos. 18883 and 18887, and the Board hereby incorporates such findings  
16 by reference as though fully set forth herein; and, be it

17           FURTHER RESOLVED, The Board has reviewed the FEIR and the FEIR Addendum  
18 and adopts and incorporates by reference as though fully set forth herein, the findings,  
19 including a statement of overriding consideration and mitigation monitoring and reporting  
20 program, pursuant to CEQA, the CEQA Guidelines, and Chapter 31, as adopted by the  
21 Planning Commission on May 23, 2013, in Planning Commission Motion No. 18880. Said  
22 findings and MMRP are on file with the Clerk of the Board of Supervisors in File No. 120357;  
23 and, be it

24           FURTHER RESOLVED, Pursuant to the appraisal prepared on behalf of the City's  
25 Department of Real Estate, the fair market value of the Street Property is One Million Ten

1 Thousand Dollars (\$1,010,000), which is the purchase price to be paid by CPMC as provided  
2 in and subject to the terms of the Agreement; and, be it

3 FURTHER RESOLVED, Entering into the Agreement with CPMC is appropriate and in  
4 the City's best interests to allow for the redevelopment of the St. Luke's Campus and the  
5 construction of a new St. Luke's Campus Hospital; and, be it

6 FURTHER RESOLVED, In accordance with the recommendation of the Director of  
7 Property, the Board of Supervisors hereby approves the Agreement and authorizes the  
8 Director of Property to execute the Agreement in substantially the form in the Board's file  
9 together with any other documents that are necessary or advisable to effectuate the purpose  
10 and intent of this Resolution, and further authorizes City staff to take such actions as may be  
11 required to complete the transaction as set forth in the Agreement; and, be it

12 FURTHER RESOLVED, The Board of Supervisors authorizes the Director of Property  
13 to enter into any additions or amendments to the Agreement and any related documents or  
14 instruments that the Director of Property determines, in consultation with the City Attorney,  
15 are in the City's best interests, do not materially decrease City's benefits, do not materially  
16 increase City's obligations or liabilities, and are necessary and advisable to complete the  
17 transaction contemplated by the Agreement and effectuate the purpose of this Resolution,  
18 such determination to be conclusively evidenced by the execution and delivery by the Director  
19 of Property of any such document or instrument; and, be it

20 FURTHER RESOLVED, All actions before the adoption of this Resolution by City staff  
21 consistent with this Resolution and the Agreement are hereby approved, confirmed and  
22 ratified; and, be it

23 FURTHER RESOLVED, That this Resolution shall become effective 30 days from the  
24 date of passage. This Resolution shall become operative only on (and no rights or duties are  
25 affected until) the later of (a) 30 days from the date of its passage, or (b) the date that

1 Ordinance \_\_\_\_\_ becomes effective. A copy of said Ordinance is on file with the  
2 Clerk of the Board of Supervisors in File No. 130510.

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4 RECOMMENDED:

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Director of Property

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