

1 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]

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3 **Resolution approving a temporary preservation easement affecting a City building**
4 **located at 4705 Third Street and commonly known as the Bayview Opera House.**

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6 WHEREAS, The City and County of San Francisco (City) owns real property that is
7 located at 4705 Third Street in San Francisco, California, and under the jurisdiction of the
8 City's Arts Commission; and

9 WHEREAS, The City, acting by and through the Arts Commission, leases the building
10 located on such property and commonly known as the Bayview Opera House (Building) to
11 Bayview Opera House, Inc., a California nonprofit corporation (Tenant), under a Lease dated,
12 for reference purposes only, as of July 1, 2009; and

13 WHEREAS, Tenant has received a \$197,535 grant from the National Park Service
14 (NPS) under a Grant Agreement No. 06-04-ML-0099 (NPS Grant), and Tenant has used the
15 NPS Grant to perform Building improvement work; and

16 WHEREAS, The NPS Grant requires the grant of a 50-year preservation easement
17 protecting the historical building features of the Building (Easement) to the San Francisco
18 Architectural Heritage, a California nonprofit corporation (SFAH), which is authorized and
19 qualified to accept charitable gifts or easements for the purpose of preserving buildings,
20 structures, or sites of historical, architectural or cultural significance; and

21 WHEREAS, The NPS Grant requires that the Building be nominated for placement on
22 the National Register of Historic Places, and Tenant submitted an application for such
23 nomination to the California State Office of Historic Preservation on August 31, 2010; and

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1 WHEREAS, Tenant will use a portion of the NPS Grant to pay the \$15,000
2 preservation easement fee that SFAH requires to accept the Easement and Tenant has
3 requested that City grant the Easement to the SFAH; and

4 WHEREAS, On September 13, 2010, the Arts Commission adopted Resolution No.
5 0913-10-258 to approve of the grant of the Easement through a Conservation Agreement
6 (Agreement), a copy of which is on file with the Clerk of the Board of Supervisors in File No.
7 _____, and is hereby declared to be a part of this Resolution as if set forth fully herein, and
8 to authorize the Executive Director of the Arts Commission to request approval of the
9 Agreement by the City's Historic Preservation Commission, and the City's Board of
10 Supervisors, which resolution is on file with the Clerk of the Board of Supervisors in File No.
11 _____, and is hereby declared to be a part of this Resolution as if set forth fully herein; and

12 WHEREAS, On September 15, 2010, the City's Historic Preservation Commission
13 adopted Resolution No. 654 (HPC Resolution) to recommend that the Board of Supervisors
14 grant the Easement through the Agreement to SFAH, which resolution is on file with the Clerk
15 of the Board of Supervisors in File No. _____, and is hereby declared to be a part of this
16 Resolution as if set forth fully herein; and

17 WHEREAS, The Historic Preservation Commission determined that the grant of the
18 Easement through the Agreement is consistent with the City's General Plan and Eight Priority
19 Policies of City Planning Code Section 101.1, as further described in the HPC Resolution, and
20 the Board of Supervisors adopts as its own and incorporates by reference such determination;
21 and

22 WHEREAS, The City's Planning Department determined that the grant of the
23 Easement through the Agreement is categorically exempt from environmental review under
24 the California Environmental Quality Act, which determination is on file with Clerk of the Board
25 of Supervisors under File No. _____ and is incorporated herein by reference, and the

1 Board of Supervisors adopts as its own and incorporates by reference such determination;
2 and

3 WHEREAS, The Board of Supervisors has determined that the public interest will not
4 be inconvenienced by the grant of the Easement through the Agreement and such grant will
5 further a proper public purpose: now, therefore, be it

6 RESOLVED, That the Board of Supervisors hereby authorizes the Director of Property
7 and the Executive Director of the Arts Commission, on behalf of the City and County of San
8 Francisco, to execute and deliver the Agreement and take any and all actions which both the
9 Director of Property and the Executive Director of Cultural Affairs, in consultation with the City
10 Attorney, determine are in the best interest of the City, do not materially increase the
11 obligations of the City or materially decrease the benefits to the City, are necessary or
12 advisable to consummate the performance of the purposes and intent of this Resolution, and
13 comply with all applicable laws, including the City's Charter, including any modifications or
14 amendments to the Agreement.

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