

1 [Mission Bay UCSF Land Donation]

2 APPROVING AND AUTHORIZING A LAND DONATION AGREEMENT BETWEEN THE
3 CITY AND COUNTY AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR
4 THE CONTRIBUTION TO THE REGENTS, AT NO TRANSFER PRICE, OF
5 APPROXIMATELY 11.89 ACRES OF CITY-OWNED PRESENT AND FORMER STREET
6 AREAS, FOR THE DEVELOPMENT OF A NEW UCSF EXPANSION CAMPUS IN MISSION
7 BAY SOUTH; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
8 QUALITY ACT; AND ADOPTING FINDINGS THAT THE CONVEYANCE IS CONSISTENT
9 WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING
10 CODE SECTION 101.1.

11 WHEREAS, In January 1997, The Regents of the University of California ("The
12 Regents") approved the 1996 Long Range Development Plan ("LRDP") for the University of
13 California, San Francisco ("UCSF"), and the LRDP identified three finalist locations for a new
14 expansion campus for UCSF, including a location in Mission Bay and two other locations
15 outside of the City and County; and,

16 WHEREAS, In May 1997, The Regents approved Mission Bay South as the location
17 for the new campus (the "UCSF Campus"); and,

18 WHEREAS, The property owners of the Mission Bay site selected by The Regents for
19 the UCSF Campus are Catellus Development Corporation ("Catellus") and the City; and,

20 WHEREAS, As an essential condition to The Regent's agreement to select the Mission
21 Bay site, Catellus and the City offered to contribute to The Regents a total of approximately
22 43 acres of land in Mission Bay South for development of the UCSF Campus (the "Campus
23 Site"); and,

24 WHEREAS, At full build out, the UCSF Campus will include approximately 2,650,000
25 square feet of instruction, research and administration space, plus associated parking and

SUPERVISOR, YAKI, TENG, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
BOARD OF SUPERVISORS

1 loading uses, to house UCSF's world-renowned faculty and research facilities; and,

2 WHEREAS, The retention within the City of UCSF, which is one of the City's major
3 employers, and development of the new UCSF Campus affords numerous public benefits to
4 the City and County and its residents, including, but not limited to, the advancement of public
5 education and medical research, the creation of jobs, and the promotion of the City's growing
6 biotechnology industry in the area surrounding the new campus; and,

7 WHEREAS, Pursuant to Resolution Nos. 185-98 and 186-98, the Board of Supervisors
8 has approved the donation by the City, including its Port Commission (the "Port"), to The
9 Regents of approximately 1.34 acres of land to enable The Regents to expand UCSF's
10 facilities on an approximately 4.98-acre site known as block 24, which is comprised of the City
11 street areas and certain adjoining land to be contributed by Catellus to The Regents; and,

12 WHEREAS, The City and County owns approximately 11.89 acres of additional land
13 within the Campus Site, which land consists of portions of former and current streets and is
14 more particularly described in the maps and legal descriptions on file with the Clerk of the
15 Board of Supervisors in File No. 98-1435 (the "City Donation Property"); and,

16 WHEREAS, Pursuant to companion Resolution No. 332-98 and Section 1 of
17 Chapter 1143 of the Statutes of 1991 of the State of California, as amended by Chapter 86 of
18 the Statutes of 1992 and by Chapter 203 of the Statutes of 1997, the City intends to enter into
19 an Amended and Restated Agreement Concerning the Public Trust with Catellus and the
20 State of California (the "Amended ACPT"), whereby, among other things, the Burton Act trust
21 and other public trust claims will be lifted from the City Donation Property in consideration for
22 the conveyance of such land and certain Catellus-owned property, free of the trust, to The
23 Regents (a copy of the Amended ACPT is on file with the Clerk of the Board of Supervisors in
24 File No. 98-1435); and,

25 ///

SUPERVISOR YAKI
BOARD OF SUPERVISORS

1 WHEREAS, Pursuant to companion Board of Supervisors Ordinance
2 Nos. 331-98 and 330-98, the City intends to enter into amendments and
3 restatements of the Mission Bay Port Land Transfer Agreement (the "Amended PLTA") and
4 the Mission Bay City Land Transfer Agreement (the "Amended CLTA") with Catellus, which
5 agreements will facilitate the donation of the Campus Site to The Regents (copies of the
6 Amended PLTA and the Amended CLTA are on file with the Clerk of the Board of Supervisors
7 under File Nos. 98-1435 and 98-1435 respectively); and,

8 WHEREAS, A copy of the proposed City Donation Agreement, containing the terms
9 and conditions of the contribution of the City Donation Property to The Regents, is on file with
10 the Clerk of the Board of Supervisors in File No. 98-1435 (the "City Donation
11 Agreement"); and,

12 WHEREAS, Catellus will contribute the remaining land within the Campus Site to The
13 Regents in two main parts under the terms and conditions of separate agreements between
14 Catellus and The Regents; and,

15 WHEREAS, The proposed City Donation Agreement similarly provides for the
16 conveyance of the City Donation Agreement in two main parts, to close concurrently with the
17 closings of the contribution of the Catellus-owned property; and,

18 WHEREAS, The City Donation Agreement will supersede and replace the existing
19 agreement between the City and The Regents regarding the donation of the 1.34 acres of
20 City property described above, if the closing of the donation of block 24 to The Regents has
21 not occurred by the time of the closing of the first of the two conveyances under the City
22 Donation Agreement; and,

23 WHEREAS, Within the Campus Site, The Regents have committed to making available
24 approximately 8 acres of public open space and an approximately 2.2-acre site for
25 construction of an elementary, middle or secondary school to be operated by the

SUPERVISOR YAKI
BOARD OF SUPERVISORS

1 San Francisco Unified School District, or, if the School District chooses not to build and
2 operate a school at such location, The Regents will provide additional publicly accessible
3 open space in an amount and location in the Campus Site as further provided in the City
4 Donation Agreement; and,

5 WHEREAS, On September 17, 1998, the City Planning Commission, by Motion
6 No. 14696, and the Redevelopment Agency Commission, by Resolution
7 No. 182-98, certified the Final Subsequent Environmental Impact Report for the
8 Mission Bay Project ("Final SEIR") as accurate, adequate and objective and in compliance
9 with the California Environmental Quality Act ("CEQA"), which certification was affirmed by
10 the Board of Supervisors by Motion No. M98-132; and,

11 WHEREAS, This Board of Supervisors has reviewed and considered the information
12 contained in the Final SEIR; and,

13 WHEREAS, For purposes of compliance with CEQA, the Donation Agreement is part
14 of the Mission Bay project examined in the Final SEIR for which the Board of Supervisors, by
15 Resolution No. 854-98, has adopted findings with respect to the Final SEIR as
16 required by CEQA, which findings are on file with the Clerk of the Board of Supervisors under
17 File No. 981427; and,

18 WHEREAS, By Planning Commission Resolution No. 14699, adopted on
19 September 17, 1998, the Planning Commission found that the City Donation Agreement is
20 consistent with the City's General Plan, as amended, and with the eight Priority Policies of
21 City Planning Code Section 101.1, and a copy of such resolution is on file with the Clerk of
22 the Board of Supervisors in File No. 981434; now, therefore, be it

23 RESOLVED, That the Board of Supervisors hereby adopts and incorporates the
24 findings under CEQA contained in Resolution No. 854-98 by reference as though
25 such findings were fully set forth in this resolution; and, be it

SUPERVISOR YAKI
BOARD OF SUPERVISORS

1 FURTHER RESOLVED, That the Board of Supervisors hereby approves the City
2 Donation Agreement in the form presented to this Board, and specifically approves the
3 conveyance of the City Donation Property to The Regents, at no transfer price and on an "as
4 is" basis, for the purpose of facilitating the development of the property for university
5 purposes, as contemplated by the City Donation Agreement; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors finds that the City Donation
7 Agreement, and the contribution of City Donation Property on the terms contemplated
8 thereby, is necessary for the development of the UCSF Campus, is in the best interests of the
9 City and County, and will further a public purpose; and, be it

10 FURTHER RESOLVED, That to ensure that the City Donation Property will serve a
11 public purpose, the conveyance of the City Donation Property shall be subject to a deed
12 restriction prohibiting use of the City Donation Property for any purposes other than those
13 which are predominantly non-profit and directly support, benefit or further the charitable,
14 scientific research, educational and public service purposes of UCSF, as reflected by existing
15 uses on other campuses within The University of California system, and, in addition, the
16 conveyance of the City Donation Property shall be subject to provisions requiring that The
17 Regents re-convey the undeveloped portion of such property or pay the City for the fair
18 market value of such land if The Regents develop 500,000 square feet or more of gross
19 building area in a single geographic location other than the Campus Site prior to having
20 commenced construction of at least 1,000,000 square feet of gross building area on the
21 Campus Site, all as provided in the City Donation Agreement; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the
23 conveyance of the City Donation Property under the City Donation Agreement is consistent
24 with the General Plan, as amended, and with the eight Priority Policies of Planning Code
25 Section 101.1 for the same reasons as set forth in Planning Commission Resolution

SUPERVISOR YAKI
BOARD OF SUPERVISORS

1 No. 14699, and hereby incorporates such findings by reference as though fully set
2 forth in this resolution; and, be it

3 FURTHER RESOLVED, That this Board of Supervisors authorizes and urges the
4 Mayor, the Director of Property and the Executive Director of the Port to execute the City
5 Donation Agreement, in the name and on behalf of the City and County, in substantially the
6 form of such agreement presented to this Board of Supervisors; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Mayor, the
8 Director of Property and the Executive Director of the Port to enter into any additions,
9 amendments or other modifications to the City Donation Agreement (including, without
10 limitation, the exhibits) that they determine, in consultation with the City Attorney, are in the
11 best interests of the City, do not materially increase the obligations or liabilities of the City, will
12 not have any material adverse fiscal impact on the City and do not materially diminish the
13 rights of the City, and are necessary or advisable to complete the transaction contemplated in
14 the City Donation Agreement and effectuate the purpose and intent of this resolution, such
15 determination to be conclusively evidenced by the execution and delivery by the Mayor, the
16 Director of Property and the Executive Director of the Port of the City Donation Agreement
17 and any amendments thereto; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes and urges the
19 Mayor, the Director of Property, the Executive Director of the Port and any other officers,
20 agents or employees of the City to take any and all steps (including, but not limited to, the
21 execution and delivery of any and all deeds, escrow instructions, agreements, notices,
22 consents and other instruments or documents) as they or any of them deem necessary or
23 appropriate, in consultation with the City Attorney, in order to consummate the City Donation
24 Agreement in accordance with this resolution, or to otherwise effectuate the purpose and
25 intent of this resolution, such determination to be conclusively evidenced by the execution

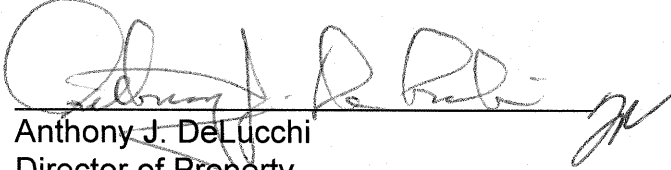
SUPERVISOR YAKI
BOARD OF SUPERVISORS

1 and delivery by such person or persons of any such documents; and, be it

2 FURTHER RESOLVED, That the approval under this resolution shall take effect upon
3 the effective date of the amendments to the General Plan approved under Board of
4 Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

5
6 RECOMMENDED:

7
8 
9 _____
10 Steven D. Nelson
11 Director of Administrative Services

12 
13 _____
14 Anthony J. DeLucchi
15 Director of Property

16 
17 _____
18 Douglas F. Wong
19 Executive Director
20 Port of San Francisco
21
22
23
24
25

SUPERVISOR YAKI
BOARD OF SUPERVISORS



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Resolution

File Number: 981434

Date Passed:

Resolution approving and authorizing a land donation agreement between the City and County and the Regents of the University of California, for the contribution to the Regents, at no transfer price of approximately 11.89 acres of City-owned present and former street areas, for the development of a new UCSF expansion campus in Mission Bay South; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Newsom

Excused: 1 - Kaufman

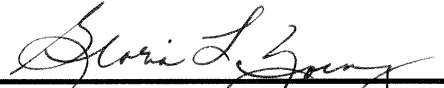
October 26, 1998 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee

Excused: 1 - Kaufman

File No. 981434

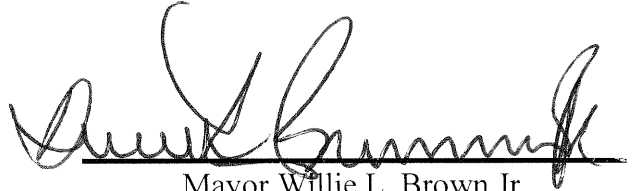
I hereby certify that the foregoing Resolution
was ADOPTED on October 26, 1998 by the
Board of Supervisors of the City and County
of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 30 1998

Date Approved



Mayor Willie L. Brown Jr.

File No. 981434 continued...