1	[Lease Agreement - State of California - Rincon Hill Dog Park]	
2		
3	Resolution approving the execution of a Lease Agreement for a portion of Assessor	
4	Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and	
5	the State of California, acting by and through its Department of Transportation	
6	(Caltrans); and adopting environmental findings and other findings that the actions set	
7	forth in this Resolution are consistent with the City's General Plan and Eight Priority	
8	Policies; and authorizing other actions in furtherance of this Resolution.	
9		
10	WHEREAS, Neighborhood residents within Rincon Point-South Beach have long	
11	expressed a desire for additional park and open space amenities within their neighborhood,	
12	voicing those concerns through an established Citizens Advisory Committee; and	
13	WHEREAS, Caltrans has identified a suitable Caltrans-owned property at the	
14	northwest corner of Beale Street and Bryant Street, Lot 011, Block 3766 (the "Property"),	
15	capable of accommodating public open space, appropriate hardscape and softscape	
16	improvements, a historical plaque and an off-leash dog area; and	
17	WHEREAS, Caltrans has agreed to lease the Property to the City, and City has agreed	
18	to lease the Property from Caltrans, upon the terms and conditions generally contained in the	
19	form of lease on file with the Clerk of Board of Supervisors in File No. 111215 and	
20	incorporated herein by reference (the "Lease"); and	
21	WHEREAS, Caltrans has agreed to improve the Property as a park, designed in	
22	concert with the neighborhood represented by the Citizens Advisory Committee, with the park	
23	improvements funded and delivered by Caltrans; and	
24	WHEREAS, City has agreed to accept the maintenance responsibilities of the park	
25	once constructed and the Rincon Point-South Beach neighborhood has agreed to coordinate	

1	their efforts through a Gateway Program Business Sponsorship, to yield reimbursement to the	
2	City for City's costs of leasing the Property and maintaining the Property; and	
3	WHEREAS, The lease has an initial term of ten years commencing upon completion o	
4	the park construction by Caltrans, at a lease rate of \$5,000.00 for the entire initial ten year	
5	term; and	
6	WHEREAS, The Lease has two five-year options for renewal after the initial ten year	
7	term, at a rate to be negotiated between the parties; and	
8	WHEREAS,, In a letter to the Department of Real Estate dated June 13, 2011, the	
9	City's Planning Department found that the Lease is consistent with the City's General Plan	
10	pursuant to Section 4.105 of the Charter and Section 2A.53 of the Administrative Code. A	
11	copy of such letter is on file with the Clerk of the Board of Supervisors in File No. 111215 and	
12	is incorporated herein by reference. The Board of Supervisors finds that the actions	
13	contemplated in this Resolution are consistent with the City's General Plan and with the	
14	Charter Section 4.105 and Administrative Code Section 2A.53 for the reason set forth in said	
15	letter; now, therefore, be it	
16	RESOLVED, That in accordance with the recommendation of the Director of Property,	
17	the Director of Property is hereby authorized to take all actions on behalf of the City and	
18	County of San Francisco necessary to effect the Lease; and, be it	
19	FURTHER RESOLVED, That the Lease shall include a clause indemnifying, holding	
20	harmless, and defending Caltrans and its agents from and against any and all claims, costs	
21	and expenses incurred as a result of any default by the City in performance of any of its	
22	material obligations under the Lease, or any negligent acts or omissions of the City or its	
23	agents, in, on, or about the Property, excluding those claims, costs and expenses incurred as	
24	a result of the negligence or willful misconduct of Caltrans or its agents; and be it	

25

1	FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of		
2	Property to enter into any amendments or modifications to the Lease (including, without		
3	limitation, the exhibits) that the Director of Property in consultation with the City Attorney,		
4	determines are in the best interest of the City, do not materially increase the obligations of the		
5	City or materially decrease the benefits of the City, are necessary or advisable to		
6	consummate the performance of the purposes and intent of this Resolution, and comply with		
7	all applicable laws, including the City's Charter, including any modifications or amendments to		
8	the Lease; and be it		
9	FURTHER RESOLVED, That the Lease shall be subject to certification as to funds by		
10	the Controller, pursuant to Section 6.302 of the City Charter.		
11		\$5,000.00 Available	
12		BUF Index Code: PWF361GGFACP	
13		Project Code: FPWOFA BU10	
14			
15			
16		CONTROLLER	
17			
18	RECOMMENDED:		
19			
20			
21	ACTING DIRECTOR OF PROPERTY		
22			
23			
24			
25			