

1 [Subsurface Easement for Tiebacks - Chinese Hospital Replacement Project]

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3 **Resolution approving the grant of a Tieback Subsurface Easement on Assessor's**
4 **Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the**
5 **Chinese Hospital Replacement Project; adopting findings that the grant of subsurface**
6 **easement is consistent with the General Plan and the priority policies of Planning**
7 **Code, Section 101.1, and environmental findings; and authorizing the Director of**
8 **Property to execute documents, make certain modifications, and take certain actions in**
9 **furtherance of this Resolution.**

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11 WHEREAS, The Chinese Hospital Association, the project sponsor, ("Grantee")
12 proposes to demolish the original Chinese Hospital built in 1924 and construct a replacement
13 hospital building located at 835-845 Jackson Street ("Replacement Hospital") in the City and
14 County of San Francisco; and

15 WHEREAS, In order to prevent cave-in of the surrounding soils around the perimeter of
16 the construction excavation site, a shoring system using soldier piles and tiebacks will be
17 drilled through the shoring walls and anchored into the soil of adjacent properties; and

18 WHEREAS, Grantee will acquire a subsurface easement to place tiebacks
19 ("Easement") on the Property owned in fee by the City and County of San Francisco
20 ("Grantor" or "City") and under the jurisdiction of the San Francisco Unified School District.;
21 and

22 WHEREAS, Grantee will pay City \$2,500 for the Easement and up to \$5,000 for
23 reimbursement of reasonable fees in connection with preparation and review of Grant of
24 Easement and Agreement ("Easement Agreement"); and

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1 WHEREAS, Said compensation from Grantee is determined to be reflective of fair
2 market value, and a negotiated direct conveyance furthers the public purpose of improving
3 health care to the citizens of San Francisco; and

4 WHEREAS, The Property is presently improved with a surface parking lot and related
5 improvements; and

6 WHEREAS, The City Planning Department analyzed the project and adopted findings
7 pursuant to the California Environment Quality Act, California Public Resources Code Section
8 21000 et seq. (“CEQA”), particularly Section 21081 and 21081.5, the Guidelines for
9 Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq.
10 (“Guidelines”), particularly Section 15091 through 15093 and Chapter 31 of the Administrative
11 Code through Planning Commission Motion 18661 on July 12, 2012. Said Motion is on file
12 with the Clerk of the Board of Supervisors in File No. 130301 and is incorporated herein by
13 reference; and

14 WHEREAS, The Director of Planning, by letter dated March 29, 2013, found that the
15 grant of subsurface easement is consistent with the City’s General Plan and with the Eight
16 Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of
17 the Board of Supervisors under File No. 130301, and which letter is incorporated herein by
18 this reference; and

19 WHEREAS, A copy of the Easement Agreement between the City and the Chinese
20 Hospital Association is on file with the Clerk of the Board of Supervisors in File No. 130301,
21 which is incorporated herein by this reference; now, therefore, be it

22 RESOLVED, That in accordance with the recommendation of the Director of Property,
23 the Board of Supervisors hereby approves the Easement Agreement and the transaction
24 contemplated thereby in substantially the form of such Easement Agreement presented to this
25 Board; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
2 Property to enter into any additions, amendments or other modifications to the Easement
3 Agreement (including, without limitation, the attached exhibits) that the Director of Property
4 determines are in the best interest of the City, that do not materially increase the obligations
5 or liabilities of the City, and are necessary or advisable to complete the transactions
6 contemplated in the Easement Agreement and effectuate the purpose and intent of this
7 Resolution, such determination to be conclusively evidenced by the execution and delivery by
8 the Director of Property of the Easement Agreement and any amendments thereto; and, be it

9 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
10 in the name and on behalf of the City and County, to deliver the deed to the easement to the
11 Grantee pursuant to the terms and conditions of the Easement Agreement, and to take any
12 and all steps (including, but not limited to, the execution and delivery of any and all
13 certificates, agreements, notices, escrow instructions, closing documents and other
14 instruments or documents) as the Director of Property deems necessary or appropriate in
15 order to consummate the transaction pursuant to the Easement Agreement, or to otherwise
16 effectuate the purpose and intent of this Resolution, such determination to be conclusively
17 evidenced by the execution and delivery by the Director of Property of any such documents;
18 and, be it

19 FURTHER RESOLVED, All actions heretofore taken by the Director of Property with
20 respect to the matters addressed in this Resolution are hereby approved, confirmed and
21 ratified.

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25 John Updike
Director of Property