

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

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

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

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

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25 WHEREAS, Grantee will pay City \$2,500 for the Easement and up to \$5,000 for
reimbursement of reasonable fees in connection with preparation and review of Grant of
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. _____and is incorporated
13 herein by reference; and, On July 12, 2012 , the Planning Commission certified, by Motion
14 No.18660, the Final Environmental Impact Report for the 835-845 Jackson Street Chinese
15 Hospital Replacement Project (“Final EIR”), finding that the Final EIR complied with the
16 California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections
17 21000 et seq.), the CEQA Guidelines (California Code of Regulations, title 14, Sections 15000
18 et seq.), and Chapter 31 of the San Francisco Administrative Code. By Motion No. 18661, the
19 Planning Commission adopted CEQA Findings, including a statement of overriding
20 consideration, and adopted a Mitigation Monitoring and Reporting Program (“MMRP”) for the
21 Project; and

22 WHEREAS, On September 11, 2012, this Board approved the Project, by Ordinance
23 No. 193-12, and in so doing, incorporated by reference and adopted as its own the CEQA
24 Findings set forth in Planning Commission Motion No. 18661, and adopted the MMRP, all of
25 which can be found in Board File No. 120753; and

1 WHEREAS, This Board finds that the actions contemplated under this Resolution are
2 within the scope of the Project analyzed in the Final EIR. Since the certification of the Final
3 EIR, no changes have occurred with respect to the Project or the circumstances surrounding
4 the Project, and no new information has been put forward that would result in new significant
5 environmental impacts not adequately analyzed in the Final EIR, cause a substantial increase
6 in impacts previously identified in the Final EIR, or require additional review under CEQA prior
7 to the approval of this Resolution and execution of the Easement Agreement; and

8 WHEREAS, The Director of Planning, by letter dated March 29, 2013, found that the
9 grant of subsurface easement is consistent with the City's General Plan and with the Eight
10 Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of
11 the Board of Supervisors under File No. _____, and which letter is
12 incorporated herein by this reference; and

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

16 RESOLVED, That the Board of Supervisors again adopts and incorporates by
17 reference as though fully set forth here the CEQA Findings, including the statement of
18 overriding considerations and the MMRP, set forth in Planning Commission Motion No. 18661
19 and Board Ordinance No. 193-12; and, be it

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

24 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
25 Property to enter into any additions, amendments or other modifications to the Easement

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

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

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

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22 _____
23 John Updike
24 Director of Property

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