

1 [Approval to Grant Subsurface Easement for Tiebacks - Chinese Hospital Replacement
2 Project - Assessor's Parcel Number Block 192, Lot 035]

3 **Resolution approving the grant of a Tieback Subsurface Easement on Assessor's**
4 **Parcel Number Block 192, Lot 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 priority policies of Planning Code,**
7 **Section 101.1; and environmental findings; authorizing the Director of Property to**
8 **execute documents, make certain modifications and take certain actions in furtherance**
9 **of this Resolution.**

10
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,
25

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. 130301, 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. 130301,
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
21 of 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.

20
21
22 
23 John Upsdike
24 Director of Property
25



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 130301

Date Passed: April 16, 2013

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

April 08, 2013 Land Use and Economic Development Committee - RECOMMENDED..

April 16, 2013 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 16, 2013 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130301

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/16/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/23/13

Date Approved