

1 [Approval to Grant Easement for Installation of Subsurface Tiebacks and Related Surface  
2 Access - TUP Folsom, LLC - 923 Folsom Street Development Project]

3 **Resolution approving the grant of an Easement for installation of subsurface tiebacks**  
4 **and related surface access on Assessor’s Parcel Block No. 3753, Lot No. 313, to TUP**  
5 **Folsom, LLC, in connection with construction of the residential development project at**  
6 **923 Folsom Street; making environmental findings, and adopting findings that the**  
7 **grant of easement is consistent with the General Plan, and the eight priority policies of**  
8 **Planning Code, Section 101.1; and authorizing the Director of Property to execute**  
9 **documents, make certain modifications, and take certain actions in furtherance of this**  
10 **Resolution as defined.**

11  
12 WHEREAS, TUP Folsom, LLC, the project sponsor, (“Grantee”) proposes to demolish  
13 the existing three-story commercial office building and surface parking lot located 923 Folsom  
14 Street (Assessor’s Parcel Block No. 3753, Lot Nos. 106, 141, & 142) in the City and County of  
15 San Francisco, and thereafter to construct a new mixed use development on the site  
16 consisting of a nine-story residential building fronting Folsom Street and a four-story building  
17 fronting Shipley Street with a total of up to 114 dwelling units, approximately 1,559 square feet  
18 of commercial space, and a below-grade parking garage; and

19 WHEREAS, In order to prevent cave-in of the surrounding soils around the perimeter of  
20 the construction excavation site, a shoring system using soldier beams and soil cement wall  
21 will be built and tiebacks will be drilled through the shoring walls and anchored into the soil of  
22 adjacent properties; and

23 WHEREAS, Grantee will acquire an easement to place subsurface tiebacks and  
24 conduct related minor surface access (“Easement”) on the Property owned in fee by the City  
25

1 and County of San Francisco (“Grantor” or “City”) and under the jurisdiction of the San  
2 Francisco Fire Department (“SFFD”); and

3 WHEREAS, Grantee will pay City \$1,500 for the Easement and up to \$5,100 for  
4 reimbursement of reasonable fees in connection with preparation and review of Grant of  
5 Easement and Agreement (“Easement Agreement”); and

6 WHEREAS, Said compensation from Grantee is determined to be reflective of fair  
7 market value; and

8 WHEREAS, The Property is presently improved with a two-story fire station and  
9 surface parking lot; and

10 WHEREAS, The City Planning Department analyzed the project and adopted findings  
11 pursuant to the California Environment Quality Act, California Public Resources Code, Section  
12 21000 et seq. (“CEQA”), particularly Section 21083.3, the Guidelines for Implementation of  
13 CEQA, 14 California Code of Regulations, Section 15000 et seq. (“Guidelines”), particularly  
14 Section 15183 and Chapter 31 of the Administrative Code through Planning Commission  
15 Motion 19205 on July 24, 2014; a copy of said Motion is on file with the Clerk of the Board of  
16 Supervisors in File No. 141163 and is incorporated herein by reference; and

17 WHEREAS, The Director of Planning, by letter dated September 24, 2014, found that  
18 the grant of easement is consistent with the City’s General Plan, and with the eight priority  
19 policies of Planning Code, Section 101.1, which letter is on file with the Clerk of the Board of  
20 Supervisors under File No.141163, and which letter is incorporated herein by this reference;  
21 and

22 WHEREAS, A copy of the Easement Agreement between the City and TUP Folsom,  
23 LLC is on file with the Clerk of the Board of Supervisors in File No.141163, which is  
24 incorporated herein by this reference; now, therefore, be it  
25

1           RESOLVED, That in accordance with the recommendation of the Director of Property,  
2 the Board of Supervisors hereby approves the Easement Agreement and the transaction  
3 contemplated thereby in substantially the form of such Easement Agreement presented to this  
4 Board; and, be it

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

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

23           FURTHER RESOLVED, All actions heretofore taken by the Director of Property with  
24 respect to the matters addressed in this Resolution are hereby approved, confirmed and  
25 ratified; and be it

1           FURTHER RESOLVED, That within 30 days of the Easement Agreement being fully  
2           executed by all parties the Director of Property shall provide a copy of the Easement  
3           Agreement to the Clerk of the Board for inclusion in the official file.

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7           RECOMMENDED:

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11           \_\_\_\_\_  
12           Director of Property

13           RECOMMENDED:

14  
15  
16  
17           \_\_\_\_\_  
18           Chief  
19           San Francisco Fire Department