

BOARD of SUPERVISORS



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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development
Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure
John Updike, Director Real Estate
Robert Collins, Acting Executive Director Rent

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: June 17, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on June 14, 2016:

File No. 160694

Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate, consisting of approximately 10,633 square feet in land area approved for construction of an 85 dwelling-unit multi-family residential project, for the Mayor's Office of Housing and Community Development, pursuant to the land dedication permitted under a separate Ordinance (File No. 160550); adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: andrea.ausberry@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development
Claudia Guerra, Office of Community Investment and Infrastructure
Natasha Jones, Office of Community Investment and Infrastructure

1 [Conveyance of Real Property - 101 Hyde Street - Mayor's Office of Housing and Community
2 Development - \$1]

3 **Resolution approving and authorizing an agreement for the conveyance of a parcel of**
4 **real estate, consisting of approximately 10,633 square feet in land area approved for**
5 **construction of an 85 dwelling-unit multi-family residential project, for the Mayor's**
6 **Office of Housing and Community Development, pursuant to the land dedication**
7 **permitted under a separate Ordinance (File No. 160550); adopting findings under the**
8 **California Environmental Quality Act; adopting findings that the conveyance is**
9 **consistent with the General Plan, and the eight priority policies of Planning Code,**
10 **Section 101.1; and authorizing the Director of Property to execute documents, make**
11 **certain modifications, and take certain actions in furtherance of this Resolution, as**
12 **defined herein.**

13
14 WHEREAS, 1066 Market LLC ("Developer") has a right to purchase Assessor's Parcel
15 Block No. 0346, Lot No. 003A, located at 101 Hyde Street in the City and County of San
16 Francisco containing 10,633 square feet of land area with an approved conditional use
17 entitlement for construction of an 85 dwelling unit multi-family residential project with ground
18 floor commercial space (the "Property"), pursuant to a Purchase Agreement and Escrow
19 Instructions, dated as of May 25, 2016, by and between Paul Merritt Erickson, Trustee of The
20 H.C. & R.C. Merritt Family Trust ("Seller") and Developer ("Purchase Agreement"); and

21 WHEREAS, Developer is also the owner of Assessor's Parcel Block No. 0350, Lot
22 No. 003, located at 1066 Market Street in the City and County of San Francisco containing
23 27,310 square foot of land with an approved Downtown Project Authorization for construction
24 of a 304 dwelling unit multi-family residential development project with ground floor
25 commercial space project site (the "Principal Site"); and

1 WHEREAS, Ordinance No. _____ (File No. 160550) was approved by the Board of
2 Supervisors on its first reading on June 21, 2016, and will be read for final approval on June
3 28, 2016, to waive the Inclusionary Affordable Housing requirements set forth in Planning
4 Code, Section 415 and exempt 21,422 square feet from the calculation of gross floor area
5 pursuant to Planning Code, Sections 123, 124 and 128 for the Principal Site in exchange for
6 dedication of the Property to the City and County of San Francisco by way of causing the
7 Property to be deeded directly to the City and County of San Francisco from Seller and
8 subsequently assuming, by way of an assignment and assumption agreement (the
9 "Assignment Agreement"), the Purchase Agreement; and

10 WHEREAS, Such dedication shall allow City to obtain ownership of the Property for
11 development on the Property of an affordable residential development consisting of
12 approximately 85 dwelling units; and

13 WHEREAS, The Planning Commission adopted a mitigated negative declaration,
14 CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion No. 19389 for
15 the Property, a copy of which is on file with the Clerk of the Board of Supervisors under File
16 No. 160550 and is incorporated herein by reference ("101 Hyde Planning Approvals"); and

17 WHEREAS, The Planning Commission adopted a mitigated negative declaration,
18 CEQA findings, a Mitigation and Monitoring Reporting Program and Downtown Project
19 Authorization in its Motion No. 19389 for the Principal Site, a copy of which is on file with the
20 Clerk of the Board of Supervisors under File No. 160550 and is incorporated herein by
21 reference ("1066 Market Planning Approvals"); and

22 WHEREAS, MOHCD determined that the Property is suitable for development of
23 approximately 85 affordable housing dwelling units as required under Ordinance No.
24 _____ (File No. 160550); and
25

1 WHEREAS, The terms and conditions of Developer's assignment of the Purchase
2 Agreement and the conveyance of the Property from Seller to the City have been negotiated,
3 as further outlined in the Assignment Agreement a copy of the form of Assignment Agreement
4 is on file with the Clerk of the Board of Supervisors under File No. 160694 and is incorporated
5 herein by reference; and

6 WHEREAS, Because the Property is being conveyed to the City pursuant through the
7 land dedication process permitted under Ordinance No. _____ (File No. 160550), the
8 purchase price to be paid by the City to Developer under the Assignment Agreement is \$1;
9 and

10 WHEREAS, The 101 Hyde Planning Approvals determined that the development of the
11 Principal Site and the land dedication and development of the Property with approximately 85
12 affordable dwelling units are consistent with the General Plan, and with the eight priority
13 policies of Planning Code, Section 101.1; now, therefore, be it

14 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
15 hereby adopts the findings contained in the 101 Hyde Planning Approvals and 1066 Market
16 Planning Approvals regarding CEQA, and hereby incorporates such findings by reference as
17 though fully set forth in this Resolution; and, be it

18 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
19 hereby finds that the conveyance of the Property is consistent with the General Plan, and with
20 the eight priority policies of Planning Code, Section 101.1 for the same reasons as set forth in
21 the 101 Hyde Planning Approvals and the 1066 Market Planning Approvals, and hereby
22 incorporates such findings by reference as though fully set forth in this Resolution; and, be it

23 FURTHER RESOLVED, That in accordance with the recommendation of the Director
24 of MOHCD and Director of Property, the Board of Supervisors hereby approves the
25 conveyance of the Property to the City, and the transaction contemplated thereby in

1 substantially the form of such Purchase Agreement and Assignment Agreement presented to
2 the Board and authorizes the Director of Property to execute the Assignment Agreement; and,
3 be it

4 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
5 Property to enter into any amendments or modifications to the Purchase Agreement and
6 Assignment Agreement and/or enter into ancillary agreements (including, without limitation,
7 the attached exhibits) that the Director of Property determines, in consultation with the City
8 Attorney and Director of MOHCD, are in the best interest of the City, do not otherwise
9 materially increase the obligations or liabilities of the City, are necessary or advisable to
10 effectuate the purposes of the Purchase Agreement and Assignment Agreement and are in
11 compliance with all applicable laws, including City's Charter; and, be it

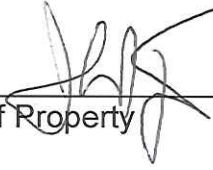
12 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
13 in the name and on behalf of the City and County, to accept the deed to the Property from the
14 Seller upon the closing in accordance with the terms and conditions of the Purchase
15 Agreement and the Assignment Agreement,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

23 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the
24 Board of Supervisors a fully executed copy of the Assignment Agreement within thirty (30)
25 days of signature of same.

1 Recommended:

2 

3 _____
4 Director
5 Mayor's Office of Housing and Community Development

6 
7 _____
8 Director of Property