

BOARD of SUPERVISORS



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MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
John Rahaim, Director, Planning Department

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: December 5, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on November 28, 2017:

File No. 171257

Resolution accepting a public sidewalk easement on Shipley Street adjacent to the development project at 923 Folsom Street; adopting the Public Works Order concerning the easement; making findings under the California Environmental Quality Act; and adopting findings that the sidewalk easement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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: alisa.somera@sfgov.org.

c: David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Laura Lynch, Planning Department

1 [Easement Acceptance - Public Sidewalk Easement Along Shipley Street Adjacent to 923
2 Folsom Street]

3 **Resolution accepting a public sidewalk easement on Shipley Street adjacent to the**
4 **development project at 923 Folsom Street; adopting the Public Works Order**
5 **concerning the easement; making findings under the California Environmental Quality**
6 **Act; and adopting findings that the sidewalk easement is consistent with the General**
7 **Plan, and the eight priority policies of Planning Code, Section 101.1.**

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9 WHEREAS, On _____, 2017, 923 Folsom Acquisition LLC, a limited liability
10 company, made an irrevocable offer (“Offer”) of a public sidewalk easement over its property
11 facing Shipley Street; and

12 WHEREAS, Copies of said Offer and the public sidewalk easement are on file with the
13 Clerk of the Board of Supervisors in File No. _____ and are incorporated herein by
14 reference; and

15 WHEREAS, In Public Works Order No. _____ (the “Order”), dated
16 _____, 2017, the Public Works Director (the “Director”) determined and the City
17 Engineer certified that the improvements have been constructed in accordance with all City
18 codes, regulations, and standards, and that they are ready for their intended use; and

19 WHEREAS, In his Order, the Director also recommended that the public interest,
20 convenience, and necessity require that the City obtain a non-exclusive easement for
21 pedestrian passage on, over, under, and within that portion of Shipley Street fronting the
22 development project at 923 Folsom Street and that the Board of Supervisors accept the Offer
23 and the public sidewalk easement; and

24 WHEREAS, A copy of the Director’s Order is on file with the Clerk of the Board of
25 Supervisors in File No. _____ and is incorporated herein by reference; and

1 WHEREAS, The Board adopts the findings of the Director as its own; and

2 WHEREAS, On July 24, 2014, the Planning Commission in Motion No. 19205
3 (Planning Case No. 2012.1333X), authorized a Large Project Authorization for 923 Folsom
4 Street (subject to conditions of approval and a mitigation monitoring and reporting program),
5 and incorporated its prior findings under the California Environmental Quality Act for the
6 Eastern Neighborhoods Plan (Motion No. 17661) and determined that no further
7 environmental review was required; and

8 WHEREAS, This Board has reviewed the Eastern Neighborhoods Area Plan Final
9 Environmental Impact Report, and Planning Motion No. 19205 is on file with the Clerk of the
10 Board of Supervisors in File No. _____ and the CEQA findings contained in Planning
11 Motion No. 19205 are incorporated herein by reference; now, therefore, be it

12 RESOLVED, The Board of Supervisors has reviewed and approves Order No.
13 _____, dated _____, 2017, which includes the City Engineer's certification
14 and Director's recommendation concerning the acceptance of the Offer and public sidewalk
15 easement; and, be it

16 FURTHER RESOLVED, The Board of Supervisors adopts as its own the Planning
17 Commission environmental findings and the General Plan, and Planning Code, Section 101.1
18 consistency findings for the reasons set forth in the Planning Commission Motion No. 19205;
19 and, be it

20 FURTHER RESOLVED, The Board of Supervisors accepts the Offer and public
21 sidewalk easement from 923 Folsom Acquisition LLC; and, be it

22 FURTHER RESOLVED, The Board of Supervisors hereby delegates authority to the
23 Director of Property to execute the public sidewalk easement, and to enter into any
24 amendments or modifications to the easement that the Director of Property, in consultation
25 with the City Attorney and the Director, determines are necessary or advisable to effectuate

1 the purposes of the public sidewalk easement or this Resolution, and are in compliance with
2 all applicable laws; and, be it

3 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
4 executed by all parties, the Real Estate Division shall provide the agreement to the Clerk of
5 the Board for inclusion into the official file.

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