

CITY AND COUNTY OF SAN FRANCISCO
RECREATION & PARK COMMISSION
RESOLUTION NO. _____

Terms for Possible Future Property Acquisition of Schlage Lock Parks

WHEREAS, The Schlage Lock Project (the Project) proposes a long-term, mixed-use development program that includes up to 1,679 dwelling units of new housing, up to 46,700 square feet of new retail, and the rehabilitation of a historic office building located on-site.; and

WHEREAS, Through the development of the Project, the Project Site will be transformed into a mixed-use, transit-oriented development with new public streets and new parks, all as further described in the proposed development agreement; and

WHEREAS, The Project is supported by extensive investments in infrastructure, including water distribution, auxiliary water supply facilities, stormwater management improvements, wastewater collection, and street lighting; and

WHEREAS, The Planning Department has completed environmental review for the Project, and many public meetings, workshops and presentations were conducted on every aspect of the Project; and

WHEREAS, The San Francisco Redevelopment Agency (“SFRA”) Commission and the San Francisco Planning Commission certified a Final Environmental Impact Report (“FEIR”) for the Visitacion Valley Redevelopment Program, Planning Department File No. 2006.1308E, on respectively, December 16, 2008 and December 18, 2008. The project analyzed in the EIR was for redevelopment of an approximately 46-acre project area in San Francisco’s Visitacion Valley neighborhood, extending on both sides of Bayshore Boulevard roughly between Sunnydale Avenue and Blanken Avenue and along the Leland Avenue commercial corridor; and

WHEREAS, After certification of the FEIR, both the SFRA Commission and the Planning Commission took certain approval actions, including approving the Redevelopment Plan and amendments to the General Plan, the Planning Code, and the Zoning Maps, among other actions, and in so doing, adopted findings under the California Environmental Quality Act, including findings rejecting proposed project alternatives and certain mitigation measures as infeasible, adopting a statement of overriding considerations and a Mitigation Monitoring and Reporting Program. These findings were made in Planning Commission Motion No. 17790, adopted on December 18, 2008 (“CEQA Findings”) and also in the SFRA Commission Resolution No. 1-2009 on February 3, 2009. This Commission hereby adopts and incorporates by reference as though fully set forth herein these findings, copies of which are on file with this Commission; and

WHEREAS, When California eliminated its Redevelopment Agencies in February, 2012, the City initiated new efforts to move forward with the development of the Schlage Lock site in light of reduced public funding and jurisdictional change. Thus, the proposed project design was revised (resulting in a modified Project) with respect to the Schlage Lock site, and these modifications were analyzed in an Addendum to the FEIR prepared by the Planning Department. The modified Project differs from the project analyzed in the FEIR in that, among other changes, the project sponsor for the former Schlage Lock site proposes to increase the number of residential units from 1,250 to 1,679 and reduce the amount of retail commercial uses from 105,000 to 46,700 square feet. The amount of cultural uses on the site would not change and is still projected to include 15,000 new square feet. The Addendum found that the projected growth for the modified Project Site would remain the same as that analyzed in the FEIR; and

WHEREAS, The environmental files available from the Planning Department have been made available to this Commission and the public, and this Commission has reviewed and considered the information in the FEIR, the Addendum and the proposed Mitigation, Monitoring and Reporting Program, in furtherance of the actions contemplated by this Resolution; and

WHEREAS, This Commission has reviewed the FEIR and the Addendum and hereby finds that since certification of the FEIR, no substantial changes have occurred in the proposed project or in the circumstances under which the project would be implemented that would cause new significant impacts or a substantial increase in the severity of impacts previously identified and analyzed in the FEIR, and that no new information of substantial importance has emerged that would materially change the analyses or conclusions set forth in the FEIR. The Modified Project would not necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR. Accordingly, the Addendum was properly prepared; and

WHEREAS, Since certification of the FEIR, the San Francisco Municipal Transportation Agency (“SFMTA”) has determined that certain mitigation measures identified in the FEIR are not feasible as proposed and that no other feasible mitigation measures are available to address certain identified significant impacts. This determination is set forth in a letter from Frank Markowitz, SFMTA, to Andrea Contreras, Planning Department, dated March 28, 2014. This document is available for review in Case File No. 2006.1308E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is hereby incorporated by reference. The mitigation measures the SFMTA found to be infeasible as proposed in the FEIR are: Mitigation Measure 8-1A as it applies to the intersections of Bayshore/Blanken, Bayshore/Arleta/San Bruno, and Tunnel/Blanken; Mitigation Measure 8-3 as it applies to the intersection of

Bayshore/Visitation; and Mitigation Measure 8-7 as it applies to Bayshore/Sunnydale in the eastbound direction; and

WHEREAS, As described in Chapter 8 of the FEIR, Impact 8-1A at Bayshore/Blanken and Bayshore/Arleta/San Bruno, Impact 8-3 at Bayshore/Visitacion, and Impact 8-7 at Bayshore/Sunnydale were found to be significant and unavoidable, even with implementation of Mitigation Measures 8-1A, 8-3, and 8-7 as proposed in the FEIR. For the reasons set forth in the March 28, 2014 letter, SFMTA would not implement Mitigation 8-1A at Bayshore/Blanken and Bayshore/Arleta/San Bruno, nor would it implement Measure 8-3 at the intersection of Bayshore/Visitacion. No other feasible mitigation measures exist that would reduce the impacts at these intersections to less than significant levels. SFMTA additionally proposes to modify Mitigation 8-7 to remove the requirement for an additional eastbound lane at the intersection of Bayshore/Sunnydale because it has determined this requirement is not feasible. This Commission finds that, because these impacts were identified in the FEIR as significant and unavoidable, even with implementation of the mitigation measures that the SFMTA has now determined are infeasible, elimination and modification of these mitigation measures as described here and in more detail in the March 28, 2014 letter would not result in any new significant impacts or in a substantial increase in severity of the impacts as already identified in the FEIR; and

WHEREAS, SFMTA has additionally recommended that Mitigation Measure 8-1A at the intersection of Tunnel/Blanken be modified to include intersection monitoring. The FEIR identified the impact at this intersection as less than significant with mitigation, and implementation of Mitigation 8-1A with this proposed modification would continue to reduce that intersection impact to less than significant. Thus, this Commission finds that, modification of Mitigation Measure 8-1A as recommended by SFMTA would not result in any new significant

impacts or in a substantial increase in severity of the impacts as already identified in the FEIR;
and

WHEREAS, With these proposed modifications to the mitigation measures as well as the modifications previously made by the SFRA Commission and the Planning Commission when they rejected certain other mitigation measures as infeasible in their California Environmental Quality Act (CEQA) findings, this Commission finds that the impacts of the project would be substantially the same as identified in the FEIR; and

WHEREAS, Residents of the Visitacion Valley neighborhood, through the City's public participation process for the Schlage Lock Project, consistently cited new public open space as one of their top priorities to be provided as a benefit to the community through Project; and

WHEREAS, Two parks proposed as part of the Project in the area covered by the Development Agreement, one now known as Linear Park and the other now known as Square Park, satisfy the three policy criteria from RPD's Acquisition Policy in that they (a) are located adjacent to existing areas of Moderate to High Need, as defined by the Recreation and Open Space Element of the San Francisco General Plan, and (b) have identified funding for the development and maintenance of the park sites, and (c) are suitable for a variety of potential recreational and open space uses, and are therefore considered to be a high priority for acquisition as new park land; and

WHEREAS, the Schlage Lock Project will provide up to 1,679 new units of housing, and additional public park land will be needed to serve the recreational and open space needs of the future residents of these dwelling units; and

WHEREAS, Subject to appropriation of any necessary funds and Developer's satisfaction of several additional conditions, Exhibit M to the Development Agreement sets forth

terms for RPD's possible future acquisition of Linear Park and Square Park , using Open Space Acquisition Funds; and

WHEREAS, Developer is required by the terms of Exhibit M to the Development Agreement to elect whether it wishes to proceed with sale of either or both park within three months of the approval of the Final Conceptual Design by the Recreation and Park Commission, and if the Developer does not elect to proceed with sale of Linear Park and/or Square Park to the City, RPD would have no further obligations under Exhibit M to the Development Agreement; and

WHEREAS, if the Developer elects to convey Linear Park and/or Square Park to RPD, the terms of Exhibit M require Developer to convey Linear Park to RPD for a purchase price of **\$1,966,500** and to convey Square Park to RPD for a purchase price of **\$2,533,500**, upon satisfaction of all other conditions; and

WHEREAS, RPD's possible acquisition of the park now known as Linear Park would be completed no sooner than **three years** after approval of the Development Agreement by the Board of Supervisors, and RPD's possible acquisition of the park now known as Square Park would be completed no sooner than **five years** after approval of the Development Agreement by the Board of Supervisors; and

WHEREAS, the possible acquisition of Linear Park and Square Park is identified as a priority in the Recreation and Park Department's Capital Plan, as amended, and on June 3, 2013 the Park Recreation and Open Space Advisory Committee reviewed the possible acquisition of Linear Park and Square Park and passed a resolution in support of RPD's potential acquisition of these parks, by a vote of 14 ayes and 3 noes; and

WHEREAS, if RPD acquires Linear Park and/or Square Park, the terms of Exhibit M would require Developer to make two annual payments, in the amounts of \$200,000 for routine maintenance of the park(s) and \$50,000 for long-term renewals of park improvements and equipment, for a period of **22 years**, adjusted annually for cost increases as set forth in Exhibit M; and

WHEREAS, subject to future appropriation of any necessary funds, the Commission wishes to take all actions necessary to provide for the future use of Open Space Acquisition Funds to purchase Linear Park and Square Park, should Developer elect to convey either or both parks according to the terms of Exhibit M to the Development Agreement; now, therefore be it

RESOLVED, That this Commission adopts the CEQA Findings and the Mitigation Monitoring and Reporting Program, which are incorporated into this Resolution by this reference; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to consent to the Development Agreement between the City and the Developer substantially in the form and on the terms as described herein and on file with this Commission and authorizes the General Manager to execute the RPD Consent to the Development Agreement on behalf of this Commission; and be it

FURTHER RESOLVED, That this Commission hereby finds that the possible future acquisition of Linear Park and/or Square Park on the terms set forth in Exhibit M to the Development Agreement would be consistent with the needs of the Department and the community; and be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, this Commission authorizes the RPD General Manager to take any and all steps (including, but

not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents, including the negotiation of a Purchase and Sale Agreement with respect to Linear Park and/or Square Park and a Maintenance Agreement with respect to Linear Park and/or Square Park,) as he or she deems necessary or appropriate, in consultation with the City Attorney, in order to consummate and perform its obligations under the Development Agreement and Exhibit M to the Development Agreement in accordance with this Resolution and legislation by the Board of Supervisors, or otherwise to effectuate the purpose and intent of this Resolution and such legislation; and be it

FURTHER RESOLVED, That the approval under this Resolution shall take effect upon the effective date of the Board of Supervisors legislation approving the Development Agreement.

Approved:

Secretary, Recreation and Park Commission

Date: _____