



122-0042021-002

Agenda Item **No. 5(c)**
Meeting of February 2, 2021

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Sally Oerth, Interim Executive Director

SUBJECT: Authorizing the Execution of a Revocable Permit to Enter with the East Cut Community Benefits District to Develop and Manage a Temporary Community Garden at Transbay Block 11B or 29 Essex Street for a Term Not to Exceed Three Years; Transbay Redevelopment Project Area

EXECUTIVE SUMMARY

The Office of Community Investment and Infrastructure (“OCII” or the “Agency”) holds fee title to a parcel of land in the Transbay Redevelopment Project Area that is designated as open space under the Transbay Streetscape and Open Space Concept Plan. This parcel, which is located at Transbay Block 11b or 29 Essex Street (Block 3479, Lot 504; the “Essex Open Space” or the “Site”), adjacent to and south of 25 Essex Street. The Essex Open Space is currently comprised of a small vacant paved area and hillside areas with natural landscaping. The final development of the Essex Open Space into a finished park space has been delayed due to ongoing discussions about the Site providing a future bicycle off-ramp from the Bay Bridge. In the meantime, OCII has procured services to provide property management services of the Essex Open Space.

The East Cut Community Benefits District (“ECCBD”) has approached OCII with a request to activate the vacant paved area of the Essex Open Space as a temporary community garden (the “Project”) where community members of the East Cut neighborhood, which encompasses the Transbay Redevelopment Project Area, and greater San Francisco can grow their own produce and plants.

Staff proposes executing a Permit to Enter (the “Permit”) with the ECCBD (“Permittee”) enabling it to access only the small vacant paved area (the “Project Site”) of the Essex Open Space and develop and manage the Project. The Permit is for a term of 3 years.

London N. Breed
MAYOR

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EXECUTIVE DIRECTOR

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CHAIR

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In the future the Essex Open Space will be transferred to the City and County of San Francisco (the “City”) in accordance with the Property Management Plan (“PMP”) approved by the California Department of Finance (“DOF”).

Staff recommends that the Executive Director execute the Permit to Enter with the East Cut Community Benefits District to develop and manage a temporary community garden on a portion of the Essex Street Open Space.

BACKGROUND

OCII, as Successor Agency to the Redevelopment Agency of the City and County of San Francisco, is complying with the Transbay Redevelopment Project Implementation Agreement between the Redevelopment Agency of the City and County of San Francisco and the Transbay Joint Powers Authority, dated January 20, 2005 (“Implementation Agreement”), which requires, among other things, that OCII undertake activities to develop certain public open space in the Transbay Redevelopment Project Area. The California Department of Finance has finally and conclusively determined that the Implementation Agreement is an enforceable obligation under the Redevelopment Dissolution Law.

The Transbay Redevelopment Project Area Streetscape and Open Space Concept Plan, which is an implementing document of the Transbay Redevelopment Plan, designates the Essex Open Space for future park use. Final development of the Essex Open Space, however, is delayed pending review by the Metropolitan Transportation Commission of the Essex Open Space as a possible Bay Bridge bicycle off-ramp landing site. The timing of approvals and funding of the off-ramp is uncertain at this time.

The Essex Open Space parcel (Block 3479, Lot 504) is located along Essex Street directly south of Transbay Block 11A, which was developed into Rene Cazenave Apartments, an OCII-sponsored supportive housing building, and is comprised of two areas: a small vacant paved portion that is gated and the hillside portion with natural landscaping of wild grasses, brush, and trees. Given the City’s ongoing discussion regarding whether or not to use the Site as the future location of a Bay Bridge bicycle path terminus, OCII cannot proceed with any permanent development plans. In the interim, OCII contracts with a property management firm to keep the parcels maintained.

DISCUSSION

The ECCBD approached OCII with the request to construct and manage a community garden on a portion of the Site. The ECCBD has already secured a Community Challenge Grant award of \$25,000 from the City that will be used towards the cost of constructing the garden.

The Permit is specific to that small, gated, vacant, paved area (the “Permit Area”) of the Essex Open Space (see Attachment 1). Furthermore, the Permit identifies the Project as an Interim Use because the Permit Area would be needed for the Bay Bridge bicycle off-ramp project if that project moves

forward. OCII also intends to transfer the Essex Open Space to the City in accordance with the DOF approved PMP, at which point the City will determine whether the ECCBD may continue operating the Project. The Permit will grant the Permittee, who will manage the Project, the right to access the Project Site at all times of day seven days per week. Since the Permittee is solely responsible for financing the Project's development and operations, the Permit also states that the ECCBD shall not pay compensation to OCII for its access to and use of the Project Site.

The Project will feature a total of 20 wood garden plots comprised of 17 individual plots and 3 shared community plots. Other improvements include a tool shed, hose bibs for water access, potting and work tables, a new citrus tree, catenary lighting, and a café table and chairs. The existing fence and gates currently securing the Project Site will remain and the Permittee's roving security staff will monitor the garden at night. The design of the Project, and in particular the spacing of the rows of garden plots, ensures that all members of the public, including differently-abled individuals, can access and enjoy use of the community garden. See Attachment 2 for a depiction of the proposed design.

As manager of the Project, the Permittee is responsible for assigning plots initially through a lottery and subsequently by maintaining a waitlist. Membership and plots will first be made available to residents within the boundaries of the ECCBD, and if there is not enough interest, will then be made available to any San Francisco Resident. The Transbay Redevelopment Project Area falls within the ECCBD boundaries. The ECCBD will also open and close the community garden each day, pay all utilities related to the Project, will maintain it such that it always in a clean and safe condition for gardeners. Finally, once the community garden plots are fully allocated and the operation is stabilized, the Permittee intends to engage with schools, neighborhood organizations, service providers, or other non-profit organizations to offer increased access to the garden, enrich programming opportunities and increase resources for maintenance. The details of the garden's logistics are further detailed in the Operations Plan, which is an attachment to the Permit (See Exhibit 1 to the accompanying Resolution).

SMALL BUSINESS ENTERPRISE AND WORKFORCE COMPLIANCE

The East Cut Community Benefits District is a San Francisco-based California 501(c)(3) non-profit corporation dedicated to its community. Accordingly, it will comply with OCII's Equal Opportunity Program, including Small Business Enterprise, Nondiscrimination in Contracts and Benefits, Minimum Compensation, and Health Care Accountability Policies.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Authorization of the Permit is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301(h), because it authorizes the continued operation, maintenance, or minor alteration of existing community facilities or topographical features and will not independently result in a significant physical effect on the environment.

NEXT STEPS

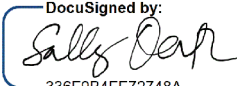
The ECCBD has proposed the below schedule and is hoping to have the garden open to the public by this summer.

- Winter 2021
 - Permittee Procures all Community Garden Materials
- Spring 2021
 - Permittee selects garden General Contractor & executes contract
 - General Contractor completes contract work
 - Permittee hosts volunteer workdays to commence following contract work. One-day per week for six weeks.
- Summer 2021
 - Project completion and ribbon-cutting

STAFF RECOMMENDATION

Staff recommends that the Executive Director execute the Permit to Enter with the East Cut Community Benefits District to develop and manage a temporary community garden on a portion of the Essex Street Open Space.

(Originated by Ben Brandin, Acting Transbay Project Manager)

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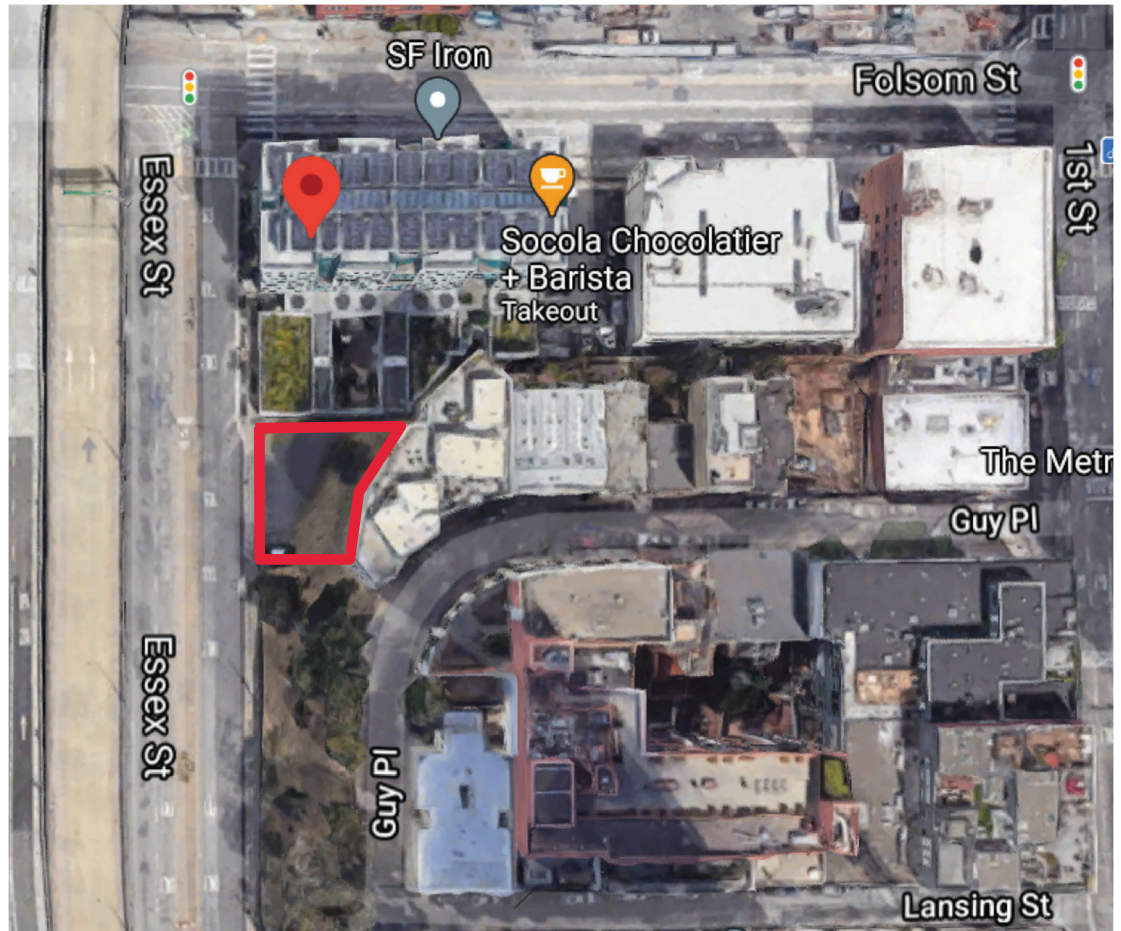
Sally Oerth

Interim Executive Director

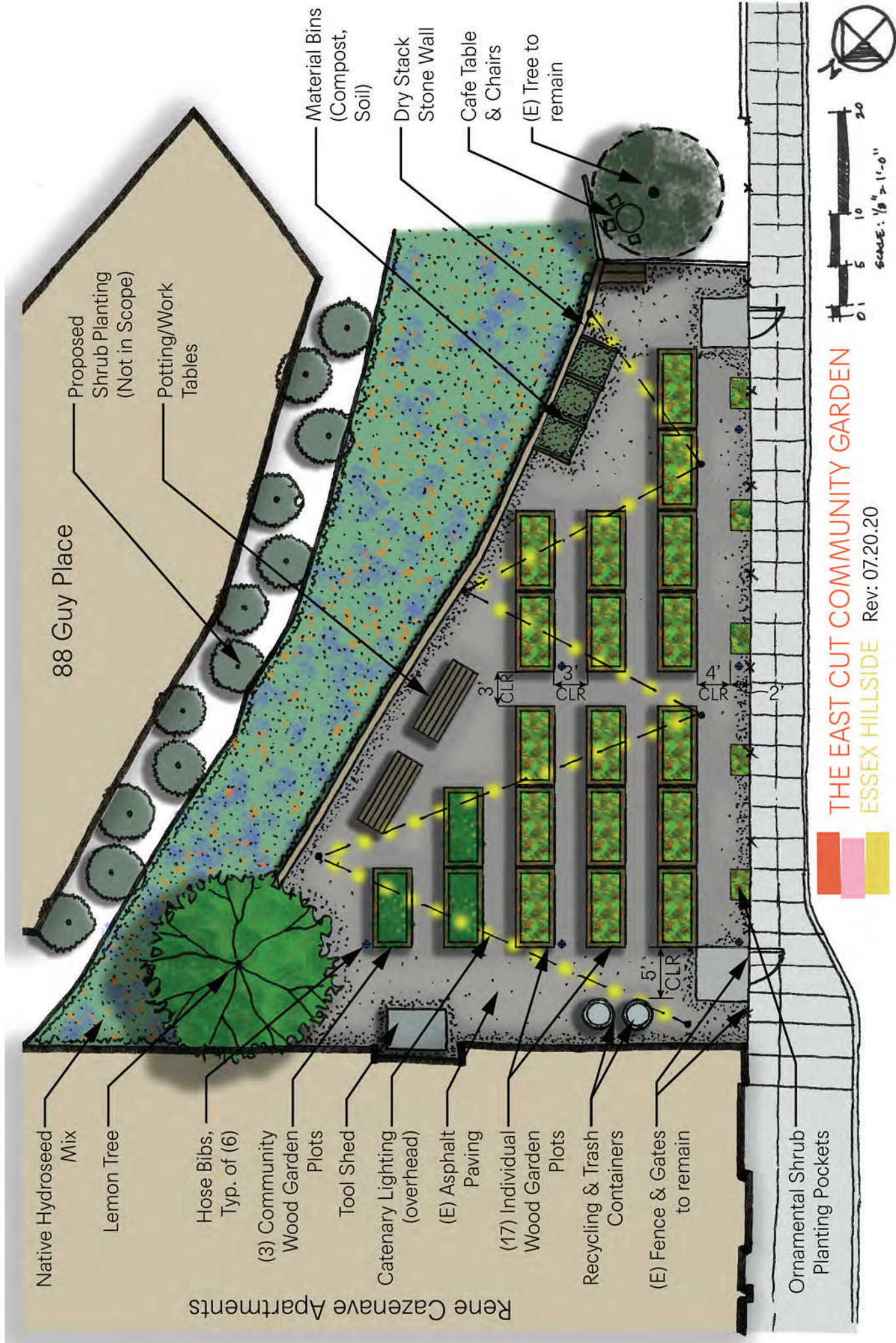
Attachment 1: Project Sitemap

Attachment 2: Garden Design

Attachment 1: Project Sitemap



Attachment 2: Garden Design





Existing site viewing east toward 88 Guy Place



Existing site viewing west



Existing site viewing south



Existing site viewing east toward the 88 Guy Place hillside



Ground Material - Pebble Mulch



Vegetation - Lemon Tree



Community Garden Precedent



Wood Garden Plots



Potting/Community Tables



Bistro Tables & Chairs



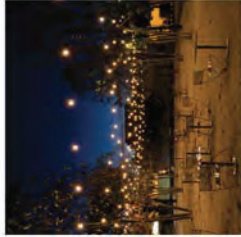
Dry Stack Stone Wall



Gabion Wall



Vegetation - Rosemary



Catenary Lighting



Steel Tool Shed

