



122-0022024-002

Agenda Item **No. 5(b)**
Meeting of August 20, 2024

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Thor Kaslofsky, Executive Director

SUBJECT: Authorizing the execution of a not-to-exceed three-year extension to the revocable Permit to Enter with the East Cut Community Benefit District to continue operations and management of its temporary community garden at Transbay Block 11B or 29 Essex Street; 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”), is adjacent to and south of 25 Essex Street to Harrison Street. The Essex Open Space is comprised of a small vacant paved area and hillside areas with natural landscaping. 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”). The long-term plan for the Site is for the City to program the Essex Open Space as the touchdown location for a bicycle off-ramp from the Bay Bridge. OCII uses property management services to maintain the Essex Open Space.

In 2020, the East Cut Community Benefits District (“CBD”) 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. In February 2021 the Commission approved by Resolution No. 04-2021 a Permit to Enter (“Permit”) with the CBD to activate the small

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vacant paved portion of the Site with the temporary community garden (“East Cut Community Garden”). The Permit, executed on August 13, 2021, included a three-year term (“Term”). Over the past three years the CBD has dutifully managed the East Cut Community Garden in accordance with all Permit requirements. With the initial Term expiring on August 13, 2024, the CBD has asked OCII to extend the PTE term for an additional three years (“Permit Term Extension”). All other requirements of the Permit will remain in effect.

Staff recommends that the Executive Director executes an amendment to the Permit with the CBD (“Permittee”) authorizing the Permit Term Extension.

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. DOF 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. The City and the Metropolitan Transportation Commission (“MTC”) designated the Essex Open Space as the optimal Bay Bridge bicycle off-ramp landing site. The timing of approvals and funding of the Bay Bridge western bike span and its off-ramp remain to be determined.

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. In accordance with the PMP, OCII intends to transfer the Essex Open Space to the City and in the interim OCII contracts with a property management firm to keep the parcels maintained.

DISCUSSION

In 2020, the CBD approached OCII with a request to construct and manage a temporary community garden on a portion of the Site funded with a \$25,000 Community Challenge Grant award from the City. The Permit is for a small, gated, vacant, paved area (the “Permit Area”) of the Essex Open Space (see Attachment 1). The Permit identifies the Project as an Interim Use because the Permit Area and the rest of the Essex Open Space will transfer to the City in the future for the Bay Bridge bicycle off-ramp 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. In consideration of the Permittee being solely responsible for the Project’s operations, the CBD does not pay compensation to OCII for its access to and use of the Project Site.

The Project features 20 wood garden beds comprised of 17 individual beds and 3 shared community plots. To maximize gardening opportunities, each garden bed is divided into 2 plots. Other community garden improvements include a tool shed, hose bibs for water access, potting and work tables, catenary lighting, and a table and chairs. The Site is gated, and the Permittee's roving security staff monitors 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.

The CBD opens and closes the community garden each day, pays for all utilities related to the Project, and maintains it as a clean and safe space for gardeners. The CBD successfully operates the East Cut Community Garden per the Permit requirements, turning what was previously a blighted, vacant space into a community resource. The CBD now requests to amend the Permit by extending its term for an additional three years. All other provisions and requirements of the Permit will remain in place.

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, in developing and operating the East Cut Community Garden the CBD has complied with OCII's Equal Opportunity Program, including Small Business Enterprise, Nondiscrimination in Contracts and Benefits, Minimum Compensation, and Health Care Accountability policies.

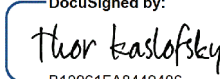
CALIFORNIA ENVIRONMENTAL QUALITY ACT

Authorization of the Permit Term Extension 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.

STAFF RECOMMENDATION

Staff recommends that the Executive Director executes an amendment to the Permit with the CBD as Permittee authorizing the Permit Term Extension.

(Originated by Ben Brandin, Transbay Project Manager)

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Thor Kaslofsky
Executive Director

Attachment 1: Project Sitemap and Photos

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