RESOLUTION NO. 31-2000
(Adopted February 29, 2000)

APPROVING THE BASIC CONCEPT AND SCHEMATIC DRAWINGS FOR RINCON PARK; RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On January 10, 1995, by Resolution No. 9-95, the Agency Commission authorized a Disposition and Development Agreement ("DDA") between the Agency and The Gap, Inc. ("The Gap") for the construction of a headquarters office building on Site C-1 and the development of a park on Site C-2 ("Park") in the Rincon Point-South Beach Redevelopment Project Area. Under the terms of the DDA, the Agency was required to use reasonable efforts to enter into an agreement to lease parcel C-2 (the "Park Site") from the Port of San Francisco ("Port") for use as the Park. The Agency and the Port subsequently entered into an Agreement to Lease dated June 13, 1995 for the Park Site ("Agreement to Lease"). The Agreement to Lease was approved by the Board of Supervisors by Ordinance No. 265-95.

2. Under the DDA, the Agency is obligated to design and construct the Park, subject to available funds and other terms of the DDA. The Gap retains the right to elect to design and construct the Park itself, and to submit Construction Documents, as defined in the DDA, to the Agency for its review and approval. The Gap has submitted combined Basic Concept Drawings and Schematic Drawings to the Agency. The combined submission is referred to herein as "Schematic Drawings."

3. The Construction Documents must be designed consistent with the "Scope of Development" attached to the Agreement to Lease, which Scope of Development provides general design objectives and development standards for the Park.

4. Under the terms of the Agreement to Lease, the Construction Documents must be submitted to a design review body, consisting of a quorum of each of the Agency and Port Commissions (the "Design Review Body"), for review and approval.

5. The Gap and its project team, together with staffs of the Port and Agency Commissions, have engaged in a public review process of the Park design over the past year. This process has included participation by the Rincon Point-South Beach Citizens Advisory Committee ("CAC"), the Port's design advisors, the San Francisco Bay Conservation and Development Commission Design Review Board, and other interested parties.

6. The Gap's project team made several presentations to the CAC and CAC design subcommittee. On January 24, 2000, the CAC viewed the current design and voted to endorse it.

7. The Gap and its project team, together with Agency staff, made a presentation of the Park design to the Agency Commission at a design workshop on November 9, 1999.
8. The Rincon Point-South Beach Redevelopment Project Area is the subject of the Rincon Point-South Beach Redevelopment Plan Final Environmental Impact Report and a Final Supplemental Environmental Impact Report certified on August 15, 1991 (the "FEIR"), which analyzes the development of the Park Site as a park use.

9. In connection with the approval of the DDA and the Agreement to Lease, the Agency adopted Resolution No. 6-95 on January 10, 1995 which, among other things, adopted certain findings and determinations in accordance with the California Environmental Quality Act, and such findings and determinations are hereby incorporated as though fully set forth herein.

10. The Park is the subject of the Waterfront Land Use Plan Final Environmental Impact Report certified on January 9, 1997 "(WLUP FEIR") which analyzes the development of the Park Site as a park use. In connection with the approval of the Waterfront Land Use Plan, the Port adopted Resolution No. 97-50 on June 24, 1997 which, among other things, adopted certain findings and determinations in accordance with the California Environmental Quality Act, and such findings and determinations are hereby incorporated as though fully set forth herein. Approval of the Basic Concept Drawings and Schematic Drawings is an undertaking in furtherance of the Waterfront Plan and Redevelopment Plan.

11. Approval of the Basic Concept Drawings and Schematic Drawings is an undertaking in furtherance of the Rincon Point-South Beach Redevelopment Plan.

FINDINGS

The Agency finds that:

1. Modifications incorporated into the Park and reflected in the approval of the Basic Concept Drawings and Schematic Drawings will not require important revisions to the Redevelopment Plan FEIR and the WLUP FEIR (collectively "FEIRs") due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. No substantial changes have occurred with respect to circumstances under which the Park or approval of the Basic Concept Drawings or Schematic Drawings are undertaken which would require major revisions to the FEIRs due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIRs; and

3. No new information of substantial importance to the Park project or the approval of the Basic Concept Drawings or Schematic Drawings has become available which would indicate (i) the Park project or approval of the Basic Concept Drawings and Schematic Drawings will have significant effects not discussed in the FEIRs; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives which are considerably different from those in the FEIRs would substantially reduce one or more significant effect on the environment.
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that:

1. The Basic Concept Drawings and Schematic Drawings for the Park are consistent with the Scope of Development and are approved, subject to the conditions listed in Attachment A hereto "Rincon Park Schematic Design Conditions of Approval", and together with such refinements and modifications as the Executive Director may approve, and which do not materially alter the Basic Concept Design and Schematic Design drawings.

2. The Commission hereby delegates to the Executive Director the authority to review and approve or disapprove the Preliminary Construction Documents and Final Construction Documents pursuant to the Agreement to Lease, and authorizes the Executive Director to execute the Agreements described in Attachment A hereto, together with such additional agreements and documents as may be necessary to cause the development and construction of Rincon Park as contemplated by this Resolution.

APPROVED AS TO FORM

Bertha Ontiveros
Agency General Counsel