RESOLUTION NO. 232-2000

Adopted November 14, 2000

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN OWNER PARTICIPATION AGREEMENT AND RELATED DOCUMENTS WITH MARLIN COVE, INC., A CALIFORNIA CORPORATION, FOR DEVELOPMENT OF 3433 THIRD STREET (ASSESSOR’S BLOCK 5203, LOT 23); INDIA BASIN INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Board of Supervisors of the City and County of San Francisco approved the creation of the India Basin Industrial Park Approved Project Area (the “Project Area”) by Ordinance No. 26-69 adopted January 20, 1969, and amended by the Redevelopment Plan Amendment approved by Ordinance No. 474-86, adopted December 1, 1986, by the Redevelopment Plan Amendment approved by Ordinance No. 141-87, adopted April 20, 1987, and by the Redevelopment Plan Amendment approved by Ordinance No. 416-94, adopted December 12, 1994 (collectively, the “Redevelopment Plan”) which provide for the redevelopment or rehabilitation of certain lands in the Project Area.

2. The Owner Participation Rules for the Project Area provide for the participation of owners in the redevelopment of property in the Project Area if owners agree to comply with those certain uses, building designs and operating restrictions in conformance with the Redevelopment Plan.

3. The Redevelopment Plan is proposed to be concurrently amended by Agency Resolution No. 229-2000. The Redevelopment Plan establishes the primary land use designation for 3433 Third Street, Assessor’s Block 5203, Lot 23 (the “Project Site”) as “Major Industry” and permits the development of up to 50,000 gross square feet of Retail and Business Services on the Project Site. The Redevelopment Plan permits the proposed telecommunications switching facility uses on the Project Site as a permitted Major Industry use. Within the Retail and Business Services permitted land uses, the Redevelopment Plan permits the office and retail uses proposed for the Project Site.

4. On April 7, 2000, Marlin Cove, Inc., a California corporation (the “Developer”), acquired a fee interest in the Project Site.

5. The Developer submitted a proposal to the Redevelopment Agency (the “Agency”) proposing to develop the Project Site. The proposed Project will include a five-story building containing approximately 161,020 gross square feet of space, including 111,450 gross square feet for a telecommunication switching facility, 42,000 gross square feet of office space, and 7,570 gross square feet of ground floor retail space at the Project Site. Included in the Project’s gross
square footage are service areas of 6,955 square feet and 3,085 square feet for the telecommunications and office uses, 500 square feet of showers serving the office uses, and 18,290 square feet of space for emergency back-up power supply, and general mechanical and electrical equipment. Off-street parking of approximately 73 parking spaces will be available on two levels, with access from a driveway off of Burke Avenue. Two full-size loading docks and service areas with a total of about 2,615 square feet will be located on the ground floor with access from Cargo Way. A 7,305 square-foot lobby would have an entrance off of Third Street.

6. The Developer and Agency staff have negotiated an Owner Participation Agreement ("OPA") to implement the Project.

7. In order to implement the Project, it is also necessary, concurrently with this resolution, for the Agency to consider an amendment to the India Basin Industrial Park Redevelopment Plan, an amendment to the Redevelopment Project Area Design Guidelines, a variance from the Redevelopment Project Area Design Guidelines, and approval of a Schematic Design for the Project.

8. On September 23, 2000, the Agency published a Preliminary Negative Declaration, representing the independent, objective judgment of the Agency and finding that, with the incorporation of mitigation measures, the Project could not have a significant impact on the environment. The Preliminary Negative Declaration was prepared, noticed and circulated in a manner adequate and complete pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, Chapter 31 of the San Francisco Administrative Code and Agency Resolution 59-77. On October 13, 2000, within the appeal period, one (1) written appeal was filed with the Agency. A public hearing on the appeal was held on October 31, 2000.

9. Concurrently with this resolution, by Resolution No. 226-2000, the appeal of the Preliminary Negative Declaration was considered and rejected and the Final Negative Declaration was approved by the Agency.

10. The Project and CEQA files have been made available for review by the Agency Commission and the public, and these files are part of the record before the Commission.

11. Agency staff recommends approval of the OPA.

12. The Bayview Hunters Point Project Area Committee, which advises the Redevelopment Agency on projects for the adjacent Bayview Hunters Point Redevelopment Survey Area, has endorsed the Project and recommends Agency approval of the OPA.

FINDINGS

1. The Agency finds that the OPA is a “project” as defined by the California Environmental Quality Act ("CEQA").
2. All environmental effects of the actions permitted under the OPA have been considered and analyzed in the Preliminary Negative Declaration, published September 23, 2000 and the Final Negative Declaration approved on November 14, 2000, and that the Agency has determined, pursuant to the Final Negative Declaration that the actions permitted under this OPA could not have a significant effect on the environment, and that, pursuant to Sections 21090 and 21166 of the Public Resources Code, no further environmental review is required.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to execute the Owner Participation Agreement with Marlin Cove, Inc., a California corporation, and related documents for the development of 3433 Third Street, Assessor’s Block 5203, Lot 23, substantially in the form lodged with the Agency General Counsel, subject to the adoption of the Amendment to the India Basin Industrial Park Redevelopment Plan by the Board of Supervisors of the City and County of San Francisco.

APPROVED AS TO FORM:

BERTHA A. ONTIVEROS
Agency General Counsel