RESOLUTION NO. 84-2001
Adopted May 22, 2001

AUTHORIZING A SECOND AMENDMENT TO THE AMENDED OWNER PARTICIPATION AGREEMENT WITH THE ROMAN CATHOLIC ARCHBISHOP OF SAN FRANCISCO, A CALIFORNIA CORPORATION SOLE, CONCERNING THE ST. PATRICK'S CHURCH, LOCATED ON LOTS 14 AND 68 OF ASSESSOR'S BLOCK 3706, ON THE NORTH SIDE OF MISSION STREET BETWEEN THIRD AND FOURTH STREETS, AND AUTHORIZING THE TRANSFER OF TRANSFERABLE DEVELOPMENT RIGHTS FROM LOT 68; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Redevelopment Plan (the “Plan”) for the Yerba Buena Center Redevelopment Project Area (“Project Area”) provides for participation in the redevelopment or rehabilitation of property in the Project Area by the owners of certain parcels of land if the owners of such property agree to develop property in conformance with the Plan.

2. On March 13, 1974, the Redevelopment Agency of the City and County of San Francisco (“Agency”) and the Roman Catholic Archbishop of San Francisco, a California corporation sole (“Owner”), entered into an Owner Participation Agreement (“OPA”), which was recorded on April 23, 1974, in Book B-878 at page 604 of the Official Records of the City and County of San Francisco, for the rehabilitation of the Improvements on Lots 14 and 68 of Assessor's Block 3706 commonly referred to as St. Patrick's Church.

3. St. Patrick’s Church is designated as City Landmark No. 4, pursuant to Article 10 of the City’s Planning Code (“City Planning Code”).

4. On July 14, 1987, by Resolution No. 177-87, the Agency approved an amended OPA (the “Amended OPA”) that amended, restated and superseded in its entirety the 1974 OPA, and extended the time for the completion of the existing Improvements and permitted the construction of an Assembly Hall on the Site.

5. Section 128 of the City Planning Code allows for the transfer of development rights from one qualifying parcel to another qualifying parcel, subject to certification by the Zoning Administrator of the City.

6. The Agency has concurrently approved a policy on the transfer of development rights from properties containing a designated landmark (“Landmark”) and other historic buildings, and confirms the application of City Planning Code Section 128 to Redevelopment Project Areas which contain properties with an underlying C-3 zoning designation (“Agency TDR Policy”), including the Yerba Buena Center Redevelopment Project Area.
7. Based on Section 128 of the City Planning Code and the Agency TDR Policy, the Site qualifies for treatment as a source of transferable development rights consisting of gross unused floor area ("TDR") because the Site contains a Landmark and has an underlying C-3-R zoning. If certified as a source of TDR, the Site becomes a Transfer Lot from which TDR may be transferred pursuant to Section 128 of the City Planning Code.

8. The Owner proposes to transfer certain development rights available from that part of the St. Patrick's Church located on Lot 68 ("the Site") to a property ("Development Lot") located outside of the Project Area. The Owner has also agreed to utilize the proceeds from the sale of TDR generated by the Site to improve and maintain the St. Patrick’s Church structure.

9. Pursuant to the Redevelopment Agency TDR Policy, the Agency must review and approve any request for approval of a TDR transfer from, or the use of TDR on, a parcel within the Project Area. If approved, the transfer of TDR from the Site will limit its total Permitted Gross Floor Area in perpetuity.

10. Pursuant to the Plan, a maximum development density or Floor Area Ratio of 10 to 1 applies to the Site. The total Permitted Gross Floor Area of that portion of the Site on which the St. Patrick’s Church Landmark is located is approximately 186,995 square feet, based on approximately 18,699 net square feet area on Lot 68. The existing St. Patrick’s Church building occupies approximately 30,283 square feet of gross floor area ("Existing Improvements"). All of such Existing Improvements may be included in the amount of available TDR because the Owner is a charitable non-profit entity and the Site is used exclusively for the Owner’s charitable purposes. Hence, the amount of TDR available for transfer equals the total Permitted Gross Floor Area on the Site, since no TDR have been previously transferred from the Site.

11. The Owner entered into a Purchase Agreement with Fortress Property Group LLC, a California limited liability company, the Purchaser of the TDR for 128,928 square feet of the TDR that becomes available for transfer. The Owner is expected to receive monetary compensation from the sale of the TDR.

12. The Owner has agreed to utilize the net proceeds received from the proposed TDR transfer as follows: A) to pay for improvements to St. Patrick’s Church, including the provision of lighting for the Church facade, and B) to reduce the debt incurred for the seismic retrofit of the St. Patrick’s Church. The Owner has also agreed to provide the Agency with easements to accommodate construction of the subsurface garage to be constructed adjacent to the Site, and facade lighting and improvements.

13. The Owner desires to enter into the Second Amendment to the OPA to enable the Owner to transfer TDR and to obtain the benefits to the Project Area that will result from the transfer.
RESOLUTION

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

1. The proposed transfer of transferable development rights from the St. Patrick’s Church Site (Lot 68 of Assessor’s Block 3706) consisting of gross unused floor area (“TDR”) is appropriate because the Owner has agreed to use the TDR proceeds to improve the St. Patrick’s Church, a City designated Landmark, and has agreed to convey certain easements to the Agency that are necessary for the construction and operation of the proposed underground parking garage to be built beneath Jessie Square. Hence the proposed TDR transfer will promote the goals and objectives of the Plan and will result in the improvement of the St. Patrick’s Church, a City designated Landmark.

2. The Executive Director is authorized to execute the Second Amendment to the Amended Owner Participation Agreement (“OPA”) with the Roman Catholic Archbishop of San Francisco, a California corporation sole, substantially in the form lodged with the Agency General Counsel, and to take such further action that the Executive Director deems appropriate and necessary to implement this Resolution and the aforementioned Second Amendment to the Amended OPA.

3. The Executive Director is also authorized to consent to a Statement of Eligibility concerning the transfer of TDR from Lot 68 of Assessor’s Block 3706

APPROVED AS TO FORM:

[Signature]
Bertha A. Ontiveros
Agency General Counsel