

RESOLUTION NO. 9-2003

Adopted January 21, 2003

CONDITIONALLY APPROVING THE OVERALL DEVELOPMENT PLAN AND SCHEMATIC DESIGN FOR PARCEL X4 LOCATED AT 499 ILLINOIS STREET IN MISSION BAY SOUTH PURSUANT TO AN OWNER PARTICIPATION AGREEMENT WITH ESPRIT DE CORP., A CALIFORNIA CORPORATION; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved a proposed Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On November 2, 1998, the Board of Supervisors by Ordinance 335-98 adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents." The Plan, together with permit approvals and other actions implementing the Plan are hereafter referred to as ("the Project").

2. On September 17, 1998, the Agency adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report ("FSEIR") for the Project, which State CEQA Guidelines section 15180 requires to be treated as a program EIR, and adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines in connection with the approval of the Plan, and other Project approvals. The San Francisco Planning Commission certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting environmental findings and a statement of overriding considerations.

3. On April 17, 2001, by Resolution No. 61-2001, the Agency authorized the execution of an Owner Participation Agreement ("OPA") with Esprit de Corp., a California corporation, for the development of Parcel X4 in Mission Bay South located at 499 Illinois Street and determined the OPA to be an action that implements the Plan ("Implementing Action") whose environmental impacts are within the scope of the FSEIR and are exempt from additional environmental review based on State CEQA Guidelines section 15162. Since the execution of the OPA, Esprit de Corp. has changed its corporate name to ECOR-SF Inc., a California corporation, and assigned its rights under the OPA to ECOR-SF Holdings, Inc., a Delaware corporation ("ECOR").

4. Under the Plan and the OPA, Parcel X4 may be developed with up to 450,000 leasable square feet of Commercial Industrial/Retail uses. The OPA provides that ECOR must return to the Agency for review and approval of any specific development proposal for Parcel X4. Section 6 of the OPA sets forth the development submittal requirements, and the review and approval process for permitted development. ECOR must submit an "Overall

Development Plan” for Parcel X4, which sets out the development plan for the site. The specific design of any building on Parcel X4 must be provided through specific building design documents.

5. In accordance with the OPA, ECOR submitted a combined Overall Development Plan and Schematic Design submission for Parcel X4, dated October 17, 2002, which provides for the development of a 449,878 leasable square foot office building and includes 15,053 square feet of retail and an approximately 45,000 square foot publicly available private courtyard open space. The Overall Development Plan and Schematic Design submission was revised to incorporate minor changes.

6. The San Francisco Planning Commission has approval authority over the design of any particular office development project reviewed pursuant to Section 304.11 of the Plan. The San Francisco Planning Commission reviewed the design and issued an office development project authorization for Parcel X4 on December 5, 2002, pursuant to the provisions of Section 304.11 of the Plan (Planning Commission Resolution No. 16483). The Planning Commission’s decision on the design of any particular office development project reviewed pursuant to Section 304.11 of the Plan is binding on the Redevelopment Commission.

7. The Agency has reviewed the Overall Development Plan and Schematic Design submission as provided in the OPA, finds it acceptable, and recommends approval thereof, subject to the resolution of certain conditions.

FINDINGS

The Agency finds and determines that the proposed development as submitted is an Implementing Action exempt from additional environmental review requirements pursuant to State CEQA Guidelines sections 15180, 15162 and 15163 for the following reasons:

A. The Implementing Action is within the scope of the Project analyzed in the FSEIR, and no FSEIR revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

B. No substantial changes have occurred with respect to the circumstances of the Project analyzed in the FSEIR which would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.

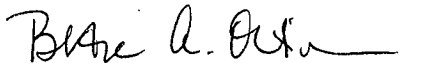
C. There is no new information of substantial importance to the Project analyzed in the FSEIR which would indicate any of the following (i) the Implementing Action will have significant effects not discussed in the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) 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 FSEIR will substantially reduce one or more significant effects on the environment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Parcel X4 Overall Development Plan and Schematic Design submission pursuant to the Owner Participation Agreement with Esprit de Corp., a California corporation is approved, subject to the following conditions:

1. The courtyard open space shall be open and accessible to the public during reasonable daylight hours, as documented in a legally binding instrument in a form satisfactory to the Executive Director, to be recorded against the property prior to the issuance of the final construction permit for the Parcel X4 project.
2. The building materials and the landscape design are subject to further review and approval by Agency staff during Design Development.
3. The Parcel X4 project must comply with the following Schedule of Performance. The Agency Executive Director is authorized to extend the milestone dates of the Schedule of Performance by up to six months. Any further extension will require Commission approval.
 - a. Design Development Documents must be submitted no later than December 31, 2003.
 - b. Construction Documents must be submitted no later than September 30, 2004.
 - c. Construction must commence no later than March 31, 2005.
 - d. Construction must be completed no later than March 31, 2007.

APPROVED AS TO FORM:



Bertha A. Ontiveros
Agency General Counsel