

TEXT OF PROPOSED ORDINANCE PROPOSITION X

AUTHORIZING EXECUTION OF A 75-YEAR AGREEMENT FOR LEASING AIR RIGHTS AND GRANTING EASEMENTS OVER THE ROBERT C. LEVY TUNNEL AND LOT 42, WITH OPTION TO PURCHASE, BETWEEN CITY AND COUNTY OF SAN FRANCISCO, A MUNICIPAL CORPORATION, AS LESSOR, AND PINEVIEW HOUSING CORPORATION, A CALIFORNIA NONPROFIT CORPORATION, AS LESSEE, FOR PURPOSES OF CONSTRUCTING LOW-INCOME ELDERLY AND HANDICAPPED FAMILY RENTAL HOUSING.

BE IT ORDAINED, by the People of the City and County of San Francisco:

Section 1. The City and County of San Francisco owns air rights over the east portal of the Robert C. Levy Tunnel (the Housing Site) more particularly described in Exhibit A to the Agreement for Leasing of Air Rights and Granting Easements on file and incorporated herein (Agreement). The City and County of San Francisco also owns Lot 42 in Assessor's Block 158 located directly to the south of the Housing Site and more particularly described in Exhibit B to the Agreement and incorporated herein. (Lot 42)

Section 2. Pineview Housing Corporation, a non-profit corporation formed by Self-Help for the Elderly, Inc. proposes that the City and County of San Francisco lease to it the housing site, grant to it certain easements over Lot 42 (more particularly described in Exhibit D to the Agreement and incorporated herein), and grant to it certain easements through the east portal of the Robert C. Levy Tunnel (more particularly described in Exhibit E to the Agreement and incorporated herein) to be developed by Pineview Housing Corporation for Low-income and Elderly and Handicapped Family rental housing and a multi-purpose senior center with financing assistance from the United States Department of Housing and Urban Development (HUD).

Section 3. On May 26, 1987, the Board of Supervisors, by Resolution No. 392-87, adopted the final En-

vironmental Impact Report for the project, finding and determining that reclassification of the property from RM-2 to RM-4 and construction of the project would have no significant impact on the environment.

Section 4. The City and County of San Francisco has approved a rezoning of the site from RM-2 to RM-4 and a conditional use permit authorizing a structure exceeding forty feet in height in a residential district and a multi-purpose Senior Center in an RM-2 district proposed for an RM-4 district.

Section 5. The Planning Commission of the City and County of San Francisco has reported the project to be in conformity with the Master Plan.

Section 6. On May 26, 1987, the Board of Supervisors by Motion, made findings that the conditional use of the Housing Site is consistent with the Priority Policies set forth in Section 101.1 of the San Francisco City Planning Code. In addition, on June 1, 1987, the Board of Supervisors, by Ordinance No. 207-87 concurred with the determination of the City Planning Commission that the reclassification of the Housing Site is consistent with the Priority Policies set forth in Section 101.1 of the San Francisco City Planning Code. In adopting this Ordinance the Board of Supervisors hereby incorporates those findings herein.

Section 7. An appraisal prepared by the Department of Real Estate provides that the special costs required to develop the air rights for the proposed development of Low-income Elderly and Handicapped Family rental housing exceed the value a willing buyer would pay for a site to build the proposed development.

Section 8. On June 8, 1987, the Board of Supervisors, by Resolution No. 428-87, has authorized negotiation for the lease and sale of air rights and easements over the Robert C. Levy Tunnel and for easements over Lot 42 to facilitate the development of the Pineview Housing Corporation project.

Section 9. Notwithstanding Ordinance No. 412-59 providing that leases of surplus property shall not exceed a term of 50 years, this Agreement for Leasing

of Air Rights and Granting of Easements, between the City and County of San Francisco, a municipal corporation, as Lessor, and Pineview Housing Corporation, as Lessee, and any amendments thereto, is hereby approved for a term of 75 years.

Section 10. The Board hereby finds the execution of the 75 year Agreement for Leasing of Air Rights and Granting of Easements above and through the Robert C. Levy Tunnel and Lot 42 between the City and County of San Francisco, as Lessor, and the Pineview Housing Corporation, as Lessee, a copy of which is on file with the Clerk of this Board, and the lease of said air rights and granting of easements to the Pineview Housing Corporation, for \$1.00 per year for development in accordance with said Agreement is for a public purpose and will promote the general welfare of the community.

Section 11. The Mayor is hereby authorized and directed to execute said Agreement for Leasing Air Rights and Granting Easements and such other agreements as may be required for the development of the project.

Section 12. The Mayor is hereby authorized to execute any amendments necessary to said Agreement in consultation with the City Attorney.

Section 13. In accordance with the form of lease to this Agreement, a copy of which is on file with the Clerk of the Board, HUD will have an option to purchase the housing site.

Section 14. In accordance with said Agreement, the Mayor is hereby authorized and directed to execute, and the Director of Property shall deliver the Agreement for Leasing Air Rights and Granting Easements to the Pineview Housing Corporation for the parcels described in Exhibit A to the Agreement.

The agreement described in the ordinance's title and referred to in the ordinance is on file with the clerk of the Board of Supervisors.

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.
