

1 [Real Property Acquisition - 1995 Evans Street - Claire A. Spencer, Trustee of the William D.
2 Spencer and Claire A. Spencer 1995 Living Trust - \$15,475,000]

3 **Resolution authorizing the acquisition of real property at 1995 Evans Street**
4 **(Assessor’s Block No. 5231, Lot Nos. 004, 005, and 006) from Claire A. Spencer,**
5 **Surviving Trustee of the William D. Spencer and Claire A. Spencer 1995 Living Trust,**
6 **dated February 9, 1995 (Spencer Trust) for the purchase price of \$15,475,000; and**
7 **adopting findings, including environmental findings, and findings of consistency with**
8 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

9
10 WHEREAS, The Spencer Trust owns the real property located at 1995 Evans Street
11 (Assessor’s Block No. 5231, Lot Nos. 004, 005, and 006), located at Evans Street and Toland
12 Avenue (the “Property”), which is comprised of 44,210 square feet of improvements on 89,200
13 square feet of land; and

14 WHEREAS, The Property has been leased by the City since August 1, 2013, for interim
15 storage purposes, with an option to purchase the property by no later than December 31,
16 2014, as authorized through the Board of Supervisors and Mayoral approval of Resolution
17 No. 390-13 on November 12, 2013; and

18 WHEREAS, The Property has been identified as the future location for the City’s
19 Forensic Services Division and Traffic Company of the San Francisco Police Department,
20 pursuant to the General Obligation Bond Measure approved by the voters of San Francisco
21 County on June 3, 2014, (Earthquake Safety and Emergency Response Bond II, also known
22 as Proposition A), and following the passage of Proposition A, the Director of Property
23 negotiated a proposed Purchase and Sale Agreement for the Property, which is on file with
24 the Clerk of the Board of Supervisors under File No. 141269 (the “Purchase Agreement”), with
25 a purchase price of \$15,475,000; and

1 WHEREAS, The Director of Property has determined that the proposed sales price is
2 reasonable given current market conditions and transactions in process of similar property
3 with which the Director is familiar, the conclusion of an independent appraiser, and the
4 reduction in the purchase price from the original Purchase Option Price negotiated in 2013;
5 and

6 WHEREAS, The Planning Department, through the Final Mitigated Negative
7 Declaration issued October 2, 2013, and as amended on November 15, 2013, for Case
8 Number 2013.0342E, transmitted via Planning Department letter dated November 18, 2013,
9 (“Planning Letter”), which is on file with the Clerk of the Board of Supervisors under File No.
10 141269, has verified that the City’s acquisition and use of the Property for purposes consistent
11 with the voter-approved General Obligation Bond measure noted herein could not have a
12 significant effect on the environment, and is consistent with the General Plan, and the eight
13 priority policies under Planning Code, Section 101.1; and

14 WHEREAS, Under the Purchase Agreement, the Spencer Trust shall deliver the
15 Property to the City at the close of escrow, anticipated to occur on or around December 31,
16 2014, with no occupants or tenants on the Property beyond the City’s existing presence; now,
17 therefore, be it

18 RESOLVED, That the Board of Supervisors hereby finds that the acquisition of the
19 Property is consistent with the City’s General Plan, and the eight priority policies of Planning
20 Code, Section 101.1, and the purchase and project shall not have a significant effect on the
21 environment based on the criteria of the Guidelines of the State Secretary for Resources,
22 Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance),
23 and 15070 (Decision to Prepare a Negative Declaration), for the same reasons as set forth in
24 the Planning Letter, and hereby incorporates such findings by reference as though fully set
25 forth in this Resolution; and, be it

1 FURTHER RESOLVED, That in accordance with the recommendations of the Director
2 of Property, the Board of Supervisors hereby approves the Purchase Agreement, in
3 substantially the form presented to this Board, and authorizes City staff to take all actions
4 necessary to acquire the Property consistent with the Purchase Agreement; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
6 Property to complete the purchase of the Property; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
8 Property, in consultation with the City Attorney, to enter into any additions, amendments or
9 other modifications to the Purchase Agreement that the Director of Property determines are in
10 the best interests of the City, do not materially increase the obligations or liabilities of the City
11 or materially decrease the benefits to the City, and are in compliance with all applicable laws,
12 including the City's Charter; and, be it

13 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
14 in the name and on behalf of the City and County, to accept the Deed to the Property from the
15 Spencer Trust in accordance with the Purchase Agreement, place the Property under the
16 jurisdiction of Real Estate, and to take any and all steps (including, but not limited to, the
17 execution and delivery of any and all certificates, agreements, notices, consents, escrow
18 instructions, closing documents and other instruments or documents) as the Director of
19 Property deems necessary or appropriate in order to consummate the purchase of the
20 Property pursuant to the Purchase Agreement, or to otherwise effectuate the purpose and
21 intent of this Resolution, such determination to be conclusively evidenced by the execution
22 and delivery by the Director of Property of any such documents; and be it

23 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
24 with respect to the Purchase Agreement, or authorized and directed by this Resolution, are
25 hereby ratified, approved and confirmed by this Board of Supervisors.

\$15,500,000 available
Project Code: CESER2 TC0061
Index Code: PWA333CCF14A

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Controller

RECOMMENDED:

Director of Property