

1 [Acquisition of Real Property - 444 Sixth Street - Myung Chun - Justice Facilities Improvement  
2 Program - \$4,200,000]

3 **Resolution authorizing the Director of Property to acquire real property located at 444**  
4 **Sixth Street from Myung Chun for the purchase price of \$4,200,000; authorizing the**  
5 **Director of Property to execute documents, make certain modifications and take certain**  
6 **actions in furtherance of the Purchase Agreement and this Resolution, as defined**  
7 **herein; adopting the Planning Department’s findings under the California**  
8 **Environmental Quality Act; and affirming the Planning Department’s determination that**  
9 **the conveyance is consistent with the General Plan, and eight priority policies of**  
10 **Planning Code, Section 101.1.**

11  
12 WHEREAS, In 2015 the City identified, five separate lots with Assessor’s Parcel Block  
13 No. 3759 (Lot Nos. 009, 012, 014, 043 and 045) (collectively, the “Program Site”), to acquire  
14 in order to facilitate the replacement of the Hall of Justice, known as the Justice Facilities  
15 Improvement Program (the “HOJ Project”), through relocation of certain elements of the  
16 existing occupancy at 850 Bryant Street (“Hall of Justice or “HOJ”); and

17 WHEREAS, On July 21, 2015, this Board of Supervisors adopted Resolution No. 261-  
18 15, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 150701 and  
19 is incorporated herein by reference, to adopt the Mitigated Negative Declaration and  
20 Mitigation Monitoring and Reporting Program relative to the Program Site; and

21 WHEREAS, On December 15, 2015, the Board of Supervisors gave the Real Estate  
22 Division verbal direction to begin negotiations with the property owners adjacent to the HOJ to  
23 acquire the properties within the Program Site; and

1           WHEREAS, This Board of Supervisors adopted on June 28, 2016, Resolution No. 263-  
2 16 to approve the acquisition of property at 450 6th Street (“6th Street Property”), Assessor’s  
3 Parcel Block No. 3759, Lot No. 43, a property which the City subsequently acquired; and

4           WHEREAS; This Board of Supervisors adopted on May 14, 2019, Resolution No. 225-  
5 15 to approve the acquisition of 814-820 Bryant Street and 470-6th Street Assessor’s Parcel  
6 Block No. 3759, Lot Nos. 24, 25 and 26, properties which the City subsequently acquired; and

7           WHEREAS, This Board of Supervisors adopted a FY2020-2029 Ten-Year Capital Plan  
8 on April 30, 2019, showing that the City could fully fund the “HOJ Relocation Projects”,  
9 through the issuance of General Fund backed certificates of participation, and such HOJ  
10 Relocation Projects are included in the adopted FY2020 2029 Ten-Year Capital Plan; and

11           WHEREAS, On October 1, 2019, this Board of Supervisors enacted Ordinance No.  
12 227-19, a copy of which is on file with the Clerk of the Board in File No. 190896, authorizing  
13 the execution and delivery of Certificates of Participation not to exceed \$62,000,000 for the  
14 purpose of financing or refinancing, amongst other things, the acquisition of remaining  
15 property(s) needed for the HOJ Relocation Projects (“2019 HOJ Relocation Projects COPs”);  
16 and

17           WHEREAS, On October 1, 2019, this Board of Supervisors enacted Ordinance No.  
18 228-19, a copy of which is on file with the Clerk of the Board in File No. 190897, appropriating  
19 \$62,000,000 of Certificates of Participation to the General Services Agency (“2019 HOJ  
20 Relocation Projects Appropriation”) for the purpose of, amongst other things, acquisition of  
21 remaining property(s) needed for the HOJ Relocation Projects and authorizing the use of  
22 Commercial Paper as a funding source in the interim, prior to the sale of the 2019 HOJ  
23 Relocation Projects COPs; and

24           WHEREAS, Assessor’s Parcel Block No. 3759, Lot No. 045 (the “Property”) is the last  
25 remaining parcel within the Program Site; and

1           WHEREAS, Myung Chun, an individual (“Seller”), and City negotiated an Agreement of  
2 Purchase and Sale for Real Estate dated November 2, 2020, (“Purchase Agreement”), a  
3 copy of which is on file with the Clerk of the Board in File No. 201035, to allow the City to  
4 purchase the Property for \$4,200,000 (“Purchase Price”); and

5           WHEREAS, The Purchase Price is less than the \$6,000,000 estimated budget in the  
6 2019 HOJ Relocation Projects Appropriation for acquisition of adjacent sites; and

7           WHEREAS, Pursuant to Section 9.113(e) of the City’s Charter, the Board of  
8 Supervisors has authority to borrow money on an interim basis through the issuance from  
9 time to time of its commercial paper notes (“CP Notes”); and

10          WHEREAS, Upon any acquisition by City, the Property shall be placed under the  
11 jurisdiction of City Administrator; and

12          WHEREAS, The Planning Department made findings under the California  
13 Environmental Quality Act (“CEQA Findings”) in regards to the proposed acquisition and that  
14 such acquisition is consistent with the General Plan, and the eight priority policies of Planning  
15 Code, Section 101.1 ( the “General Plan Determination”); now, therefore, be it

16          RESOLVED, That in accordance with the recommendation of the Director of Property,  
17 the Board of Supervisors approves the Purchase Agreement in substantially the form  
18 presented to the Board, and authorizes the Director of Property to take all actions necessary  
19 or appropriate to acquire the Property as set forth in the Purchase Agreement; and, be it

20          FURTHER RESOLVED, This Board adopts the CEQA Findings and affirms the  
21 General Plan Determination; and, be it

22          FURTHER RESOLVED, In order to finance the acquisition and costs related to the  
23 acquisition of the Property on an interim basis and to the extent the Controller determines it  
24 necessary, this Board of Supervisors authorizes the Controller to issue CP Notes, together  
25 with other available funds to acquire the Property in an aggregate amount not to exceed the

1 Purchase Price, plus associated closing costs, until repayment of such CP Notes through  
2 subsequent delivery of the previously authorized 2019 HOJ Relocation Projects COPs; and,  
3 be it

4 FURTHER RESOLVED, That the Board of Supervisors authorizes and directs the  
5 Clerk of the Board of Supervisors, the Director of Property, the Director of Public Finance, the  
6 Director of San Francisco Public Works and the City Administrator, and any other officer of the  
7 City involved in the jurisdictional assignment to take all action and modification necessary or  
8 appropriate to effectuate the purpose of this Resolution; and, be it

9 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the  
10 Board of Supervisors with a fully executed copy of the Purchase Agreement within thirty (30)  
11 days (or as soon thereafter as final documents are available) of execution by all parties.

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