

FILE NO. 060256

ORDINANCE NO. 93-06

1 [Sale of Property at Broadway and Sansome Streets to Redevelopment Agency for  
2 \$1,500,000 and appropriating the sales proceeds for roadway maintenance of the  
3 Embarcadero.]

4 **Ordinance approving the sale of real property located at Broadway and Sansome**  
5 **(235-295 Broadway) (Assessor's Block 165 Lot 21)**  
6 **Streets to the Redevelopment Agency of the City and County of San Francisco (the**  
7 **"Agency") for \$1,500,000.00; authorizing the Director of Property to enter into an**  
8 **Agreement for the Sale of Real Property with the Agency for the sale of such real**  
9 **property for the development of affordable housing; and appropriating \$1,500,000.00 of**  
10 **the sales proceeds to the Department of Public Works for roadway maintenance of the**  
11 **Embarcadero.**

11 Note: Additions are single-underline italics Times New Roman;  
12 deletions are ~~strikethrough italics Times New Roman~~.  
13 Board amendment additions are double underlined.  
14 Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings. The Board of Supervisors of the City and County of San  
16 Francisco (the "Board") hereby finds and declares as follows:

17 A. In November 2002, this Board enacted the Surplus City Property Ordinance,  
18 Ordinance 227-02, which added Chapter 23A to the San Francisco Administrative Code to  
19 establish a procedure for the identification of surplus City property and declare it the policy of  
20 this Board that such property be used for housing for the homeless.

21 B. Pursuant to the Surplus City Property Ordinance, in 2003, the City Administrator  
22 identified a number of City properties to be assessed for suitability for development for  
23 housing for the homeless, and on May 18, 2004, the Board passed Ordinance No. 96-04  
24 transferring certain City properties identified by the City Administrator pursuant to the Surplus  
25 City Property Ordinance to the Mayor's Office of Housing ("MOH") for assessment and further

1 steps consistent with Chapter 23A of the Administrative Code, including, without limitation,  
2 publicizing the availability of the surplus properties to private and public agencies that serve  
3 the homeless.

4 C. One of the properties transferred to MOH under Ordinance No. 96-04 is property  
5 located at Broadway and Sansome Streets, (Lot 21, Block 165 and referred to herein as the  
6 "Property"). The Property was formerly owned by the State of California acting by and  
7 through its Department of Transportation ("Caltrans") as part of the Embarcadero Freeway.  
8 After the Loma Prieta Earthquake, Caltrans transferred the Property to the City. Prior to  
9 Ordinance No. 96-04, the Property was under the jurisdiction of the City's Department of  
10 Public Works.

11 D. The Redevelopment Agency of the City and County of San Francisco (the  
12 "Agency") wishes to purchase the Property for the development of affordable housing for  
13 \$1,500,000.00.

14 E. The Director of Property has determined that the fair market value of the Property is  
15 greater than \$1,500,000.00.

16 F. Section 23.3 of the Administrative Code authorizes the sale of real property for less  
17 than fair market value if the Board determines that a lesser sum will further a proper public  
18 purpose, and the Board finds and determines that the development of affordable housing is a  
19 proper public purpose. Also, the California Legislature has declared in Section 33071 of the  
20 California Health and Safety Code that "a fundamental purpose of redevelopment is to expand  
21 the supply of low- and moderate-income housing," and several other provisions of the  
22 Community Redevelopment Law are intended to provide the Agency with the power and tools  
23 to carry out that fundamental purpose.

1 G. Section 33220 of the California Health and Safety Code authorizes the City to sell  
2 property to the Agency for less than fair market value in order to aid and cooperate in the  
3 implementation of redevelopment projects.

4 H. The Agency is a local <sup>public</sup> public entity under the State Surplus Property Statute  
5 (Sections 54220 et seq. of the Government Code), which the Chapter 23A of the  
6 Administrative Code expressly acknowledges may preclude the disposition of property under  
7 the Surplus City Property Ordinance.

8 I. In a letter dated February 10, 2006, to the Department of Real Estate, a copy of  
9 which is on file with the Clerk of the Board in File No. 060256, the Planning Department  
10 found: (1) that the transfer of the property is categorically exempt from Environmental Review  
11 under Class 12 of the State Environmental Review Guidelines – Surplus Government  
12 Property Sales; and (2) that the proposed sale is consistent with the eight Priority Policies of  
13 Section 101.1 of the Planning Code. The Board hereby adopts the findings of the Planning  
14 Department as set forth in the Planning Department's February 10, 2006 letter.

15 J. The sale of the Property to the Agency for the development of affordable housing is  
16 in the public interest.

17 K. The Board is approving the sale of the Property to the Agency for the purpose of  
18 aiding and cooperating with the Agency in the development of affordable housing.

19 Section 2. Sale of the Property to Agency. Notwithstanding any other provision under  
20 Chapter 23A of the Administrative Code, the Board hereby approves the sale of the Property  
21 to the Agency for \$1,500,000.00 for the development of affordable housing and authorizes the  
22 Director of Property to enter into a purchase and sale agreement with the Agency to sell the  
23 Property in its "as-is, with all faults" condition, without any representations or warranties, and  
24 in substantially the form of the purchase and sale agreement on file with the Clerk of the  
25 Board in File No. 060256.

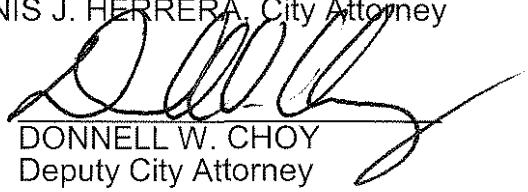
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Section 3. Appropriation of Sales Proceeds. The Board hereby appropriates \$1,500,000.00 of the proceeds from the sale of the Property to the Agency to the Department of Public Works for the purpose of providing roadway maintenance to the Embarcadero.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

FUNDS AVAILABLE:  
EDWARD M. HARRINGTON, Controller

By:

  
DONNELL W. CHOY  
Deputy City Attorney

By:

  
EDWARD M. HARRINGTON  
Controller



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 060256

**Date Passed:**

Ordinance approving the sale of real property located at Broadway and Sansome Streets (235-295 Broadway) (Assessor's Block 165 Lot 21) to the Redevelopment Agency of the City and County of San Francisco (the "Agency") for \$1,500,000.00; authorizing the Director of Property to enter into an Agreement for the Sale of Real Property with the Agency for the sale of such real property for the development of affordable housing and appropriating \$1,500,000.00 of the sales proceeds to the Department of Public Works for roadway maintenance of the Embarcadero.

May 2, 2006 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick,  
Mirkarimi, Peskin, Sandoval

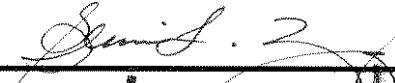
Excused: 1 - Maxwell

May 9, 2006 Board of Supervisors — FINALLY PASSED

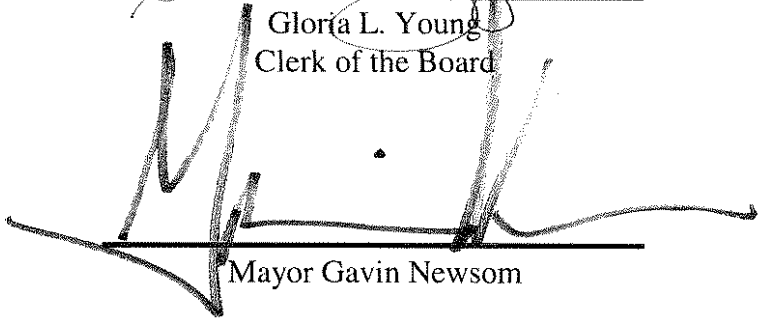
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 060256

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on May 9, 2006 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

5/19/06  
\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Mayor Gavin Newsom