

1 [Sale of City Property - 35 and 45 Onondaga - No Less Than \$640,000]

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3 **Ordinance authorizing the sale, by public competitive bid, of City-owned property**
4 **located at 35 and 45 Onondaga Avenue for no less than \$640,000; affirming the**
5 **Planning Department’s determination under the California Environmental Quality Act;**
6 **and adopting findings that the sale is consistent with the General Plan, and the eight**
7 **priority policies of Planning Code, Section 101.1.**

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9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

15 Section 1. In accordance with the recommendation of the San Francisco Department
16 of Public Health and the Director of Property, the Board of Supervisors finds that the public
17 interest or necessity will not be inconvenienced by the sale of the property known as
18 Assessor’s Block No. 6959, Lot Nos. 016 and 017, commonly known as 35 and 45 Onondaga
19 Avenue, San Francisco (the “Property”), owned by the City under the jurisdiction of the
20 Department of Public Health.

21 Section 2. The Director of Planning, by letter dated August 13, 2010, found that the
22 sale of the Property is categorically exempt from environmental review under the California
23 Environmental Quality Act and is consistent with the City’s General Plan and the Eight Priority
24 Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of the Board
25 of Supervisors in File No. 150460, and incorporated herein by this reference. The Board

1 affirms the Department’s determination under the California Environmental Quality Act, and
2 finds that the proposed sale of the Property is consistent with the City's General Plan and with
3 Planning Code Section 101.1(b) for the reasons set forth in the Director of Planning’s letter.

4 Section 3. The Board of Supervisors authorizes the Director of Property, on behalf of
5 the City and County of San Francisco, to sell the Property through a competitive bid without
6 subsequent approval or confirmation by the Board of Supervisors on the conditions that the
7 sale price is equal to or greater than \$640,000 and that the sale be effectuated by a
8 conveyance deed that provides for proper conservation of the mural located on the Property
9 within the building at 45 Onondaga Avenue (the “Mural”) and the City’s rights to inspect and
10 remove the Mural. Following any such sale, the Director of Property shall report the final
11 sales price in writing to the Clerk of the Board of Supervisors.

12 Section 4. To ensure that the Mural is preserved, the Director of Property and
13 Executive Director of the Arts Commission shall seek input from and confer with the following
14 individuals, prior to the execution of a purchase and sale agreement, regarding methods to
15 maintain and preserve the Mural: (a) at least one member of Bernard Zakheim’s family or a
16 person designated by the family; (b) a neighbor to or representative from the neighborhood
17 association that encompasses the Property; and (c) a person with knowledge of and/or
18 experience in the history and preservation of murals.

19 Section 5. The provisions of Administrative Code Chapter 23A, the Surplus City
20 Property Ordinance, shall not apply to the sale of the Property. Subject to a separate
21 appropriation ordinance, the Department of Public Health (“DPH”) expects that the sales
22 proceeds will be included in DPH’s budget, and that such proceeds shall be applied toward
23 capital improvements related to supportive housing projects.

24 Section 6. The Director of Property is hereby authorized and directed to take any and
25 all actions that they, in consultation with the City Attorney, deem necessary or advisable to

1 effectuate the purpose of this ordinance, which shall include, but not be limited to, securing
2 sealed bids for the sale of the Property, accepting the highest responsive bid, executing a
3 purchase and sale agreement, and closing an escrow for the sale of the Property.

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5 RECOMMENDED:

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Director of Property

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

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12 By: _____
Richard Handel
Deputy City Attorney

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