

1 [Acquisition of Real Property - 814-820 Bryant Street and 470-6th Street; \$11,520,000  
2 Certificates of Participation and Commercial Paper Notes - Not to Exceed \$16,000,000]

3 **Resolution authorizing the Director of the Real Estate Division to acquire real property**  
4 **located at 814-820 Bryant Street and 470-6th Street, from Wen-Chiao Wayne Lin and**  
5 **Mei-Huei Grace Lin as to an undivided 60% interest, and Tony Chih-Tung Lin and Jenny**  
6 **Chun-Hsing Lin as to an undivided 40% interest, to facilitate the replacement of the Hall**  
7 **of Justice known as the Justice Facilities Improvement Program, for the purchase price**  
8 **of \$11,520,000; authorizing the Controller to cause the execution and delivery of**  
9 **taxable or tax-exempt Certificates of Participation evidencing and representing an**  
10 **aggregate principal amount not to exceed \$16,000,000 to finance the costs of the**  
11 **acquisition of said real property, including demolition and related site preparation**  
12 **costs; authorizing the Controller to cause the issuance from time to time of the City's**  
13 **commercial paper notes in anticipation of the execution and delivery of said**  
14 **Certificates of Participation; adopting findings that the conveyance is consistent with**  
15 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
16 **authorizing the Controller and the Director of Property to execute such documents and**  
17 **take necessary actions in furtherance of this Resolution, as defined herein.**

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19 WHEREAS, On December 15, 2015 the San Francisco Board of Supervisors gave the  
20 Real Estate Division verbal direction to begin acquisition negotiations with the property  
21 owners adjacent to 850 Bryant Street; and

22 WHEREAS, This Board of Supervisors adopted a FY2018-2027 Ten-Year Capital Plan  
23 on April 25, 2017, showing that the City could fully fund the replacement of the Hall of Justice,  
24 known as the Justice Facilities Improvement Program through the issuance of General Fund  
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1 backed certificates of participation, and such project was included in the proposed  
2 FY2020-2029 Ten-Year Capital Plan, introduced for Board of Supervisors consideration on  
3 March 5, 2019; and

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

9 WHEREAS, In 2015 the City has identified five separate lots to acquire (Lot  
10 Nos. 009, 012, 014, 043 and 045), all within Assessor’s Parcel Block No. 3759 (collectively,  
11 the “Program Site”) to facilitate the replacement of the Hall of Justice through relocation of  
12 certain as-yet determined elements of the existing occupancy; and

13 WHEREAS, This Board of Supervisors adopted on June 28, 2016 Resolution  
14 No. 263-16 to approve the acquisition of property at 450-6th Street (“6th Street Property”),  
15 Assessor’s Parcel Block No. 3759, Lot No. 43; and

16 WHEREAS; Acquisition of 814-820 Bryant Street and 470-6th Street (together each of  
17 said properties are referred to herein as the “Property”), along with the previous acquisition of  
18 the 6th Street Property, will create a viable assemblage of parcels, adjacent to 850 Bryant  
19 Street; and

20 WHEREAS, Seller and City have negotiated a purchase and sale agreement, a copy of  
21 which is on file with the Clerk of the Board of Supervisors in File No. 190420 (“Purchase  
22 Agreement”), for purchase of the Property to the City for \$11,520,000; and

23 WHEREAS, The Property shall be placed in the jurisdiction of City Administrator upon  
24 acquisition; and

1           WHEREAS, Per Administrative Code, Section 23.3, an independent appraisal and  
2 review of that appraisal, confirmed that the purchase price is the fair market value of the  
3 Property; and

4           WHEREAS, The Planning Department, by letter dated April 11, 2019, found that the  
5 acquisition of the Property is not considered a project under the California Environmental  
6 Quality Act (“CEQA”, Pub. Resources Code, Section 21000 et seq.) pursuant to CEQA  
7 Guidelines, Section 15060, and Administrative Code, Chapter 31, and is consistent with the  
8 General Plan, and the eight priority policies of Planning Code, Section 101.1, which letter is  
9 on file with the Clerk of the Board of Supervisors in File No. 190420, and incorporated herein  
10 by this reference; and

11           WHEREAS, In order to provide funds for the acquisition of the Property, this Board of  
12 Supervisors also authorizes and directs the Controller to cause the execution and delivery of  
13 Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an  
14 aggregate principal amount of not to exceed \$16,000,000 to finance the costs demolition and  
15 site preparation costs for the Program Site and the acquisition of the Property and other  
16 authorized expenses; authorizing the issuance of commercial paper notes in advance of the  
17 delivery of the Certificates of Participation; and

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

21           WHEREAS, In order to finance the costs related to the Program Site and the  
22 acquisition of the Property on an interim basis, this Board of Supervisors also authorizes the  
23 Controller to authorize the use of the City’s commercial paper program, together with other  
24 available funds, to acquire the Property and the payment of costs related to the Program Site  
25 in an aggregate amount not to exceed \$16,000,000; and, consistent with applicable law,

1 anticipates repayment of such CP Notes from subsequent delivery of the Certificates of  
2 Participation; now, therefore, be it

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

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

11 FURTHER RESOLVED, That the Board hereby approves the execution and delivery of  
12 Certificates of Participation evidencing an aggregate principal amount not to exceed  
13 \$16,000,000 to pay the costs of the Project and other costs of issuance thereto; provided  
14 however the Controller and/or the Director of the Controller's Office of Public Finance shall  
15 return to this Board prior to the execution and delivery of said Certificates of Participation to  
16 seek the approval of the terms of the Certificates of Participation, the sale and security  
17 documents, including the Preliminary Official Statement prepared in connection with the  
18 Certificates of Participation and such other information as required by law; and, be it

19 FURTHER RESOLVED, That this Board hereby authorizes the Controller and the  
20 Director of the Controller's Office of Public Finance to cause the execution and delivery of CP  
21 Notes to finance on an interim basis the Project in anticipation of the execution and delivery of  
22 the Certificates of Participation, such CP Notes to be repaid with proceeds of the Certificates  
23 of Participation; and, be it

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

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RECOMMENDED:

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Andrico Penick  
Director of Property

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Mark D. Blake  
Deputy City Attorney  
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