

1 [Authorizing the Acquisition of a Lease by Eminent Domain - Central Shops Relocation - 1975
2 Galvez Avenue]

3 **Resolution authorizing the acquisition of a lease at the real property commonly known**
4 **as 1975 Galvez Avenue, Assessor’s Parcel Block No. 5250, Lot No. 016, by eminent**
5 **domain for the public purpose of completing and constructing the Central Shops**
6 **Relocation; affirming the Planning Department’s Categorical Exemption determination**
7 **under the California Environmental Quality Act; and making findings of consistency**
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

9
10 WHEREAS, The San Francisco General Services Agency (“GSA”) desires to relocate
11 the City’s Central Fleet Maintenance Shop (“Central Shops”) from its current location at 1800
12 Jerrold Avenue to a nearby site, composed of contiguous parcels located at 1975 Galvez,
13 and 555 Selby as well as a nearby parcel at 450 Toland, that collectively would meet GSA’s
14 needs to construct a modern facility and free up the 1800 Jerrold Avenue property for use by
15 the San Francisco Public Utilities Commission (“SFPUC”) for temporary and ongoing repair,
16 replacement, upgrades, and other capital improvement projects at its Southeast Water
17 Pollution Control Plant (“SEP”) facilities (the “Project”); and

18 WHEREAS, The SEP facilities are also in need of substantial maintenance, repair, and
19 replacement, and the adopted Wastewater Enterprise Capital Plan includes an allocation
20 toward these improvements, and the SFPUC seeks to secure additional land in proximity of
21 the SEP to support these improvements; and

22 WHEREAS, The Project’s primary objective is to relocate the Central Shops from
23 existing, outdated facility to a repurposed and newly-constructed modern facility necessary for
24 GSA to perform its duties, as well as provide additional space for SFPUC’s immediate and
25 long-term use in connection with its SEP facilities; and

1 WHEREAS, The City purchased the real property commonly known as 1975 Galvez
2 Avenue, San Francisco, California, Assessor’s Parcel No. 5250-016 (“Galvez Property”)
3 in 2016, subject to an existing lease (“Lease”), pursuant to which BlueLine Rentals, LLC
4 (“Lessee”) (formerly Volvo Construction Rentals, Inc.), currently occupies and operates an
5 equipment rental business at the Galvez Property; and

6 WHEREAS, The legal description of the Galvez Property and a copy of the Lease are
7 on file with the Clerk of the Board of Supervisors in File No. 161101 and are each
8 incorporated herein by reference as though fully set forth; and

9 WHEREAS, California Government Code, Sections 25350.5 and 37350.5 authorize the
10 City’s Board of Supervisors to acquire any property necessary to carry out any of the powers
11 or functions of the City by eminent domain; and

12 WHEREAS, The City requires the acquisition of the property interest set forth in the
13 Lease for the Project; and

14 WHEREAS, On October 28, 2015, the Planning Department made required findings
15 and determined that the Project is categorically exempt from the California Environmental
16 Quality Act (California Public Resources Code, Sections 21000 et seq.) as a Class 32 in-fill
17 development project; and

18 WHEREAS, This determination is on file with the Clerk of the Board of Supervisors in
19 File No. 161101 and is incorporated herein by reference as though fully set forth; the Board
20 affirms this determination; and

21 WHEREAS, Real Estate Division staff obtained an appraisal of the Lease in
22 compliance with California Government Code Section 7267 et seq. and all related statutory
23 procedures for possible acquisition of the Lease, submitted an offer to the Lessee to purchase
24 the Lease as required by California Government Code Section 7267.2 on
25

1 September 14, 2016, and continues to negotiate the possible acquisition of the Lease with the
2 Lessee; and

3 WHEREAS, On November 5, 2015, the City's Planning Department found the Project
4 to be consistent with the General Plan, and the eight priority policies of Planning Code,
5 Section 101.1, to the extent applicable; this determination is on file with the Clerk of the Board
6 of Supervisors in File No. 161101 and is incorporated herein by reference as though fully set
7 forth; the Board affirms this determination; and

8 WHEREAS, This Board finds and determines that each person whose name and
9 address appears on the last equalized County Assessment Roll as an owner of the Galvez
10 Property, as well as the Lessee, has been given notice and a reasonable opportunity to
11 appear and be heard on this date on the matter referred to in California Code of Civil
12 Procedure Section 1240.030 in accordance with California Code of Civil Procedure Section
13 1245.235; now, therefore, be it

14 RESOLVED, That by at least a two-thirds vote of this Board under California Code of
15 Civil Procedure Sections 1240.030 and 1245.230, this Board finds and determines each of the
16 following:

- 17 1. The public interest and necessity require the proposed Project;
- 18 2. The proposed Project is planned and located in the manner that will be most
19 compatible with the greatest public good and the least private injury;
- 20 3. The Lease, should it be acquired, would terminate Lessee's interest in the Galvez
21 Property and is necessary for the Project; and
- 22 4. The offer required by California Government Code Section 7267.2 has been made
23 to the Lessee; and, be it

24 FURTHER RESOLVED, That to the extent that any portion of the Galvez Property or
25 use allowed under the Lease sought to be acquired is presently appropriated to a public use,

1 the use for which the Lease is sought, specifically, construction of the Project, is a more
2 necessary public use under Section 1240.610 of the California Code of Civil Procedure; and,
3 be it

4 FURTHER RESOLVED, That to the extent that any portion of the Galvez Property or
5 use allowed under the Lease sought to be acquired is presently appropriated to a public use,
6 the use for which the Lease is sought, specifically, construction of the Project, will not
7 unreasonably interfere with or impair the continuance of the public use under
8 Section 1240.510 of the California Code of Civil Procedure; and, be it

9 FURTHER RESOLVED, That to the extent that any portion of the Galvez Property or
10 use allowed under the Lease sought to be acquired is substitute property, the substitute
11 property is necessary for the purpose specified in Section 1240.330 of the California Code of
12 Civil Procedure; and, be it

13 FURTHER RESOLVED, That the City Attorney is hereby authorized and directed to
14 take all necessary steps to commence and prosecute proceedings in eminent domain,
15 including settlement or compromise of any such proceedings consistent with the City's
16 Charter and all applicable law, against the Lessee and the owner or owners of any and all
17 interests in the Galvez Property or claims thereto for the condemnation thereof for the public
18 use of the City, to the extent such proceedings are necessary; together with the authorization
19 and direction to take any and all actions or comply with any and all legal procedures to obtain
20 an order for immediate or permanent possession of the Lease, in conformity with existing or
21 amended law; and, be it

22 FURTHER RESOLVED, That this Board has reviewed and considered the Planning
23 Department's determination that the Project qualifies under a Class 32 Categorical Exemption
24 pursuant to CEQA; and, be it

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1 FURTHER RESOLVED, That this Board finds that there have been no substantial
2 changes proposed for the Project, and no substantial changes in Project circumstances, that
3 would disqualify the Project’s Categorical Exemption; and, be it

4 FURTHER RESOLVED, That this Board hereby adopts as its own and incorporates by
5 reference, as though fully set forth herein, the findings of the Planning Department that the
6 acquisition of the Lease is consistent with the General Plan and the Eight Priority Policies of
7 City Planning Code Section 101.1.

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9 RECOMMENDED:

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11 _____
12 Director of Property
13 John Updike

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