

1 [Authorizing the execution of an option to purchase interests in the properties located at 1600
2 and 1670 Owens Street, San Francisco and acquire related design and construction plans.]

3 Ordinance approving City's execution of option agreement for purchase of (i) real
4 property located at 1600 Owens Street, San Francisco, California for purpose of
5 construction of new laboratory building for use by the City's Office of the Chief Medical
6 Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the
7 land and existing parking structure located at 1670 Owens Street San Francisco,
8 California, (iii) rights to use existing permitted base building design and construction
9 documents in connection with City's proposed construction of new laboratory building
10 at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations
11 under certain existing design and development contracts related to such proposed
12 laboratory building construction; exempting acquisition by City of existing permitted
13 base building design and construction documents and related design or construction
14 contracts from Chapter 6 of City's Administrative Code; adopting findings under the
15 California Environmental Quality Act and findings pursuant to the City Planning Code
16 Section 101.1; and ratifying previous actions taken in connection therewith.

17
18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings. The Board of Supervisors of the City and County of
20 San Francisco hereby finds and declares as follows:

21 A. Defendants, jurors, prosecutors, defense attorneys, and judges rely on the
22 highest expectations for scientific evidence in the determination of guilt or innocence.

23 B. The Office of the Chief Medical Examiner (OCME) investigates sudden,
24 unexpected and violent deaths and provides forensic laboratory studies in toxicology,
25

1 chemistry, histology, and evidence processing to the City and to both state and federal law
2 enforcement agencies.

3 C. The Office of the Chief Medical Examiner needs to be able to provide reliable
4 and credible science to the justice system and to the families of such unexpected and violent
5 deaths.

6 D. The Office of the Chief Medical Examiner is currently located in essentially the
7 same facilities at the Hall of Justice at 850 Bryant Street since the 1950's.

8 E. The San Francisco Police Department (SFPD) Investigations Bureau, Forensic
9 Science Division (FSD) comprises the Criminalistics Laboratory, Crime Scene Investigation,
10 Computer Forensics Unit, ID/Records section, Photographic Unit, and Polygraph Unit, and
11 provide essential analysis of evidence to the justice system in the City.

12 F. The SFPD Forensic Services Division is currently located in two separate
13 locations (at the Hall of Justice and Building 606 in the Hunters' Point Naval Shipyard) both of
14 which are also outdated and inefficient facilities. In addition, the bifurcation of the SFPD
15 Forensic Services Division between the Hall of Justice and Building 606 in the Hunters' Point
16 Naval Shipyard inhibits the effective management of personnel and processes, essential to
17 sustaining the all-important evidence chain of custody.

18 G. DNA testing has a proven track record of determining both guilt and innocence
19 of crime suspects.

20 H. The Office of Chief Medical Examiner and the SFPD Forensics Sciences
21 Division work closely on unexplained deaths in the City.

22 I. Both the Office of Chief Medical Examiner and the SFPD Forensics Sciences
23 Division require highly specialized facilities with higher floor-weight requirements, special
24 ventilation and filtration, hazardous materials storage and disposal, provision of specialty
25

1 gases (hydrogen, helium, etc), higher slab to slab heights, emergency power, and specialized
2 loading and delivery, among other items, in order to maintain their accreditations.

3 J. A new, fully accredited facility will significantly improve the capacity of the
4 forensic science services to provide reliable and timely evidence.

5 K. The Board supports providing the justice system with the highest standards for
6 prompt and reliable scientific evidence.

7 L. A combined Office of Chief Medical Examiner and the SFPD Forensics Sciences
8 Division facility will not only save on duplicated requirements but produce better efficiency in
9 service to the public.

10 M. The Real Estate Division has identified a (1) fully entitled site of approximately
11 72,199 sq. ft. of land, commonly known and numbered as 1600 Owens Street and also
12 identified as Assessors Block 8709 / Lot 20 together with all rights and privileges incidental or
13 appurtenant to the land (the "1600 Owens Land") for the construction of a new centrally
14 located laboratory building (the "Forensics Science Center") to house both the Office of the
15 Chief Medical Examiner and the Forensic Science Division in close to proximity to the Hall of
16 Justice and (2) a twenty and seventeen one hundredths percent (20.17 %) tenancy-in-
17 common interest (the "Parking Garage TIC") in the land and existing parking structure located
18 at 1670 Owens Street and also identified as Assessor's Block 8709/Lot 22 (the "Parking
19 Garage"). The Parking Garage is a 6-level (including the roof level), approximately 252,170
20 sq. ft. structure consisting of approximately 803 total parking spaces on approximately 86,260
21 sq. ft. of land, San Francisco. The proposed Forensic Science Center project meets the
22 specific needs of both the Office of the Chief Medical Examiner and the Forensic Science
23 Division with only minor modification.

24 N. ARE-SAN FRANCISCO NO.15, LLC, a Delaware limited liability company
25 ("ARE"), which currently owns the 1600 Owens Land and the Parking Garage, has expended

1 substantial efforts, costs, and time to obtain project approvals and has worked, and continues
2 to work, with architects, engineers, a contractor, and other consultants to make the minor
3 modifications to the plans required by the Office of the Chief Medical Examiner and the
4 Forensic Division to expedite the delivery of the Forensics Science Center project and save
5 the City money. In connection with such efforts, ARE has caused the preparation by Studios
6 Architecture of "warm shell" building plans and construction documents dated April 4, 2008
7 and Addendums 1 through 6 (collectively, the "Building Plans") with respect to the proposed
8 construction of the Forensics Science Center project and has entered into contracts or similar
9 arrangements for design and/or consulting services with Studios Architecture, DPR
10 Construction, and other consultants and engineers (collectively, the "Development
11 Contracts").

12 O. In connection with the proposed development of the Forensic Science Center
13 project, City's Department of Public Works retained Crime Lab Design to prepare preliminary
14 fixtures and interior improvements plans designed for the specialized needs of the Office of
15 Chief Medical Examiner and the SFPD Forensics Sciences Division. Those fixtures and
16 interior improvements plans are based upon the Building Plans and will have little, if any,
17 value if the City elects to not purchase the Property.

18 P. The Real Estate Division believes that buying a fully entitled site will not only
19 save substantially time in the development of such a facility but, because of the downturn in
20 the construction industry, may save the City monies in the cost of construction.

21 Q. The Board intends to seek voter approval of a general obligation bond to provide
22 funding for the acquisition of land and to enable construction of a new Forensic Science
23 Center.

24 R. The City, as optionee, and ARE, as optionor, have executed a Term Sheet
25 dated December 11, 2009 (the "Term Sheet"), a copy of which is on file with the Clerk of the

1 Board, for an option to purchase the following assets: (1) the 1600 Owens Land, (2) a
2 tenancy-in-common interest in the adjacent parking garage at 1670 Owens Street, and (3) an
3 assignment to City, to be accompanied by a release of ARE or its assignee, with respect to all
4 of ARE's rights and obligations to or arising under the Building Plans and the Design
5 Contracts (collectively, the "Option Property").

6 S. Under the Term Sheet, the City's obligation to consummate the purchase of the
7 Option Property is conditioned upon (1) voter approval of such a general obligation bond or
8 similar issuance of debt in an amount sufficient to pay the purchase price for the Property (the
9 "Purchase Price") and construct the new Forensic Science Center, (2) prior approval of the
10 exercise of the purchase option and payment of the Purchase Price pursuant to the option
11 agreement by the Mayor and the Board, and (3) the satisfaction of other closing conditions
12 specified in the Term Sheet on or before May 31, 2011.

13 T. On _____, the Department of City Planning adopted and issued
14 a General Plan Consistency Finding, a copy of which is on file with the Clerk of the Board,
15 wherein the Department of City Planning found that the acquisition of the Property, and the
16 execution and performance of the proposed purchase agreement with respect to the Property
17 are consistent with the City's General Plan and with the Eight Priority Policies under Planning
18 Code Section 101.1.

19 U. The 1600 Owens Street Land is also known as Parcel 4 of Blocks 41-43 in the
20 Mission Bay South Redevelopment Plan Area. The Redevelopment Agency Commission by
21 Resolution No. 199-2000 and Resolution No. 163-2005, adopted CEQA Findings and
22 approved a Major Phase and a Revised Major Phase submission for Blocks 41-43, finding the
23 proposed Major Phase development and Revised Major Phase development as within the
24 scope of impacts analyzed in the FSEIR. The Redevelopment Agency Commission by
25 Resolution No. 149-2006 approved a combined basic concept and schematic design for a

1 proposed project containing laboratory, office, retail and ancillary uses, finding the basic
2 concept and schematic design within the scope of the project analyzed in the FSEIR.
3 Redevelopment Agency Commission Resolutions No. 199-2000, No. 163-2005 and No. 149-
4 2006 are on file with the Clerk of the Board in File No. and incorporated in this Ordinance by
5 this reference. The Forensic Science Center will consist of laboratory, office and ancillary
6 uses consistent with the uses approved for the 1600 Owens Street Land site and the uses
7 analyzed in the FSEIR and is therefore within the scope of the project analyzed in the FSEIR.

8 Section 2. Approval of the proposed Option Agreement. The Board hereby
9 approves the terms and conditions of the Term Sheet for an option to purchase the Property
10 and directs and authorizes the Director of Property (or her designee) to take all actions
11 reasonably necessary or prudent to enter into an option to purchase agreement ("Option
12 Agreement") with respect to the purchase of the Property substantially on the terms and
13 conditions contained in the Term Sheet and in a form approved by the City Attorney..

14 Section 3. Authority to Take Actions to Facilitate the Execution of an Option
15 Agreement. The Mayor, the City Attorney, the Director of Property, the Director of Public
16 Finance, and other officers of the City and their duly authorized deputies and agents are
17 hereby authorized and directed, jointly and severally, to take such actions and to negotiate,
18 execute and deliver option payments to secure an Option Agreement as they may deem
19 necessary or desirable to facilitate the purchase of the Property and to prepare for the
20 issuance of general obligation debt or other similar financing to pay the Purchase Price.

21 Section 4. Authority to Take Actions to Facilitate the Execution of Contracts with the
22 Studios Architecture, DPR Construction, or either of them; Exemption from Chapter 6 of the
23 City's Administrative Code. The Mayor, the City Attorney, the Director of Property, the City
24 Administrator, the Director of Public Finance, the Director of Public Works, and other officers
25 of the City and their agents are hereby authorized and directed to take such actions and to

1 negotiate, execute, and deliver such contracts, assignments, releases, or other instruments as
2 they may deem necessary or desirable and in the best interests of the City to allow the
3 development and construction of the Forensic Science Center project, including contracts,
4 assignments, releases, or other instruments necessary, in the opinion of any such authorized
5 City agent, in consultation with the City Attorney, to allow City's use of the Building Plans, to
6 assume and acquire ARE's or its assignee's obligations and rights under the Development
7 Contracts, to provide for the release of ARE or its assignee of any obligations under or with
8 respect to the Building Plans and the Development Contracts, and to provide for the
9 construction of Forensic Science Center project. The Board hereby finds that any such
10 contract, assignment, release, or other instrument is exempt from the competitive
11 requirements of Chapter 6 of the City's Administrative Code, including Sections 6.40, 6.41,
12 and 6.68(A) through 6.68(E).

13 Section 5. Adoption of Findings of Department of City Planning.

14 (a) The Board hereby adopts and incorporates herein by reference the findings of
15 the Department of City Planning in the General Plan Consistency Finding that the proposed
16 Property is in conformity with the Master Plan and is consistent with the Eight Priority Policies
17 of Planning Code Section 101.1.

18 (b) The Board has reviewed and considered the CEQA Findings and statement of
19 overriding considerations that it previously adopted, and reviewed and considered the above
20 referenced CEQA Findings of the Redevelopment Agency Commission and hereby adopts
21 these additional CEQA Findings as its own. The Board additionally finds that implementation
22 of the Forensic Science Center in Mission Bay (i) does not require major revisions in the
23 FSEIR due to the involvement of new significant environmental effects or a substantial
24 increase in the severity of previously identified significant effects, (ii) no substantial changes
25 have occurred with respect to the circumstances under which the project analyzed in the

1 FSEIR will be undertaken that would require major revisions to the FSEIR due to the
2 involvement of new significant environmental effects, or a substantial increase in the severity
3 of effects identified in the FSEIR, and (iii) no new information of substantial importance to the
4 project analyzed in the FSEIR has become available which would indicate that (A) the
5 Forensic Science Center will have significant effects not discussed in the FSEIR; (B)
6 significant environmental effects will be substantially more severe; (C) mitigation measures or
7 alternatives found not feasible which would reduce one or more significant effects have
8 become feasible; or (D) mitigation measures or alternatives which are considerably different
9 from those in the FSEIR will substantially reduce one or more significant effects on the
10 environment.

11 Section 6. Authorizing the Director of Property. The Board authorizes the Director of
12 Property to execute, on behalf of the City, any documents which the Director of Property, in
13 consultation with the City Attorney, believes are in the best interests of City and further the
14 intent of this Ordinance.

15 Section 7. Ratification of Prior Actions. All actions authorized and directed by this
16 Ordinance and heretofore taken are hereby ratified, approved, and confirmed by this Board.

17

18 RECOMMENDED:

19

20 _____
21 Director of Property

22

23

24 _____
25 City Administrator

26

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

San Francisco Police Department
Chief of Police

Director of Public Works

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

By: _____
Richard Handel
Deputy City Attorney