

File No. 091457

Committee Item No. 3

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee BUDGET AND FINANCE

Date 1/27/10

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Mitigated Negative Declaration*</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Addendum to Subsequent EIR*</u>     |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                                  |
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Completed by: Gail Johnson

Date 1/22/10

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

\* An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Earthquake Safety and Emergency Response General Obligation Bonds.]

2  
3 **Resolution determining and declaring that the public interest and necessity demand**  
4 **the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and**  
5 **Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a**  
6 **Forensic Sciences Center, and other critical infrastructure and facilities for earthquake**  
7 **safety and the payment of related costs necessary or convenient for the foregoing**  
8 **purposes; finding that the estimated cost of \$652,070,000 for such improvements is**  
9 **and will be too great to be paid out of the ordinary annual income and revenue of the**  
10 **City and County and will require incurring bonded indebtedness; finding that a portion**  
11 **of the proposed bond is not a project under the California Environmental Quality Act**  
12 **("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco**  
13 **Administrative Code Chapter 31 for the remaining portion of the proposed bond;**  
14 **finding the proposed bond is in conformity with the priority policies of Planning Code**  
15 **Section 101.1(b) and with the General Plan consistency requirement of Charter**  
16 **Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set**  
17 **forth in Administrative Code Section 2.34.**

18  
19 WHEREAS, The Working Group on California Earthquake Probabilities (a collaborative  
20 effort of the United States Geological Survey (the "U.S.G.S."), the California Geological  
21 Society and the Southern California Earthquake Center) estimates a 63% chance that one or  
22 more earthquakes of a magnitude of 6.7 or larger will occur in the Bay Area before the year  
23 2038; and,

1           WHEREAS, The U.S.G.S. predicts that a magnitude 7 earthquake occurring today on  
2 the Hayward Fault would likely cause hundreds of deaths and almost \$100 billion in damage;  
3 and,

4           WHEREAS, A large magnitude earthquake would damage critical City and County of  
5 San Francisco (the "City") facilities and infrastructure, thereby compromising the capacity of  
6 first responders, including fire and police personnel, to respond effectively; and,

7           WHEREAS, With adequate funding the City can construct, acquire, improve, retrofit  
8 and complete critical firefighting facilities and infrastructure for earthquake safety and  
9 emergency response not otherwise specifically enumerated in this resolution, including  
10 without limitation, neighborhood fire stations and such facilities as cisterns, pipes and tunnels  
11 for the water system for firefighting (collectively, the "Critical Firefighting Facilities and  
12 Infrastructure"); and,

13           WHEREAS, With adequate funding the City can renovate and seismically upgrade the  
14 Auxiliary Water Supply System (the "AWSS") core facilities consisting of a reservoir, two  
15 storage tanks and two pump stations (collectively, the "AWSS Project"); and,

16           WHEREAS, With adequate funding the City can construct in Mission Bay (1) a Public  
17 Safety Building consisting of a new police department command center, a southern district  
18 police station, and a neighborhood fire station in a seismically secure facility to serve Mission  
19 Bay to accommodate safety needs in a growing community and (2) a new seismically secure  
20 Forensic Sciences Center to consolidate the Office of the Chief Medical Examiner and the  
21 Police Department's Forensic Services Division (collectively, the "Public Safety Building and  
22 Forensic Sciences Center"); and,

23           WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will  
24 provide funding for Critical Firefighting Facilities and Infrastructure, the AWSS Project and the  
25 Public Safety Building and Forensic Sciences Center; and,

1           WHEREAS, The Bond is recommended by the City's 10-year capital plan, which is  
2 approved each year by the Mayor of the City and the Board of Supervisors of the City (the  
3 "Board"); and,

4           WHEREAS, The Board recognizes the need to safeguard and enhance the City's  
5 earthquake and emergency response and recovery by rehabilitating critical facilities that  
6 support the City's first responders; now, therefore, be it

7           RESOLVED, By the Board:

8           Section 1. The Board determines and declares that the public interest and necessity  
9 demand the rehabilitation and seismic upgrade of Critical Firefighting Facilities and  
10 Infrastructure and the AWSS, and the construction of a new seismically secure Public Safety  
11 Building and a Forensic Sciences Center, and the payment of related costs necessary or  
12 convenient for the foregoing purposes.

13           Section 2. The estimated cost of \$652,070,000 of the Bond is and will be too great to  
14 be paid out of the ordinary annual income and revenue of the City, will require an expenditure  
15 greater than the amount allowed by the annual tax levy, and will require the incurrence of  
16 bonded indebtedness in an amount not to exceed \$652,070,000.

17           Section 3. The Board, having reviewed the proposed legislation, makes the following  
18 findings in compliance with the California Environmental Quality Act ("CEQA"), California  
19 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative  
20 Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code  
21 Chapter 31 ("Chapter 31"):

22           (i)     Critical Firefighting Facilities and Infrastructure. For the reasons set forth in the  
23 letter from the Planning Department, dated \_\_\_\_\_, a copy of which is on file  
24 with the Clerk of the Board in File No. 091457 and incorporated by reference,  
25 the Board finds that the bond proposal as it relates to funds for Critical Firefighting Facilities

1 and Infrastructure is not subject to CEQA because as the establishment of a government  
2 financing mechanism that does not identify individual specific projects to be constructed with  
3 the funds, it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond  
4 proceeds to finance any project or portion of any project with funds for the Critical Firefighting  
5 Facilities and Infrastructure portion of the Bond will be subject to approval of the Board upon  
6 completion of planning and any further required environmental review under CEQA for the  
7 individual Critical Firefighting Facilities and Infrastructure projects.

8 (ii) AWSS Project. On \_\_\_\_\_, 2009, the Planning Department  
9 issued a Final Mitigated Negative Declaration ("FMND") for the AWSS Project, San Francisco  
10 Planning Department Case No. 2009.0568E, which is on file with the Clerk of the Board in File  
11 No. 09457 and which is incorporated into this resolution by this reference. In  
12 issuing the FMND the Planning Department determined that the AWSS Project could not have  
13 a significant effect on the environment.

14 (a) The Board hereby adopts as its own the CEQA findings for the AWSS Project  
15 made by the Planning Department in the FMND.

16 (b) The Board has reviewed and considered the information contained in the FMND  
17 and all information pertaining to the AWSS Project in the Department's case file and all  
18 documents referenced in this resolution are either on file with the Clerk of the Board in File  
19 No. 09457 or may be found in the files of the Planning Department, as the  
20 custodian of records, at 1660 Mission Street in San Francisco.

21 (c) The AWSS Project as reflected in this resolution is consistent with the project  
22 described in the FMND and would not result in any significant impacts not identified in the  
23 FMND nor cause significant effects identified in the FMND to be substantially more severe.

24 (d) In accordance with CEQA, the Board has considered the mitigation measures  
25 described in the FMND and hereby requires the mitigation measures and the mitigation

1 monitoring and reporting program ("MMRP") denoted as Exhibit A to this resolution and on file  
2 with the Clerk of the Board in File No. 091457 to be imposed as conditions on the  
3 implementation of the AWSS Project approved by this resolution.

4 (e) With the implementation of the mitigation measures required in Exhibit A to this  
5 resolution, the environmental impacts resulting from AWSS Project on cultural resources,  
6 biological resources and from releases of hazardous materials or creation of hazards would  
7 be reduced to a less than significant level as described in the FMND.

8 (f) Based upon the whole record for the FMND, including all written materials and  
9 any oral testimony received by the Board, the Board hereby finds that the FMND reflects the  
10 independent judgment and analysis of the Planning Department and the Board, is adequate  
11 and complete and there is no substantial evidence that the proposed AWSS Project, given the  
12 implementation of the mitigation measures as stated in the FMND and the adoption of the  
13 MMRP, could have a significant effect on the environment as shown in the analysis of the  
14 FMND. The Board hereby adopts the FMND and the MMRP on file with the Clerk of the  
15 Board as Exhibit A to this resolution.

16 (iii) Public Safety Building and Forensic Sciences Center. The Public Safety  
17 Building and the Forensic Sciences Center are proposed to be constructed within Mission  
18 Bay. On September 17, 1998, the Redevelopment Agency Commission by Resolution No.  
19 190-98 and the San Francisco Planning Commission by Resolution No. 14696 certified the  
20 Final Subsequent Environmental Impact Report for the Mission Bay North and South  
21 Redevelopment Plans ("FSEIR"). On October 19, 1998, the Board of Supervisors, by Motion  
22 No. 98-132 affirmed certification of the FSEIR and by Resolution No. 854-98, adopted CEQA  
23 findings, including a statement of overriding considerations and a Mission Bay mitigation  
24 monitoring and reporting program ("Mission Bay MMRP") in support of various approval  
25 actions taken by the Board to implement the Mission Bay Redevelopment Plans. Resolution

1 No. 854-98 is on file with the Clerk of the Board in File No. 01457 and  
2 incorporated in this resolution by this reference.

3 (a) The Public Safety Building is proposed at Parcel 8 in the Mission Bay South  
4 Redevelopment Plan Area, bounded by Mission Rock, China Basin and Third Streets. The  
5 Redevelopment Agency has issued several addenda to the FSEIR to address various issues  
6 and most recently issued Addendum No. 7 to address the location of the Public Safety  
7 Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is  
8 within the scope of the project analyzed in the FSEIR and will not result in any new significant  
9 impacts or a substantial increase in the severity of previously identified significant effects that  
10 alter the conclusions reached in the Mission Bay FSEIR. The Addendum No. 7 and any  
11 supporting documents have been made available to the Board and the public, are on file with  
12 the Clerk of the Board in File No. 01457 and Addendum No. 7 is incorporated in  
13 this resolution by this reference. Hereafter in this resolution, the reference to the FSEIR  
14 include any addenda to the FSEIR.

15 (b) The Forensic Sciences Center is proposed at 1600 Owens Street, also known  
16 as Parcel 4 of Blocks 41-43 in the Mission Bay South Redevelopment Plan Area. The  
17 Redevelopment Agency Commission by Resolution No. 199-2000 and Resolution  
18 No. 163-2005, adopted CEQA Findings and approved a Major Phase and a Revised Major  
19 Phase submission for Blocks 41-43, finding the proposed Major Phase development and  
20 Revised Major Phase development as within the scope of impacts analyzed in the FSEIR.  
21 The Redevelopment Agency Commission by Resolution No. 149-2006 approved a combined  
22 basic concept and schematic design for a proposed project containing laboratory, office, retail  
23 and ancillary uses, finding the basic concept and schematic design within the scope of the  
24 project analyzed in the FSEIR. Redevelopment Agency Commission Resolutions  
25 No. 199-2000, No. 163-2005 and No. 149-2006 are on file with the Clerk of the Board in File



1 No. 091157 and incorporated in this resolution by this reference. The Forensic  
2 Sciences Center will consist of laboratory, office and ancillary uses consistent with the uses  
3 approved for the 1600 Owens Street site and the uses analyzed in the FSEIR and is therefore  
4 within the scope of the project analyzed in the FSEIR.

5 (c) The Board has reviewed and considered the CEQA Findings and statement of  
6 overriding considerations that it previously adopted, and reviewed and considered the above-  
7 referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA  
8 Findings contained in Addendum No. 7 and hereby adopts these additional CEQA Findings as  
9 its own. The Board additionally finds that implementation of the Public Safety Building and  
10 Forensic Sciences Center in Mission Bay (1) do not require major revisions in the FSEIR due  
11 to the involvement of new significant environmental effects or a substantial increase in the  
12 severity of previously identified significant effects, (2) no substantial changes have occurred  
13 with respect to the circumstances under which the project analyzed in the FSEIR will be  
14 undertaken that would require major revisions to the FSEIR due to the involvement of new  
15 significant environmental effects, or a substantial increase in the severity of effects identified  
16 in the FSEIR, and (3) no new information of substantial importance to the project analyzed in  
17 the FSEIR has become available which would indicate that (i) the Public Safety Building and  
18 Forensic Sciences Center and will have significant effects not discussed in the FSEIR; (ii)  
19 significant environmental effects will be substantially more severe; (iii) mitigation measures or  
20 alternatives found not feasible which would reduce one or more significant effects have  
21 become feasible; or (iv) mitigation measures or alternatives which are considerably different  
22 from those in the FSEIR will substantially reduce one or more significant effects on the  
23 environment.

24 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity  
25 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in

1 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the  
2 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and  
3 adopts the findings of the Planning Department, as set forth in the General Plan Referral  
4 Report dated \_\_\_\_\_, 2009, a copy of which is on file with the Clerk of the  
5 Board in File No. 091457 and incorporates such findings by reference.

6 Section 5. The time limit for approval of this resolution specified in Section 2.34 of the  
7 San Francisco Administrative Code is waived.

8 Section 6. Under Section 2.40 of the San Francisco Administrative Code, the  
9 ordinance submitting this proposal to the voters shall contain a provision authorizing landlords  
10 to pass-through 50% of the resulting property tax increases to residential tenants in  
11 accordance with Chapter 37 of the San Francisco Administrative Code.

12 Section 7. Documents referenced in this resolution are on file with the Clerk of the  
13 Board of Supervisors in File No. 091457, which is hereby declared to be a part of  
14 this resolution as if set forth fully herein.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA  
18 City Attorney

19 By: Kenneth David Roux  
20 KENNETH DAVID ROUX  
21 Deputy City Attorney  
22  
23  
24  
25

CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

**BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

January 21, 2010

**TO:** Budget and Finance Committee  
**FROM:** Budget and Legislative Analyst  
**SUBJECT:** January 27, 2010 Budget and Finance Committee Meeting

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<b>Items # 3, 4, and 5 Files 09-1457, 09-1458, and 09-1460</b>	<b>Department(s):</b> Real Estate Division, Department of Public Works, Police Department, Fire Department, Office of Public Finance
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## EXECUTIVE SUMMARY

### Legislative Objectives

- File 09-1457: Resolution declaring that public interest and necessity demand the construction, acquisition, improvement, and or retrofitting of (a) the existing Fire Protection Infrastructure including the City's Auxiliary Water Supply System, (b) a new Public Safety Building, and (c) a new Forensic Sciences Center. The proposed resolution also finds that the \$652,070,000 estimated cost of the proposed projects would be too great to be paid out of the ordinary annual City revenue and will require the issuance of bonds.
- File 09-1458: Ordinance calling for a special election on June 8, 2010 for the purpose of submitting to the voters a proposition to issue \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds to fund the construction, acquisition, improvement, and/or retrofitting of (a) the existing Fire Protection Infrastructure including the City's Auxiliary Water Supply System, (b) a new Public Safety Building, and (c) a new Forensic Sciences Center at 1600 Owens Street. The ordinance also authorizes landlords to pass-through 50% of the resulting Property Tax increase to residential tenants.
- File 09-1460: Ordinance approving an Option Agreement between the City and ARE-San Francisco No. 15, LLC, to provide the City with an option, at a cost of up to \$1,100,000, to purchase (a) vacant land at 1600 Owens Street, (b) a tenancy-in-common interest in a parking garage adjacent to 1600 Owens Street, (c) existing building plans for the construction of a new Forensic Sciences Center at 1600 Owens Street, and (d) rights to existing contracts to build a new Forensic Sciences Center. The proposed ordinance would also waive the competitive bidding requirements for public works projects established in Chapter 6 of the City's Administrative Code.

### Fiscal Impacts

- The \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds proposed to be submitted for voter approval would be repaid through an increase in annual Property Taxes of approximately \$0.0225 per \$100 of assessed value, such that a single family residence assessed at \$500,000 would, assuming a home owners exemption of \$7,000, pay additional Property Taxes of \$110.93 per year to the City.
- The proposed \$1,100,000 Option Agreement, between the City and ARE-San Francisco No. 15, LLC, would be paid from (a) \$100,000 in General Fund monies previously appropriated by the Board of Supervisors for the Real Estate Division in the FY 2009-2010 Annual Appropriation Ordinance (File 09-0779), and (b) additional future appropriations totaling up to \$1,000,000, subject to Board of Supervisors approval, should the City elect to extend the Option Period in which the City can exercise the purchase option. All Option Agreement payments would be applied towards the purchase price of the optioned property, such that as long as the City purchases 1600 Owens Street, the effective cost of

the payments made under the Option Agreement would be zero.

### Key Points

- The proposed \$652,070,000 General Obligation Bond would fund (a) \$166,400,000 in Fire Protection Infrastructure Projects, (b) \$238,600,000 to construct a new Forensic Sciences Center, (c) \$236,100,000 to construct a new Public Safety Building, and (d) \$10,970,000 for bond oversight and bond issuance costs.
- Of the \$166,400,000 provided for Fire Protection Infrastructure Projects, \$132,000,000 is for unspecified improvements to neighborhood Fire Stations, underground water cisterns, and water pipes and tunnels. The specific projects would be identified after the bonds are approved and funds are available to assess which potential projects are most cost effective for the City. Because the specific projects would not be identified prior to the proposed June 8, 2010 special election, the voters will not have clear expectations of what infrastructure projects would be completed, nor would the City be accountable to the voters for the completion of specific projects.
- The proposed \$652,070,000 General Obligation Bond includes \$238,600,000 for a new Forensic Sciences Center at 1600 Owens Street in Mission Bay. The Real Estate Division previously planned to purchase a completed Forensic Sciences Center building from a real estate developer, and the current owner of 1600 Owens Street, ARE-San Francisco No. 15, LLC (ARE). However, ARE, after acquiring the property, contracting with Studios Architecture for design services and DPR Construction for general construction contractor services, decided not to proceed with construction of the building. The Real Estate Division is now requesting that the City functionally replace ARE as the developer of the Forensic Sciences Center by purchasing the (a) vacant land, (b) design plans, and (c) ARE's rights to its existing contracts for design and general construction contractor service. However, because these contracts were not awarded according to the City's competitive bidding process required for City funded public works projects, the proposed legislation would waive those requirements only for these existing contracts which were originally awarded by ARE. Notably, these contracts would still be subject to the LBE subcontracting requirements established by Chapter 14B of the Administrative Code, and any subsequent award of contracts to subcontractors would be subject to the City's competitive bidding requirements.

### Recommendations

- Because the proposed bond issuance would fund \$132,000,000 of unspecified Fire Protection Infrastructure projects, the proposed ordinance and resolution to request voter approval for the issuance of \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds is a policy matter for the Board of Supervisors (Files 09-1457 and 09-1458).
- Because the proposed ordinance would waive the City's competitive bidding requirements, approval of the proposed ordinance is a policy matter for the Board of Supervisors (File 09-1460).

## MANDATE STATEMENT

### *Code Sections Relevant to Files 09-1457 and 09-1458*

Sections 2.30 and 2.31 of the City's Administrative Code state that in order to submit a proposition to issue General Obligation Bonds to the voters of San Francisco, the Board of Supervisors must approve (a) by resolution, that a public interest or necessity demands the acquisition, construction, or completion of such municipal improvements, and (b) by ordinance, call for a special election, to submit the proposition to issue such General Obligation Bonds.

Section 2.34 of the Administrative Code requires that (a) the resolution of public necessity as described above, be adopted no less than 141 days prior to the election which includes the relevant bond proposition, and (b) the subsequent ordinance ordering a special election, as described above, be adopted no less than 99 days prior to the election.

Section 510 of the Municipal Election Code states that the general question posed to the San Francisco voters regarding the issuance of General Obligation Bonds cannot exceed 100 words.

The proposed resolution and ordinance (Files 09-1457 and 09-1458) would waive both (a) the timing requirements of Section 2.34 of the Administrative Code, and (b) the word count limit imposed by Section 510 of the Municipal Election Code.

### *Code Sections Relevant to File 09-1460*

Chapter 6 of the City's Administrative Code established competitive bidding requirements for public works projects. The proposed ordinance (File 09-1460) would waive such competitive bidding requirements only for the design and general construction contractor contracts for the proposed new Forensic Science Center because such contracts were previously awarded by the property owner at 1600 Owens Street prior to being subject to the City's competitive bidding requirements.

## DETAILS OF PROPOSED LEGISLATION

### OVERVIEW

On April 7, 2009, the Board of Supervisors adopted the 2010-2019 Capital Plan (File 09-0296), which included a \$580,000,000 Earthquake Safety and Emergency Response General Obligation Bond to fund the following three capital projects: (a) repairs to the existing Fire Protection infrastructure including the Auxiliary Water Supply System, (b) the construction of a new Public Safety Building, and (c) the construction of a new Forensic Sciences Center. The proposed \$652,070,000 General Obligation Bond measure would fund these three projects, as shown in Table 1 below.

**Table 1: General Allocation of Bond Proceeds**

<b>Project Costs</b>	
Fire Protection Infrastructure Repair (see Table 2 for details)	\$166,400,000
Forensic Sciences Center (see Table 3 for details)	238,600,000
Public Safety Building (see Table 6 for details)	236,100,000
<b>Project Subtotal</b>	<b>\$641,100,000</b>
City Services Auditor and Citizens' Bond Oversight Committee	1,934,270
Costs of Bond Issuance	9,035,730
<b>Total</b>	<b>\$652,070,000</b>

A detailed description and expenditure plan for each of these three projects follows.

**FIRE PROTECTION INFRASTRUCTURE REPAIR PROJECT**

The proposed Earthquake Safety and Emergency Response General Obligation Bonds include \$166,400,000 to make repairs and improvements to the City's fire fighting infrastructure, as shown in Table 2 below.

**Table 2: Fire Protection Infrastructure Repair Project Expenditure Plan**

<b>Project</b>	<b>Planning, Engineering, Project Management</b>	<b>Construction</b>	<b>Total Cost</b>
<b>Auxiliary Water Supply System (AWSS) Improvements</b>			
Twin Peaks Reservoir (above ground)	\$1,200,000	\$3,100,000	\$4,300,000
Ashbury Heights Tank (above ground)	1,600,000	4,300,000	5,900,000
Jones Street Tank (above ground)	1,800,000	4,700,000	6,500,000
Pump Station No. 1 (above ground)	1,000,000	2,500,000	3,500,000
Pump Station No. 2 (above ground)	3,900,000	10,300,000	14,200,000
<b>Subtotal of Specified Above-Ground AWSS Facilities</b>	<b>\$9,500,000</b>	<b>\$24,900,000</b>	<b>\$34,400,000</b>
To Be Determined Improvements to AWSS Pipes and Tunnels	9,000,000	23,000,000	32,000,000*
<b>AWSS Subtotal</b>	<b>\$18,500,000</b>	<b>\$47,900,000</b>	<b>\$66,400,000</b>
To Be Determined Neighborhood Fire Station Improvements	18,000,000	46,000,000	64,000,000*
To Be Determined Cistern System Improvements	10,000,000	26,000,000	36,000,000*
<b>Total</b>	<b>\$46,500,000</b>	<b>\$119,900,000</b>	<b>\$166,400,000</b>

\*Total of To Be Determined Projects is \$132,000,000

*Auxiliary Water Supply System Improvements*

The City's Auxiliary Water Supply System (AWSS) delivers highly pressurized water for fire fighting independently of the Public Utilities Commission's domestic water system. Although this system is designed for the Fire Department's use, maintenance responsibilities for the AWSS

were transferred from the Fire Department to the PUC during the FY 2009 - 2010 budgeting process. The original 77-mile AWSS was constructed in 1913 in response to the fires ignited by the 1906 earthquake which destroyed approximately 22,000 buildings largely due to lack of a reliable water supply. The AWSS has since been expanded to 135 miles. According to the January 23, 2009 Auxiliary Water Supply System Study, conducted by the consulting firm AECOM/Metcalf & Eddy for the Capital Planning Committee, all five of the above ground AWSS facilities have exceeded their useful lives, and the original 77 miles of AWSS pipelines, approximately half of the existing pipelines, have not been upgraded since their original installation approximately 97 years ago. The study concludes that in order to maintain the reliability of the AWSS, major improvements to the entire system are required.

The estimated cost of \$34,400,000 to renovate the five above-ground AWSS facilities is shown in Table 2 above. In regard to the \$32,000,000 of improvements to the AWSS Pipes and Tunnels which have not yet been determined as shown in Table 2 above, according to the Draft Earthquake Safety and Emergency Response Bond Report provided by Mr. Charles Higuera, Project Manager at the Department of Public Works, a Firefighting Pipes and Tunnels Capital Improvements Plan will be developed by a working group comprised of the relevant Departments (the precise membership of this working group has yet to be determined), and subsequently approved by the Capital Planning Committee, to assess the condition of the City's underground assets and prioritize the most cost-effective and beneficial repair projects. Mr. Higuera estimates that such a Firefighting Pipes and Tunnels Capital Improvements Plan would be completed by June of 2012, or approximately two years after the proposed special election.

#### *Fire Station Improvements*

According to the Draft Earthquake Safety and Emergency Response Bond Report, existing Fire Stations throughout the City are in need of over \$400,000,000 in seismic repairs and health and safety improvements. As shown in Table 2 above, the proposed \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds would fund \$64,000,000 of improvements to neighborhood fire stations. Specifically the stations which would be improved would be determined after a Fire Stations Capital Improvements Plan is developed by a working group comprised of the relevant Departments (the precise membership of this working group has yet to be determined), and subsequently approved by the Capital Planning Committee, to identify the most cost-effective and beneficial repair projects. Mr. Higuera estimates that such a Fire Stations Capital Improvements Plan would be completed by June of 2012, or approximately two years after the proposed special election.

#### *Cistern System Improvements*

The Fire Department maintains 177 underground cisterns throughout the City, which store water available for fire fighting in case the domestic water supply system and the AWSS are not available. As shown in Table 2 above, the proposed \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds would fund \$36,000,000 in improvements to the Fire Department's cistern system. According to the Draft Earthquake Safety and Emergency Response Bond Report, a Firefighting Cisterns Capital Improvements Plan will be developed by



a working group comprised of the relevant Departments (the precise membership of this working group has yet to be determined), and subsequently approved by the Capital Planning Committee, to identify the most cost-effective and beneficial repair projects. Mr. Higuera estimates that such a Firefighting Cisterns Capital Improvements Plan would be completed by June of 2012, or approximately two years after the proposed special election.

### FORENSIC SCIENCES CENTER PROJECT

The proposed \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds would provide \$238,600,000 for the construction of a new Forensic Sciences Center at 1600 Owens Street in Mission Bay. The new Center, which would be a total of 250,000 square feet and ten stories, would serve as the new location for both (a) the Forensic Services Division of the San Francisco Police Department (the Forensics Division) and (b) the Office of the Chief Medical Examiner.

Currently, the Forensic Division is divided into two locations: (a) the City-owned Hall of Justice at 850 Bryant Street, which, according to Mr. John Updike, Assistant Director of Real Estate at RED, is seismically unsound, and (b) a leased facility at Hunter's Point Naval Shipyard (Building 606), which must be vacated when the Hunter's Point Shipyard is redeveloped.

According to a report by Crime Lab Design, a consultant retained by the Department of Public Works, a new Forensics Sciences Center would benefit the City by consolidating forensic services provided by the Chief Medical Examiner and the Police Department's Forensics Division in the aging and overcrowded Hall of Justice. According to the report, the Hall of Justice and Building 606 at Hunter's Point Naval Shipyard cannot support the ongoing needs of the Police Department's Forensics Division and the Chief Medical Examiner because (a) space constraints limit the ability to install new laboratory equipment as new technologies in forensics emerge, and (b) the age of the Hall of Justice facilities threaten the ability for the Police Department's Forensics Division and the Chief Medical Examiner to maintain the national accreditations of their respective laboratories.

The Real Estate Division previously planned to purchase a completed Forensic Sciences Center building from a real estate developer, and the current owner of 1600 Owens Street, ARE-San Francisco No. 15, LLC (ARE). However, ARE, after acquiring the property, contracting with Studios Architecture for design services and DPR Construction for general construction contractor services, decided not to proceed with construction of the building. The Real Estate Division is now requesting that the City functionally replace ARE as the developer of the Forensic Sciences Center by purchasing the (a) vacant land, (b) design plans, and (c) ARE's rights to its existing contracts for design and general construction contractor services.

The proposed new Forensic Sciences Center Project, a ten-story, 250,000 square foot building to be located at 1600 Owens Street in the Mission Bay neighborhood, is currently estimated to cost \$238,600,000, as shown below in Table 3.

**Table 3: Estimated Costs for the Forensic Sciences Center Project**

“Development Package” Cost	\$40,845,000
Closing Costs Related to the Purchase of the Vacant Land at 1600 Owens Street	1,845,000
Architecture and Engineering	14,430,000
Construction Management Services	14,900,000
Geotechnical Surveys and Other Environmental Work	630,000
City Staff Costs and Regulatory Agency Approvals	9,150,000
Construction	156,800,000
<b>Total</b>	<b>\$238,600,000</b>

As part of the overall \$238,600,000 General Obligation Bond funds provided for the new Forensic Sciences Center, the City would purchase a “development package”, at a cost of \$40,845,000, from ARE-San Francisco No. 15, LLC (ARE), the current owner of 1600 Owens Street, which includes the following: (a) 72,199 square feet of vacant land at 1600 Owens Street, (b) a 20.17 percent tenancy-in-common interest<sup>1</sup> in an adjacent parking garage, (c) existing building plans for the construction of a new Forensic Sciences Center at 1600 Owens Street, and (d) rights to execute existing contracts to build a new Forensic Sciences Center which were previously awarded and negotiated by ARE.

The attached memorandum from Mr. Updike, states that purchasing the proposed construction-ready “development package” represents the most cost-effective option for the City to create a consolidated modern forensic laboratory because (a) the subject land currently has many of the permits necessary for constructing the proposed building and (b) the project has already completed the environmental review required by the California Environmental Quality Act, such that purchasing the proposed “development package” would allow the City to avoid the costs of delays associated with permitting and environmental review at a different location. Mr. Updike advised that a cost-benefit analysis to estimate potential savings, by comparing the proposed approach to both (a) leasing laboratory space and (b) designing and constructing a new laboratory building through the typical City public works construction processes (City awarded contracts for building design and construction using competitive bidding processes), has not been completed.

Table 4 below, based on data provided by Mr. Updike, compares the total area currently occupied by the Chief Medical Examiner and the Police Department’s Forensic Services Division (in both the Hall of Justice and Building 606 at Hunter’s Point Naval Shipyard) with the area proposed in the new Forensic Sciences Center.

<sup>1</sup> A tenancy-in-common interest is a method of owning a portion of real property without legally subdividing such real property into independent parcels.

**Table 4: Gross<sup>2</sup> Square Feet of Space Provided in Current Location Compared to Proposed Forensic Sciences Center**

<b>Function</b>	<b>Current Location</b>	<b>Forensic Sciences Center at 1600 Owens Street</b>	<b>Proposed Increase</b>
Forensic Services Division	25,000	100,500	75,500
Chief Medical Examiner	20,126	59,100	38,974
<b>Total Gross Square Feet</b>	<b>45,126</b>	<b>159,600</b>	<b>114,474</b>

According to the attached memorandum from Mr. Updike, this increase of 114,474 square feet, or 254 percent, from 45,126 square feet to 159,600 square feet, is justified in order to (a) meet accreditation standards, and (b) accommodate expected staffing growth in both the Chief Medical Officer and the Police Department's Forensics Division through 2020.

The proposed Forensic Sciences Center would also include 7,600 gross square feet of leasable ground floor retail space, as required by the Mission Bay Redevelopment Plan and (b) 82,800 gross square feet of unimproved office space, which could accommodate other City agencies in the future. According to Mr. Updike, the Mission Bay Redevelopment Plan established the overall size and shape of the building, such that, according to Mr. Updike, it is not possible to simply exclude the construction of the 82,800 gross square feet of unimproved office space. Mr. Updike advised that efforts are underway to secure additional City tenants for this space.

Construction of the proposed new Forensic Sciences Center is estimated to begin in April of 2011 and be completed in approximately two years, or by June of 2013.

*Proposed Option Agreement and Waiver of Competitive Bidding Requirements*

The Real Estate Division is requesting approval of the proposed ordinance (File 09-1460) which would (a) authorize the purchase, at a price of up to \$1,100,000, of an Option Agreement with ARE to provide the City with the exclusive option to purchase the "development package" no later than May 31, 2011, and (b) waive the competitive bidding requirements for contracts for public works projects established in Chapter 6 of the Administrative Code, because the "development package" includes the right to execute contracts which were previously awarded by ARE, which were not subject to the City's competitive bidding requirements.

The proposed Option Agreement initially provides for the City's exclusive option to purchase the "development package" until July 31, 2010, with up to two extensions at the option of the City, as shown in Table 5 below.

<sup>2</sup> "Gross" square feet includes common areas such as elevators, lobbies, restrooms, and hallways.

**Table 5: Option Periods and Cost**

	<u>Option Period End Date</u>	<u>Cost</u>
Base Option Period	July 31, 2010	\$100,000
First Extension of Option Period	December 31, 2010	500,000
Second Extension of Option Period	May 31, 2011	500,000
<b>Total of Up To:</b>		<b>\$1,100,000</b>

According to Mr. Updike, the initial \$100,000 cost of the Option Agreement would come from General Fund monies previously appropriated by the Board of Supervisors for the Real Estate Division on July 28, 2009 (File 09-0997). Mr. Updike advised that the remaining up to \$1,000,000 total cost for the First and Second Option Periods would be funded from future General Fund appropriations, to be requested by the Real Estate Division in separate future supplemental appropriation requests, subject to Board of Supervisors appropriation approval. According to the terms of the proposed Option Agreement, all Option Agreement payments made by the City to ARE would be applied as a credit towards the purchase of the \$40,845,000 “development package” (as shown in Table 3 above), such that the cost of the proposed Option Agreement would be effectively eliminated, unless the voters of San Francisco reject the proposed issuance of General Obligation Bonds, to pay for such costs.

According to Mr. Updike, such an Option Agreement is necessary because (a) the Real Estate Division considers the “development package” approach to construct a new Forensics Sciences Center as the most cost-effective option for the City, and (b) the owner could otherwise sell the 1600 Owens Street property prior to the proposed June 8, 2010 special election. Therefore, the Real Estate Division is now requesting approval of the proposed ordinance (09-1460) which would provide the City with the exclusive option to purchase the “development package”.

### **PUBLIC SAFETY BUILDING**

The proposed \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds would provide \$236,100,000 for the construction of a new Public Safety Building on San Francisco Redevelopment Agency-owned land at the intersection of Third Street and Mission Rock Street, in Mission Bay. The proposed new Public Safety Building would provide (a) a new Police Headquarters, including a new Southern District Police Station, which are both currently located in the Hall of Justice at 850 Bryant Street, and (b) a new neighborhood Fire Station.

The estimated cost of the proposed Public Safety Building is shown in Table 6 below.

**Table 6: Estimated Costs for the Public Safety Building Project**

Architecture and Engineering	\$23,395,000
Construction Management Services	17,640,000
Geotechnical Surveys and Other Environmental Work	711,000
City Staff Costs and Regulatory Agency Approvals	10,754,000
Construction	187,500,000
<b>Subtotal</b>	<b>\$240,000,000</b>
<i>Less: Contribution from Mission Bay Master Developer</i>	<i>3,900,000</i>
<b>Total</b>	<b>\$236,100,000</b>

According to Mr. Updike, the estimated costs shown in Table 6 above include a contribution of \$3,900,000 from the master developer for the Mission Bay neighborhood towards the costs of the proposed Public Safety Building. Mr. Updike advised that the master developer contract awarded to Mission Bay Development Group, LLC by the San Francisco Redevelopment Agency required a contribution of \$3,900,000 in order to help defray the City’s cost to provide increased Police and Fire protection in the area.

Table 7 below, based on data provided by Mr. Updike, compares the square footage currently occupied by the Police Headquarters and the Southern District Police Station in the Hall of Justice to the proposed square footage for these functions in the new Public Safety Building.

**Table 7: Gross Square Feet of Space Provided in Current Location Compared to Proposed Public Safety Building**

Function	Current Location	Public Safety Building	Proposed Increase (Decrease)
Police Headquarters	92,245	130,500	38,255
Southern District Police Station	33,134	27,000	(6,134)
<b>Total Gross Square Feet</b>	<b>125,379</b>	<b>157,500</b>	<b>32,121</b>

According to the attached memorandum from Mr. Updike, this net increase of 32,121 square feet of area is necessary because (a) the 38,255 square foot increase in space for Police Headquarters is a result of previous staffing increases at Police Headquarters without concurrent increases in space, and (b) the more efficient design of the replacement Police Station, combined with changes in the methods of delivering police services to the community, results in an expected 6,134 square foot decrease in space at the new Southern District Police Station within the Public Safety Building.

The proposed new Public Safety Building would also include (a) 22,000 square feet for a new Fire Station to serve the Mission Bay neighborhood, and (b) incorporate the existing 6,200 square foot historic Fire House #30, to provide conference rooms for the community, Fire Department and the Police Department.

Construction of the proposed new Public Safety Building would begin in January 2012 and be completed approximately 27 months later, by April of 2014.

## FISCAL IMPACTS

According to Ms. Nadia Sesay, Director of the Controller's Office of Public Finance, if the proposed \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds are approved by the voters, the Office of Public Finance would provide five bond issuances, beginning in August of 2010 and ending in January of 2015, as shown in Table 6 below:

**Table 6: Uses of Bond Proceeds by Bond Issuance Date**

<b>Issuance</b>	<b>Project Funds</b>	<b>City Auditor and Citizens' Oversight Committee</b>	<b>Costs of Bond Issuance</b>	<b>Total</b>
<b>August 2010</b>	\$249,130,000	\$751,175	\$3,033,825	<b>\$252,915,000</b>
<b>January 2011</b>	204,370,000	616,305	2,578,695	<b>207,565,000</b>
<b>July 2011</b>	103,300,000	311,765	1,553,235	<b>105,165,000</b>
<b>July 2013</b>	47,300,000	143,030	986,970	<b>48,430,000</b>
<b>January 2015</b>	37,000,000	111,995	883,005	<b>37,995,000</b>
<b>Total</b>	<b>\$641,100,000</b>	<b>\$1,934,270</b>	<b>\$9,035,730</b>	<b>\$652,070,000</b>

Ms. Sesay anticipates issuing bonds with a 20-year term at an interest rate of approximately 6.0 percent, with total debt service payments of \$1,129,771,572, including \$477,701,572 in interest and \$652,070,000 in principal, with average annual debt service payments of \$47,073,815<sup>3</sup>.

The debt service of the proposed bonds would be paid from an average annual increase in the Property Tax rate of \$0.0225 per \$100 of assessed value over the life of the bonds, such that a single family residence with an assessed value of \$500,000, assuming a homeowners exemption of \$7,000, would pay average annual additional Property Taxes to the City of \$110.93 per year ( $\$500,000 - \$7,000 \div \$100 \times \$0.0225$ ).

The proposed ordinance (File 09-1458) would authorize landlords to pass-through 50 percent of the resulting Property Tax increase to residential tenants.

<sup>3</sup> The average annual debt service payment of \$47,073,815 reflects the average over the 24 years which debt service would be paid on some portion of the bonds.

## POLICY CONSIDERATIONS

**The proposed issuance of \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds exceeds the \$580,000,000 cost included in the 2010-2017 Capital Plan.**

According to Mr. Higuera, the cost of the proposed General Obligation Bond has increased by \$72,070,000, from \$580,000,000 to \$652,070,000, since the 2010-2019 Capital Plan was adopted by the Board of Supervisors on April 7, 2009 primarily because (a) conceptual designs for the Public Safety Building were completed after the Capital Plan was adopted, such that the estimated cost increased by approximately<sup>4</sup> \$40,000,000 and (b) increases of approximately \$30,000,000 to reflect the cost of the City constructing a new Forensic Sciences Center rather than purchasing a finished building from a private developer as originally planned.

**Currently, there is not a specific expenditure plan for \$132,000,000, or 20%, of the \$652,070,000 proposed General Obligation Bond**

As shown in Table 2 above, a total of \$132,000,000 of Fire Protection Infrastructure projects have yet to be identified. According to Mr. Updike, these projects will be specified once the General Obligation Bond measure is approved by the voters and funds are available to assess the conditions of the relevant infrastructure, to determine which potential projects are the most cost effective for the City.

The Budget Analyst notes that regarding the \$132,000,000 in unidentified projects, without a list of specific projects available to the public prior to the proposed June 8, 2010 special election, the voters of San Francisco will not have clear expectations of what infrastructure projects would be completed for this \$132,000,000 amount, nor would the City be accountable to the voters for the completion of those specific projects. However, the Budget Analyst was unable to identify any guidelines or policies which establish the amount of expenditure information which is required to be available to the voters prior to a special election. Therefore, approval of the proposed resolution and ordinance (Files 09-1457 and 09-1458) is a policy matter for the Board of Supervisors.

**The proposed legislation would waive the City's competitive bidding requirements for the existing design and general construction contractor services included in the "development package" for the proposed new Forensics Sciences Center.**

As discussed above, the proposed "development package" to be purchased from ARE includes (a) 78,199 square feet of vacant land at 1600 Owens Street, (b) a tenancy-in-common interest in an adjacent parking garage, (c) existing building plans for the construction of a new Forensic Sciences Center at 1600 Owens Street, and (d) the right to execute existing contracts between (a) ARE and Studios Architecture for design services, and (b) ARE and DPR Construction for general construction contractor services.

<sup>4</sup> The Budget Analyst was unable to determine the exact amount of the project increases due to the re-categorization of bond issuance and oversight costs over time.

However, because these existing contracts were not awarded according to the City's competitive bidding process required for City funded public works projects, the proposed ordinance (File 09-1460) would waive those requirements only for these existing contracts which were originally awarded by ARE. Notably, these contracts would still be subject to the Local Business Enterprise subcontracting requirements established by Chapter 14B of the Administrative Code, and any subsequent award of contracts to subcontractors would be subject to the City's competitive bidding requirements.

Mr. Updike advised that, as of the writing of this report, an estimate of the costs to be incurred under the existing design and general contractor services contracts was not available. Mr. Updike stated that such costs would represent only a minor portion of the overall project budget of \$238,600,000. Mr. Updike also stated an estimate would be available at the Budget and Finance Committee Hearing of January 27, 2010.

The Budget Analyst notes that the City would not be obligated to use ARE's existing contract with DPR Construction for general construction contractor services, and could award a new general construction contractor contract, including special consideration for those contractors with experience in building laboratory space or other relevant qualifications, subsequent to the competitive bidding process required by Chapter 6 of the Administrative Code. However, according to Mr. Updike, use of competitive bidding would result in increased construction costs due to delays caused by the bid and award period.

### **The seismic concerns regarding the Hall of Justice remain unaddressed by the proposed bond issuance.**

Due to the seismic unreliability of the Hall of Justice Building, the FY 2010-2019 Capital Improvement Plan anticipates the following additional projects which would not be funded by the proposed General Obligation Bond (a) the construction of new facilities to house County Jails 1 and 2, which are currently located in the Hall of Justice, at an estimated cost of \$435,000,000, (b), interim seismic improvements to the Hall of Justice to allow temporary continued occupancy by the Superior Court, District Attorney, and Adult Probation at an estimated cost of \$2,000,000, and (c) the ultimate replacement of the Hall of Justice (this project is described as a deferred project in the Capital Plan such that there is no estimated cost available).

## **RECOMMENDATIONS**

1. Because the proposed bond issuance would fund \$132,000,000 of unspecified Fire Protection Infrastructure projects, the proposed ordinance and resolution to request voter approval for the issuance of \$652,070,000 in Earthquake Safety and Emergency Response General Obligation Bonds is a policy matter for the Board of Supervisors (Files 09-1457 and 09-1458).
2. Because the proposed ordinance would waive the City's competitive bidding requirements, approval of the proposed ordinance is a policy matter for the Board of Supervisors (09-1460) for the contracts previously awarded by ARE for design and general construction contractor services.





*Amy L. Brown*  
*Director of Real Estate*

## MEMORANDUM

DATE: January 21, 2010

TO: Nathan Cruz, Budget Analyst  
Office of the Budget & Legislative Analyst

FROM: John Updike  
Assistant Director, Real Estate

SUBJECT: **1600 Owens Street Development & ESER G. O. Bond Initiative**

You requested additional information to supplement your report to the Budget and Finance Committee on the subject topics. Two areas required additional detail.

### 1. 1600 Owens Project Delivery Advantages

There are many advantages of a consolidated agreement for the purchase of not only developable land, but also entitlements, design & construction documents, and securing the use of the design team and the general contractor in one agreement. Entitled land, ready for construction, adds value to the buyer (the City) in reduced processing time for any remaining permits (some permits have already been secured, some infrastructure work on site has already been completed), and in the savings of having CEQA clearance. With this proposal, the time for the team to complete construction drawings is substantially reduced.

The subcontractor selection process remains subject not only to standard City Public Works bidding requirements, but also to those of the Mission Bay South Redevelopment Plan, insuring significant San Francisco resident subcontracting and job production.

### 2. Changes in Square Footage from Existing Locations

The Forensic Services Division and Office of the Chief Medical Examiner will see substantial increases in net and gross square footage from existing locations, by occupying the proposed facility at 1600 Owens. The drivers for this increase are:

- Office and lab space in existing locations are sub-standard in terms of size, and will not meet anticipated accreditation standards.
- Forecasted staff growth through at least 2020 must be met, requiring additional space.
- The workload in these two fields is surging, due to demands of the criminal justice system, legislative initiatives at local, state and federal levels, and increased jury expectations.

The functions relocating to the new Police Headquarters at 3<sup>rd</sup> and Mission Rock from Hall of Justice reflect a modest increase in space from existing. This is mainly due to the fact that prior staff growth at the Hall of Justice hasn't been met by an increase in the footprint of the Police Department at the Hall of Justice, so a pent-up demand is being met through this design. Additionally, forecasted staff growth is being accommodated. The Southern District Station footprint is actually lighter in the new facility than exists at the Hall of Justice. That is a reflection of a more efficient design, as well as changes over time in how police services are delivered to the community.

It should be noted that two nationally recognized firms were selected by the City to perform programming studies for the uses to be located at either 1600 Owens or 3<sup>rd</sup> and Mission Rock, and the program presented here reflects their recommendations, based on national standards and accreditation requirements where applicable.

C: Amy L. Brown, Director of Real Estate  
Charles Higuera, DPW-BOA Project Manager  
Brian Strong, Director of Capital Planning



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** December 29, 2009

**TO:** 2009.1152ER: Earthquake Safety and Emergency Response Bond (ESER) File

**FROM:** Devyani Jain, on behalf of Bill Wycko, ERO

**RE:** CEQA Clearance for the Incorporation of Critical Firefighting Facilities and Infrastructure in ESER Bond

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

The Draft Earthquake Safety and Emergency Response Bond (the "ESER Bond") Ordinance (the "Ordinance") and Resolution (together with the Ordinance, the "Legislation") provide for allocating a portion of the ESER Bond to Critical Firefighting Facilities and Infrastructure. The Legislation states that a portion of the ESER Bond will be allocated to the construction, acquisition, improvement, retrofitting and completion of critical firefighting facilities and infrastructure for earthquake safety and emergency response not otherwise specifically enumerated in the Legislation, including without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels for the water system for firefighting. As such, this portion of the ESER Bond describes a financing mechanism within the ESER Bond that may be used for any of these general purposes but does not identify any specific projects.

According to CEQA Section 21065 and CEQA Guidelines Sections 15060(c)(3) and 15378(b), the Critical Firefighting Facilities and Infrastructure financing mechanism component of the ESER Bond is not considered a "Project" for CEQA purposes. This is because this component does not involve any sufficiently specific activity that would result in a physical change to the environment but instead involves the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." The use of these ESER Bond proceeds in the future to finance any individual projects or portion of any project will be subject to CEQA review prior to City approval of such projects.





# SAN FRANCISCO PLANNING DEPARTMENT

## Mitigated Negative Declaration

**PMND Date:** October 28, 2009  
**Case No.:** 2009.0568E  
**Project Title:** City and County of San Francisco Auxiliary Water Supply System Seismic Upgrade  
**Zoning:** Twin Peaks Reservoir: P (Public)/Reservoir maintenance tunnels: RH-1 (Residential, House, One-Family)  
Ashbury Tank: RH-2 (Residential, House, Two-Family)  
Jones Street Tank: 1239 Jones St.: RM-4 (Residential, Mixed, High Density) and 122-126 Leroy St.: RM-3 (Residential, Mixed, Medium Density)  
Pump Station No. 1: East SoMa (South of Market) Mixed-Use Office District  
Pump Station No. 2: P (Public) District  
**Block/Lot:** Twin Peaks Reservoir: 2719C/011, and associated maintenance tunnels within an easement on 2721/011  
Ashbury Tank site: 2655/026  
Jones Street Tank site: 0220/004 and 013  
Pump Station No. 1: 3788/006  
Pump Station No. 2: 0409/002  
**Lot Size:** Twin Peaks Reservoir site: 877,995 square feet (sq. ft.)  
Reservoir maintenance tunnels: 5,047 sq. ft.  
Ashbury Tank site: 7,810 sq. ft.  
Jones Street Tank site: Lot 004 is 3,380 sq. ft., and Lot 013 is 4,791 sq. ft.  
Pump Station No. 1: 15,753 sq. ft.  
Fort Mason property, Pump Station No. 2: 2,906,691 sq. ft.  
**Project Sponsor:** City and County of San Francisco Fire Department  
Michael L. Thompson - (415)558-3251.  
**Lead Agency:** San Francisco Planning Department  
**Staff Contact:** Irene Nishimura - (415) 575-9041  
[irene.nishimura@sfgov.org](mailto:irene.nishimura@sfgov.org)

### Project Description

The proposed project would involve seismic retrofit and upgrade construction work to ensure seismic safety of the City's supplementary fire-fighting water resource and pumping capabilities; removal and replacement of old pipes, machinery and equipment; and installation of modern equipment and machinery related to the operation of the existing City and County of San Francisco (CCSF) Auxiliary Water Supply System (AWSS). Seismic upgrade, repair and modernization work would involve all the five existing water

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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**ADDENDUM TO SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

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**Date of Publication of Addendum:** January 7, 2010

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**Date of Certification of Final Subsequent EIR:** September 17, 1998

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**Lead Agency:** San Francisco Redevelopment Agency  
1 South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103

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**Agency Contact:** Stanley Muraoka **Telephone:** (415) 749-2577

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**Project Title:** Redevelopment Agency Case No. ER 919-97 Addendum #7  
Mission Bay Public Safety Building

**Project Sponsor/Contact:** Charles Higuera, San Francisco Department of Public Works  
**Telephone:** (415) 557-4646

**Project Address:** Block 8 in the Mission Bay South Redevelopment Area. Approximately 1.5 acres, located south of Mission Rock, east of Third Street, and north of China Basin Street within the Mission Bay South Plan area. Mission Bay South is south of China Basin Channel.

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**City and County:** San Francisco

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**Determination:**

Based on the analysis described in this addendum, the proposed Mission Bay Public Safety Building does not entail any substantial changes that would require major revisions to the *1998 Mission Bay Subsequent Final Environmental Impact Report* (Mission Bay), nor would there be new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Since certification, no changes have occurred in the circumstances under which the *Mission Bay South Redevelopment Plan* would be undertaken, and no new information has emerged that would materially change any of the analyses or conclusions of the Mission Bay SFEIR; therefore, no additional environmental review is necessary beyond this addendum.

*(The basis for this determination is provided on the following pages.)*

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I do hereby certify that the above determination has been made pursuant to state and local requirements.

  
\_\_\_\_\_  
Stanley Muraoka  
San Francisco Redevelopment Agency

  
\_\_\_\_\_  
Date of Determination

## **RESOLUTION NO. 149-2006**

*Adopted November 7, 2006*

### **CONDITIONALLY APPROVING THE COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR A COMMERCIAL BUILDING ON PARCEL 4 OF BLOCKS 41-43 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

#### **BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Agency Commission") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency Commission adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. On November 2, 1998, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance 335-98, adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the South OPA ("DRDAP"), provide that development proposals in Mission Bay South will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.
3. On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report as a program EIR for Mission Bay North and South pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines Section 15180. On the same date, the Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Plan and other Mission Bay project approvals. The San Francisco Planning Commission ("Planning Commission") certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting

environmental findings and a statement of overriding considerations. Hereinafter, the Final Subsequent Environmental Impact Report, including any addenda thereto, shall be collectively referred to as the "FSEIR."

4. On October 10, 2000, the Agency Commission adopted Resolution No. 199-2000, which found that the potential environmental impacts of the Blocks 41-43 Major Phase were within the scope of impacts discussed in the FSEIR and approved the Blocks 41-43 Major Phase submission. On October 18, 2005, by Resolution No. 163-2005, the Agency Commission approved a revised Major Phase submission for Blocks 41-43 and reconfirmed the previously made environmental findings.
5. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in Mission Bay South. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Agency's Owner Participation Agreement for Mission Bay North (collectively, the "OPAs"), as well as all responsibilities under the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.
6. As permitted under the South OPA, Alexandria Real Estate Equities ("Developer") purchased a large number of parcels in Mission Bay South, including Blocks 41-43. Developer will be bound by all relevant terms of the South OPA and related agreements, including the requirements of the equal opportunity program and design review process.
7. Pursuant to the Plan and Plan Documents, including the DRDAP, the Developer has submitted a Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 dated October 17, 2006 ("Schematic Design").
8. Agency staff has reviewed the Schematic Design submitted by Developer, finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions.
9. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 ("Implementing Action").
10. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FSEIR and has made documents related to the Implementing Action and the FSEIR files available for review by the



Agency Commission and the public, and these files are part of the record before the Agency Commission.

11. The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Agency Commission by Resolution Nos. 183-98 dated September 17, 1998, 199-2000 dated October 10, 2000, and 163-2005 dated October 18, 2005, were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action.

## FINDINGS

The Agency finds and determines that the Schematic Design submission is an Implementing Action within the scope of the Project analyzed in the FSEIR and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:


1. The Implementing Action is within the scope of the Project analyzed in the FSEIR and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.
3. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

## RESOLUTION

**ACCORDINGLY, IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR findings and statement of overriding considerations and hereby adopts the CEQA Findings set forth in Resolution Nos. 183-98, 199-2000, and 163-2005 incorporated herein and those set forth above; and (2) that the Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, subject to the following condition:

1. The building materials, landscape design and additional finishes and architectural detailing are subject to further review and approval by Agency staff during Design Development and/or in field mock-ups prior to construction.

**APPROVED AS TO FORM:**



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*JM* James B. Morales  
Agency General Counsel

RESOLUTION NO. 199-2000

Adopted October 10, 2000

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE BLOCK 41, 42, 43, AND 45 MAJOR PHASE SUBMISSION IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA PURSUANT TO AN OWNER PARTICIPATION AGREEMENT WITH CATELLUS DEVELOPMENT CORPORATION, A DELAWARE CORPORATION; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved a proposed Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation ("Catellus") and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."

2. The Agency and the Planning Department, together acting as co-lead agencies for conducting environmental review for the Plan, the South OPA and other permits, approvals and related and collateral actions ("Project"), prepared and certified a Final Subsequent Environmental Impact Report ("SEIR"). On September 17, 1998, the Agency adopted Resolution No. 182-98 which certified the SEIR for the Project, and adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), pursuant to the California Environmental Quality Act ("CEQA") and State Guidelines in connection with the approval of the Plan, the South OPA and other Project approvals. The San Francisco Planning Commission certified the SEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the SEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting environmental findings (and a statement of overriding considerations).

3. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, Attachment C to the South OPA ("DRDAP"), provide that development proposals in the Mission Bay South will be reviewed and processed in certain development phases defined as "Major Phases," consistent with the Plan and the Plan Documents. The DRDAP sets forth the review and approval process for Major Phases.

4. Pursuant to the Plan and Plan Documents, including the DRDAP, Catellus submitted a Major Phase application for the development of Blocks 41, 42, 43, and 45, which was deemed complete on July 3, 2000, and which, as revised to incorporate minor changes, is dated October 10, 2000 ("Major Phase Submission").

Bertha A. Philiveros  
Agency General Counsel

APPROVED AS TO FORM:

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Blocks 41, 42, 43, and 45 Major Phase Submission is hereby approved.

### RESOLUTION

1. The Implementing Action does not incorporate modifications into the Project analyzed in the FSEIR, and will not require important revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects.
  2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken which would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.
  3. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.
- The Agency finds and determines that the implementing Action is within the scope of the Project analyzed in the FSEIR and no new environmental documentation is required for the following reasons:

### FINDINGS

5. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and Major Phase Submission is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 ("Implementing Action").
6. In accordance with the Plan and Plan Documents, Agency staff has reviewed the Block 41, 42, 43, and 45 Major Phase Submission and found it acceptable.

**RESOLUTION NO. 163-2005**

Adopted October 18, 2005

**ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING  
AMENDMENTS TO THE MAJOR PHASE FOR BLOCKS 41 - 43 IN THE  
MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, PURSUANT TO  
THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC;  
MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

**BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."

2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the South OPA ("DRDAP"), provide that development proposals in Mission Bay South will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.

3. On October 10, 2000, the Agency Commission adopted Resolution No. 199-2000,

which found that the potential environmental impacts of the Major Phase Application for Blocks 41 - 43 and 45 were within the scope of impacts discussed in the Final Subsequent Environmental Impact Report (including addenda thereto, collectively referred to as the "FSEIR") certified on September 17, 1998, by the Agency (Resolution No. 182-98) and the San Francisco Planning Commission (San Francisco Planning Commission Resolution No. 14696) and approved the Major Phase Application for Blocks 41 - 43 and 45.

4. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Owner Participation Agreement for Mission Bay North (together the "OPAs") as well as all responsibilities under

the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.

5. As permitted under the South OPA, FOCIL-MB, sold all of Blocks 41, 42 and 43, except for Parcel 4 ("Blocks 41 - 43") to another developer, Alexandria Real Estate Equities ("Developer"), which will develop the blocks. The Developer will be bound by all relevant terms of the South OPA and related agreements, including the requirements of the equal opportunity program and design review process.

6. Pursuant to the Plan and Plan Documents, including the DRDAP, the Developer has submitted a revised major phase application for Blocks 41 - 43 on August 26, 2005 and an edited major phase submittal on September 16, 2005 (together the "Amended Major Phase"). Block 45 is not included in this Amended Major Phase. 7. The Agency Commission previously adopted on October 4, 2005 by Resolution No. 154-2005, findings pursuant to California Environmental Quality Act ("CEQA") and the CEQA Guidelines, which findings are hereby incorporated herein by this reference as if fully set forth.

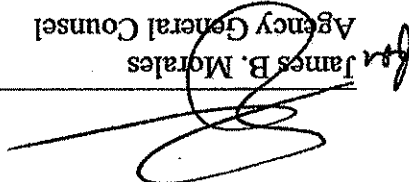
8. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Amended Major Phase is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 (the "Action").

9. In accordance with the Plan and Plan Documents, including the DRDAP, Agency staff has reviewed and considered the Amended Major Phase as well as the FSEIR, and other information contained in the Agency's files, finds them to be acceptable and recommends approval of the Amended Major Phase for Blocks 41 - 43.

### RESOLUTION

**ACCORDINGLY, IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR and hereby adopts the Findings set forth in Resolution No. 154-2005; and (2) that the Amended Major Phase is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, LLC, a Delaware limited liability company.

APPROVED AS TO FORM:

  
James B. Morales  
Agency General Counsel



# SAN FRANCISCO PLANNING DEPARTMENT

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January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**Re: General Plan Referrals for the Earthquake Safety and Emergency Response Bond for the June 2010 Ballot**

Dear Mr. Higuera:

The Planning Department received your requests for General Plan referrals, pursuant to Section 4.105 of the San Francisco Charter and Section 2A.52 of the Administrative Code, relating to the "Earthquake Safety and Emergency Response Bond" (ESER Bond), to be placed on the June 2010 ballot.

We have prepared General Plan Referral letters and consistency findings for the ESER Bond and three specific projects identified in the proposed bond measure. Attached referrals include:

- o Case No. 2009.1152R: Earthquake Safety and Emergency Response Bond
- o Case No. 2009.0568R: Auxiliary Water Supply System (AWSS) seismic upgrades
- o Case No. 2009.1136R: Public Safety Building
- o Case No. 2010.0001R: Forensic Science Center

All projects were found to be in conformity with the General Plan. **However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require additional project-level General Plan referrals and Environmental Review as they are identified.**

If you have any questions, please feel to contact me at 558-6411, or have your staff call Stephen Shotland of my staff at 558-6308. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rahaim", with a long horizontal stroke extending to the right.

John Rahaim  
Director of Planning

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

Attachments

1. Case No. 2009.1152R: Earthquake Safety and Emergency Response Bond
2. Case No. 2009.0568R: Auxiliary Water Supply System (AWSS) seismic upgrades
3. Case No. 2009.1136R: Public Safety Building
4. Case No. 2010.0001R: Forensic Science Center





# SAN FRANCISCO PLANNING DEPARTMENT

## Agreement to Implement Mitigation Measures

**Date:** January 8, 2010  
**Case No.** 2009.0568E  
**Project Title.:** City and County of San Francisco Auxiliary Water Supply System  
Seismic Upgrade  
**Project Sponsor:** Charles Higuera, San Francisco Department of Public Works  
**Block/Lot:** Twin Peaks Reservoir: 2719C/011, and associated maintenance tunnels  
within an easement on 2721/011  
Ashbury Tank site: 2655/026  
Jones Street Tank site: 0220/004 and 013  
Pump Station No. 1: 3788/006  
Pump Station No. 2: 0409/002  
**City and County:** San Francisco

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### MITIGATION MEASURE(S):

#### ***Mitigation Measure M-CP-1(a), (b), (f), (i), and (j) (Secretary of the Interior Standards for the Treatment of Historic Properties)***

In accordance with CEQA Section 15064.5(3), complying with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*<sup>1</sup> (see Standards for Rehabilitation 1-10, below) is considered sufficient to mitigate to a level of less than significant the impact on historical resources (including historic districts and individually eligible resources).

The Secretary of the Interior is responsible for establishing standards for all programs under the departmental authority and for advising federal agencies on the preservation of historic properties listed on or eligible for listing on the NRHP. In partial fulfillment of this responsibility, the Secretary of the Interior's *Standards for Historic Preservation Projects* have been developed to guide work undertaken on historic buildings.

The Standards for Rehabilitation (36 CFR Part 67) make up that section of the overall historic preservation project standards and address the most prevalent treatment. Rehabilitation is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

<sup>1</sup>National Park Service, Kay D. Weeks and Anne E. Grimmer, *The Secretary of the Interior Standard's for the Treatment of Historic Properties: with Guidelines for Rehabilitating, Restoring, and Reconstructing Historic Buildings* (US Department of the Interior: Washington, D.C.: 1995)

The intent of the standards is to assist the long-term preservation of a property's significance through preservation of historic materials and features. The standards pertain to historic buildings of all materials, construction types, sizes, and occupancy, and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction.

The SFFD would implement the following Secretary of the Interior's Standards for Rehabilitation:

**M-CP-1 (a)**—A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

**M-CP-1 (b)**—The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

**M-CP-1 (f)**—Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, and pictorial evidence.

**M-CP-1 (i)**—New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and be compatible with the massing, size, scale, and architectural features to protect the historical integrity of the property and its environment.

**M-CP-1 (j)**—New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment will not be impacted.

As stated in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic resource will be needed to provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy the materials and features—including their finishes—that are important in defining the building's historic character.

### ***Mitigation Measure M-CP-2, Document Historical Resources***

The SFFD would retain a consultant to document historic resources before any construction work associated with demolition or removal of the Ashbury Tank or construction at Pump Station No. 2. The appropriate level of documentation would be selected by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation will consist of the following:

- A full set of measured drawings that depict existing or historic conditions of the Ashbury Street tank and Pump Station No. 2;
- Digital photographs (do not have to be large-format negatives) of the interior and the exterior of Pump Station No. 2 and the valve house at the Ashbury Tank and exterior of the Ashbury Tank. Photographs at the Ashbury Tank will follow the HABS/HAER Photographic Specifications; and
- A history and description of Pump Station No. 2 and the Ashbury Tank.

The professional historian would prepare the documentation and would submit it for review and approval by the San Francisco Planning Department's Preservation Specialist. The documentation would be disseminated to the San Francisco Library History Room and the SFFD Headquarters.

***Mitigation Measure M-CP-3 (Pipe Replacement)***

As little of the aboveground pipe as possible would be replaced to reduce the impact of removal and replacement of original pipes to a less-than-significant impact. Any changes in the historic construction method of the pipe would be documented according to HABS/HAER specifications.

***Mitigation Measure M-CP-4 (Protect Historic Character-Defining Features)***

During the project, the SFFD would protect interior historic character-defining features, such as original pumps, valve gate controls, and other original machinery and associated piping. The plan for interior construction would be approved by the San Francisco Planning Department or the Historic Preservation Commission.

***Mitigation Measure M-CP-5 (Interpretation for Educational Display)***

In consultation with a qualified historian and the San Francisco Planning Department Preservation Specialist, the SFFD would post interpretive signs on the exterior of the Pump Station No. 2 building, as well as at Pump Station No. 1 and the Ashbury and Jones Street Tank to better inform the public about the history and function of the AWSS and the changes that it has undergone over the years (The Twin Peaks Reservoir is not included because it is not accessible to the public). Furthermore, the CCSF Web site would have a link to the history of and photographic documentation for the AWSS, illustrating the alterations that took place over time.

***Mitigation Measure M-CP-6 (Pumps Preservation and Display at Pump Station No. 2)***

The SFFD would implement this measure with the following details to ensure that impacts on Pump Station No. 2 resulting from the project's activities are mitigated to the maximum extent possible:

- The SFFD would remove two of the original pumps and their associated piping and valves and display them outside the Pump Station No. 2, in the grassy area on the east side of the building.

This display would be included as part of the interpretive educational display as described in M-CP-5 and serve to educate the public about the AWSS and demonstrate how this system continues to protect and serve the citizens of San Francisco from fire for almost a century.

- In consultation with a qualified conservator and curator, the pumps will be installed within the display area in a manner that minimizes their vulnerability to vandalism and deterioration and a work plan will be developed for their continued maintenance.

***Mitigation Measure M-CP-7 (Accidental Damage Measures)***

The SFFD would implement the following protection measures beforehand to reduce the potential for inadvertent damage to character-defining features of the AWSS during construction:

- Consult with the CCSF and the San Francisco Planning Department Preservation staff about avoiding damage to interior and exterior historic character-defining features near the construction zone during development and implementation of construction plans and development of procedures;
- Establish protection procedures for interior historic character-defining features, such as protecting interior features against damage during project work by covering them with heavy canvas or plastic sheets; and
- Provide a project orientation for all construction workers to increase their understanding of and sensitivity to the challenges of the special environment where they will be working.
- In the event that a historic character-defining feature is accidentally damaged during project activities, the construction team would temporarily stabilize the feature to prevent further damage. Once the feature is stabilized the San Francisco Planning Department would be contacted immediately for review and approval of proposed repair work. All materials would be retained and repaired. All repair work would be in conformance with the *Secretary of the Interiors Standards*.

***Mitigation Measure M-CP-8 (Seismic Reinforcement)***

A structural engineer that meets Secretary of Interior Professional Qualification Standards would be retained to provide consultation and oversight on a seismic reinforcement system that minimizes the removal and obscuring of historic fabric of Pump Station No. 2 (including spatial relationships within the main interior volume).

***Mitigation Measure M-CP-9 (Twin Peaks Reservoir Conditions Assessment and Specification Plan)***

A Historical Preservation Architect who meets the Secretary of the Interior's Professional Qualification Standards would prepare a specification plan to ensure the following: only those portions of the existing dividing wall that cannot be repaired are replaced; the new dividing wall be stylistically constructed in the same manner as the existing historic wall, except for the coping which

would increase in width from 14-inches to 26-inches, and the damaged portions of the concrete curb to be repaired in-kind and match the historic conditions.

The Historical Preservation Architect would also prepare a conditions assessment report to determine which portions of the iron fence can be retained and which portions are beyond repair. All parts of the fence that could be repaired would be stabilized and reinstalled in their historic locations. All parts of the fence to be replaced would be done so in kind.

***Mitigation Measure M-CP-10 (Archaeological Monitoring)***

Based on the reasonable potential that prehistoric archeological resources may be present within the Pump Station No. 2 project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the

archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.

- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public

interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

***Mitigation Measure M-CP-11 (Suspend Construction Work if Paleontological Resource is Identified)***

Work shall be suspended and a qualified paleontologist notified when a paleontological resource is discovered at any of the project sites. The paleontologist shall document the discovery as needed, shall evaluate the potential resource, and shall assess the significance of the find under CEQA criteria. Excavation also shall be halted or diverted within 50 feet of a fossil find until the discovery is examined by a paleontologist. If avoidance is not feasible, the paleontologist shall prepare an excavation plan.

***Mitigation Measure M-CP-12 (Human Remains and Associated or Unassociated Funerary Objects)***

The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws, including immediate notification of the CCSF coroner, and, in the event of the coroner's decision that the remains are Native American, notification of the California State NAHC, who shall appoint a Most Likely Descendant (Pub. Res. Code Sec. 5097.98). The archaeological consultant, the SFFD, and the Most Likely Descendant shall make all reasonable efforts to develop an agreement for the appropriate dignified treatment of human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5[d]). The agreement should consider the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

***Mitigation Measure M-BI-1 (Protection Measures for Nesting Birds)***

The following protection measures would be applied before construction to protect nesting birds :

- If construction is scheduled to begin between March and July, a preconstruction survey for nesting birds would be conducted by a qualified biologist at the trees on or near the five AWSS sites to determine whether any birds are nesting in trees or shrubs at or near the project sites. If any nests are found, the California Department of Fish and Game would be contacted for advice on how to protect the nesting birds until the fledglings have left the nest.
- A worker awareness program would be developed and implemented to inform project workers of their responsibilities regarding nesting birds.

***Mitigation Measure M-BI-2 (Tree Removal)***

For the tree to be removed at Ashbury Tank, the following measures would be implemented to reduce impacts on nesting birds:

- The SFFD would remove the tree before the nesting season to discourage its use for nesting.



***Mitigation Measure M-HZ-1 (Site Health and Safety Plan)***

For all project sites requiring excavation, the SFFD would prepare a site health and safety plan identifying the chemicals present, potential health and safety hazards, monitoring to be performed during site activities, soils handling methods required to minimize the potential for exposure to harmful levels of any chemicals identified in the soil, appropriate personal protective equipment, and emergency response procedures.

***Mitigation Measure M-HZ-2 (Materials Disposal Plan)***

The SFFD would require the contractor to prepare a materials disposal plan that specifies the disposal method and the approved disposal site for the soil. In addition, the SFFD would provide written documentation that the disposal site would accept the waste.

***Mitigation Measure M-HZ-3 (Hazardous Building Materials Surveys and Abatement)***

For the project activities involving demolition or renovation of existing structures at the five AWSS sites, the SFFD would retain a registered environmental assessor or a registered engineer to perform a hazardous building materials survey for each structure before demolition or renovation activities. If any friable asbestos-containing materials, lead-containing materials, or hazardous sites of building materials are identified, abatement practices, as required by California Air Resources Board and California Health and Safety Code, Section 19827.5, and Title 8 of the California Code of Regulations, Sections 341.6 through 341.14 and 1529., such as containment and/or removal, would be implemented before and during demolition or renovation.

***Mitigation Measure M-HZ-4 (Database Search)***

A qualified environmental professional would conduct any necessary site assessment. The site assessment would include a regulatory database review to identify permitted hazardous materials and environmental cases in the vicinity of each project no more than three months before construction, and a review of appropriate standard information sources to determine the potential for soil or groundwater contamination to occur. Follow-up sampling would be conducted as necessary to characterize soil and groundwater quality before construction and, if needed, site investigations or remedial activities would be performed in accordance with applicable laws. The environmental professional would prepare a report documenting the activities performed, summarize the results and make recommendations for appropriate handling of any contaminated materials during construction.

***Mitigation Measure M-HZ-5 (Contingency Plan)***

A contingency plan would be prepared identifying measures to be taken should unanticipated contamination be identified during construction. The SFFD would conduct asbestos and lead abatement in accordance with established regulations.

***Mitigation Measure M-HZ-6 (Coordination with Property Owners and Regulatory Agencies)***

Based on regulatory agency file reviews, the SFFD would assess the potential to encounter unacceptable levels of hazardous materials, for construction activities to cause groundwater plume migration or interfere with ongoing remediation. Should the review indicate that the project could encounter unacceptable levels of hazardous materials or interfere with remediation, the SFFD would

contact the responsible regulatory agency to determine appropriate construction modifications or remediation necessary to avoid adverse impacts during construction and operation of the project. Construction modifications would be designed to reduce groundwater plume migration or interference with the remediation; alternatively, modifications would be made to the remediation activities during construction to reduce interference with remediation activities to avoid encountering unacceptable levels of hazardous materials. The SFFD would implement the requirements of the responsible regulatory agency.

***Mitigation Measure M-HZ-7 (Neighborhood Notice)***

The SFFD would provide reasonable advance notification to the businesses, owners and residents of adjacent areas, and schools within one-quarter mile of each of the five AWSS sites that could be affected by the proposed project, about the nature, extent and duration of construction activities. Interim updates should be provided to such neighbors to inform them of the status of the construction.

I agree to implement the above mitigation measure(s) as a condition of project approval.



Project Sponsor Signature



Date



# SAN FRANCISCO PLANNING DEPARTMENT

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December 29, 2009

Mr. Frank Filice  
Manager of Capital Planning  
San Francisco Department of Public Works  
30 Van Ness, 5<sup>th</sup> Floor  
San Francisco, CA 94102

Re: Case No. 2009.0568R  
Auxiliary Water Supply System ("AWSS") Seismic Upgrade

Dear Mr. Filice,

On August 20, 2009, the Department received your request for a General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code of the City and County of San Francisco. The Department finds that the proposed Auxiliary Water Supply System ("AWSS") Seismic Upgrade ("Project") is, on balance, *in conformity* with the General Plan, as described in the attached staff report.

The Project proposes to make seismic upgrades and operational improvements to the following five AWSS components to preserve capacity and to assure reliable service after an earthquake:

1. Twin Peaks Reservoir. Rebuild the reservoir divider wall, repair the reservoir liner, replace key mechanical equipment, and repair and restore walls and fences surrounding the reservoir;
2. Ashbury Tank. Replace the water tank, remove an existing tree in the back of the property and repair an existing retaining wall damaged by that tree, and repair or restore specific mechanical equipment;
3. Jones Street Tank. Seismically retrofit the existing concrete tank, repair the roof of the valve house, and repair or replace specific piping and mechanical systems;
4. Pump Station No. 1. Improve the ventilation system, flooring, and specific mechanical systems;
5. Pump Station No. 2. Rebuild the pump station into a modern, state-of-the-art facility within the existing building shell.

With the exception of Pump Station No. 2, the proposed projects are on existing City Rights of Way and City owned property. A 1911 agreement between the US Army and the City and County of San Francisco authorized the construction of the Pump Station No. 2 water supply tunnel. All historic preservation issues and required mitigations relating to the above five projects were analyzed and documented in the CEQA Negative Declaration, case number 2009.0568E.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

The Planning Department issued a Negative Declaration, case number 2009.0568E, on December 10, 2009, in accordance with the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.).

As described above, the project is on balance in conformity with the San Francisco General Plan, as detailed in the attached Case Report (Attachment 1). The Project is also consistent with Planning Code Section 101.1(b) General Plan Priority Policies, included as Attachment 2.

Sincerely,



John Rahaim  
Planning Director

Attachments:

1. Case Report
2. Planning Code Section 101.1 Policies

cc: A. Power, PD

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## **Attachment 1 General Plan Case Report**

Case No. 2009.0568R

**Auxiliary Water Supply System ("AWSS") Seismic Upgrade**

Staff Reviewer: Andres Power

**Note:** General Plan Objectives and Policies are in bold font; General Plan text is in regular font, and staff comments are in *italic font*.

### **COMMUNITY SAFETY ELEMENT**

#### **OBJECTIVE 2**

**REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.**

##### **Policy 2.1**

**Assure that new construction meets current structural and life safety standards.**

*The AWSS upgrades will be constructed to current applicable codes and standards.*

##### **Policy 2.7**

**Abate structural and non-structural hazards in City-owned structures.**

##### **Policy 2.10**

**Identify and replace vulnerable and critical lifelines in high-risk areas.**

*The AWSS improvements will ensure a secondary water supply in the event of an emergency.*

##### **Policy 3.6**

**Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.**

*The AWSS improvements will ensure a secondary water supply in the event of an emergency.*

### **ENVIRONMENTAL PROTECTION ELEMENT**

#### **OBJECTIVE 5**

**ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**

##### **Policy 5.1**

**Maintain an adequate water distribution system within San Francisco.**

*The AWSS improvements will help maintain adequate water supply in the event of an emergency.*

**Policy 5.5**

**Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.**

*The proposed project improves the functionality of the AWSS system.*

**Attachment 2**  
**Planning Code Sec. 101.1(b) Priority Policies**

Case No. 2009.0568R  
Auxiliary Water Supply System Seismic Upgrade

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. The project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.
2. The project would have no adverse effect on the City's housing stock or on neighborhood character.
3. The project would have no adverse effect on the City's supply of affordable housing.
4. The project would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking.
5. The project would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.
6. The project would improve the facility's preparedness against injury and loss of life in an earthquake.
7. The project would have no adverse effect on landmarks or historic buildings.
8. The project would have no adverse effect on parks and open space or their access to sunlight and vistas.

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# SAN FRANCISCO PLANNING DEPARTMENT

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January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

**Re: Case No. 2009.1152R  
Earthquake Safety and Emergency Response Bond for the June 2010 Ballot**

Dear Mr. Higuera:

This is in response to a request for a General Plan Referral you submitted to the Department on behalf of the Department of Public Works on December 28, 2009 pursuant to Section 4.105 of the San Francisco Charter and Section 2A.52 of the Administrative Code. The requested referral is in regards to the proposed "Earthquake Safety and Emergency Response Bond," (ESER Bond) to be placed on the June 2010 ballot.

If authorized by the Board of Supervisors to be placed on the June 2010 ballot and approved by the voters, the proposed ESER Bond would establish a funding mechanism for certain types of future projects and would allow development of three specific projects:

1. **Auxiliary Water Supply System (AWSS) seismic upgrades:** This project would improve and seismically upgrade two pump stations, two storage tanks, and the reservoir of the AWSS. The AWSS is used throughout the year for the suppression of multiple-alarm fires. It provides an additional layer of fire protection for the domestic water system in the event of a major earthquake.
2. **Critical Facilities and Infrastructure:** The bond would provide a funding mechanism for new and improved critical facilities and infrastructure for earthquake safety throughout the city including but not be limited to neighborhood fire and police stations, and cisterns, pipes and tunnels for the water systems for firefighting. Actual projects to be constructed with these bond funds would be identified at a later time.
3. **Public Safety Building:** This project would construct an approximately 320,200 square foot new building that would include a police station, a police command center headquarters, a fire station, and parking to support all three uses and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.
4. **Forensic Science Center:** This project would include acquisition (lease with an option to purchase the property) and the construction of a new facility of approximately 260,000 square feet, sufficient to co-locate the Office of Chief Medical Examiner and the police

1650 Mission St.  
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Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

The three specific projects identified above and proposed to be funded with the bond funds are not analyzed in this Referral. Project-level General Plan Referral applications have been separately submitted to the Planning Department regarding the Auxiliary Water Supply System (AWSS) seismic upgrades (Case No. 2009.0568R), the Public Safety Building (Case No. 2009.1136R); and the Forensic Science Center (Case No. 2010.0001R). The Planning Department has found these projects to be in conformity with the General Plan. This referral addresses the remaining funding of the ESER Bond (Critical Facilities and Infrastructure). Future identified projects that are developed with these bond funds will require individual project-level General Plan Referrals as appropriate per Section 4.105 of the San Francisco Charter and Section 2A.53 of the Administrative Code. Future identified projects may also require Environmental Review and other discretionary actions by the Planning Department.

When specific project(s) are designed for the Critical Facilities and Infrastructure portion of the bond, the Department of Public Works (or other sponsoring Department) should submit a General Plan Referral application on the specific project(s) to the Planning Department, prior to consideration of and approval of individual projects. We request that the sponsoring City Departments confer with the Planning Department to determine whether individual projects funded by the G.O. Bond are subject to a General Plan Referral, Environmental Review, or other discretionary action by the Planning Department. Any required General Plan Referral applications should be submitted early in the approval process, providing adequate time for Department review, consistent with Section 2A.53 of the Administrative Code.

#### **Environmental Review**

The Major Environmental Analysis Division of the Planning Department has determined that the Critical Facilities and Infrastructure portion of the bond measure is Not a Project according to CEQA Section 21065 and CEQA Guidelines Sections 15060(c)(3) and 15378(b). This is because this component does not involve any sufficiently specific activity that would result in a physical change to the environment but instead involves the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." The use of these ESER Bond proceeds in the future to finance any individual projects or portion of any project will be subject to CEQA review prior to City approval of such projects.

#### **Planning Code Section 101.1 Policies**

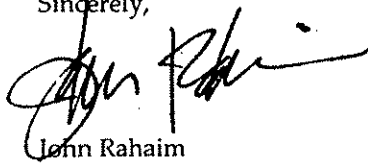
The proposed ESER Bond has been reviewed for consistency with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are included as **Attachment 2**.

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

The proposed ESER Bond is, on balance, in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require additional project-level General Plan referrals and Environmental Review.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Adam Varat or my staff at 558-6405. Thank you.

Sincerely,



John Rahaim  
Director of Planning

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

Attachments

1. Earthquake Safety and Emergency Response Bond Project Description
2. Eight Priority Policies Findings- Planning Code Section 101.1
3. General Plan case report

## Attachment 2

### Planning Code Section 101.1(b) Findings

Planning Code Section 101.1(b) establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this General Plan Referral application are consistent / inconsistent with each of these policies as follows:

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

*This project does not affect existing neighborhood-serving retail uses or future opportunities for resident employment in and ownership of such businesses.*

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

*This project does not affect existing housing or neighborhood character*

3. That The City's Supply Of Affordable Housing Be Preserved And Enhanced

*This project does not affect the city's supply of affordable housing.*

4. That Commuter Traffic Not Impede Muni Transit Service Or Overburden Our Streets Or Neighborhood Parking

*This project would have a minimal effect on Muni transit service due to increased ridership from people using the new public buildings.*

5. That A Diverse Economic Base Be Maintained By Protecting Our Industrial And Service Sectors From Displacement Due To Commercial Office Development, and That Future Opportunities for Resident Employment and Ownership in These Sectors Be Enhanced

*This project does not affect industrial and service sector employment. The project would likely result in new jobs in the construction and building sectors.*

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

*This project would make seismic improvements to existing infrastructure and would create new public safety buildings in accordance with applicable building codes; hence, the project would improve preparedness for earthquakes.*

7. That Landmarks And Historic Buildings Be Preserved

*This project does not affect landmarks and historic buildings..*

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

*This project does not affect parks and open space.*

### Attachment 3

## GENERAL PLAN REFERRAL - Case Report

Case Number: 2009.1152 R  
Earthquake Safety and Emergency Response Bond

**Location, Description:** This General Plan Referral regards a proposal by the Department of Public Works to place a bond measure on the June 2010 ballot to enhance earthquake safety and emergency response. The bond measure would provide funding for projects including Auxiliary Water Supply System (AWSS) seismic upgrades, Critical Facilities and Infrastructure, a Public Safety Building, and a Forensic Science Center.

Staff Reviewer: Adam Varat

Date: January 7, 2010

General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

### *Community Safety Element*

#### OBJECTIVE 1

**IMPROVE THE COORDINATION OF CITY PROGRAMS THAT MITIGATE PHYSICAL HAZARDS, HELP INDIVIDUALS AND ORGANIZATIONS PREPARE FOR AND RESPOND TO DISASTERS, AND RECOVER FROM THE IMPACTS OF DISASTERS**

#### POLICY 1.1

**Improve the coordination of disaster-related programs within City departments.**

*Discussion: The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, which would enable greater coordination of the City's emergency services.*

#### OBJECTIVE 2

**REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.**

#### POLICY 2.1

*Assure that new construction meets current structural and life safety standards.*

#### POLICY 2.7

*Abate structural and non-structural hazards in City-owned structures.*

#### POLICY 2.10

*Identify and replace vulnerable and critical lifelines in high-risk areas.*

The Water Department and the Department of Public Works have ongoing programs to replace vulnerable water mains and sewers and to improve performance of the systems during earthquakes by including system segmentation, safety shut-off systems and redundant back-up systems or other methods of reducing damage and providing alternative sources of service. Pacific Gas and Electricity has an ongoing program, with the goal of reducing the vulnerability of the regional gas and electric networks to earthquakes by the year 2000. Caltrans has bridge and highway retrofit programs underway. Lifeline work may present opportunities to coordinate construction activities. If coordination is possible, it should be vigorously pursued.

*Discussion:* The proposed bond measure would provide funding for seismic upgrades to the City's critical water infrastructure.

### OBJECTIVE 3

**ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM DISASTERS THROUGH EFFECTIVE EMERGENCY RESPONSE. PROVIDE PUBLIC EDUCATION AND TRAINING ABOUT EARTHQUAKES AND OTHER NATURAL DISASTERS AND HOW INDIVIDUALS, BUSINESSES AND COMMUNITIES CAN REDUCE THE IMPACTS OF DISASTERS.**

#### *POLICY 3.6*

*Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.*

*Discussion:* The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, thereby improving the City's fire prevention and fire fighting capability and assuring an adequate water supply to fight fires.

## ***Environmental Protection Element***

### OBJECTIVE 5

**ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**

#### *POLICY 5.5*

*Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.*

The Fire Department maintains and operates the Auxiliary Water Supply System (AWSS), a water storage and distribution network that supplements the hydrants connected to the regular water distribution lines. The AWSS presently serves those areas of San Francisco most intensively developed. A recent public referendum authorized a bond issue to extend this system to the remainder of the city, and to modernize certain of its components. Recommendations to remedy system deficiencies should be implemented as soon as is feasible.

It is incumbent upon the City and County of San Francisco to undertake long-term planning for emergency preparedness. Planned expansions and improvements to the AWSS would improve the City's preparedness to meet potential fire disasters.

*Discussion:* The proposed bond measure would provide funding for seismic upgrades to the City's Auxiliary Water Supply System (AWSS).

## ***Community Facilities Element***

### **OBJECTIVE 1**

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

#### ***POLICY 1.1***

*Locate police functions that are best conducted on a centralized basis in a police headquarters building.*

#### ***POLICY 1.3***

*Enhance closer police/community interaction through the decentralization of police services that need not be centralized.*

#### ***POLICY 1.7***

*Combine police facilities with other public uses whenever multi-use facilities support planning goals, fulfill neighborhood needs, and meet police service needs.*

*Discussion:* The proposed bond measure would provide funding seismic upgrades and new infrastructure for public safety and emergency services, which would enhance the performance and efficiency of public safety agencies.

In summary, the proposed ESER Bond is, on balance, in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require project-level General Plan referrals and Environmental Review.

## **Project Description for The Earthquake Safety and Emergency Response Bond**

The Earthquake Safety and Emergency Response Bond will provide funding to construct, improve and rehabilitate facilities in San Francisco that provide for public safety and emergency response.

"SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND, 2010. To safeguard and enhance San Francisco's earthquake safety and emergency responsiveness by constructing, acquiring, improving and retrofitting critical San Francisco facilities and infrastructure, including but not limited to the water system for firefighting, neighborhood fire and police stations, police command center, Crime Lab, and Medical Examiner and to pay related costs necessary or convenient for the foregoing purposes."

**The proposed program can be summarized as follows:**

A. **AUXILIARY WATER SUPPLY SYSTEM.** A portion of the Bond shall be allocated to the renovation and seismic upgrading of Auxiliary Water Supply System (the "AWSS"). The proposed project is to improve and seismically upgrade two pump stations, two storage tanks, and the reservoir of the AWSS. The AWSS is dedicated to the suppression of multiple-alarm fires. It provides an additional water supply for the city, exclusively for firefighting and critical to the suppression of large fires occurring as a result of a major earthquake.

The project objectives are to make seismic and operational improvements to the following five AWSS components to preserve capacity and to assure a reliable service life of at least 50 years, unless otherwise noted:

- 1- Twin Peaks Reservoir: Rebuild the reservoir divider wall, repair the reservoir liner, and replace key mechanical equipment;
- 2- Ashbury Tank: Replace the tank and specific mechanical equipment;
- 3- Jones Street Tank: Seismically retrofit the existing concrete tank and replace all piping and mechanical systems;
- 4- Pump Station No.1: Improve the operation and extend the life of the existing pump station; and
- 5- Pump Station No.2: Rebuild the pump station into a modern, state-of-the-art facility within the existing building shell.

CEQA Determination - Negative Declaration 2009.0568E and General Plan Referral 2009.0568R have been issued for this project

B. **CRITICAL FIREFIGHTING FACILITIES AND INFRASTRUCTURE.** A portion of the Bond shall be allocated to the construction, acquisition, improvement, retrofitting and completion of critical facilities and infrastructure for earthquake safety not



otherwise specifically enumerated (in the bond ordinance) including without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels for the water system for firefighting. No specific facilities have been identified and the bond is a financing mechanism for such improvements.

**C. PUBLIC SAFETY BUILDING** A portion of the Bond shall be allocated to construct in Mission Bay (1) a Public Safety Building consisting of a new police department command center, a southern district police station, and a neighborhood fire station in a seismically secure facility to serve Mission Bay to accommodate safety needs in a growing community. The proposed project of approximately 320,200 square feet would include, a police station, a police command center headquarters, a fire station, and parking to support all three and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

**D. FORENSIC SCIENCES CENTER.** A portion of the Bond shall be allocated to acquire the property and the development rights to construct a new seismically secure Forensic Sciences Center in Mission Bay to consolidate the Office of the Chief Medical Examiner and the Police Department's Forensic Services Division. The proposed project is to build a new facility of approximately 260,000 square feet and improve an appropriate area sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

<u>Budget For ESER Bond Elements</u>	
Forensic Sciences Center	238,600,000
Public Safety Building*	236,100,000
Critical Facilities and Infrastructure	130,000,000
<b>AWSS Total</b>	<b>36,400,000</b>
<b>ESER Capital Improvements Total</b>	<b>641,100,000</b>
<b>Bond Oversight</b>	<b>652,070</b>
<b>Bond Financing Costs</b>	<b>10,317,930</b>
<b>BOND TOTAL</b>	
* Includes Mission Bay Fire Station	652,070,000



# SAN FRANCISCO PLANNING DEPARTMENT

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January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

Re: Case No. 2010.0001R  
1600-1670 Owens Street (AB 8709 lot 020)  
Proposed purchase the property at 1600 -1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

Dear Mr. Higuera,

The Department received your request on 10/23/2008 for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The Project is the proposed purchase the property at 1600-1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

## Project Description

The project is pursuant to the Medical Examiner achieving accreditation by the American Board of Forensic Toxicology, as required by California Senate Bill 1623; and the necessity of the San Francisco Police Department's Forensic Science Division to vacate the portion of its operations now located at Building 606 in the Hunters Point Naval Shipyard and the efficiency of consolidating its operations in a single location. The property at 1600-70 Owens Street provides the opportunity to consolidate the Forensic Science Division's operations – now housed both at Building 606 in Hunters Point and at the Hall of Justice – in a single location.

This project would include acquisition and the construction of a new facility of approximately 260,000 square feet, sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

Together, the Medical Examiner and the Forensic Science Division would occupy floors 1 through 6 – approximately 150,000 s.f. – of the 10-story building under a purchase agreement.

[www.sfplanning.org](http://www.sfplanning.org)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

The proposed purchase action would be, on balance, in conformity with the General Plan, as described in a Case Report (Attachment 1).

The project is located in Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. San Francisco Planning Commission by Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.

The Redevelopment Agency Commission by Resolution No. 199-2000, Resolution No. 163-2005 and Resolution No. 149-2006 approved a Major Phase, Revised Major Phase and Basic Concept and Schematic Design, respectively, for development of Blocks 43-44 in Mission Bay, which area includes 1600 and 1670 Owens Street. The Redevelopment Agency has determined that the proposed Forensic Science Center at 1600-1670 Owens Street is a permitted use at this location in the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

#### **Environmental Review**

The Department has determined that the Forensic Sciences Center proposed at 1600 -1670 Owens Street, also known as Parcel 3 and 4 of Blocks 41-43 in the Mission Bay South Redevelopment Plan Area is consistent with previous CEQA Actions. Namely, the Redevelopment Agency Commission by Resolution No. 199-2000 and Resolution No. 163-2005, adopted CEQA Findings and approved a Major Phase and a Revised Major Phase submission for Blocks 41-43, finding the proposed Major Phase development and Revised Major Phase development as within the scope of impacts analyzed in the FSEIR. The Redevelopment Agency Commission by Resolution No. 149-2006 approved a combined basic concept and schematic design for a proposed project containing laboratory, office, retail and ancillary uses, finding the basic concept and schematic design within the scope of the project analyzed in the FSEIR. The Planning Department by this reference incorporates these prior findings and adopts these findings as its own.

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

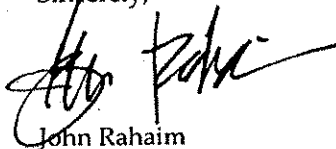
**Planning Code Section 101.1 Policies**

The proposed purchase action for the Forensic Science Center has been reviewed for consistency with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are included as **Attachment 2**.

The proposed ESER Bond is, on balance, in **conformity** with the General Plan.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Adam Varat of my staff at 558-6405. Thank you.

Sincerely,



John Rahaim  
Director of Planning

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

**Attachments:**

1. General Plan Case Report
2. Eight Priority Policies Findings – Planning Code Section 101.1
3. Mission Bay consistency findings

*I:\Citywide\General Plan\General Plan Referrals\2008\2008.1214R 1600 Owens Street Purchase.doc*

Case No. 2008.1214R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

**Attachment 1  
Case Report**

Case No. 2010.0001R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

Staff reviewer: Adam Varat  
Date: 1/07/2010

**General Plan Policy Findings**

Note: General Plan Objectives are in **BOLD CAPS**, and Policies are in **bold font**,  
General Plan text is in regular font, and staff comments are in *italic font*.

**COMMUNITY FACILITIES ELEMENT**

**OBJECTIVE 9**

**ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL  
ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.**

*California Senate Bill 1623 requires that the Medical Examiner achieve accreditation by the American Board of Forensic Toxicology. A move from its current location at the Hall of Justice to a site with the physical amenities of 1600 Owens Street is necessary to receive such accreditation. The San Francisco Police Department's Forensic Science Division must vacate the portion of its operation that is now housed in Building 606 in the Hunters Point Naval Shipyard. The property at 1600 Owens Street accommodates this necessary relocation and allows Forensic Science Division to consolidate its operations at both Building 606 and at the Hall of Justice into a single location.*

The Project is XX in conformity \_\_\_\_\_ not in conformity with the General Plan

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

## Attachment 2

### Planning Code Section 101.1(b) Priority Policies Findings

Case No. 2010.0001R

1600 Owens Street (AB 8709 Lot 020)

Proposed purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;  
*The Project is not in conflict with this policy.*
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;  
*The Project is not in conflict with this policy.*
3. That the City's supply of affordable housing be preserved and enhanced;  
*The Project is not in conflict with this policy.*
4. That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;  
*The Project is not in conflict with this policy.*
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;  
*The Project is not in conflict with this policy.*
6. That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake.  
*The Project is not in conflict with this policy.*
7. That landmarks and historic buildings be preserved; and  
*The Project is not in conflict with this policy.*
8. That our parks and open space and their access to sunlight and vistas be protected from development.

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

*The Project is not in conflict with this policy.*

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Ramon E. Romero, President  
Rick Swig, Vice President  
London Breed  
Linda A. Chau  
Francee Covington  
Leroy King  
Darshan Singh

Fred Blackwell, Executive Director

December 22, 2009

126-66.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: REVISED Consistency Findings for the acquisition of the property and the developments rights to construct a new facility at 1600 Owens in Mission Bay South Redevelopment Area (Parcel 4 of Blocks 41-43), and the purchase of a tenancy-in-common interest in the 1670 Owens parking garage (Parcel 3 of Blocks 41-43), to allow for the relocation of the Office of Chief Medical Examiner and the Forensic Sciences Division of the San Francisco Police Department

This letter replaces the original consistency findings prepared for this project, dated December 16, 2009.

The City and County of San Francisco is proposing to acquire the property and the developments rights to construct a new facility at Parcel 4 of Blocks 41-43 in Mission Bay South to allow for the relocation of the Office of Chief Medical Examiner and Forensic Sciences Division of the San Francisco Police Department to the site. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases. Parking spaces for the building would be located in the existing parking garage located on Parcel 3 of Blocks 41-43 through the purchase of a tenancy-in-common interest in the garage.

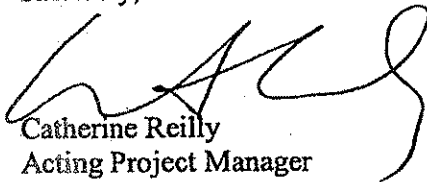
The development of Parcel 4 of Blocks 41-43 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Parcel 4 of Blocks 41-43 is within the Commercial Industrial land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "manufacturing" uses, including "medical research and biotechnical research facilities" and "experimental laboratories" are permitted as a principle use, as listed under Section 302.3(A). Based on the description of the proposed uses related to the Office of Chief Medical Examiner and the Forensic Sciences Division, the uses are consistent with a "manufacturing" use and are an allowable use under the Mission Bay South Redevelopment Plan.



In addition, the Option Term Sheet, dated December 11, 2009, for the purchase of 1600 Owens and a portion of 1670 Owens by the City and County of San Francisco specifically states that: the "City acknowledges that among the other items, the Mission Bay Restrictions require payment of ad valorem taxes, potential Community Facility District ("CFD") and other taxes and fees as if the City were an entity not exempt from such taxation." Since the City has agreed to pay taxes as though it were not a tax exempt entity, the purchase of the property by the City would not affect the ability of the San Francisco Redevelopment Agency or the Master Developer, FOCIL-MB, LLC, to implement the Redevelopment Plan, including construction of affordable housing and infrastructure, through the use of funds collected from property and special taxes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reilly', written over the typed name and title.

Catherine Reilly  
Acting Project Manager



# SAN FRANCISCO PLANNING DEPARTMENT

---

January 7, 2010

Mr. John Updike  
Assistant Director of Real Estate  
25 Van Ness Avenue Suite 400  
San Francisco, CA 94102

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Dear Mr. Updike,

We are in receipt of your letter dated December 7<sup>th</sup>, 2009, as revised on December 15, 2009, requesting that the Planning Department consider a General Plan Referral application for a Public Safety Building, proposed for a site located at Third Street and Mission Rock Street (former AB 8720, lot 002, AB 8719, lot 002 (portion) and a portion of the 4<sup>th</sup> Street right-of-way (now vacated). The site is also known as Block 8 of the Mission Bay South Redevelopment Area. The submittal is pursuant to Section 4.105 of the Charter of the City and County of San Francisco and Section 2A.53 of the Administrative code establish requirements for General Plan Referrals to the Planning Department. Use of the site for construction of a Public Safety Building, is, on balance, **in conformity** with the General Plan, as described in the Case Report, included as **Attachment 1**. The Project is also consistent with Planning Code Section 101.1(b) General Plan Priority Policies, included as **Attachment 2**.

The property, approximately 66,000 square feet in size, is owned by the City and County of San Francisco. The proposed Public Safety Building will include a new Police Department (SFPD) Headquarters facility, a District Police Station a Fire Station, parking and other accessory uses. When constructed, the Police Department Headquarters and District Police Station uses will be relocated to the site from the Hall of Justice (HOJ) at 850 Bryant Street. The Mission Bay Land Use Plan, designates the land use for the subject property as "Public Facilities (School, Police & Fire). The proposed Public Safety Building containing Police and Fire Department facilities would be a permitted use at the subject site.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## PREVIOUS ACTIONS RELATED TO THIS PROJECT

The project site is located in the Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. The Planning Commission certified the Final Environmental Impact Report for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR by Planning Commission Res. 14696 on 9/17/1998.
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.
5. The Mission Bay Land Use Plan, as set forth in the Mission Bay South Redevelopment Plan, designates the referenced project site for Public Land Uses, including Schools, Police and Fire facilities land uses.
6. The Redevelopment Agency has determined that the police and fire station uses and accessory uses are permitted uses at the Block 8 of the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

## ENVIRONMENTAL REVIEW

The Major Environmental Analysis section of the Planning Department completed Environmental Review of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR). The review included analysis of regulatory and physical aspects of the Plan, including: the vacation of public rights-of-way, property acquisition, acceptance of

offers of dedication of land for road rights-of-way, and acceptance of offers of Dedication of horizontal improvements (street and public rights-of-way), among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the FSEIR (Planning Case No. 1996.771E);
- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.

On October 19, 1998, the Board of Supervisors, by Resolution No. 854-98, adopted CEQA findings, including a statement of overriding considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay MMRP") in support of various approval actions taken by the Board to implement the Mission Bay Redevelopment Plans.

The Redevelopment Agency has issued several addenda to the FSEIR to address various issues and most recently issued Addendum No. 7 to address the location of the Public Safety Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is within the scope of the project analyzed in the FSEIR and will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the Mission Bay

The Planning Department has reviewed and considered the CEQA Findings and statement of overriding considerations previously adopted by the Planning Commission, and the Board of Supervisors, and reviewed and considered the above-referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA Findings contained in Addendum No. 7 and hereby adopts the CEQA Findings as its own. The Planning Department additionally finds that implementation of the Public Safety Building in Mission Bay (1) does not require major revisions in the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (2) no substantial changes have occurred with respect to the circumstances under which the project analyzed in the FSEIR will be undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no new information of substantial importance to the project analyzed in the FSEIR has become available which would indicate that (i) the Public Safety Building will have significant effects not discussed in

the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

#### GENERAL PLAN REFERRAL FINDINGS SUMMARY

In summary, the program for a Public Safety Building at the subject site is, on balance, in conformity with the General Plan, as described in the attached Case Report, included as **Attachment 1**. The project is also consistent with Planning Code Section 101.1 policies, included as **Attachment 2**.

Sincerely,



John Bahaim  
Director of Planning

Attachments –

1. Case Report
2. Planning Code Section 101(b) Priority Policies
3. SFRA letter regarding project consistency with the Mission Bay Redevelopment Plan

cc Ed Reiskin, Director, DPW  
Charles Higuera, DPW  
S. Shotland, PD  
Elaine Warren, City Attorney

I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock Street - Miss Bay 12\_29\_09.doc

## CASE REPORT

Attachment 1

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Staff Review: Stephen Shotland

DATE: January 7, 2010

Note: General Plan OBJECTIVES in Bold CAPS, General Plan Policies and text are in bold font;  
text is in regular font; Staff Comments in *italic font*

### COMMUNITY FACILITIES ELEMENT

#### OBJECTIVE 1

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

#### POLICY 1.1

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

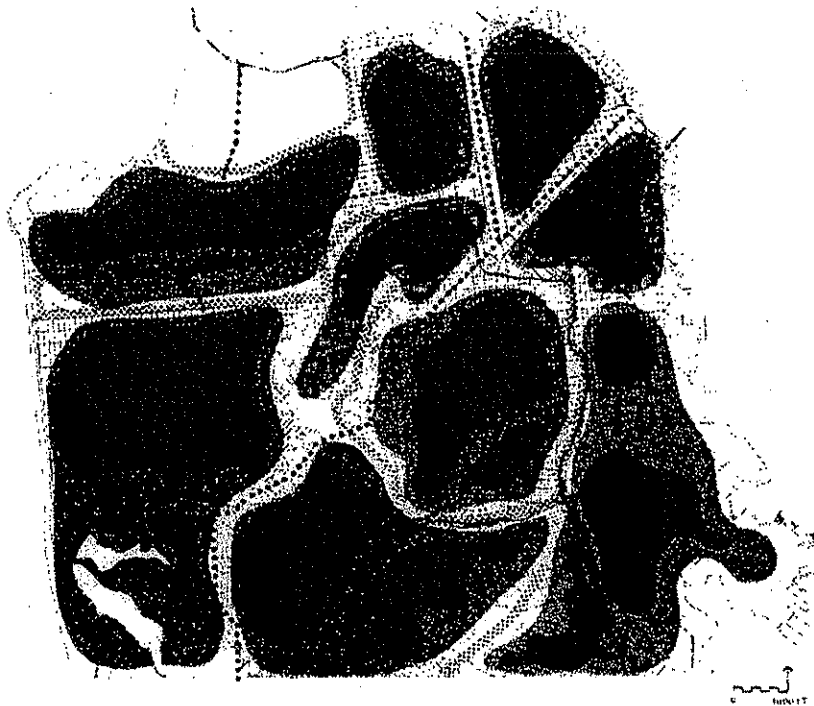
Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

#### POLICY 1.2

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**





#### POLICY 1.6

DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT.



**POLICE FACILITIES PLAN**

**Map 1**

-  General Grouping Of Related Neighborhoods
-  Neighborhood Edges And Barriers To Movement
-  Major Arterials That Define Neighborhoods
-  Recommended 9 District Grouping Of Related Neighborhoods

**POLICY 1.1**

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as

administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

**POLICY 1.2**

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**

**POLICY 1.6**

**DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT**

**POLICY 1.7**

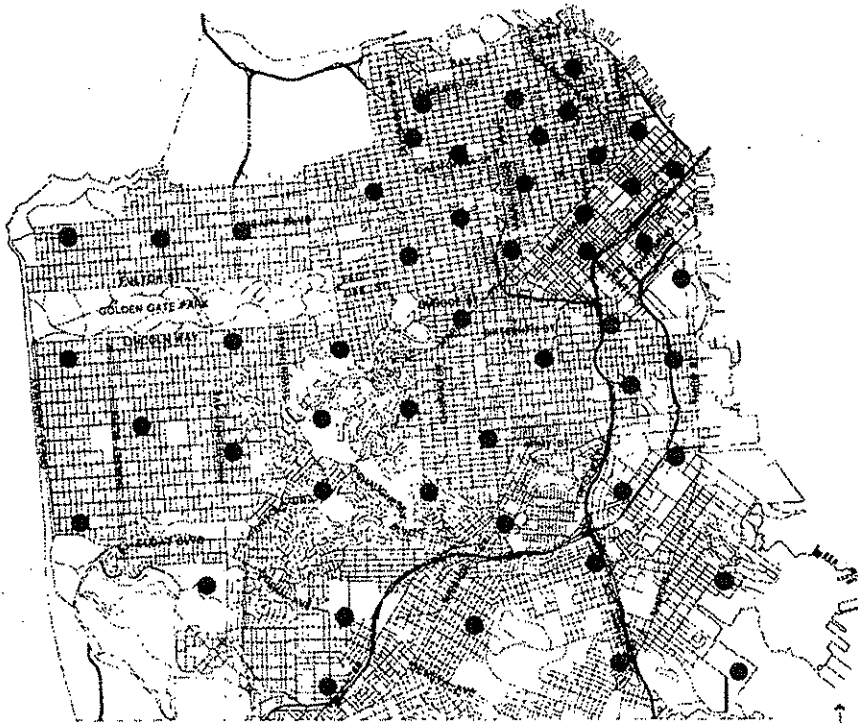
**COMBINE POLICE FACILITIES WITH OTHER PUBLIC USES WHENEVER MULTIPLE-USE FACILITIES SUPPORT PLANNING GOALS, FULFILL NEIGHBORHOOD NEEDS, AND MEET POLICE SERVICE NEEDS.**

*Comment: The Public Safety Building will be designed to incorporate the new SFPD Headquarters Facility and new District Police Station, which will replace facilities currently located at the Hall of Justice. The site will also house a new Fire Station. The new facility will serve the newly developing Mission Bay District, as well as other neighborhoods.*

**OBJECTIVE 5**

**DEVELOPMENT OF A SYSTEM OF FIREHOUSES WHICH WILL MEET THE OPERATING REQUIREMENTS OF THE FIRE DEPARTMENT IN PROVIDING FIRE PROTECTION SERVICES AND WHICH WILL BE IN HARMONY WITH RELATED PUBLIC SERVICE FACILITIES AND WITH ALL OTHER FEATURES AND FACILITIES OF LAND DEVELOPMENT AND TRANSPORTATION PROVIDED FOR OTHER SECTIONS OF THE GENERAL PLAN.**





**FIRE FACILITIES PLAN**

**Map 2**

● Fire Facilities

## HOUSING ELEMENT

### Objective 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

### Policy 11.2

Ensure housing is provided with adequate public improvements, services and amenities.

*Comment: The Project calls for funding and future construction of a Public Services Building, which will include space for the San Francisco Police Department Headquarters Facility, a District Police Station and a Fire Station. The proposed project will provide necessary public services to protect residents in Mission Bay South Redevelopment Area and other City. Funding the project and the proposed land use are consistent with the Land Use Plan contained in the Mission Bay South Redevelopment Plan as revised, a mixed-use development that incorporates housing commercial and institutional uses, among other uses. Plans for the new facility will be subject to review and approval by City Departments which will include the Planning Department and the Redevelopment Agency.*

**Note: This General Plan Referral finding is limited to the location and land use for the proposed Public Safety Building; the project's design has not been reviewed. Prior to implementing the project, the facility design may be subject to other City review and approvals.**

On balance, the Project is, on balance,  X  in conformity \_\_\_\_\_ not in conformity with the General Plan.

## Planning Code Section 101.1(b) Policies

## Attachment 2

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would implement policies and plans contained in the Mission Bay South Redevelopment Plan, which was found consistent with the General Plan. The project would not affect the level of neighborhood serving retail.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project considered would have no adverse effect on existing housing and neighborhood character.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The Project in itself would have no adverse effect on the City's supply of affordable housing.*

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.*

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not adversely affect a diverse economic base.*

(6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project, would not adversely affect City preparedness against injury or loss of life in an earthquake. The proposed facility would be constructed meeting all applicable building and safety codes.*

(7) That landmarks and historic buildings be preserved.

*The project proposes the adaptive reuse of a historic resource, Fire Station #30. The project sponsor would be required to implement mitigation measures relating to the reuse of Fire Station #30, including hiring an architect that meets the Secretary of the Interior's Professional Qualification Standards, and review and approval by San Francisco Planning Department preservation staff for concurrence that the project conforms to the Secretary of the Interior's guidelines for rehabilitation. As a result, the project would not negatively affect landmarks and historic buildings. Once project designs are developed, they would require additional review and approvals.*

(8) That our parks and open space and their access to sunlight and vistas be protected from development.

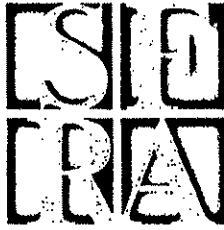
*The Project would not adversely affect parks and open space and their access to sunlight and vistas.*

*I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock Street - Miss Bay 12\_29\_09.doc*

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, Acting Resident  
London Breed  
Francee Covington  
Leroy King  
Darshan Singh

Fred Blackwell, Executive Director

December 16, 2009

126-061.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: Consistency Findings for the Location of the Headquarters of the San Francisco  
Police Department on Block 8 in Mission Bay South Redevelopment Area

Block 8, as identified in the Mission Bay South Redevelopment Plan, has been identified as the future site for a new police and fire station. In addition to the police and fire station, the City of San Francisco is proposing to relocate the Headquarters of the San Francisco Police Department to Block 8.

The proposed project would consist of approximately 265,000 square feet, plus the option of an additional underground parking level, and would include, a police station, a police command center headquarters, a fire station, and parking to support all three uses and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

The development of Block 8 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Block 8 is within the Mission Bay South Public Facility land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "fire/police station" uses and "other public structure or uses" are permitted as a principle use, as listed under Section 302.6. Based on the description of the proposed use, the use is consistent with the Mission Bay South Public Facility land use district and is an allowable use under the Mission Bay South Redevelopment Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reilly', is written over a large, stylized flourish that extends downwards and to the right.

Catherine Reilly  
Acting Project Manager



PLANNING COMMISSION  
MOTION NO. 17332

Project Subject to:

- Inclusionary Housing (Sec 315)
- Childcare Requirement (Sec 314)
- Park Fund (Sec 139)
- Public Art ~~(Sec 149)~~
- Public Open Space (Sec 138)
- Jobs Housing Linkage Program (Sec 313)
- Transit Impact Development Fee
- First Source Hiring
- Other: \_\_\_\_\_

Case No.: 2006.1216B  
Address: 1600 Owens Street  
Assessor's Block & Lot: 8709/010  
aka Mission Bay South,  
Blocks 41-43, Parcel 4

Hearing Date: November 2, 2006

SAN FRANCISCO PLANNING COMMISSION  
MOTION NO. 17332

ADOPTING FINDINGS PURSUANT TO PLANNING COMMISSION RESOLUTION 14702 RELATING TO DESIGN APPROVAL FOR A TEN-STORY, 160-FOOT TALL OFFICE BUILDING APPROXIMATELY 245,500 GROSS SQUARE FEET, ALSO CONTAINING APPROXIMATELY 5,086 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AND UP TO 420 OFF-STREET PARKING SPACES LOCATED OFF-SITE ON PARCEL 4, AND TO PROJECT AUTHORIZATION UNDER THE 2006-2007 ANNUAL OFFICE LIMITATION PROGRAM PURSUANT TO RESOLUTION 14702 AND TO SECTIONS 321 AND 322 OF THE PLANNING CODE, FOR A DEVELOPMENT CONTAINING UP TO 228,000 SQUARE FEET (GROSS FLOOR AREA) OFFICE SPACE, LOCATED AT 1600 OWENS STREET, ON ASSESSOR'S BLOCK 8709, LOT 010, AKA MISSION BAY SOUTH BLOCKS 41-43, PARCEL 5, IN THE MISSION BAY SOUTH REDEVELOPMENT AREA, A COMMERCIAL-INDUSTRIAL-RETAIL ZONING DISTRICT, AND AN HZ-7 HEIGHT DISTRICT.

Preamble

On September 17, 1998, by Resolution No. 14702, the Planning Commission (hereinafter "Commission") determined that the Mission Bay South Redevelopment Plan ("MBS Plan") provides for a type, intensity, and location of development that is consistent with the overall goals, objectives, and policies of the General Plan, as well as the Eight Priority Policies of Section 101.1(b) of the Planning Code ("Code").

Under that Resolution, the Commission also determined that the office development contemplated in the MBS Plan in particular promotes the public welfare, convenience and necessity, and therefore, that the determination required pursuant to Section 321 *et seq.* of the Code for office development shall be deemed to have been made for all specific office development projects undertaken pursuant to the MBS plan.

Further, the Commission considered under Resolution 14702 the guidelines set forth in Section 321(b)(3)(A)-(G) and determined that the apportionment of office space over the anticipated 30-year build-out of the South Plan Area will remain within the limits set by Section 321, and will maintain a balance among economic growth, housing, transportation, and public services, pursuant to terms of the MBS Plan and Plan Documents, which provide for the appropriate construction and provision of housing, roadways, transit, and all other necessary public services in accordance with the Infrastructure Plan (as defined in the MBS Plan Documents).

In its consideration of Resolution 14702, the Commission reviewed the design guidelines of the MBS Plan Area, as set forth in the MBS Design for Development Document ("D for D") and determined that the standards and guidelines in the D for D will ensure the design quality of any



proposed office development. The Commission resolved to review and approve the designs of specific office developments in the Plan Area using the D for D guidelines and standards, when such proposals would be subject to the provisions of Section 321 *et seq.*, to confirm that said development is consistent with the findings set forth in Resolution 14702.

The Commission further resolved that, upon confirming that a specific development is consistent with the findings set forth in Resolution 14702, the Commission would issue a project authorization for that development.

The development of office space is an element of the MBS Plan, which, among other things, provides for: "Strengthening the economic base of the Plan Area and the community by strengthening retail and other commercial functions in the Plan Area through the addition of approximately 335,000 leasable square feet of retail space ... and about 5,953,600 leasable square feet of mixed office, research and development and light manufacturing uses"

#### Recitals

1. Application: On September 29, 2006, Ms. Terezia Nemeth of Alexandria Real Estate, (hereinafter "Project Sponsor") filed Application No. 2006.1216B with the City and County of San Francisco Planning Department ("Department") for design approval and project authorization pursuant to Resolution 14702 and Planning Code Section 321, for construction of 228,000 square feet of office space at 1600 Owens Street, as further described below ("Project").
2. Project Site/Present Use: The site is located in the Mission Bay South Project Area, in a Commercial-Industrial-Retail Zoning District, and an HZ-7 Height District. Parcel 010 in Assessor's Block 8709, also known as MBS Parcel 4 IN Blocks 41-43, is about 1.66 acres in area, and is bounded to the north by Owens Street, to the west by "A" Street, to the south by Mission Bay Parcel 4, and to the east by Mission Bay Parcel 6. Parcel 6 is the site of a future parking garage that will fulfill the parking requirements for the buildings proposed on Parcels 4, and 5. Adjacent Parcel 4 is currently pending a proposal to construct a new, approximately 160,600 gross-square-foot laboratory/office building that is six stories and approximately 89 feet in height.
3. Project Description: The proposal is to construct a new six-story building, with approximately 245,500 gross square feet, and approximately 160 feet high. Authorization is requested for up to 228,000 square feet of office, with approximately 5,086 square feet of ground floor retail, and up to 420 off-street parking spaces located on Parcel 6.  
  
The project is proposed to be flexible and meet the needs for modern tenants, and can be occupied by office or bio-science users.
4. On November 2, 2006, the Commission, at a regularly scheduled meeting, conducted a duly noticed public hearing on Application No. 2006.1216B, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department.
5. In evaluating the Project's Application, the Commission has reviewed and considered the Summary and Draft Motion, and other materials pertaining to this Project in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

**MOVED,** That the Commission hereby approves the project design and authorizes the office space

allocation pursuant to Section 321 *et seq.* as requested by Case 2006.1216B, subject to these findings and the conditions contained in Exhibit A, attached hereto and incorporated herein by reference, based on the following findings:

### Findings

Having reviewed all the materials identified in the Preamble and Recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. The above Preamble and Recitals are accurate and also constitute findings of this Commission.
2. The Redevelopment Agency of the City and County of San Francisco (the "Agency") is implementing the MBS Plan pursuant to and in accordance with Community Redevelopment Law of the State of California.
3. Environmental Review: The Agency and the Planning Department, together acting as co-lead agencies for conducting environmental review for the Plan, and other permits, approvals and related and collateral actions (the "Project"), prepared and certified a Final Subsequent Environmental Impact Report (the "FSEIR"). The Agency certified the FSEIR for the Project on September 17, 1998 by Resolution No. 182-98. Also on September 17, 1998 by Resolution No. 183-98, the Agency adopted environmental findings (and a statement of overriding considerations, that the unavoidable negative impacts of the Project are acceptable because the economic, social, legal, technological and other benefits of the Project outweigh the negative impacts on the environment) pursuant to the California Environmental Quality Act ("CEQA") and State Guidelines in connection with the approval of the MBS Plan and other Project approvals. The Planning Commission certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and by Resolution No. 854-98 adopting environmental findings (and a statement of overriding considerations).

Pursuant to the California Public Resources Code (PRC) Section 21090 and Section 15180 of the State CEQA Guidelines, all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, and the FSEIR on the Redevelopment Plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the Redevelopment Plan because events specified in PRC Section 21166 and State CEQA Guidelines Sections 15162 or 15163 have not occurred. Specifically, no substantial changes in the Project, no substantial changes in the circumstances under which the Project is being undertaken, and no new information has become available that would cause new significant environmental impacts. Also, no mitigation measures or alternatives previously found to be infeasible have been found to be feasible, and no different mitigation measures or alternatives that would substantially reduce one or more significant effects of the Project have been identified. The project Authorization for Case 2006.1216, 1600 Owens Street, MBS Blocks 41-43 ("Implementing Action"), is an undertaking pursuant to and in furtherance of the Plan pursuant to CEQA Guidelines Section 15180.

The Planning Commission, based upon its review of the FSEIR, hereby finds that: (1) the Implementing Action does not incorporate modifications into the Project analyzed in the FSEIR and will not require important revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; (2) no substantial changes have occurred with respect to the circumstances upon which

the Project analyzed in the FSEIR was undertaken which would require major revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of effects identified in the FSEIR; (3) no new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe, (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment; (4) the Implementing Action is within the scope of the Project described and analyzed in the FSEIR; and (5) no new environmental documentation is required.

4. Section 321- Available Allocation: Consistent with Section 304.11 of the MBS Redevelopment Plan and Planning Code Sections 320 through 325, approval of the office development of MBS Blocks 41-31 would not exceed the annual limitation contained in Planning Code Section 321.

At present, the unassigned large office allocation (for projects equal to or greater than 50,000 square feet in area) is 2,535,467 square feet, which includes the annual addition of 875,000 square feet on October 17, 2006. Upon authorization of the subject project for 228,000 square feet, and upon approval of the adjacent, companion project at 1500 Owens Street for 158,500 square feet, 2,148,967 square feet would be available for allocation to pending and future office projects this year.

Further, the sponsors of these two projects have obtained ownership of Lot 10 in Block 8709, Mission Bay, and are proposing a new structure for that site. There is a previously approved allocation, Case 2002.030, for 80,922 square feet that would revert to the available allocation upon approval of that future project.

5. Section 321- Approval Criteria: Pursuant to Resolution 14702, the Commission is charged with determining whether the Project conforms to applicable standards in the D for D Document, which supersedes the criteria set forth in Section 321 and other provisions of the Code except as provided in the MBS Plan. The proposed Project meets the MBS Redevelopment Plan and the D for D Document standards and guidelines as described below in findings 6 and 7, respectively:

6. Mission Bay South Design for Development Standards

The Mission Bay South (MBS) Design for Development Document is a companion document to the Mission Bay South Redevelopment Plan. It contains Design Standards and Design Guidelines, which apply to all development within the MBS Plan Area. With the adoption of the MBS Redevelopment Plan and the Design for Development Document (D for D), those documents supersede the San Francisco Planning Code in its entirety, except as otherwise provided in the MBS Redevelopment Plan.

In MBS plans for the development of buildings are preceded by the approval of a Major Phase, which generally covers one or several MBS blocks and in which such items as the general appearance, site planning (program of uses, estimated: range of development density, parking, loading, square footage of each use and schedule for development, utilities, transit, vehicular, pedestrian and bicycle circulation, open space, private and public) and streetscape are considered. Any major phase should also meet the MBS Redevelopment Plan and D for D standards and guidelines.

The proposed Project meets the MBS Redevelopment Plan and D for D Document standards and guidelines as described below.

A. Land Use

1600 Owens Street (Blocks 41-43, Parcel 4), as shown in Attachment 3 of the MBS Redevelopment Plan, "Redevelopment Land Use Map", is within a designated Commercial Industrial District. Plans for development of 1600 Owens indicate that the intended use would be medical research and biotechnical research facility ("life science")/ office and retail, which are permitted uses in that District (Section 302.4 of the MBS Redevelopment Plan).

B. Height

According to Map 4 of the MBS D for D, 1600 Owens is within Height Zone HZ-7, which has the following development controls:

- Base Height: 90 feet (Coverage < 85% of the total area of HZ-7)
- Tower Height: 160 feet (Coverage < 15% of the total area of HZ-7)
- Max. Number of towers: 4 for the entire HZ-7 area
- Location: 60% of the frontage of buildings within 100' of freeway on Blocks 40-43 shall not exceed the height of the freeway.
- Mechanical Equipment: Exempt from the Height limitation. The exemption is limited to the top 36 feet (20 feet for a mechanical penthouse, 16 for top of a ventilator stack) of such features where the height limit is more than 65 feet.

*The base building height would be 79'; the sum of the footprint of all the buildings (existing and proposed) within the base height within HZ-7 does not exceed 85% of the total area of HZ-7. The maximum building height would be 159.5'; 1600 Owens is the first tower to be proposed within HZ-7. The total freeway frontage for Blocks 41-43 is 1,272'; according to the Major Phase application for said Blocks, the combined building length proposed within 100' of the freeway would be 509' which implies that at least 60% of all the buildings in Blocks 41-43 would not be higher than the freeway. Mechanical equipment and exhaust stacks would be located on the roof and screened from view, the maximum height of the proposed screen would be 25'*

C. Bulk

Bulk controls in HZ-7 apply above 90 feet as follows:

- Maximum Plan Length: 200 feet
- Maximum Floor Plate: 20,000 square feet

*The plans for 1600 Owens indicate 199' as the maximum plan length and 19,941 square feet as the average floor plate.*

D. Coverage and Streetwall

In Commercial Industrial Districts, the D for D Document sets forth the following requirements:

- Coverage: Not applicable
- Streetwall:

Minimum Length: Minimum 70%<sup>1</sup> of block frontage length along primary streets required (Owens Street is considered a primary street).

Minimum Height 15 feet

Maximum Height Height not to exceed 90 feet

Corner Zone Conditions: Not applicable (1600 Owens is not at the intersection of two primary streets.)

Required Steppbacks Not applicable

Pedestrian Walkways: Not applicable

Projections Architectural projections over a street, alley, park or plaza shall provide a minimum of 8 feet of vertical clearance over the sidewalk or other surface above which they are situated. Projections include purely architectural or decorative character with a vertical dimension of 2'6", and bay windows, balconies and similar features. The projection is limited to no more than 3' over streets, alleys, and public open spaces.

*The sum of building frontages along Owens (existing and proposed buildings= 824.00') does not exceed 70% of the cumulative length of all the parcels comprising Blocks 41-43 (approximately 1254'). The minimum and maximum streetwall height would be 78.75'. Parcel 4 is not at the intersection of two primary streets.*

*The proposed building design, as modified, complies with requirements for Projections.*

E. Sunlight and Shadow

Shadow analysis is not required unless, as part of a specific project application, the project applicant seeks a variance from the standards determining the shape and location of buildings.

*No variance is necessary as part of this application, so no shadow analysis is required.*

F. Wind Analysis

The MBS D for D Document indicates that wind review will be required for all projects that include buildings over 100' in height.

<sup>1</sup> Block frontage refers to the total measurement from street-to-street, with no exceptions for pedestrian walkways.

*A wind analysis has been prepared; it identifies two areas that failed the distress criterion which will be mitigated: the southwest edge along the pedestrian mews between 1500 and 1600 Owens will be improved by the addition of an 8' suspended canopy and the northeast edge along the proposed corner park in Lot A, which will be improved by a dense planting of canopy trees.*

G. View Corridors

View corridors follow street alignments and are based on the following principles: to preserve orientation and visual linkages to the Bay, as well as vistas to hills, the Bay Bridge and downtown skyline; to preserve orientation and visual linkages that provide a sense of place within Mission Bay. No building or portion thereof shall block a view corridor.

*The development of 1600 Owens would not block any view corridors as defined above. The northeast elevation (along Owens) of the proposed building would act as the terminus of one view corridor extending along Gene Friend Way within the UCSF Mission Bay Campus. As such, special attention has been paid to provide visual interest through building mass, articulation, colors and details and the designation of the ground floor for active uses.*

H. Parking

The number of off-street parking spaces required and/or allowed for uses within MBS, as indicated in the MBS D for D, are:

- Office: Maximum and minimum, 1.8 space for each 1,000 square feet of gross floor area.
- Retail: Maximum, one space for every 500 square feet of gross floor area for 20,000 square feet.
- Life Science: Maximum and minimum two spaces for every 1,000 square feet of gross floor area for up to 1,734,000 square feet, provided that any structure occupied for administrative functions shall be subject to the 1,000 square feet of gross floor area standard.
- Bicycle Parking: One secure bicycle parking space must be provided for every 20 vehicular parking spaces or fraction thereof.

Based on the gross square footage indicated on the application for Planning Code Section 321 (b) determination for development of 1600 Owens, the maximum number of parking spaces allowed would be: Retail (5,086 square feet) 10 parking spaces and Office/Biotechnology (227,568 square feet) 455 parking spaces, for a total of 465 vehicular parking spaces. Parking for a total of 420 vehicles and for at least 21 bicycles would be provided in the adjacent parking structure on Parcel 6 (as indicated in the Revised Major Phase Application dated August 9, 2005).

I. Loading

The number of loading spaces required and/or allowed for uses within MBS, provided per gross square feet, as indicated in the MBS D for D are the following:

- Retail: One space for retail uses between 10,001 and 60,000 square feet.
- Commercial: One space for commercial uses between 100,001 and 200,000 square feet.
- Dimensions: At least 10 feet wide, 35 feet long and 14 feet high.

*Based on the indicated ratio, the total number of loading spaces would be two. Plans for the development of 1600 Owens indicate two loading spaces satisfying the dimensional requirements indicated in the D for D Document.*

## 7. Mission Bay South Design for Development Design Guidelines

The Applicable Design Guidelines are: **Commercial Industrial and Retail Guidelines.**

### 1. Block Development

#### A. View Corridors

"View corridors are defined by the Mission Bay street grid. No building or portion thereof shall block a view corridor established by that grid of streets and dedicated right-of-ways".

*The proposed development of 1600 Owens does not block any view corridors as defined above. The northeast elevation (along Owens) of the proposed building would act as the terminus of one view corridor extending along Gene Friend Way within the UCSF Mission Bay Campus. As such, special attention has been paid to provide visual interest through building mass, articulation, colors and details and the designation of the ground floor for active uses.*

#### B. Open Spaces

"Encourage the development of publicly-accessible open spaces at ground level. Where feasible, design these open spaces in relation to local-serving retail such as cafes and to the public open space network".

*The proposed development of 1600 Owens contemplates the development of private open spaces to be made available to the public during daylight hours. Private open space could be coordinated with the construction of a park on a separate parcel, Lot A; tree clusters shade paved walks that pass areas planted with ground cover vegetation, designed to provide landscape amenities and support a campus like environment. Public seating would be accommodated on the hardscape area of the future park to be developed in Lot A, adjacent to the commercial space on the ground floor, as shown on plans.*

#### C. Pedestrian Walkways

"Walkways are encouraged to enhance the pedestrian experience in the Commercial Industrial area". "Walkways to mid-block open spaces or courtyard are encouraged".

*The Major Phase for Blocks 41-43 contemplates the development of several walkways to interconnect the proposed buildings and supporting structures; the proposed pedestrian walkways include one between Parcels 4 and 5. Plans for development of 1600 Owens include the construction of the walkway for which paving and planting materials have been selected to make the pedestrian experience gentle and intimate;*

*there is a secondary building entrance located along said walkway, which interconnects to another pedestrian walkway between Parcels 5 and 6.*

## 2. Street Frontage

### A. Streetwall

"Commercial areas in San Francisco are noted for streets with buildings at the property line where there is little or no space between the buildings. This historical pattern of development gives San Francisco its intense urban quality and should be a model for Mission Bay development. Commercial Industrial Buildings shall be continuous at the property line on streets, except for occasional breaks in the streetwall".

"Setbacks up to 10 feet from the property line are allowed within a continuous streetwall".

"Variations from the streetwall are allowed to create open space, pedestrian circulation space, mid-block lanes and landscaping areas".

*The design of the ground floor streetwall of 1600 Owens is recessed to form a continuous 5' deep arcade, parallel to the Owens. This arcade would wrap around the frontage of the building along the pedestrian walkway and the future park. The ground floor frontages along Owens, the pedestrian walkway and the future park in Lot A would be dedicated to retail uses, which would be highlighted through the use of continuous floor to ceiling glazing and the location of entrances to the commercial locales. These moves would reinforce the urban quality sought by the guidelines.*

### B. Streetwall Height

"Within high density commercial areas of San Francisco such as downtown and South of Market, a typical ratio of street width to streetwall height is approximately 1: 1.25".

"The building-street relationship in Mission Bay Commercial Industrial areas should reflect this city pattern".

*The width of Owens is 68' and the proposed building height, at its base would be, approximately, 82' (including the parapet). The proposed building mass consists of two volumes: a five-story rectangular base, and a five-story curving glazed tower which is setback from the northwest and southeast elevations. These setbacks reinforce the perception, from street level, of the base as a dominant mass; therefore, the proposed ratio of street width to streetwall height is approximately 1: 1.25.*

### C. Pedestrian Scale 2

"Office and other commercial buildings are encouraged to be active and to incorporate visually interesting details and/or decoration into the design of the building base".

*The plans for the proposed development of 1600 Owens provide for an active ground floor which contains building entrances and approximately 5, 100 square feet of retail space located along Owens and extending approximately 100', with a likely overflow*

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2 Pedestrian scale is considered in the design guidelines for Commercial Industrial/Retail districts in Street Frontage and in Building Height and Form. In order to avoid repetition, this section addresses only the types of uses proposed at ground level, along the public sidewalks. Specific architectural details are described in Building Height and Form.



area, along the southeast elevation (facing the future park), and approximately 30' along the pedestrian walkway that separates 1500 from 1600 Owens. At ground level the façade would be recessed approximately 5' to form a continuous arcade. Plans for the building indicate the main building entrance to be at the end of the arcade facing the future park and a secondary building entrance along the pedestrian walkway. Both entrances would be highlighted with canopies. Under the arcade and along other exposed portions of the facades (except at the service yard and the portions of the ground floor adjoining the freeway) the ground floor would be wrapped with a completely glazed skin.

D. Curb Cuts

"In order to preserve the continuity and quality of the pedestrian environment, curb cuts for parking and service uses are strongly discouraged along Third Street".

*The proposed building does not face Third Street yet its design would minimize the amount of curb cuts along Owens (which has a street frontage is approximately 1254'). The Major Phase for Blocks 41-43 contemplates two curb on Owens for vehicular access and egress to the parking structures proposed for Parcels 3 and 6; each curb cut would be approximately 40' wide. No curb cuts are proposed for Parcel 4 (1600 Owens).*

E. Freeway Zone

"Mission Bay buildings near to the 280 Freeway (height zone HZ-7) should take into account their importance in establishing a design character for the area, as seen from surrounding neighborhoods and from a highly traveled regional access route, and in contributing to a dramatic and attractive arrival sequence for the City of San Francisco. Issues of building placement, massing, façade materials and height are all important in this consideration."

"Open Space/Panorama- In the northern portion of height zone HZ-7, Block 43 has particular restrictions designed to preserve a portion of the downtown panorama. On Block 43, in addition to the freeway edge, all portions of buildings within the special height area adjacent to Owens Field, as defined on the Height Zone Map, are limited to a height, including any projections above the building height, equal to the average height of the freeway barriers adjacent to the Block with the exception of a maximum 90' base building and /or tower located toward the southeast corner of the Block, which is outside the special height area".

*The, northwest, southwest and southeast elevations of the proposed building face Freeway 280, while the southwest and southeast elevations would be visible from Potrero Hill. These proximity and vicinity determine the building placement, massing and façade materials to respond to the need of establishing the design character of the area.*

*The structure is composed of two primary elements: a five-story curving tower wrapped in clear glass/silver aluminum curtain wall, balanced on a five-story rectangular base clad in factory finished composite metal panels. The massing steps back from the elevated freeway in conformance with the approved Major Phase for Blocks 41-43 and also according to the height requirement of the D for D. The building is oriented perpendicular to Owens and the upper portion is located approximately 150' east of the freeway, which would create an appropriate breathing space for the tower.*

*Other important features which contribute to a dramatic and attractive arrival sequence for the City of San Francisco and which would establish a design character for the area are: on the southeast corner a five-story bay featuring sloped glazing and horizontal metal shades, which relates the building base to the tower element in terms of texture and form; terracotta colored metal sunscreens and an architecturally-detailed exterior egress stairs that slices the tout glazed surface of the tower.*

### **3. Building Height and Form**

#### **A. Height Locations**

"The predominant commercial height zone in Mission Bay allows buildings to a maximum of 90 feet high. Buildings up to 160 feet high may be constructed within a percentage of the developable area of each height zone as indicated in the Design Standards".

*Development of 1600 Owens would combine a building base not exceed a height of 90', which is the predominant height in height zone HZ-7. The design standards for that zone allow the constructions of 4 buildings that would reach a height of 160'; the upper portion of 1600 Owens is the only tower so far to be proposed in HZ-7. The proposed tower would contribute to frame and enhance views to downtown San Francisco when approaching the City along Freeway 280.*

#### **B. Skyline Character**

"Skyline character is a significant component of the overall urban composition that is San Francisco and the guidelines encourage development which will complement the existing city pattern and result in new, attractive view element as seen from vantage points".

*The building massing of 1600 Owens would be consistent with the existing city pattern of low buildings along the freeways and gradual tapering of heights as the building sites get further away from it. Furthermore, the proposed treatment of the tower facades, which turn around to face the freeway, forming a continuous and elegant curve, the screening of rooftop equipment, and the completion of the roof of the building base with a "green roof" would contribute with attractive view elements through massing, colors and textures as seen from nearby Potrero Hill and Freeway 280.*

#### **C. Building Base**

"For pedestrians, the character of the building base is important in establishing a comfortable scale and environment and should be designed to achieve this". "Variety at street level for pedestrian scale can be achieved through the use of design features such as stairs, entries, expressed structural elements, arcades, projections, rusticated materials and landscaping".

*The character of the building base, where it abuts the public sidewalk, the park to be developed in Lot A and the pedestrian walkway, would be defined by variety and visual interest achieved through a 5' deep arcade which reveals structural elements and a completely glazed skin along all building sides, except at the service yard and the southwest elevation, at ground level. The design of the ground floor contemplates building entrances highlighted with sculptural canopies, landscaping and paving, which is proposed to unify the exterior and the interior of the building through the use of pavers*

*in a pattern that will be repeated in the building lobby and in the approaches to the two building entrances. Other visual features that would contribute defining the building base and which would contribute to the establishment of a comfortable scale and environment is the five-story bay featuring sloped glazing and horizontal metal shades at the southeast corner of the building.*

**D. Roofscape**

*"Recognizing that Mission Bay building roofs may be visible from higher surrounding locations, they should be designed consistent with the distinctive architecture of the building". "Roofs should use non-reflective, low intensity colors". "Mechanical equipment should be organized and designed as a component of the roofscape and not appear to be a leftover or add-on element. Mechanical equipment should be screened as provided in the Design Standards".*

*The plans for the roof of the proposed development indicate that the cooling towers and lab exhausts fans would be located on the roof and organized and screened from view. The mechanical equipment enclosure is proposed to complement the overall exterior expression of the building through the use of a 20' high, profiled metal enclosure, painted green to match the panels of the building base.*

**4. Architectural Details**

**A. Visual Interest**

*"To mitigate the scale of development and create pedestrian friendly environment, building massing should be modulated and articulated to create interest and visual variety".*

*The building design is conceived as two 5-story volumes with distinctive appearances. The base is a cube clad in factory finished composite metal panels that at selected locations reveals the building structure and a taut surface of aluminum and vision and spandrel glass hiding the edges of the floor slabs. Windows are organized in a syncopated pattern and, in conjunction with the metal panels provide a taut surface.*

*The upper volume is proposed as a semi-cylinder, setback from the southwest, northwest and southeast elevations, however, a slight portion of the semi-cylinder projects over the latter. This semi-cylinder is wrapped in clear glass/silver aluminum curtain wall.*

*Both volumes would be integrated through the interception of planes characteristic of each one of them, (for instance, the northwest elevation is proposed to carry the green metal panels of the building base to the roof level; the southeast and northeast elevations show the glass curtain wall that wraps the upper semi-cylinder dropping below the parapet line. Similarly, the southeast corner a five-story bay featuring sloped glazing and horizontal metal shades, relates the building base to the tower element in terms of texture and form) or through the sculptural, architecturally detailed egress stairs that slice the taut glazed surface of the semi-cylinder and the top floor of the building base. Other elements that contribute to provide unity to the overall design are: louvered panels covering the air handling units of each floor and terracotta-colored sunscreens.*

*Articulation of the facades would be achieved through the elimination of metal panels that reveal the building structure and glass skin in selected locations and by folding the*

*plane of the curved section of the semi-cylindrical volume, to create a bay window type of feature.*

**B. Color and Materials**

"Extreme contrast in materials, colors, shapes and other characteristics which will cause buildings to stand out in excess of their public importance should be avoided".

*The building design proposes a harmonious palette of colors: those provided by the green colored metal panels and the colors of the reflections of the sky and neighboring buildings provided by the glass curtain wall. Given that the predominant colors would be associated with the main building volumes, contrasting colors are applied to distinct elements characteristic of both the base and the tower: sunshades and canopies, which are proposed as terracotta colored. Recesses, projections and folding of planes would create shadow lines that would enrich the chromatic contribution of this building.*

8. **Childcare:** Pursuant to Planning Code Section 314, the Project would result in the addition of approximately 228,000 square feet of office space subject to Section 314 of the Planning Code.
9. **Public Art Concept:** The project sponsor will work with Agency staff to define the public art installation, which should (1) be located where public benefit and enjoyment is maximized, (2) have placement that is appropriate to the scale and nature of the artwork being considered and (3) will complement and enhance the architecture or the space where it is located.
10. The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Uses would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES the project authorization and design requested via Case 2006.1216B, subject to the following conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this project authorization to the Board of Appeals within fifteen days after the date of this Motion No. 17332. The effective date of this Motion shall be the date of this Motion if not appealed (after the fifteen-day period has expired) OR the date of the decision of the Board of Appeals if appealed. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-6880.

I hereby certify that the Planning Commission adopted the foregoing Motion on November 2, 2006.

Linda Avery  
Commission Secretary

AYES: Commissioners Alexander, Antonini, Lee, Moore, Olague and Sugaya

NAYES: None

ABSENT: None

ADOPTED: November 2, 2006

EXHIBIT A

CONDITIONS OF APPROVAL

1. Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Proposed Building or underlying property.
2. The authorization herein is for an office allocation pursuant to Planning Code Section 321 *et seq.* and to Motion 14702 for assignment of up to 228,000 square feet of office area and for design approval of a new building generally as described in Application No. 2006.1216B and in the text of Planning Commission Motion No. \_\_\_\_\_. Said building shall be in substantial conformity with the plans and documents dated October 17, 2006, and labeled Exhibit B. Final plans shall be reviewed and approved by the Staff of the Department prior to the issuance of the site or building permit.
3. A site permit or building permit for the Proposed Building authorized herein shall be obtained within eighteen months of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permits(s). Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development.
4. The office space previously allocated in Case 2002.030, approved for 80,922 square feet, shall revert to the available allocation upon approval of this project.
5. The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
6. Development of the Site may precede the installation of off-site infrastructure in the area. The Infrastructure for the proposed building as described in Application 2006.1216B shall be reviewed by the Redevelopment Agency.
7. Five secure bicycle storage spaces shall be provided at this site, and 15 secure bicycle spaces to serve this building shall be provided in the adjacent parking structure.
8. The project Sponsor shall continue to work with Department and Agency staff in refining certain aspects of the architectural design, finishes and detailing.
9. Prior to the issuance of any new or amended building permit for the construction The Applicant shall cause this "Exhibit A" to be recorded against the title of the Subject Property as a Notice of Special Restrictions under the City Planning Code.