

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

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

17
18 WHEREAS, The Working Group on California Earthquake Probabilities (a collaborative
19 effort of the United States Geological Survey (the "U.S.G.S."), the California Geological
20 Society and the Southern California Earthquake Center) estimates a 63% chance that one or
21 more earthquakes of a magnitude of 6.7 or larger will occur in the Bay Area before the year
22 2038; and,

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

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

4 WHEREAS, With adequate funding the City can construct, acquire, improve, retrofit
5 and complete safety improvements to existing neighborhood fire stations (collectively, the
6 "Neighborhood Fire Stations"); and,

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

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

17 WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will
18 provide funding for the Neighborhood Fire Stations, the AWSS Project and the Public Safety
19 Building and Forensic Sciences Center; and,

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

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

1 RESOLVED, By the Board:

2 Section 1. The Board determines and declares that the public interest and necessity
3 demand the rehabilitation and seismic upgrade of the Neighborhood Fire Stations and the
4 AWSS, and the construction of a new seismically secure Public Safety Building and a
5 Forensic Sciences Center, and the payment of related costs necessary or convenient for the
6 foregoing purposes.

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

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

16 (i) Neighborhood Fire Stations. For the reasons set forth in the letter from the
17 Planning Department, dated _____, a copy of which is on file with the Clerk
18 of the Board in File No. _____ and incorporated by reference, the Board
19 finds that the bond proposal as it relates to funds for Neighborhood Fire Stations is not subject
20 to CEQA because as the establishment of a government financing mechanism that does not
21 identify individual specific projects to be constructed with the funds, it is not a project as
22 defined by CEQA and the CEQA Guidelines. The use of bond proceeds to finance any
23 project or portion of any project with funds for the Neighborhood Fire Stations portion of the
24 Bond will be subject to approval of the Board upon completion of planning and any further
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1 required environmental review under CEQA for the individual neighborhood fire station
2 projects.

3 (ii) AWSS Project. On _____, 2009, the Planning Department
4 issued a Final Mitigated Negative Declaration ("FMND") for the AWSS Project, San Francisco
5 Planning Department Case No. 2009.0568E, which is on file with the Clerk of the Board in File
6 No. _____ and which is incorporated into this resolution by this reference. In
7 issuing the FMND the Planning Department determined that the AWSS Project could not have
8 a significant effect on the environment.

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

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

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

19 (d) In accordance with CEQA, the Board has considered the mitigation measures
20 described in the FMND and hereby requires the mitigation measures and the mitigation
21 monitoring and reporting program ("MMRP") denoted as Exhibit A to this resolution and on file
22 with the Clerk of the Board in File No. _____ to be imposed as conditions on the
23 implementation of the AWSS Project approved by this resolution.

24 (e) With the implementation of the mitigation measures required in Exhibit A to this
25 resolution, the environmental impacts resulting from AWSS Project on cultural resources,

1 biological resources and from releases of hazardous materials or creation of hazards would
2 be reduced to a less than significant level as described in the FMND.

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

11 (iii) Public Safety Building and Forensic Sciences Center. The Public Safety
12 Building and the Forensic Sciences Center are proposed to be constructed within Mission
13 Bay. On September 17, 1998, the Redevelopment Agency Commission by Resolution No.
14 190-98 and the San Francisco Planning Commission by Resolution No. 14696 certified the
15 Final Subsequent Environmental Impact Report for the Mission Bay North and South
16 Redevelopment Plans ("FSEIR"). On October 19, 1998, the Board of Supervisors, by Motion
17 No. 98-132 affirmed certification of the FSEIR and by Resolution No. 854-98, adopted CEQA
18 findings, including a statement of overriding considerations and a Mission Bay mitigation
19 monitoring and reporting program ("Mission Bay MMRP") in support of various approval
20 actions taken by the Board to implement the Mission Bay Redevelopment Plans. Resolution
21 No. 854-98 is on file with the Clerk of the Board in File No. _____ and
22 incorporated in this resolution by this reference.

23 (a) The Public Safety Building is proposed at Parcel 8 in the Mission Bay South
24 Redevelopment Plan Area, bounded by Mission Rock, China Basin and Third Streets. The
25 Redevelopment Agency has issued several addenda to the FSEIR to address various issues

1 and most recently issued Addendum No. 7 to address the location of the Public Safety
2 Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is
3 within the scope of the project analyzed in the FSEIR and will not result in any new significant
4 impacts or a substantial increase in the severity of previously identified significant effects that
5 alter the conclusions reached in the Mission Bay FSEIR. The Addendum No. 7 and any
6 supporting documents have been made available to the Board and the public, are on file with
7 the Clerk of the Board in File No. _____ and Addendum No. 7 is incorporated in
8 this resolution by this reference. Hereafter in this resolution, the reference to the FSEIR
9 include any addenda to the FSEIR.

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

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

20 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity
21 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in
22 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the
23 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and
24 adopts the findings of the Planning Department, as set forth in the General Plan Referral
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1 Report dated _____, 2009, a copy of which is on file with the Clerk of the
2 Board in File No. _____ and incorporates such findings by reference.

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

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

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

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13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA
15 City Attorney

16 By: _____
17 KENNETH DAVID ROUX
18 Deputy City Attorney

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