

File No. 091457

Committee Item No. \_\_\_\_\_

Board Item No. 12

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 2/23/10

#### Cmte Board

- Motion
- xx Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Completed by: Renee Craig

Date 2/10/10

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

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

FILE NO. 091457

RESOLUTION NO.

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, and a Public Safety Building, and**  
6 **other critical infrastructure and facilities for earthquake safety and the payment of**  
7 **related costs necessary or convenient for the foregoing purposes; finding that the**  
8 **estimated cost of \$412,300,000 for such improvements is and will be too great to be**  
9 **paid out of the ordinary annual income and revenue of the City and County and will**  
10 **require incurring bonded indebtedness; finding that a portion of the proposed bond is**  
11 **not a project under the California Environmental Quality Act ("CEQA") and adopting**  
12 **findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code**  
13 **Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond**  
14 **is in conformity with the priority policies of Planning Code Section 101.1(b) and with**  
15 **the General Plan consistency requirement of Charter Section 4.105 and Administrative**  
16 **Code Section 2A.53; and waiving the time limits set forth in Administrative Code**  
17 **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 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 (the "Public Safety Building"); and,

20           WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will  
21 provide funding for Critical Firefighting Facilities and Infrastructure, the AWSS Project and the  
22 Public Safety Building; 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 Critical Firefighting Facilities and  
4 Infrastructure and the AWSS, and the construction of a new seismically secure Public Safety  
5 Building, and the payment of related costs necessary or convenient for the foregoing  
6 purposes.

7 Section 2. The estimated cost of \$412,300,000 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 \$412,300,000.

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) Critical Firefighting Facilities and Infrastructure. For the reasons set forth in the  
17 letter from the Planning Department, dated January 7, 2010, a copy of which is on file  
18 with the Clerk of the Board in File No. 091457 and incorporated by reference,  
19 the Board finds that the bond proposal as it relates to funds for Critical Firefighting Facilities  
20 and Infrastructure is not subject to CEQA because as the establishment of a government  
21 financing mechanism that does not identify individual specific projects to be constructed with  
22 the funds, it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond  
23 proceeds to finance any project or portion of any project with funds for the Critical Firefighting  
24 Facilities and Infrastructure portion of the Bond will be subject to approval of the Board upon  
25

1 completion of planning and any further required environmental review under CEQA for the  
2 individual Critical Firefighting Facilities and Infrastructure projects.

3 (ii) AWSS Project. On December 10, 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. 091457 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. 091457 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. 091457 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. The Public Safety Building is proposed to be  
12 constructed within Mission Bay. On September 17, 1998, the Redevelopment Agency  
13 Commission by Resolution No. 190-98 and the San Francisco Planning Commission by  
14 Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the  
15 Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998, the  
16 Board of Supervisors, by Motion No. 98-132 affirmed certification of the FSEIR and by  
17 Resolution No. 854-98, adopted CEQA findings, including a statement of overriding  
18 considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay  
19 MMRP") in support of various approval actions taken by the Board to implement the Mission  
20 Bay Redevelopment Plans. Resolution No. 854-98 is on file with the Clerk of the Board in File  
21 No. 091457 and incorporated in this resolution by this reference.

22 (a) The Public Safety Building is proposed at Parcel 8 in the Mission Bay South  
23 Redevelopment Plan Area, bounded by Mission Rock, China Basin and Third Streets. The  
24 Redevelopment Agency has issued several addenda to the FSEIR to address various issues  
25 and most recently issued Addendum No. 7 to address the location of the Public Safety

1 Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is  
2 within the scope of the project analyzed in the FSEIR and will not result in any new significant  
3 impacts or a substantial increase in the severity of previously identified significant effects that  
4 alter the conclusions reached in the Mission Bay FSEIR. The Addendum No. 7 and any  
5 supporting documents have been made available to the Board and the public, are on file with  
6 the Clerk of the Board in File No. 091457 and Addendum No. 7 is incorporated in  
7 this resolution by this reference. Hereafter in this resolution, the reference to the FSEIR  
8 include any addenda to the FSEIR.

9 (b) The Board has reviewed and considered the CEQA Findings and statement of  
10 overriding considerations that it previously adopted, and reviewed and considered the above-  
11 referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA  
12 Findings contained in Addendum No. 7 and hereby adopts these additional CEQA Findings as  
13 its own. The Board additionally finds that implementation of the Public Safety Building in  
14 Mission Bay (1) does not require major revisions in the FSEIR due to the involvement of new  
15 significant environmental effects or a substantial increase in the severity of previously  
16 identified significant effects, (2) no substantial changes have occurred with respect to the  
17 circumstances under which the project analyzed in the FSEIR will be undertaken that would  
18 require major revisions to the FSEIR due to the involvement of new significant environmental  
19 effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no  
20 new information of substantial importance to the project analyzed in the FSEIR has become  
21 available which would indicate that (i) the Public Safety Building will have significant effects  
22 not discussed in the FSEIR; (ii) significant environmental effects will be substantially more  
23 severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or  
24 more significant effects have become feasible; or (iv) mitigation measures or alternatives  
25

1 which are considerably different from those in the FSEIR will substantially reduce one or more  
2 significant effects on the environment.

3 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity  
4 with the priority policies of Section 101.1(b) of the San Francisco Planning Code, (ii) in  
5 accordance with Section 4.105 of the San Francisco Charter and Section 2A.53(f) of the  
6 San Francisco Administrative Code, and (iii) consistent with the City's General Plan, and  
7 adopts the findings of the Planning Department, as set forth in the General Plan Referral  
8 Report dated January 7, 2010, a copy of which is on file with the Clerk of the Board in File  
9 No. 091457 and incorporates such findings by reference.

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

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

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

19  
20 APPROVED AS TO FORM:

21 DENNIS J. HERRERA  
City Attorney

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