

LEGISLATIVE DIGEST

[Agreement Regarding the Exchange of Fire Station No. 1 Located at 676 Howard Street and Portions of Hunt Street for 935 Folsom Street and a Replacement Fire Station]

Ordinance approving and authorizing the Director of Property to execute a Conditional Land Disposition and Acquisition Agreement with the San Francisco Museum of Modern Art and its affiliate (collectively, "Museum") for the proposed future conveyance by the City and County of San Francisco ("City") to Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block 3722, collectively, in exchange for conveyance by Museum to City of a parcel of real property located at 935 Folsom Street, a new fire station to be constructed by or on behalf of Museum on such parcel, and an easement for parking purposes adjacent to such parcel; exempting from the competitive bidding and contract requirements of Chapter 6 of City's Administrative Code all contracts to be entered into by Museum for the design and construction of the new fire station and the improvement of such parcel and parking easement; and making findings, including findings of consistency with the General Plan and Planning Code Section 101.1(b).

Existing Law

Chapter 6 of the City's Administrative Code sets forth the contracting policies and procedures for contracts for public works or improvements, including the procurement of professional design, consulting and construction management services for public work projects. Pursuant to the proposed ordinance, the Board would approve the execution by the City of an Conditional Land Disposition and Acquisition Agreement ("Agreement") for the proposed future exchange of City's land and Fire Station located at 676 Howard Street, San Francisco and a portion of Hunt Street for Museum's parcel of real property located at 935 Folsom Street (the "Replacement Property"), a new fire station to be constructed by or on behalf of Museum on such parcel (the "Replacement Fire Station"), and an easement for parking purposes adjacent to such parcel (the "Parking Easement"). The Board would also exempt from the requirements of Chapter 6 of the City's Administrative Code all contracts to be entered into by Museum for the design and construction of the Replacement Fire Station and the improvement of such parcel and Parking Easement. The Board will also adopt findings pursuant to the City Planning Code Section 101.1 and ratify previous actions taken in connection with the development of the new forensic science center project.

Amendments to Current Law

Pursuant to the proposed Ordinance, the Board would find that the construction by Museum of the Replacement Fire Station and the associated other improvements to be constructed on the Replacement Property and the Parking Easement, as contemplated by the Agreement, does not constitute a public work project and all contracts entered into by or on behalf of

Museum in connection with architectural, surveying, engineering, legal, project management, construction, contracting, and other consulting services for the Replacement Fire Station shall be exempt from all of the requirements of Chapter 6 of City's Administrative Code

Background Information

The consummation of the transactions described in the proposed Ordinance are subject to several express conditions stated in the Agreement, including City's completion of environmental review in compliance with state and local law and City's discretionary approval of the Replacement Fire Station Project, the vacation of Hunt Street, and the development of a new Museum facility proposed for construction on the City's property to be exchanged pursuant to the Agreement following completion of such environmental review. As set forth in more detail in Section 4.1 of the Agreement, City will review and consider the final environmental review documents relating to the Projects before deciding whether to approve any of the Projects, including, without limitation, any associated rezoning, Municipal Code or General Plan amendments, and design, demolition, and building permits, and retains absolute discretion to: (i) require modifications in one or more of the Projects to mitigate significant adverse environmental impacts, (ii) select feasible alternatives that avoid significant adverse impacts of one or more of the Projects, (iii) require the implementation of specific measures to mitigate the significant adverse environmental impacts of one or more of the Projects, as identified through environmental review, (iv) reject all or part of one or more of the Projects as proposed if the economic and social benefits of the Project(s) rejected do not outweigh otherwise unavoidable significant adverse impacts of one or more of the Projects, or (e) approve one or more of the Projects upon a finding that the economic and social benefits of the Project(s) approved outweigh otherwise unavoidable significant adverse environmental impacts.