

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

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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 Emergency Firefighting Water System, seismically secure facilities**  
6 **for the Medical Examiner, the Police Department's Traffic Company, the Police**  
7 **Department's Forensic Services Division, and other critical infrastructure and facilities**  
8 **for earthquake safety and related costs necessary or convenient for the foregoing**  
9 **purposes; authorizing landlords to pass-through 50% of the resulting property tax**  
10 **increase to residential tenants in accordance with Administrative Code, Chapter 37;**  
11 **finding that the estimated cost of such proposed project is and will be too great to be**  
12 **paid out of the ordinary annual income and revenue of the City and County, and will**  
13 **require expenditures greater than the amount allowed therefor by the annual tax levy;**  
14 **reciting the estimated cost of such proposed project; fixing the date of election and the**  
15 **manner of holding such election and the procedure for voting for or against the**  
16 **proposition; fixing the maximum rate of interest on such bonds and providing for the**  
17 **levy and collection of taxes to pay both principal and interest; prescribing notice to be**  
18 **given of such election; finding that a portion of the proposed bond is not a project**  
19 **under the California Environmental Quality Act (CEQA), and adopting findings under**  
20 **CEQA for the remaining portion of the proposed bond; finding that the proposed bond**  
21 **is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and**  
22 **is consistent with the General Plan; consolidating the special election with the general**  
23 **election; establishing the election precincts, voting places, and officers for the**  
24 **election; waiving the word limitation on ballot propositions imposed by Municipal**  
25 **Elections Code, Section 510; complying with the restrictions on the use of bond**

1 **proceeds specified in California Government Code, Section 53410; incorporating the**  
2 **provisions of Administrative Code, Sections 5.30-5.36; and waiving the time**  
3 **requirements specified in Administrative Code, Section 2.34.**  
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5 WHEREAS, The Working Group on California Earthquake Probabilities (a collaborative  
6 effort of the United States Geological Survey (the "U.S.G.S."), the California Geological  
7 Society and the Southern California Earthquake Center) estimates a 63% chance that one or  
8 more earthquakes of a magnitude of 6.7 or larger will occur in the Bay Area before the year  
9 2036; and

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

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

16 WHEREAS, With adequate funding the City can renovate and seismically upgrade the  
17 emergency firefighting water system (the "EFWS") and related facilities, including but not  
18 limited to cisterns, pipes and tunnels, and related facilities (collectively, the "EFWS Project");  
19 and

20 WHEREAS, With adequate funding the City can construct, acquire, improve, retrofit  
21 and complete critical firefighting facilities and infrastructure for earthquake safety and  
22 emergency response not otherwise specifically enumerated in this resolution, including  
23 without limitation, neighborhood fire stations and related facilities (collectively, the "Critical  
24 Firefighting Facilities and Infrastructure"); and  
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1           WHEREAS, With adequate funding the City can construct, acquire, improve, retrofit  
2 and complete police facilities and infrastructure for earthquake safety and emergency  
3 response not otherwise specifically enumerated in this resolution, including without limitation,  
4 neighborhood police stations and related facilities (collectively, the "Police Facilities and  
5 Infrastructure"); and

6           WHEREAS, With adequate funding the City can construct facilities for the Medical  
7 Examiner to enhance the chief medical examiner's Citywide earthquake safety and  
8 emergency response capabilities (the "Medical Examiner Facility") and for the Police  
9 Department's Traffic Company and Forensic Services Division to enhance the police  
10 department's Citywide earthquake safety and emergency response capabilities (the "Traffic  
11 Company and Forensic Services Division Facility"); and

12           WHEREAS, The Earthquake Safety and Emergency Response Bond (the "Bond") will  
13 provide funding for the EFWS, Critical Firefighting Facilities and Infrastructure, Police  
14 Facilities and Infrastructure, the Medical Examiner Facility and the Police Traffic Company  
15 and Forensic Services Division Facility; and

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

19           RESOLVED, By the Board:

20           Section 1. The Board determines and declares that the public interest and necessity  
21 demand the renovation and seismic upgrade of the Critical Firefighting Facilities and  
22 Infrastructure, the Police Facilities and Infrastructure and the EFWS, and the construction of a  
23 new seismically secure Medical Examiner Facility and of a new seismically secure Traffic  
24 Company and Forensic Services Division Facility, and the payment of related costs necessary  
25 or convenient for the foregoing purposes.

1 Section 2. The estimated cost of \$400,000,000 of the Bond is and will be too great to  
2 be paid out of the ordinary annual income and revenue of the City, will require an expenditure  
3 greater than the amount allowed by the annual tax levy, and will require the incurrence of  
4 bonded indebtedness in an amount not to exceed \$400,000,000.

5 Section 3. The Board, having reviewed the proposed legislation, makes the following  
6 findings in compliance with the California Environmental Quality Act ("CEQA"), California  
7 Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 14 California Code of  
8 Regulations Sections 15000 et seq., ("CEQA Guidelines"), and Administrative Code Chapter  
9 31 ("Chapter 31"):

10 (i) Emergency Firefighting Water System (EFWS) Project. For the reasons set  
11 forth in the letter from the Environmental Review Officer of the Planning Department, dated  
12 November 25, 2013, a copy of which is on file with the Clerk of the Board in File No.  
13 131190 and incorporated by reference, the Board finds that the bond proposal as it relates  
14 to funds for the EFWS Project is not subject to CEQA because as the establishment of a  
15 government financing mechanism that does not involve any commitment to specific projects to  
16 be constructed with the funds, it is not a project as defined by CEQA and the CEQA  
17 Guidelines. The use of bond proceeds to finance any project or portion of any project with  
18 funds for the EFWS Project portion of the Bond will be subject to approval of the Board upon  
19 completion of planning and any further required environmental review under CEQA for the  
20 individual EFWS projects.

21 (ii) Critical Firefighting Facilities and Infrastructure. For the reasons set forth in the  
22 letter from the Environmental Review Officer of the Planning Department, dated November  
23 25, 2013, a copy of which is on file with the Clerk of the Board in File No. 131190 and  
24 incorporated by reference, the Board finds that the bond proposal as it relates to funds for  
25 Critical Firefighting Facilities and Infrastructure is not subject to CEQA because as the

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

8 (iii) Police Facilities and Infrastructure. For the reasons set forth in the letter from  
9 the Environmental Review Officer of the Planning Department, dated November 25, 2013, a  
10 copy of which is on file with the Clerk of the Board in File No. 131190 and incorporated by  
11 reference, the Board finds that the bond proposal as it relates to funds for Police Facilities and  
12 Infrastructure is not subject to CEQA because as the establishment of a government financing  
13 mechanism that does not involve any commitment to specific projects to be constructed with  
14 the funds, it is not a project as defined by CEQA and the CEQA Guidelines. The use of bond  
15 proceeds to finance any project or portion of any project with funds for the Police Facilities  
16 and Infrastructure portion of the Bond will be subject to approval of the Board upon completion  
17 of planning and any further required environmental review under CEQA for the individual  
18 Police Facilities and Infrastructure projects.

19 (iv) Medical Examiner Facility. The Environmental Review Officer in the Planning  
20 Department determined that the Medical Examiner Facility project is exempt from  
21 environmental review as a Class 32 Categorical Exemption, infill development, in a written  
22 determination dated May 30, 2013 and contained in Planning Department File No.  
23 2012.1172E and this Board's File No. 131190.

24 (v) Traffic Company and Forensic Services Division Facility. On November 18,  
25 2013, the Planning Department issued a Final Mitigated Negative Declaration ("FMND") for

1 the Traffic Company and Forensic Services Division Facility project, San Francisco Planning  
2 Department Case No. 2013.0342E, which is on file with the Clerk of the Board in File No.  
3 131190 and which is incorporated into this resolution by this reference. In issuing the FMND  
4 the Planning Department determined that the Traffic Company and Forensic Services Division  
5 Facility project could not have a significant effect on the environment.

6 (a) The Board hereby adopts as its own the CEQA findings for the Traffic Company  
7 and Forensic Services Division Facility project made by the Planning Department in the  
8 FMND.

9 (b) The Board has reviewed and considered the information contained in the FMND  
10 and all other documents referenced in this resolution as being on file with the Clerk of the  
11 Board in File No. 131190.

12 (c) The Traffic Company and Forensic Services Division Facility project as reflected  
13 in this resolution is consistent with the project described in the FMND and would not result in  
14 any significant impacts not identified in the FMND nor cause significant effects identified in the  
15 FMND to be substantially more severe.

16 (d) In accordance with CEQA, the Board has considered the mitigation measures  
17 described in the FMND and hereby requires the mitigation measures and the mitigation  
18 monitoring and reporting program ("MMRP") denoted as Exhibit A to the ordinance submitting  
19 this bond to the voters and on file with the Clerk of the Board in File No. 131190 to be  
20 imposed as conditions on the implementation of the Traffic Company and Forensic Services  
21 Division Facility project approved by the ordinance submitting this bond to the voters.

22 (e) With the implementation of the mitigation measures required in Exhibit A to the  
23 ordinance submitting this bond to the voters, the environmental impacts resulting from the  
24 Traffic Company and Forensic Services Division Facility project on subsurface cultural  
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1 resources, air quality emissions, construction hours and operational traffic would be reduced  
2 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 Traffic Company and  
7 Forensic Services Division Facility project, given the implementation of the mitigation  
8 measures as stated in the FMND and the adoption of the MMRP, could have a significant  
9 effect on the environment as shown in the analysis of the FMND. The Board hereby adopts  
10 the FMND and the MMRP on file with the Clerk of the Board as Exhibit A to the ordinance  
11 submitting this bond to the voters.

12 Section 4. The Board finds and declares that the proposed Bond is (i) in conformity  
13 with the priority policies of Section 101.1(b) of the Planning Code, (ii) in accordance with  
14 Section 4.105 of the Charter and Section 2A.53(f) of the Administrative Code, and (iii)  
15 consistent with the City's General Plan, and adopts the findings of the Planning Department,  
16 as set forth in the General Plan Referral Report dated November 26, 2013, a copy of which is  
17 on file with the Clerk of the Board in File No. 131190 and incorporates such findings by  
18 reference.

19 Section 5. The time limit for approval of this resolution specified in Section 2.34 of the  
20 Administrative Code is waived.

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

3 Section 7. Documents referenced in this resolution are on file with the Clerk of the  
4 Board of Supervisors in File No. 131190, which is hereby declared to be a part of this  
5 resolution as if set forth fully herein.

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7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA  
9 City Attorney

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10 By: \_\_\_\_\_  
11 KENNETH DAVID ROUX  
12 Deputy City Attorney  
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