

1 [Appropriating \$146,898,046 to fund construction of the Public Utilities Commission’s
 2 Headquarters Building at 525 Golden Gate Avenue for Fiscal Year 2009-2010, and adopting
 3 environmental findings.]

4
 5 **Ordinance appropriating \$146,898,046, including \$120,289,000 in Certificates of**
 6 **Participation and \$26,609,046 in Hetch Hetchy unappropriated fund balance to fund**
 7 **construction of the new Public Utilities Commission headquarters building at 525**
 8 **Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and**
 9 **placing \$120,289,000 on Controller’s reserve pending the sale of Certificates of**
 10 **Participation, and adopting environmental findings.**

11
 12 Be it ordained by the People of the City and County of San Francisco:

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 14 Section 1. The sources of funding outlined below are herein appropriated to reflect the
 15 funding available for Fiscal Year 2009-2010.

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 17 **SOURCES Appropriation**

Fund	Index Code	Subobject	Description	Amount
5W CPF 525	*WTRA5WCPF525	84902	Proceeds of Debt	\$120,289,000
5T AAA AAA	320000	99999B	Hetch Hetchy Fund	\$26,609,046
			Balance	
Total SOURCES Appropriation				<u>\$146,898,046</u>

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1 Section 2. The uses of funding outlined below are herein appropriated in subobject 06700
 2 Buildings Structures and Improvements and 081C4 Controller Internal Audits, and reflect the
 3 projected uses of funding to support construction of the new headquarters building at 525
 4 Golden Gate Avenue for the Public Utilities Commission for Fiscal Year 2009-2010.

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6 **USES Appropriation**

7	Fund	Index Code /	Subobject	Description	Amount
8	Project Code				
9	5W CPF 525	*WTRA5WCPF525	06700- Buildings	SFPUC Headquarters	\$146,604,250
10		9505W	Structures and	Building	
11			Improvements		
12					
13					
14	5W CPF 525	*WTRA5WCPF525	081C4- CON	City Services Auditor	\$293,796
15		9505W	Internal Audits	0.2% allocation for	
16				auditing	
17	Total USES Appropriation				<u>\$146,898,046</u>

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19 Section 3. Placing \$120,289,000 on Controller's reserve pending the sale of Certificates of
 20 Participation.

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22 Section 4. Should grants become available as a funding source, the Public Utilities
 23 Commission may accept and expend those grants to reimburse prior expenditures, subject to
 24 Board of Supervisors' approval.

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1 Section 5. Should grants not be available as a funding source, the Public Utilities
2 Commission is authorized to use additional revenue from land sales, proceeds from
3 indebtedness or other funding sources to reimburse prior expenditures.

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5 Section 6. Hetch Hetchy Power Enterprise will be reimbursed up to \$17,172,069, which
6 represents a loan from Hetch Hetchy Water and Power to the 525 Golden Gate Avenue
7 Project, by any proceeds of indebtedness in excess of \$120,289,000, any land sale proceeds
8 or other legally available source of funds, including future grants received for the 525 Golden
9 Gate Avenue Project.

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11 Section 7. The Board of Supervisors makes the following findings in compliance with the
12 California Environmental Quality Act ("CEQA"), California Public Resources Code Section
13 21000 et seq., the CEQA Guidelines, 14 Cal. Code of Regulations Sections 15000 et seq.
14 ("CEQA Guidelines"), and San Francisco Administrative Code Chapter 31 ("Chapter 31"):

15 (a) The Planning Department's Major Environmental Analysis Section has approved, and the
16 Planning Commission certified, a Final Environmental Impact Report ("FEIR") on February 15,
17 2001, Case File No. 97.478E, which this Board of Supervisors adopted on October 19, 2001,
18 Case File No. 011115, and an Addendum to the FEIR was prepared on October 3, 2003, and
19 the Public Utilities Commission, by Resolution 06-0058, adopted Findings, including mitigation
20 measures, pursuant to the CEQA, the CEQA Guidelines and Chapter 31; and

21 (b) The Planning Department issued a letter on August 21, 2007 determining that the New
22 PUC Headquarters Building at 525 Golden Gate Avenue was within the scope of those
23 environmental review documents, and no further analysis was required. The SFPUC design
24 process resulted in further proposed changes to the building design, including the addition of
25 another story, consistent with the height evaluated in the FEIR, with a total floor area of

1 approximately 277,500 square feet, and the Planning Department issued a letter on June 3,
2 2009 confirming that the current proposal for 525 Golden Gate Avenue (the "Project") is within
3 the scope of the earlier environmental review documents, and no further environmental review
4 is required; and

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6 (c) The Department of City Planning adopted and issued a General Plan Consistency
7 Finding, wherein the City's Planning Department found that the Project and the jurisdictional
8 transfer of the property was consistent with the City's General Plan and with the Eight Priority
9 Policies under Planning Code Section 101.1; and

10 (d) The Public Utilities Commission, by Resolution No. 08-0005, adopted findings as required
11 by CEQA, and approved the award of Contract No. WD-2559R for Construction
12 Manager/General Contractor contract to Webcor Builders for the, subject to certification of
13 funds by the Controller, with work proceeding as funds are available; and

14
15 (e) On July 14, 2009, the Public Utilities Commission reviewed and considered the FEIR and
16 the Addendum and record as a whole, and found that the FEIR and Addendum were
17 adequate for its use as the decision-making body for the action taken to approve the request
18 for the supplemental appropriation for the project, and incorporated the CEQA Findings,
19 including the mitigation measures, contained in Resolution No. 08-0005 ("PUC CEQA
20 Findings"). The PUC CEQA Findings reflected the PUC's independent review and
21 consideration of the relevant environmental information contained in the FEIR, the Addendum
22 and the administrative record. The PUC CEQA Findings are on file with the Clerk of the
23 Board of Supervisors in File No. _____ and are incorporated herein by this reference; and

24 (f) The Board of Supervisors has had the opportunity to review and consider the FEIR, the
25 Addendum and the administrative record, which are located at the Planning Department at

1 1650 Mission Street, Suite 400, in Case File No. 97.478E, which this Board of Supervisors
2 adopted on October 19, 2001, Case File No. 011115. The Board of Supervisors has reviewed
3 and considered the FEIR and the PUC CEQA Findings with respect to this Ordinance,
4 including the mitigation measures adopted by the PUC, and determined that said findings
5 remain valid for the actions contemplated in this Ordinance; and further finds that since the
6 FEIR and Addendum was finalized, there have been no substantial project changes and no
7 substantial changes in project circumstances that would require major revisions to the FEIR
8 and Addendum due to the involvement of new significant environmental effects or an increase
9 in the severity of previously identified significant impacts, and there is no new information of
10 substantial importance that would change the conclusions set forth in the FEIR; and

11 (g) The Board of Supervisors hereby adopts as its own and incorporated the PUC CEQA
12 Findings by reference as though such findings were fully set forth in this Ordinance, and
13

14 (h) The Board of Supervisors endorses the implementation of the mitigation measures
15 identified in the PUC CEQA Findings and recommends for adoption any mitigation measures
16 that are enforceable by agencies other than City agencies, all as set forth in the PUC CEQA
17 Findings.

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FUNDS AVAILABLE

APPROVED AS TO FORM:

BEN ROSENFELD

DENNIS J. HERRERA, City Attorney

Controller

By: _____

By: _____

Deputy City Attorney

Date: 07/28/2009