

1 [Boundary Modification and Conditional Allocation of Real Property - Margaret S. Hayward
2 Playground - Department of Emergency Management]

3 **Ordinance amending Ordinance No. 171-00, which set aside certain real property in**
4 **Margaret S. Hayward Playground for the Department of Emergency Management**
5 **(“DEM”) for the Combined Emergency Communications Center (“CECC”) at 1011 Turk**
6 **Street, to provide DEM additional real property directly adjacent to the existing CECC**
7 **and to restore to the Recreation and Park Department (“RPD”) certain subsurface real**
8 **property to the east of the CECC that was previously allocated to DEM; setting aside**
9 **for DEM an additional portion of Hayward Playground west of the CECC that is**
10 **currently occupied by two tennis courts for a proposed new DEM building, subject to**
11 **DEM’s payment of funds which RPD must use for the benefit of the Western**
12 **Addition various terms and conditions, as set forth defined herein; affirming the**
13 **Planning Department’s determination under the California Environmental Quality Act;**
14 **and making findings of consistency with the General Plan, and the eight priority**
15 **policies of Planning Code, Section 101.1.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.
18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
19 **Board amendment additions** are in double-underlined Arial font.
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.
21 **Asterisks (* * * *)** indicate the omission of unchanged Code
22 subsections or parts of tables.

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

24 Section 1. Environmental and Land Use Findings.

25 (a) On September 27, 2018_____, the Planning Department determined that the
actions contemplated in this ordinance comply with the California Environmental Quality Act

1 (“CEQA”) (California Public Resources Code Sections 21000 et seq.). Said determination is
2 on file with the Clerk of the Board of Supervisors in File No. 180886 and is incorporated
3 herein by reference. The Board affirms this determination.

4 (b) On May 31, 2018, the Planning Department determined that the
5 actions contemplated in this ordinance are consistent, on balance, with the City’s General
6 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this
7 determination as its own. A copy of said determination is on file with the Clerk of the Board of
8 Supervisors in File No. 180886, and is incorporated herein by reference.

9
10 Section 2. General Findings and Purpose.

11 (a) The Margaret S. Hayward Playground (the “Hayward Playground”), formerly known
12 as Jefferson Square, is located in Assessor’s Block 759, Lot 1, and is bounded by Gough
13 Street on the east, Laguna Street on the west, Turk Street on the north, and Golden Gate
14 Avenue on the south.

15 (b) The Board of Supervisors, pursuant to Section 6a of Article XIV of the 1898 and
16 1929 Charters of the City and County of San Francisco, Sections 11.101 and 11.102 of the
17 1932 Charter, and Sections 18.101 and 18.104 of the 1996 Charter, has the authority to select
18 and set aside by ordinance real property in the Hayward Playground, for the construction of
19 buildings and related improvements to serve as a central communications center to allow for
20 effective responses to City-wide emergencies.

21 (c) By Ordinance No. 2732 (adopted May 7, 1914), Ordinance No. 2749 (adopted May
22 14, 1914), Ordinance No. 7-88 (adopted January 7, 1988), Ordinance No. 157-91 (adopted
23 April 25, 1991), the Board of Supervisors set aside certain real property in the Hayward
24 Playground for the construction and operation of a central fire alarm station to improve the
25 City’s capacity to respond to emergencies. By Ordinance No. 171-00 (adopted July 7, 2000),

1 the Board of Supervisors set aside additional real property in the Hayward Playground for the
2 Department of Emergency Management ("DEM") to construct and operate a Combined
3 Emergency Communications Center ("CECC") located at 1011 Turk Street. Ordinance No.
4 171-00 also states that an approximately 14,647 square-foot area to the east of the CECC
5 would eventually transfer to the Recreation and Park Commission (the "Recreation Facilities
6 Site"), but that DEM would retain the right to use an approximately 11,740 square-foot
7 subsurface area below the Recreation Facilities Site (the "Additional Area for CECC").

8 (d) In accordance with the recommendations of DEM and Recreation and Park
9 Commission Resolution No. 1707-007, the Board of Supervisors finds that it is necessary to
10 modify the allocation of property in the Hayward Playground under Ordinance No. 171-100 so
11 that DEM can establish a security perimeter approximately 16 feet south and approximately
12 29 feet, six inches east of the existing CECC (the "CECC Expansion"), and to terminate
13 DEM's right to use any portions of the Hayward Playground (including without limitation the
14 subsurface Additional Area for CECC) that lie outside the CECC Expansion area. The Board
15 finds that the CECC Expansion is a use for which it may set aside real property in the
16 Hayward Playground under the Charter, as it is necessary to help protect the CECC, a part of
17 the City's critical infrastructure, against possible terrorism risks. The modification will also
18 restore to the Recreation and Park Commission those portions of the subsurface Additional
19 Area for CECC that DEM no longer needs.

20 (e) In accordance with the recommendations of DEM and the Recreation and Park
21 Commission, the Board of Supervisors also finds that it will be necessary to allocate to DEM
22 certain real property in the Hayward Playground that is directly adjacent to and west of the
23 CECC and is currently occupied by two tennis courts, so that DEM can construct a new
24 building adjacent to the CECC (the "New Building"). Allowing DEM to expand into an adjacent
25 New Building will facilitate DEM's ability to protect and serve the City and its residents during

1 emergencies, and is therefore a use for which the Board of Supervisors may set aside real
2 property in the Hayward Playground under the Charter. DEM and the Recreation and Park
3 Commission have recommended that this allocation of real property be subject to the City
4 making a finding by resolution, to be adopted no later than June 30, 2028, that all of the
5 following “Conditions of Transfer” were satisfied no later than December 31, 2027:

6 (1) DEM has secured sufficient funding to pay for the planning, design, and
7 construction of the proposed New Building;

8 (2) DEM has secured sufficient funding to compensate the Recreation and Park
9 Department (“RPD”) for the land in the Hayward Playground that will be used for the New
10 Building, in the amount of \$4 million, which amount shall compound by 5% per year following
11 the year of the effective date of this ordinance ~~has agreed to accept from DEM either of the~~
12 ~~following as a “Replacement” for the two tennis courts:~~

13 ~~————— (A) a site approved by RPD in consultation with the Director of Property,~~
14 ~~which shall serve the Western Addition neighborhood and which shall be either acquired as~~
15 ~~park property or secured by agreement for RPD’s exclusive use for at least 50 years, plus~~
16 ~~sufficient funding to pay any reasonable costs RPD may incur to plan, design, and/or~~
17 ~~construct two tennis courts on the site; or~~

18 ~~————— (B) an in-lieu contribution of \$3 million, which amount shall compound by~~
19 ~~5% per year following the year of the effective date of this ordinance, and which RPD may use~~
20 ~~only for the purpose of either acquiring and/or developing two tennis courts to serve the~~
21 ~~Western Addition neighborhood, or expanding equal access to recreational activities in the~~
22 ~~Western Addition neighborhood; and~~

23 (3) the Recreation and Park Commission has approved a plan for the use of
24 these funds, ~~the proposed Replacement~~ following any required environmental review under
25 CEQA, which review shall be paid for by DEM out of the funds; and provided, further, that the

1 funds shall be used for the acquisition of additional park property in the Western Addition, or
2 for the planning, design, and/or completion of capital improvements to existing park property
3 in the Western Addition, unless the Recreation and Park Commission finds that the funds are
4 not needed for such purposes, in which case RPD may, with the Commission's approval, use
5 any unneeded funds for other purposes that will expand equal access to recreational activities
6 in the Western Addition. For purposes of this ordinance, the term "Western Addition" shall
7 mean the Western Addition Community-Based Transportation Plan Study Area, as depicted
8 on the map of said area which is on file with the Board in File No. 180886 and which is
9 incorporated by reference as though set forth fully herein.

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11 Section 3. Allocation of Real Property for CECC Expansion.

12 (a) The Board of Supervisors hereby modifies the allocation of real property in the
13 Hayward Playground under Ordinance No. 171-00, by extending the property allocated to
14 DEM for the CECC by approximately 16 feet to the south and approximately 29 feet, six
15 inches to the east, and by restoring all portions of the Hayward Playground that lie outside
16 these boundaries (including without limitation those portions of the subsurface Additional Area
17 for CECC) to the Recreation and Park Commission, resulting in a new allocation of real
18 property in the Hayward Playground to DEM for the CECC as follows:

19 All that real property containing approximately 27,983~~90~~ square feet, beginning at
20 a point on the southerly line of Turk Street, 120 feet east from the intersection with
21 the easterly line of Laguna Street; thence along said southerly line of Turk Street
22 east 216 feet six five-inches; thence at a right angle south 129 feet three inches;
23 thence at a right angle west 216 six five-inches; thence at a right angle north south
24 129 feet three inches, to the point of beginning; all as depicted in the map dated
25

1 October 22, 2018 which is on file with the Board in File No. 180886~~_____~~, which
2 ~~map and which~~ is incorporated by reference as though set forth fully herein.

3 (b) The property set aside hereby for the CECC Expansion shall be under the
4 jurisdiction of DEM. All other property previously allocated to DEM under Ordinance No. 171-
5 00, including those portions of the subsurface Additional Area for CECC located to the east of
6 the CECC Expansion area as set forth in this ordinance, shall be under the jurisdiction of the
7 Recreation and Park Commission.

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9 Section 4. Conditional Allocation of Real Property for the New Building.

10 (a) The Board of Supervisors conditionally selects and sets aside for the proposed
11 New Building additional real property in the Hayward Playground that is directly adjacent to
12 the existing CECC, as follows:

13 All that real property containing approximately 15,510 square feet, beginning at a
14 point formed by the intersection of the southerly line of Turk Street with the easterly
15 line of Laguna Street; thence along said southerly line of Turk Street east 120 feet;
16 thence at a right angle south 129 feet three inches; thence at a right angle west
17 120 feet; thence at a right angle north 129 feet three inches, to the point of
18 beginning; all as depicted in the map dated October 22, 2018 which is on file with
19 the Board in File No. 180886~~_____~~, ~~which map and which~~ is incorporated by
20 reference as though set forth fully herein.

21 (b) DEM and RPD shall report to the Board of Supervisors regarding whether all of the
22 Conditions of Transfer described in Section 2(e) of this ordinance were satisfied by December
23 31, 2027. If the Conditions of Transfer were met, the report shall be made promptly
24 thereafter. If the City adopts a resolution by June 30, 2028, finding that DEM and RPD
25 satisfied the Conditions of Transfer by December 31, 2027, the allocation of real property for

1 the proposed New Building shall become effective as of the effective date of such resolution
2 without the need for further action by the Board.

3 (c) Notwithstanding the foregoing subsection (b) or any other provision of this
4 ordinance, the Board of Supervisors shall not approve any such resolution finding that the
5 Conditions of Transfer have been satisfied until there has been all necessary compliance with
6 CEQA. If the allocation of real property for the proposed New Building is found to cause
7 significant adverse impacts that cannot be mitigated, this Board, RPD, DEM, and any other
8 City department, board, or commission with discretionary approval authority over the New
9 Building retains absolute discretion to: (1) modify the proposed project to mitigate significant
10 adverse environmental impacts; (2) select feasible alternatives that avoid significant adverse
11 impacts of the proposed project; (3) reject the proposed project as proposed if the economic
12 and social benefits of the project do not outweigh otherwise unavoidable significant adverse
13 impacts of the project; or (4) approve the proposed project upon a finding that the economic,
14 social, or other benefits of the project outweigh unavoidable significant adverse impacts of the
15 project.

16 (d) If the allocation of real property for the proposed New Building is approved as set
17 forth in subsection (b), the property conditionally set aside for the New Building shall be under
18 the jurisdiction of DEM. ~~Any Replacement property acquired for RPD in satisfaction of the~~
19 ~~Conditions of Transfer shall be under the jurisdiction of the Recreation and Park Commission.~~
20 ~~If DEM provides RPD with a financial contribution in lieu of real property, RPD shall use said~~
21 the funds received from DEM under this ordinance only as set forth above in Section
22 2(e)(3) only for the purpose of either acquiring and/or developing two tennis courts to serve the
23 ~~Western Addition neighborhood, or expanding equal access to recreational activities in the~~
24 ~~Western Addition neighborhood.~~

1 Section 5. Policy Regarding Preservation of Hayward Playground.

2 It is the policy of the Board of Supervisors that no property substantially beyond the
3 footprints described above be set aside within the Hayward Playground for emergency center
4 uses and urges the City Administrator not to consider additional land within the Hayward
5 Playground for such uses, except for any boundary adjustments or other reservations of
6 subsurface or below-grade space that may be necessary for the design, construction, or
7 operation of the CECC and/or proposed New Building, and that do not significantly interfere
8 with the recreational purposes of the surrounding lands.

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10 Section 6. Effective Date and Operative Dates.

11 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
12 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
13 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
14 Mayor’s veto of the ordinance.

15 (b) Section 3 of this ordinance, conveying the CECC Expansion area to DEM and
16 restoring certain subsurface areas directly east of the CECC Expansion area to the
17 Recreation and Park Commission, shall become operative upon the date this ordinance
18 becomes effective.

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1 (c) Section 4 of this ordinance, conveying the area for the proposed New Building to
2 DEM, shall become operative if and when the City adopts a resolution by June 30, 2028,
3 finding that the Conditions of Transfer as stated in Section 2(e) of this ordinance have been
4 satisfied by December 31, 2027. If the City does not adopt the resolution by June 30, 2028,
5 Section 4 shall expire by operation of law.

6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8
9 By: _____
10 MANU PRADHAN
Deputy City Attorney

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