

BOARD of SUPERVISORS



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September 26, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On September 18, 2018, Recreation and Parks Department introduced the following legislation:

File No. 180886

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

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Laura Lynch, Environmental Planning
Joy Navarrete, Environmental Planning

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 certain subsurface real property**
8 **to the east of the CECC that was previously allocated to DEM; setting aside for DEM an**
9 **additional portion of Hayward Playground west of the CECC that is currently occupied**
10 **by two tennis courts for a proposed new DEM building, subject to various terms and**
11 **conditions, as defined herein; affirming the Planning Department's determination under**
12 **the California Environmental Quality Act; and making findings of consistency with the**
13 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

22 Section 1. Environmental and Land Use Findings.

23 (a) On _____, the Planning Department determined that the actions contemplated in
24 this ordinance comply with the California Environmental Quality Act ("CEQA") (California
25 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk
of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The

1 Board affirms this determination.

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

7
8 Section 2. General Findings and Purpose.

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

13 (b) The Board of Supervisors, pursuant to Section 6a of Article XIV of the 1898 and
14 1929 Charters of the City and County of San Francisco, Sections 11.101 and 11.102 of the
15 1932 Charter, and Sections 18.101 and 18.104 of the 1996 Charter, has the authority to select
16 and set aside by ordinance real property in the Hayward Playground, for the construction of
17 buildings and related improvements to serve as a central communications center to allow for
18 effective responses to City-wide emergencies.

19 (c) By Ordinance No. 2732 (adopted May 7, 1914), Ordinance No. 2749 (adopted May
20 14, 1914), Ordinance No. 7-88 (adopted January 7, 1988), Ordinance No. 157-91 (adopted
21 April 25, 1991), the Board of Supervisors set aside certain real property in the Hayward
22 Playground for the construction and operation of a central fire alarm station to improve the
23 City's capacity to respond to emergencies. By Ordinance No. 171-00 (adopted July 7, 2000),
24 the Board of Supervisors set aside additional real property in the Hayward Playground for the
25 Department of Emergency Management ("DEM") to construct and operate a Combined

1 Emergency Communications Center ("CECC") located at 1011 Turk Street. Ordinance No.
2 171-00 also states that an approximately 14,647 square-foot area to the east of the CECC
3 would eventually transfer to the Recreation and Park Commission (the "Recreation Facilities
4 Site"), but that DEM would retain the right to use an approximately 11,740 square-foot
5 subsurface area below the Recreation Facilities Site (the "Additional Area for CECC").

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

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

1 Commission have recommended that this allocation of real property be subject to the City
2 making a finding by resolution, to be adopted no later than June 30, 2028, that all of the
3 following "Conditions of Transfer" were satisfied no later than December 31, 2027:

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

6 (2) the Recreation and Park Department ("RPD") has agreed to accept from
7 DEM either of the following as a "Replacement" for the two tennis courts:

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

13 (B) an in-lieu contribution of \$3 million, which amount shall compound by
14 5% per year following the year of the effective date of this ordinance, and which RPD may use
15 only for the purpose of either acquiring and/or developing two tennis courts to serve the
16 Western Addition neighborhood, or expanding equal access to recreational activities in the
17 Western Addition neighborhood; and

18 (3) the Recreation and Park Commission has approved the proposed
19 Replacement following any required environmental review under CEQA, which review shall be
20 paid for by DEM.

21
22 Section 3. Allocation of Real Property for CECC Expansion.

23 (a) The Board of Supervisors hereby modifies the allocation of real property in the
24 Hayward Playground under Ordinance No. 171-00, by extending the property allocated to
25 DEM for the CECC by approximately 16 feet to the south and approximately 29 feet, six

1 inches to the east, and by restoring all portions of the Hayward Playground that lie outside
2 these boundaries (including without limitation those portions of the subsurface Additional Area
3 for CECC) to the Recreation and Park Commission, resulting in a new allocation of real
4 property in the Hayward Playground to DEM for the CECC as follows:

5 All that real property containing approximately 27,990 square feet, beginning at a
6 point on the southerly line of Turk Street, 120 feet east from the intersection with
7 the easterly line of Laguna Street; thence along said southerly line of Turk Street
8 east 216 feet five inches; thence at a right angle south 129 feet three inches;
9 thence at a right angle west 216 feet five inches; thence at a right angle north
10 south 129 feet three inches, to the point of beginning; all as depicted in the map on
11 file with the Board in File No. 180886, which map is incorporated by reference as
12 though set forth fully herein.

13 (b) The property set aside hereby for the CECC Expansion shall be under the
14 jurisdiction of DEM. All other property previously allocated to DEM under Ordinance No. 171-
15 00, including those portions of the subsurface Additional Area for CECC located to the east of
16 the CECC Expansion area as set forth in this ordinance, shall be under the jurisdiction of the
17 Recreation and Park Commission.

18
19 Section 4. Conditional Allocation of Real Property for the New Building.

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

23 All that real property containing approximately 15,510 square feet, beginning at a
24 point formed by the intersection of the southerly line of Turk Street with the easterly
25 line of Laguna Street; thence along said southerly line of Turk Street east 120 feet;

1 thence at a right angle south 129 feet three inches; thence at a right angle west
2 120 feet; thence at a right angle north 129 feet three inches, to the point of
3 beginning; all as depicted in the map on file with the Board in File No. 180886,
4 which map is incorporated by reference as though set forth fully herein.

5 (b) DEM and RPD shall report to the Board of Supervisors regarding whether all of the
6 Conditions of Transfer described in Section 2(e) of this ordinance were satisfied by December
7 31, 2027. If the Conditions of Transfer were met, the report shall be made promptly
8 thereafter. If the City adopts a resolution by June 30, 2028, finding that DEM and RPD
9 satisfied the Conditions of Transfer by December 31, 2027, the allocation of real property for
10 the proposed New Building shall become effective as of the effective date of such resolution
11 without the need for further action by the Board.

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

1 (d) If the allocation of real property for the proposed New Building is approved as set
2 forth in subsection (b), the property conditionally set aside for the New Building shall be under
3 the jurisdiction of DEM. Any Replacement property acquired for RPD in satisfaction of the
4 Conditions of Transfer shall be under the jurisdiction of the Recreation and Park Commission.
5 If DEM provides RPD with a financial contribution in lieu of real property, RPD shall use said
6 funds only for the purpose of either acquiring and/or developing two tennis courts to serve the
7 Western Addition neighborhood, or expanding equal access to recreational activities in the
8 Western Addition neighborhood.

9
10 Section 5. Policy Regarding Preservation of Hayward Playground.

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

18
19 Section 6. Effective Date and Operative Dates.

20 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
21 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
22 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
23 Mayor's veto of the ordinance.

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

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

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12
13 By: 
14 MANU PRADHAN
Deputy City Attorney

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LEGISLATIVE DIGEST

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

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

Existing Law

The Charter allows the Board of Supervisors to select and set aside, by ordinance, real property in the Margaret S. Hayward Playground for the construction of buildings and related improvements for a central communications center to help respond to City-wide emergencies. Most recently, Ordinance No. 171-00 set aside certain property in the Hayward Playground for the Department of Emergency Management (“DEM”) to operate a Combined Emergency Communications Center (the “CECC”) at 1011 Turk Street. This set-aside included the transfer of an area directly east of the CECC (the “Recreation Facilities Site”) to the Recreation and Park Commission, subject to the right of DEM to use a portion of the subsurface space under the Recreation Facilities Site (the “Additional Area for CECC”).

Amendments to Current Law

The ordinance would modify the current allocation of real property in the Hayward Playground by extending the boundary of the DEM property approximately 16 feet to the south and approximately 29 feet to the east (the “CECC Expansion”), and by restoring those portions of the subsurface Additional Area for CECC that lie outside the CECC Expansion area to the Recreation and Park Department (“RPD”). DEM will have surface and subsurface rights over the entire CECC Expansion area, and RPD will have surface and subsurface rights over the rest of the Hayward Playground. This modification will allow DEM to establish a security perimeter around the CECC, and will improve RPD’s ability to use the Recreation Facilities Site for recreational purposes.

In addition, the ordinance would conditionally set aside additional real property adjacent to and west of the CECC so that DEM can construct a new building there (the “New Building”). This portion of the Hayward Playground currently features two tennis courts that are managed

by RPD. The transfer of this property to DEM would occur only if the City were to adopt a resolution by June 30, 2028 finding that DEM has secured sufficient funding to pay for the proposed New Building and that RPD and DEM have come to an agreement concerning the acquisition or funding of two replacement tennis courts. The agreement concerning the tennis courts would be subject to the approval of the Recreation and Park Commission following any required environmental review. If these conditions of transfer are not met, then the transfer of this property for the New Building would not occur.

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