

MEMORANDUM

May 10, 2019

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Victor Makras
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Informational update on the San Francisco Fire Boat Station No. 35 Project and a new 50-year Memorandum of Understanding (MOU) between the Port of San Francisco and the San Francisco Fire Department

DIRECTOR'S RECOMMENDATION: Information only; No Action Required

EXECUTIVE SUMMARY

For the past several years, the Port has been working closely with the San Francisco Fire Department (SFFD) and San Francisco Public Works (SFPW) to develop plans to construct a new, "floating" fire boat house located at Pier 22½ (Site). This memorandum and the May 14, 2019 informational presentation provides an update on the project and outlines the terms of a new Memorandum of Understanding (MOU) between the Port and SFFD which will facilitate the construction of the new facility and allow for SFFD operations at the Site over the 50-year design life of the new facility.

Fire Station 35 is currently inadequate for its function due to its age, condition, and size. The portion of Pier 22½ which spans under the existing historic building (Historic Firehouse) located alongside the Embarcadero Promenade underwent seismic strengthening in 2009. The structural upgrade was limited to the pier substructure only; the building, shed and adjacent fire boat pier were not upgraded. The existing fire boat pier berths the Phoenix and the Guardian at the north and south side. Since the fire boat pier was excluded from the 2009 upgrade, it remains structurally deficient for its use. In rough weather, at least one of the fireboats must be removed from the pier, usually quite a distance away.

The SFFD requires a new facility to improve the City's capacity for meeting current and future demands. Once the facility is built the majority of the operations currently housed in the Historic Firehouse will be moved to the new building. Engine 35 will continue to be deployed from the Historic Firehouse. The proposed new facility will greatly enhance the SFFD's capacity for emergency response with minimal disruption of services.

STRATEGIC PLAN CONFORMITY

Port staff has determined that this project is consistent with three of the 2018 Port Strategic Plan Goals, which are as follows:

#2 Resilient - This project is addressing sea level rise with the construction of a floating marine structure and a future sea level rise adaptation plan.

#5 Sustainable - This project will meet current building code requirements and will achieve a Gold LEED certification level, as required for new construction greater than 10,000 square feet under the Port Green Building Code.

#7 Stability – This project will not involve the use of Port capital funds for project implementation; project financing is provided through the 2014 Earthquake Safety and Emergency Response (ESER) Bond funds.

BACKGROUND

Currently there are two companies stationed at FS 35: Fire Engine No. 35 and the SFFD's only fireboat company, and housing is currently provided in the Historic Firehouse for 25 SFFD personnel working in shifts. The engine company has four personnel on-duty per shift. They include an Engine Officer, Driver, Medic, and Firefighter. The members of this engine company are also cross-trained to support the fire boat operations. The current on-duty staffing for the fire boat include the Fire Boat Officer, Pilot, and Engineer. Currently, there are seven personnel on-duty at any one time at the station.

Historic Firehouse 35 is a 4,872 square foot building located at the Embarcadero between Folsom and Harrison streets. It was built in 1915 and has been assigned to the SFFD since at least 1930. It was designated as San Francisco Landmark #225 in April 1999. Historic Firehouse 35 has been determined to be an individual historical resource, as well as a contributor to a California Register-listed historic district, and both its exterior and interior features contribute to its eligibility. The Historic Firehouse and the underlying pier are listed in the National Register of Historic Places as a contributing resource within the Embarcadero Historic District.

In summer 2017 SFPW, working on behalf of the SFFD, completed a contractor selection process for the Project, awarding the design-build contract to a joint venture between Swinerton Builders and Power Engineering. Swinerton Builders is the primary structure builder, while Power Engineering is the primary marine builder. The team also includes Shah Kawasaki as the architecture firm and Liftech, a marine structural engineering firm. LBE participation requirement by the City's Contract Monitoring Division (CMD) for the construction portion of the contract was set at 15% and for the design portion of the contract was set at 10%.

This project was previously presented to the Port Commission in July 2016 and June 2017. Over the past year and a half, Port staff has worked closely with both the design-build team and the sponsoring agencies (SFFD and SFPW) to complete final design and secure the necessary regulatory permits for the project. Approval of a new MOU between the Port and the SFFD marks a key step towards the Port's ability to issue building permits for the Project. With approval of the MOU and all final permits anticipated by the end of May 2019, construction of the Project is slated to begin in June 2019 with substantial completion of construction slated for late fall of 2020.

PROJECT LOCATION AND SITE CHARACTERISTICS

The project site is located at Pier 22½ on the Embarcadero between Folsom and Harrison. Pier 22½ consists of a main pier adjacent to the Embarcadero Promenade (aka Herb Caen Way) flanked by two smaller finger piers referred to as the "north finger pier" and the "south finger pier". The main pier supports Historic Firehouse 35, a two-level structure that currently serves as the fire boat headquarters for the San Francisco Fire Department that also has garage space for one fire truck. The main pier structure has a parking and storage area immediately south of the fire station and a smaller parking area north of the fire station. The north finger pier supports a shed building and provides mooring for two fire boats. Exhibit A provides an aerial view of the site as it exists currently.

Constructed in 1915 and designated as San Francisco Landmark #225 in April 1999, the Historic Firehouse 35 is also a contributing resource to the Port of San Francisco Embarcadero National Register Historic District, which was listed in the National Register of Historic Places on May 12, 2006.

The main pier (historic Firehouse 35 substructure) was partially retrofitted in 2009 to improve its seismic performance. The non-historic north finger pier provides mooring for two fire boats and supports a one-story, approximately 2,200-square-foot equipment shed. The non-historic south finger pier is severely deteriorated, partially below water and not in use. Vehicles currently access the Pier 22½ facility by crossing Herb Caen Way and parking at small lots to the south and north of the fire boat headquarters building. The south parking area contains an auxiliary water supply system manifold and an emergency generator.

The current water depth in the proposed project area ranges from 10 to 14 feet below the mean water level. The main pier rests in part on top of a rock dike that forms a small part of the approximately four-mile long seawall originally constructed along The Embarcadero during the late 19th century. Bayside of the seawall, the project Site is underlain by rock fill, bay mud and interbedded clays and sands that are in turn underlain by bedrock.

PROJECT SUMMARY

The Fire Boat Station No. 35 Project (Project) includes construction of a new fire boat station in the Bay at Piers 22½, adjacent to the Historic Firehouse No. 35 on the northeast San Francisco waterfront. The Project will include a two-story fire boat station on a steel float, an access ramp and gangway, and a public observation deck. The

apron around the floating fire boat station will provide mooring for three fire boats and one small water rescue craft

The total height of the floating fire boat station will be 36 feet. The perceived height of the fire boat station from the shoreline will vary as the float rises and falls with the tides. The first floor of the fire boat station will include facilities for ambulance loading and turnaround, as well as facilities related to emergency operations and maintenance. The second floor of the fire boat station will include a total of 35 beds, as well as living facilities for use by on-duty firefighters.

An access ramp and a pedestrian gangway will connect the existing marginal wharf to the float and provide for pedestrian and vehicle access to the floating fire boat station. On the marginal wharf, existing fencing will be relocated to create additional public space on Herb Caen Way. A public observation deck will be constructed adjacent to the marginal wharf on the south side of Pier 22½.

The Historic Firehouse No. 35 will remain in place and no renovation work is currently planned, although some repair work will take place on the marginal wharf south apron as part of the Project. Existing dilapidated and fenced off finger piers at the Site will be demolished, including the existing Pier 22½ and a remnant section of Pier 24. Exhibit B shows a plan view of the Project.

New Steel Floating Pier (Building Substructure)

To address the expected flooding and sea level rise in the project area during the 50-year design life of the fire boat station (to 2070), the design team selected a “floating pier” or barge concept for the new pier upon which the new building will be constructed. The design team determined this floating pier concept would accommodate a 24/7 operating facility with negligible negative impacts for the fire fighters stationed in the fire boat house. The project design team has identified and evaluated precedent floating barge offices, ferry terminals and fire stations both within the United States and in international locales. Through their evaluation process they determined that a floating, steel pier design would be the most cost efficient among the options considered.

Initial dredging is not required to construct the Project as the existing water depth at the Site is sufficient based on review of the tide range and draft of the steel pier. Future sedimentation below new floating barge may require dredging to maintain floating condition. A transfer span will link the new pier structure to the Embarcadero waterfront providing vehicle and pedestrian access.

New Fire Station Structure

The new two-story steel-framed structure will comprise approximately 16,435 gross square feet of interior space. The new building will house all necessary fire boat operation and support programs, including a marine Emergency Operations Center (EOC), storage of specialty gear, hoses, booms, small rescue craft, a decontamination space, and a drive-through ambulance access way. Cranes on the pier deck will be used for moving equipment and small craft.

The first floor will be used for emergency operations, equipment storage, supply, and repair, night watch room, mechanical, decontamination/drying rooms, equipment lockers and small craft storage.

The second floor is entirely for “clean” firefighter operations, including a dormitory, dedicated men’s and women’s locker rooms, restrooms, and shower rooms, officer’s sleeping rooms, laundry room, day room, and a kitchen/dining area that opens onto an observation deck at the east end of the building. There are 2 slide poles, 2 exit stairs, and 1 elevator that connect to the 1st floor areas. The roof level will contain mechanical equipment and the emergency generator.

Role of Pier 22½’s Station No. 35 in the Bay

FS 35 is the only fire boat facility for the San Francisco Bay region. The Port of Oakland decommissioned their fire boat station in 2003. FS 35 is strategically located to respond to San Francisco waterfront emergencies with its central location and proximity to the Bay Bridge. Emergency response capability from FS 35 will supplement existing capacity from the U.S. Coast Guard Station at Alameda. The FS 35 project area includes one of the four manifolds on the San Francisco waterfront that are used to access Bay water to respond to Bay and City fire emergencies.

CEQA, PUBLIC OUTREACH AND REGULATORY PERMITTING

This innovative, water-dependent project required environmental review and regulatory permitting processes which included extensive public outreach to the following entities: the Central Waterfront Advisory Group (CWAG), BCDC Design Review Board, the Waterfront Design Advisory Committee (WDAC), the San Francisco Historic Preservation Commission’s Architectural Review Committee, and San Francisco Architectural Heritage. The Project was well received although concern was expressed about the future use, maintenance and repair of the Historic Firehouse. These concerns are addressed by a Conditions Assessment being conducted by the Port of the facility and provisions in the MOU regarding the maintenance and repair of the structure and the process to be followed in the event SFFD relinquishes use of the facility.

The City of San Francisco Planning Department issued a Preliminary Mitigated Negative Declaration (MND) for the Project on September 5, 2018 and a revised Preliminary MND on October 31, 2018. The Planning Department posted the revised Preliminary MND for public review and provided notice of the intent to adopt the MND as required by CEQA and Chapter 31 of the San Francisco Administrative Code. The MND was not appealed to the Planning Commission, and the Final MND was signed on December 11, 2018.

The list of required regulatory permits and their current status (as of May 9, 2019) is as follows:

- **Bay Conservation and Development Commission (BCDC):** Major Permit Approved on April 18, 2019, with a number of conditions, notably a Bay fill mitigation condition, to offset the net new Bay fill associated with the Project. The Port, along with our partnering agencies (BCDC, SFFD and SFPW), have

identified Pier 70 Wharf 8 as the site of approximately 17,800 square feet of derelict Bay fill (pilings and pier structures) to be removed by Project completion as a mitigation condition. BCDC is also requiring that an additional permit application be filed by the applicant to remove Wharf 8 at Pier 70.

- **U.S Regional Water Quality Control Board (Water Board) Section 401:** Issued February 15, 2019, with the following mitigation condition: *The Applicant shall implement the Pier 22½ - Fire Boat 35 Final Storm Water Control Plan (SCP), dated January 8, 2019, consisting of media filters as BMPs. The Applicant shall develop and implement, by January 31, 2020, a green infrastructure project to treat an additional 8,300 sq. ft. of impervious surface at an offsite location.*
- **U.S. Army Corps of Engineers (USACOE) Section 10:** Permit is pending conclusion of the State Historic Preservation officer (SHPO) consultation that will address the potential effects of the of proposed new construction and continuing use of the Historic Firehouse by SFFD on the Embarcadero Historic District. NOAA Fisheries Letter of Concurrence has already been issued under the auspices of the Section 10 Permit.

PUBLIC TRUST ANALYSIS

The entire Site is subject to the common law public trust for commerce, navigation and fisheries and the Burton Act statutory trust (collectively, the “Public Trust”). Use of Public Trust lands is generally limited to maritime commerce, navigation, fisheries, water-oriented recreation, including commercial facilities that must be located on or adjacent to water, and environmental stewardship and recreation, such as natural resource protection, wildlife habitat and study, and facilities for fishing, swimming, and boating. Ancillary or incidental uses that promote Public Trust uses or accommodate public enjoyment of Public Trust lands are also permitted, such as hotels, restaurants, and visitor-serving retail.

The Project has been planned and designed to provide multiple Public Trust benefits delivered via use of the Site as a long-term home for water-based emergency response on the Bay, with various visitor-serving amenities including public access space, a public observation deck, interpretive signage, free weekly tours of the new fire boat station to the public and an art installation provided by the project sponsors in collaboration with the San Francisco Arts Commission.

MEMORANDUM OF UNDERSTANDING (MOU)

As noted above, Port Real Estate and Development staff and SFFD have negotiated the proposed MOU No. M-16105 providing for the following terms and conditions which, along with the aforementioned Port building permits and various regulatory permits described above, will enable Project construction and guide the long-term operations of both the new and existing FS 35 facilities.

Tenant:	San Francisco Fire Department
Premises:	Parcel A – The historic FS 35 including approximately 4,872 square feet of building space; Parcel B - approximately 6,821 square feet of marginal wharf

	space (existing and to be constructed by SFFD as described in this MOU); Parcel C - approximately 37,422 square feet of submerged land on which to locate Fire boat Station 35 and berth vessels; Parcel D – approximately 2,883 square feet of space across The Embarcadero for non-exclusive rent-free use for vehicular ingress and egress (" North Access "); and Parcel E – approximately 884square feet of space across The Embarcadero for non-exclusive rent-free use for vehicular ingress and egress (" South Access ").			
Length of Term:	Fifty (50) years. The MOU may be terminated by SFFD or by the Port upon 30 days prior written notice to the other party, for any reason.			
Permitted Uses:	Construction and ongoing operation of a firehouse and fire boat berthing facility for one fire engine, three fire boats and various small service and rescue vessels, sleeping quarters for firefighters, storage of ancillary emergency equipment in support of the fire boats and for other miscellaneous functions normally associated with a firehouse.			
Commencement Date:	Upon approval of the MOU by the San Francisco Port Commission.			
Rent Commencement Date:	Upon issuance of the Certificate of Occupancy for the Fire boat Facility Building. Rent increases by 3% annually, as described further below.			
Monthly Base Rent:	Months	Sq. Ft.	Monthly Base Rate	Total Monthly Base Rent
Parcel A	1-12	4,872	\$1.60	\$7,795.20
Parcel B		6,821	\$0.40	\$2,728.40
Parcel C		37,422	\$0.09	<u>\$3,367.98</u>
Total				\$13,891.58
Rent Escalations:	Commencing on the tenth (10th) Anniversary Date of the MOU and repeating each 10-year anniversary thereafter, the Rent shall be adjusted to by increasing the Rent to the greater of: (i) the Rent charged for the previous month increased by three percent (3%), or (ii) the- then current parameter rents approved by the Port Commission for the following categories: for the Historic Firehouse (Parcel A) – Parameter Shed Rate for Piers in the immediate vicinity such as Piers 26 and 28, for the marginal wharf (Parcel B) - Parameter Apron and Open Pier Space Rate, and for Submerged Land (Parcel C) – 50% of Parameter Submerged Land Rate.			
Rent Credits:	SFFD shall be entitled to the following rent credits: (i) up to \$1.6 million for the tenant improvements described in the Pier 26 MOU which will be unapplied assuming the Pier 26 MOU expires on the anticipated expiration date of September 30, 2021; and (ii) the actual documented cost for tenant improvements to the existing marginal			

	<p>wharf (Parcel B) and substructure as part of the Project for a dedicated public access area to be applied against monthly Rent in an amount equal to 100% of monthly Rent until such credits are exhausted (estimated to be \$800, 000).</p> <p>SFFD may apply for additional future rent credits for capital improvements made to the Premises that qualify under this MOU. Capital improvements that could qualify for rent credits include: (i) work which would generally be considered a Port responsibility which could be more expeditiously or economically handled by SFFD; (ii) work that extends the useful life of the Premises and survives the tenancy, and (iii) work which directly supports the Port’s Trust mission such as improvements for public access. Requests for future rent credits will be reviewed on a case by case basis and must be approved by the Port’s Executive Director if such authority is delegated, and/or the Port Commission.</p>
Security Deposit:	Recommend waiver by Port Commission
Maintenance and Repairs:	<p>SFFD will be strictly responsible, at its sole cost, for the security of the Premises and for maintenance and repair of the Premises including any needed dredging. Port has no security, maintenance or repair obligations for the Premises during the Term of this MOU.</p> <p>Every five (5) years SFFD shall deliver to Port a Capital Needs Assessment report (“CNA”) for the historic Fire Boast House. Port and SFFD agree to jointly seek out and explore alternative supplemental funding sources such as grants that may be used to help augment the funding of various desired and necessary capital improvements.</p>
SFFD Right to Relinquish Space:	SFFD may relinquish, without cost or liability to SFFD: (i) all or a portion of the Historic Firehouse (Parcel A), and/or (ii) a portion of the marginal wharf (Parcel B) located north of the Historic Firehouse, upon 180 days’ prior written notice to Port; provided the parties agree that SFFD’s operations can continue without the relinquished space and the Port can put the relinquished space into productive use for another purpose in order to support and/or generate revenues to the Trust.
Operations Plan:	All Permitted Uses shall comply with the Mitigation Monitoring and Reporting Program and the Port-approved Operations Plan submitted to the Port by SFFD. Non-compliance with the Operations Plan is a material breach of the MOU.
Insurance:	SFFD is self-insured through the City’s self-insurance program. Any coverage for use by third parties shall require approval by the City’s Risk Manager.
Seawall Resiliency Project:	Neither Port nor SFFD have any obligation to maintain or repair the Seawall. Port is undertaking the Seawall Resiliency Project. SFFD shall cooperate by providing access and other

	reasonably requested assistance at no cost to Port and permit Port and its Agents to enter the Premises upon reasonable prior notice (except in the event of an emergency which poses an imminent danger to public health or safety) for the purpose of inspecting, repairing and rebuilding the Seawall as Port reasonably deems necessary.
City Requirements:	The MOU includes provisions requiring SFFD to comply with all applicable City Laws and Ordinances.
Standard MOU Provisions:	The MOU contains all current standard MOU provisions including; compliance with laws, damage and destruction, damages, and handling of hazardous materials.

NEXT STEPS

Port staff will return at the next Port Commission hearing on May 28, 2019 to seek approval of the MOU between the Port and SFFD as described herein. Upon approval, the Port Building Permits section will be in position to issue the initial permit set allowing for early construction work including demolition of the existing finger pier structures and other marine activities. That work is expected to begin in late June 2019, to take advantage of the ‘in-water’ work window that opens in June and runs through the end of November. SFPW and SFFD will concurrently be pursuing further building permits authorizing additional construction activities at the Site, with full Project completion anticipated for the end of 2020.

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