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January 06, 2022

Mr. Everett Louie
Project Planner
Dept of Conservation and Development
30 Muir Rd
Martinez, CA 94553

Re: Variance Request Application – Response to Incompleteness
Site Address: 217 Arlington Ave, Kensington, CA 94707
APN: 570-050-021
County File: #CDVR21-01040

Dear Mr. Everett,

Please accept this response to the comments in your letter dated January 5, 2022. Revised drawings have been forwarded to you showing the additional dimensions requested in Items 1 thru 3.

With regards to Item 4, the new offices added by enclosing the proposed deck area will be used by existing fire staff personnel, and not by new individuals. The corner new office will be used by the on-duty captain. Currently, that function is provided in a sub-standard manner by a desk within the captain's bedroom. This separate office will fulfill the needs of the rotating shifts (i.e. three captains utilize the office over the course of three shifts) while freeing-up the sub-standard bedroom space. The second new office will be shared by the on-duty firefighter and engineer (again, for the personnel of each of the three shifts.)

With regards to Item 5, please see the answers below:

5a. What is the physical hardship displayed by the property that necessitates the need for a variance?

KFPD completed a needs assessment study in 1997 that identified structural problems, increased fire service space needs, and accessibility deficiencies. Subsequent interior renovation projects in 1999, 2005, 2010, and 2014 did not fully address those issues. In 2015, the KFPD Board initiated a building study to solve the problem and over the course of five years reviewed options for building on a new site or re-building a larger structure on the existing site. Unfortunately, the identification of a potential fault located under the rear property line limits the ability to build a new structure or increase the existing footprint due to the Alquist-Priolo Earthquake Fault Zoning Act. The only option to increase the building area is to enclose the existing 345sf second floor deck. Since the scope of the seismic renovation area required for an Essential Services Building triggers full building code upgrades including energy and accessibility compliance, new elements such as an elevator, elevator machine room, and

accessible bathrooms, will reduce some of the existing usable area. The enclosure of the deck will provide the replacement of that lost space. It should be noted that the need for the space, and thus the need for the variance, is due to increased requirements over the years on other issues as well, such as the increased number of Red Flag days, which result in the addition of a fourth firefighter on shift under those more and more frequent conditions, as well as greater separation of personnel due to Title IX issues and, as of 2020, social distancing practices.

Please see Attachment A: KFPD Public Safety Building FAQ dated November 10, 2021, for full information on the history of the project and detailed responses on various aspects of the proposal.

5b. Why is it that granting you this variance would not be giving you a special privilege that your neighbors do not have?

In 1947, KFPD requested that the Contra Costa County Planning Commission approve a land use change for the two residential lots under consideration for a new fire station, re: Attachment B. The properties were purchased for that intent and a land use permit was granted in 1967, re: Attachment C. Since the construction of the building in 1970, Kensington residents have benefited from its central location, which is ideal, but over those years serious structural vulnerabilities have been identified and fire station space standards have changed. KFPD's essential services benefit all residents and the minimal additional space provided by the variance would not alter the existing setback of the building's footprint. With its unique land use, the Public Safety Building is not comparable to other residential lots in Kensington. On October 13, 2021, the KFPD Board of Directors approved Resolution 21-09 "confirming the seismic vulnerability and structural failure of the Kensington Public Safety Building and requiring urgent remediation", re: Attachment D. Thus, granting of the variance will benefit all Kensington residents.

5c. How would granting this variance help you maintain the property use for its intended purpose?

As noted in the response to 5a, above, the required code changes to the building will reduce the usable area, and the enclosure of the existing deck space will mitigate some of that loss. Over time, it has been evident that fire station space needs increase due to new standards and service expectations, so it is essential that the PSB maintain a certain minimal amount of space in order to provide contemporary service levels. The granting of the variance will assist that effort.

Please let me know if you need any further information on the proposed project.

Sincerely,



Bill Hansell

General Manager



KENSINGTON FIRE PROTECTION DISTRICT

DATE: November 10, 2021
TO: KFPD Board of Directors
RE: Kensington Public Safety Building Renovation: Questions and Answers **UPDATE**

The questions and answers below on the Kensington Public Safety Building (PSB) Renovation Project were compiled and accepted by the Board of Directors on May 12, 2021. Since that date, new information has become available and has been added in **RED** throughout the document.

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LIST OF IMPORTANT REFERENCE DOCUMENTS:

(NOTE: All underlined links connect to the full documents on the KFPD website.)

- [Reference Link A](#): “*Joint Status Report on PSB Renovation*”01/13/2021
- [Reference Link B](#): “*KPPCSD Preliminary Needs Assessment/Financial Analysis*”03/11/2021
- [Reference Link C](#): “*Joint Staff Report on Future Location of Depts & Offices*”03/25/2021
- [Reference Link D](#): “*KPPCSD Potential Impact of Future Renovation on KPD*”04/08/2021
- [Reference Link E](#): “*KFPD Goal of Recommendations on PSB Renovation*”04/14/2021
- [Reference Link F](#): “*KFPD Letter: Request for Facility Discussions To Start*”05/06/2021

Additional Posted Documents

- [Reference Link G](#): “*PSB Renovation Progress Update Including Cost Estimate*”10/13/2021
- [Reference Link H](#): “*PSB Schematic Design Drawings: Pricing Set*”09/27/2021
- [Reference Link I](#): “*Resolution 21-09 Confirming Urgency of PSB Seismic Repairs*” ...10/13/2021
- [Reference Link J](#): “*NHA Financial Advisors Facilities Funding Analysis*”11/10/2021

1. Design and Code Requirements:

1a. Is the existing Public Safety Building seismically unsafe?

In 1998, a renovation project partially addressed structural deficiencies of the original 1971 building but problems persisted and code requirements are updated every three years. Essential Services Buildings are required to have greater seismic resistance than other buildings because they house first responders and their equipment. The collapse or significant failure of the PSB in an earthquake would have a devastating effect on the entire community, not to mention loss of life, vehicles, and emergency equipment in the building itself. According to a structural analysis in 2016, *“When the building was originally designed there were no special design requirements for this type of building. However, later codes recognized that this type of facility must allow for continuous operation after an earthquake. Because the station is located in a very active seismic zone, the code requires that higher seismic forces be used in the design of the building. These higher seismic design forces for this location are approximately two times the seismic forces used in the design for the original building in 1969.”* The report added that, *“This building, because of its age and the newer code requirements, does have structural deficiencies and will not perform as well as a new building during an earthquake. Because the building does not meet the latest seismic code requirements and due to its proximity to major earthquake faults there is the possibility that significant structural damage may occur with loss of life during a seismic event.”*

Therefore, not addressing the PSB’s vulnerability to failure has significant financial, legal, and ethical liabilities.

11/10/2021: Further geotechnical analysis by the new engineering team has confirmed the seismic vulnerability of the structure and danger to its occupants. Evidence of the building’s movement due to the slow-motion geologic slide of the site is visible in various locations. The instability of the soil conditions exacerbates the building’s vulnerability to seismic damage. The Schematic Design engineering phase has determined that substantial portions of the building must be removed and replaced in order to stabilize the structure. Please see [Reference Link G: “PSB Renovation Progress Update Including Cost Estimate”](#) which includes a diagram on page 10 showing that half of the concrete slab must be replaced, along with half of the second floor framing, and half of the roof framing. New concrete piers and grade beams are necessary to tie the building down to bedrock and stop its movement.

Given the safety concern of the building, the Board of Directors passed a resolution on October 13, 2021 confirming that the seismic vulnerability and structural failure of the Kensington Public Safety Building requires urgent remediation. Please see [Reference Link I: “Resolution 21-09 Confirming Urgency of PSB Seismic Repairs”](#)

1b. How was the decision made to renovate the PSB and is it required legally?

In 1997, a Needs Assessment focused on deficiencies with: 1.) Inadequate parking, 2.) Restricted Street Access, 3.) Structural Deficiencies; 4.) Building Space Needs; and 5.) Building Systems. Renovation projects in 1999, 2005, 2010, and 2014 partially addressed some but not all of the deficiencies. In 2015, the KFPD Board set out to study the building issues, which led to the confirmation of seismic problems, operations concerns, and other code inadequacies. Shortly thereafter, design studies resulted in geotechnical evaluations that identified a probable fault within 50’ of the rear of the building. This increased the concern about the vulnerability of the building and its inhabitants and compelled a solution. If the building is left untouched, there

is no legal requirement demanding compliance, but that perpetuates the unsafe conditions and danger imposed by an unimproved, out-of-date structure. Further design discussions have defined the operational needs that demand more space than the 5,800sf of the current building.

11/10/2021: Given the scope of the required seismic remediation work and how much demolition is required, the project must comply with the 2019 CA Bldg Code per *Sect101.2 Scope: The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances.*

Meeting the 2019 CBC requirements means upgrading mechanical, electrical, and plumbing systems, as well as accessibility. Section 1.9.1.1 *Application* states that *Publicly funded buildings, structures, sidewalks, curbs and related facilities shall be accessible to and usable by persons with disabilities as follows: 1.9.1.1.1 All buildings, structures, sidewalks, curbs and related facilities constructed in the state by the use of state, county or municipal funds, or the funds of any political subdivision of the state. 1.9.1.1.3 All existing publicly funded buildings and facilities when alterations, structural repairs or additions are made to such buildings or facilities.*

It makes sense that other space needs listed in the 1997 assessment should be accommodated at this time given the scale of the project. Some elements, such as the elevator core and the new interior wall divisions will actually help the structural design by providing new interior shear walls and foundation ties. While the building footprint will remain the same, there is the small addition of firefighting staff office area provided by the enclosure of the second-floor deck. This will only slightly increase the useable area of the building from 5,800sf to 6,100sf and as the new schematic plans show, the fire department's program utilizes the space efficiently but without any room to spare. For example, it would be helpful to maintain the third engine bay for future use, but the need for a decontamination room and appropriate turnout and workshop space is a more immediate priority. In brief, the renovation finally addresses needs identified 25 years ago.

1c. Can we limit the work to a seismic upgrade only?

No. The extent of the required seismic work exceeds the maximum threshold that triggers compliance with the current 2019 California Building Code. Only addressing the seismic issues would not solve the operational needs, and since extensive demolition is involved with the structural work it is most efficient to fix the other problems now rather than putting back together a space plan that no longer works. Current code requires accessibility compliance, which also reduces the net usable area and compounds the existing shortage of space. Other non-building codes that deal with Fire Department operations and standards also must be addressed and the renovation presents the opportunity to fix those liabilities. Per the 2016 Structural Engineer's report, "...a replaced structure would not only perform better during an earthquake but address many of the operational issues of the existing station."

11/10/2021: Please see the answer to 1b above.

1d. Can we get a waiver on accessibility and other code requirements?

No. The accessibility issues were investigated by the District's architect in 2019 and confirmed to be required by the County Building Department. Additionally, while the California Building Code is adopted and enforced by the County, the underpinning of the accessibility requirements

is driven by compliance with the Americans with Disabilities Act (ADA) which is Federal law. If a local jurisdiction waives the code requirements, the building owner is still susceptible to being sued in a Federal court. There are numerous case examples of this. The liability of non-compliance can cost far more than the accommodations of the code.

11/10/2021: Please see the answer to 1b above.

1e. Is adding another story or a horizontal addition an option?

No. Since the PSB is within 50' of an apparent fault, the [Alquist-Priolo Earthquake Fault Zoning Act](#) prohibits the expansion of the existing building and any increase in the occupancy count.

11/10/2021: After discussions with the State Geologist and Contra Costa County Planning and Building officials, it has become clear that the prior assumption about the A-P Act's restrictions on the renovation were incorrect. The Act does not appear to limit the renovation project, except with regard to extending the building toward the east. That said, if the existing building were razed, Planning has said a new structure would trigger not only A-P Act investigations, e.g. trenching and mapping of local faults, but also a full Environmental Impact Report (EIR.) The latter is not required by a renovation since that scope of work is categorically exempt. In a new-building scenario, an EIR (including a Negative Declaration) would add years to the approval process and delay the urgent remediation work, with additional soft costs and construction price escalation. Even if those were acceptable variables, the building footprint is restricted by the front and side setbacks, two of which it already exceeds. The building height is also restricted, so adding a third floor, which would also require a second exit stairway, is not feasible. Excavating a new basement level would be exceedingly expensive for limited return given the type of below-grade space that provides.

1f. Can we build a new building at another location?

Constructing a new building can be less expensive than renovating an old one. Building new also avoids the expense of temporary facilities required during renovation. For the Fire Department needs that would save approximately \$900K-\$1M. Building new also provides the highest level of structural safety. Unfortunately, alternative PSB sites have been investigated and rejected as far back as 1997. A significant constraint for Fire services is that the facility must be centrally located to reduce emergency response time to all areas of Kensington. Potential sites toward the edges of the District do not provide that. Low response times save lives and reduce home insurance costs. Police services, on the other hand, are less affected by the location of the department. One potential site that would satisfy the requirements for the Fire Department is the steep hillside on Arlington Ave in the disused southwest corner of Kensington Park, owned by the KPPCSD. Interestingly, the very first site plan of the PSB in the District's files, dated 5/9/1967, show this as a possible location labeled "Scheme #1". Recently stated opposition to this site has forced the Board to focus on renovation of the existing building as the only viable alternative. As described above, though, the Alquist-Priolo Act limit on the building area means that additional space must be found elsewhere to satisfy the needs of both the Fire and Police Departments.

11/10/2021: As noted in 1e above, a new building would require a full EIR and would be subject to the A-P Act if located in a similar zone. For example, the Kensington Park land adjacent to the library is all within the A-P zone so trenching and mapping would be required to identify any faults prior to design work proceeding.

It should also be noted that the construction cost for a larger building will be proportionately greater than the proposed renovation total. In fact, there are some cost efficiencies that are being provided by maintaining some portion of the existing structure, as opposed to complete demolition and new construction. Other than the price per square foot factor of a project's size, the main determinant of building cost is timing, as construction costs are now escalating by 8% annually. Postponing or foregoing the renovation project in favor of a new building is likely to make the project financially infeasible. Please see [Reference Link J: "NHA Financial Advisors Facilities Funding Analysis"](#).

2. Impact of Code and Space Needs on the Building Occupancy

2a. What is the current space plan for the renovated PSB and has it been approved?

Space plans since 2016 have been schematic and preliminary. These drawings, which were developed in consultation with the General Managers and Chiefs, and then reviewed by Directors from both agencies, presented a variety of configurations alternatively for joint occupancy (Fire & Police) or single occupancy (Fire Department only) with the understanding that the Police Department has fewer operational restrictions on location and, therefore, more options for other locations. None of the joint plans provided space for all staff members of both agencies. None of these drawings has been finally accepted by the Fire Board, and most have been rejected. In 2020, design studies focused on joint occupancy did not generate a plan acceptable to both agencies (see [Reference Link A](#): "Joint Status Report on PSB Renovation", 01/13/2021). A subsequent joint meeting of both Boards on March 25, 2021, did not provide a consensus direction (see [Reference Link C](#): "Joint Staff Report on Future Location of Depts & Offices", 03/25/2021), but no action items could be slated for this meeting. At its April 14, 2021 meeting, the KFPD Board approved a motion to *"Direct the General Manager to proceed with the development of a renovation strategy for the Public Safety Building to meet the current and future needs of the KFPD staff and services per concept diagrams presented in November 2019 for full Fire Department occupancy, re: attached documents. The approval will include directing the General Manager to obtain consultant proposals, as needed, for project design, engineering, cost estimating, scheduling, etc. in order to propose future budget amendments to fund and proceed with the full scope of work. Further to direct the GM to continue discussions with the GM of the KPPCSD to determine what constructive arrangements can be made for external housing of the Police Dept. and possibly some additional Fire Dept. facilities."*

11/10/2021: The Schematic Design phase expands the prior work far beyond the former conceptual studies. The existing building's dimensions were measured and brought into CAD, and unlike the conceptual sketches the new Schematic Design set shows all of the required engineered and code space requirements. Given the code requirements and the existing location of the engine bays, as well as the feasible location for the elevator and stair, there is not very much discretionary layout space left. As noted in 1b, above, an engine bay has been sacrificed for decontamination and turn-out space. The District's record storage and computer server have been combined with the desk needs of the admin staff in a minimal amount of office area. As identified by the Fire Chief, the meeting room is needed for a Department Operations Center (DOC), fire staff training, while also allowing for CERT training and other community emergency preparedness activities. It is a minimal increase in size over the former meeting room, but is much more useful as it has controlled access from the public entry to the building. The new layout improves security

by isolating access control to the upper level of the building. Upstairs, the three bedrooms remain, as a desired fourth bedroom was not feasible, but separate office space has been added for the on-duty captain and a small shared workspace for the crew. Other than the required new bathrooms and the laundry, the only additional space is the exercise area which must be moved out of the electrical room where it currently is located but is not in compliance with the code. The Schematic Design plans show that the total space is required by the Fire Department's minimal needs. Please see [Reference Link H: "PSB Schematic Design Drawings: Pricing Set"](#)

2b. Is there a plan showing that both Police and Fire can occupy a renovated PSB?

In November 2019, the KFPD Board considered the architect's recommendation for a Fire Department-only plan because joint occupancy was presented as unfeasible. Subsequently, the KPPCSD with the consent of the KFPD asked the architect to make another attempt to accommodate both departments and to see if accessibility requirements could be avoided. Options considered over the course of 2020 did not result in any approved plans. Both General Managers and Chiefs attempted further alternatives in December and outlined the space deficiencies in their January joint report (see [Reference Link A.](#)) The building code requirements triggered by the work were confirmed as unavoidable, and other Fire and Police operations standards were not met by the joint-occupancy plans. None of the plans included space for the administrative staff of either the KFPD or the KPPCSD. For reference, in August and September of 2019, the KFPD Interim General Manager proposed external rental options of up to 1,200sf for administrative offices, a copier workspace, and a conference room. This space need is in addition to other deficiencies described in the Fire Chief's January 2021 report. The March 2021 KPPCSD report listed "Insufficient space in PSB to co-locate administrative support staff with KPD" as a deficiency (see [Reference Link B:](#) "KPPCSD Preliminary Needs Assessment & Financial Analysis".) As a general practice, noted by our Chiefs, separating staff and management is operationally inefficient and both General Managers have noted this problem with all the joint-occupancy space plans.

11/10/2021: As noted in 2a, above, there is no remaining space outside of the Fire Department's program and the Schematic Design layout is extremely efficient. Even if further concessions were made to any particular room or area, it would not come close to accommodating the space needs identified by the Police Department in their staff's published documents. The KPPCSD March 11, 2021 *Needs Assessment* stated that the Police Department optimally requires 3,668sf or at least 2,800sf at minimum (See p.20 of [Reference Link B: "KPPCSD Preliminary Needs Assessment/Financial Analysis"](#).) More recently, the police have stated that if they relocated to 303 Arlington Ave. they would need the entire space, which is nearly half the size of the PSB. There is no scenario where the two departments can both occupy the PSB that meets any of the current requirements of each agency, let alone provides for future contingencies.

2c. What requirements prevent Police and Fire from both occupying a renovated PSB?

Numerous contemporary requirements of both Departments have increased the needed square footage beyond what the renovated building can provide. In the architect's public presentation of June 6, 2017, a comparison chart showed the existing versus optimal space requirements of each department. The existing Fire Department area is 3,202sf while the optimal area is 5,955sf (essentially, the size of the entire existing building!). The existing Police Department area is 1,269sf whereas the optimal area is 2,488sf. In total, the existing area is 5,948sf whereas the optimal area is 9,933sf. Even with a reasonable reduction to the optimal total, combined with the

new building code demands, there is not enough space. More detailed requirements outlined by the Chiefs are described in [Reference Link A](#) and [Reference Link C](#). The specific space requirements of the Police Department are detailed in the presentations at two KPPCSD board meetings, re: [Reference Link B](#) and [Reference Link D](#): “KPPCSD Potential Impact of Future Renovation on KPD”. Accommodating both departments in the renovated PSB would require substantial additional space but that is not possible on this site due to the Alquist-Priolo Act restrictions.

11/10/2021: Please see the answer to 2b, above.

2d. How much more space do both departments need than is available in a renovated PSB?

Based on the information referenced in 2c, above, the “optimal” total additional space needed is approximately 4,000sf. Depending on efficiencies, a minimum of 2,000sf may be sufficient. This additional space would need to be supplied by an external commercial rental or within another renovated or new building. Note that in addition to the challenges of finding a new building site described in item 1f, above, the planning approval process for a new location can add many months (or years) to potential occupancy, if approved at all.

11/10/2021: In addition to the answers provided in 2b, above, it should be noted that a new building option to hold both departments would require at least 8,000-10,000sf. Given the added design, EIR, and planning time plus price escalation, this would result in project construction costs of \$14M-\$18M, plus soft costs that would add another +20%. That project amount would require substantial bond financing beyond the means of the District. In fact, it would be much more expensive and less efficient than renovating the PSB for the Fire Department, and accommodating the Police Department in a separate location.

2e. Did the KFPD vote to evict the Police Department from the Public Safety Building?

No. As described in 2a, above, the Board directed the General Manager to work with the KPPCSD GM to find a constructive arrangement for housing the Police Department, re: [Reference Link E](#). In the same meeting, they moved to “*Appoint the General Manager to be Lead Negotiator for lease discussions/negotiations so that subsequent proposals may be brought to the Board and scheduled appropriately for review and modification/approval.*” The KFPD General Manager has followed up with a request to collaborate on suitable options and noted the possibility of financial assistance depending upon the nature of the specific proposals. The GM’s request stated, “*It is clear that no matter what the final configuration of the facilities are, there will be a period of construction during which both agencies will have to move out. My current assumption is that will be around the first quarter of 2022. If approved by our board, construction will probably last the better part of 12 months depending on the final design scope. While there is limited time to investigate, discuss, and negotiate alternatives, it will surely fly by. Planning, permitting, and construction of the interim space itself will have to conclude prior to the move. Therefore, time is of the essence.*” (re: [Reference Link F](#)) The GM also noted that construction costs are rapidly escalating and the rental market will most likely follow suit, especially given the small number of options in Kensington. The KFPD Board has accepted the space needs documented by the Chiefs and GMs. It is not practical or possible to accommodate both Departments legally in a building that not only cannot be expanded, but whose footprint will be smaller after the seismic renovations and required code upgrades. As described in item 1f, above, the Fire Department does not have another location option given response times for emergencies.

11/10/2021: As Lead Negotiator with regards to the Police Department lease, the KFPD General Manager has reached out on a monthly basis to see what assistance the Fire Department can provide. Details of the PSB renovation schedule and process are shared regularly with the KPPCSD staff, in order to keep them up to date. While proceeding with due haste on the renovation plans, the Fire Department is waiting for the KPPCSD to make determinations on what options it will pursue.

2f. Do both Police and Fire need to be in the same building?

“In the United States, it is uncommon for Fire and Police to be co-located in the same facility. For example, out of approximately 18,000 police departments in the United States, less than 150 have consolidated services under one roof.” (re: [Reference Link B](#)) That’s less than 1%. Joint use facilities are problematic because the Police Dept is an office space while the Fire Dept is both a workplace and a residence (thus, the term “Firehouse”). Office use and residential use have different patterns and requirements for working and living. For emergency services in the midst of a crisis, it is better to have two locations rather than one overcrowded, vulnerable building. Separate facilities would provide enough space for an “Emergency Operations Center,” which joint-occupancy would not provide. “The current co-location hinders comprehensive preparedness for the next pandemic and/or public health emergency” and the advantage of separate facilities is “to mitigate the potential of irreparable damage to both police and fire facilities and apparatus/vehicles at the same time during a local/regional public health and safety emergency.” (re: [Reference Link B](#))

2g. Will there be absolutely no room available for the Police in a renovated PSB?

During the December 2020 review of joint-occupancy, the GMs and Chiefs discussed whether some minimal presence by the Police Department would be helpful. The Police Chief stated that would not make sense because it is better that all the staff be together. *“Both Chief Pigioli and Chief Schuld prepared written comments reflecting the difficulties in developing a conceptual design that meets the facility requirements of both departments.”* (re: [Reference Link B](#)) Both administrations agreed that separate facilities make more sense given the existing building constraints.

11/10/2021: Please see the answer to 2b, above.

2h. Are the KFPD and KPPCSD cooperating on a solution?

The GMs and Chiefs have been working collaboratively and expressed agreement in the January and March reports in their recommendation that additional square footage is needed. The KFPD motion on April 11, 2021 to move forward with planning of the Fire Department occupancy while concurrently offering assistance to the Police Department to find additional space over the interim design/engineering/permitting period during the next 12 months is awaiting engagement by the KPPCSD Board. (re: [Reference Link F](#))

11/10/2021: Please see the answer to 2e, above.

3. Current Options and Potential Solutions

3a. Would the staff of both departments prefer separate spaces?

Yes, for all the reasons stated above and in the interest of providing the highest level of service.

3b. Are there options for housing the Police?

In the interest of presenting options to the both Boards, the General Managers and Chiefs have listed possible options. KFPD Board Directors and the General Manager have expressed possible financial assistance to the KPPCSD should that be a primary obstacle in finding a solution, but nothing specific has yet been proposed or voted on. (re: [Reference Link F](#)) One specific option is commercial rental space at 303 Arlington Ave, next to Ace Hardware, which would provide up to 2,656 sq ft. ([Reference Link B](#)) Both administrations toured the spaces and agree it would be suitable for their needs. Seismic inspection before any negotiation would be mandatory. A long-term lease with a rent increase cap has been discussed with the owner and the cost appears to be below market-rate. Seven dedicated parking lot spaces would be included, which is very hard to find anywhere else. The space is move-in ready but minor renovations such as security requirements or additional partitions could easily be implemented through an over-the-counter tenant improvement (interior) permit. There may be other options but this one is available now and may not be later. Consideration of this or other options is for the KPPCSD to decide. No matter what the final configuration of the renovated PSB, both the Fire and Police Departments will have to move out for +/- 12 months, so the 303 Arlington Ave rental may be the best choice during construction even if it is not a long-term solution.

3c. Can a typical commercial office rental be adapted for Police use?

Yes. The ability to use a space depends on its “*Occupancy Classification*” as defined by the 2019 CA Building Code. Occupancy falls into several categories (re: <https://up.codes/viewer/california/ibc-2018/chapter/3/occupancy-classification-and-use#3>). The Police Department’s use falls under Group B (Business) which is simply generic office space. The Police Chief confirmed that the Department does not have a “jail” nor any other special holding facilities, so the more restrictive uses such as Group I (Institutional) or H (Hazardous) do not apply. There is nothing different than what you would find in any other office space, with the possible exception of a higher quality security door for the DOJ server closet and the evidence room. The 303 Arlington Ave rental space, for example, is perfectly suited for police occupancy. The current Police offices in the existing PSB are no different in character than what is available in the office rental market.

3d. Can Kensington afford this?

Increasing regulations, safety liabilities, and changing operational needs trigger increased space demands. Although Kensington’s boundaries are not expanding, the Fire Service and Police Service requirements are. For example, today’s wildfire protection requires different equipment and facilities than past fire departments needed. Police standards continue to evolve as well. At present the “square foot per person” total for employees in the PSB is substantially below normal, let alone below best practices (re: [Reference Link B](#) and [Reference Link C](#)). Adequate quarters are needed to maintain quality personnel and services. Financially, the KFPD has built reserve funds for years specifically targeted for apparatus and building improvements. The PSB renovation will be funded with these reserves. With regards to the KPPCSD, the Police Department pays \$3,050 per month plus utilities to support its share of the building. In an April 1, 2021 letter to the KPPCSD, the lease rate history was reviewed and, in accordance with past

agreements, a lease to remain in an improved building would range from \$8,026/mo to \$9,617/mo. (Equivalent to \$4.93/sf to \$5.91/sf.) The amount would reflect the KPPCSD's share of the estimated construction cost. Comparatively, the 303 Arlington Ave rental space would cost \$5,300/mo or \$2.49/sf. Online research and prior comps for rental space range from \$2.75/sf to \$3.75/sf. The potential below market rate for 303 Arlington Ave would be 70% higher than the existing PSB lease but would provide 220% more space. As noted above, the KFPD has extended an offer to find ways to assist financially. For example, a lease space might be shared in order to facilitate partial funding by the KFPD (re: [Reference Link F.](#))

11/10/2021: Financing options for the PSB renovation project will be discussed at the KFPD BOD meeting on November 10, 2021. Please see the meeting page for a link to the recording of the presentation by the financial advisors. Also, please see [Reference Link J: "NHA Financial Advisors Facilities Funding Analysis"](#).

3e. Will separate locations cost taxpayers additional money?

Based on preliminary analyses and KFPD's prudent reserve funds, the Fire Department's administration sees no need for a bond measure nor increased special taxes. Lease options such as 303 Arlington Ave provide a possible solution that would not substantially alter budget planning. Building costs are long-term expenses, typically amortized over an expected 50-year life-cycle, although they often are used for much longer, as the current PSB shows. It is for the KPPCSD Board to determine the Police Department's options and associated budget impact. Continuing to postpone action, though, will result in inflated costs later and even more money, if not lives, should the existing building suffer damage from a quake in the interim.

11/10/2021: Please see the answer to 3d, above.

3f. Will renting office space trigger the same accessibility code as the PSB renovation?

No. The accessibility requirements for the PSB project will be triggered by the extensive scope of the seismic work, which is one of the drivers of the project along with increased space needs. The cost of the seismic work alone far exceeds the maximum "Valuation Threshold", under which a building only needs limited upgrades. The Valuation Threshold increases every year and it is currently \$172,418. For a simple tenant improvement project with just interior alterations and no building expansion, such as what 303 Arlington Ave would involve, there are no building accessibility triggers. The only requirement would be for an additional 20% to be spent on any accessibility upgrades that are most easily achievable. Given the near move-in ready state of that rental space, it does not appear that the TI work would exceed the Threshold. If more extensive renovations were desired, that might not be the case, but it should be noted that the total 2,656sf consists of three separate rental suites, so it is likely that three separate TI permits could be obtained, each with its own Valuation Threshold, for a total limit of \$517,214 which appears to far exceed what is minimally needed for occupancy.

3g. How much money has been spent on the analysis and design options to date?

Since the beginning of 2016, KFPD alone has spent approximately \$325,000 on design and engineering consultants, plus staff time, in an effort to thoroughly review the options. Management does not believe additional expenditure nor time will result in different recommendations to proceed than have been approved by the Board of Directors.

11/10/2021: After RFP's were issued for architecture and engineering services for the renovation project and the temporary facilities project, the FY2021-2022 Budget was

approved to include \$484,252 in soft costs for the renovation and \$130,000 in soft costs for the temporary facility.

3h. Would more joint meetings of the Police and Fire Boards help?

The joint board meeting on March 25, 2021 presented a unified analysis by both management teams that indicated that more space is needed and joint-occupancy plans do not work. Whereas the meeting was helpful to share analysis and opinions simultaneously between the Boards and to the public, rather than in separate meetings, there was no agreed-upon direction to staff at the end of the meeting, because the agenda for the meeting explicitly excluded action items by either Board; it was for information and discussion. In fact, a request to look again at joint-occupancy by some KPPCSD directors was not approved by the KFPD Board. The subsequent action by the KFPD Board on April 14, 2021, as described in item 2e above, confirmed that the KFPD would like to move forward in finding additional space for the KPD, based on all the relevant data. Given that progress now needs to be made on a weekly, not monthly, basis, and that lease or other financial negotiations require a lot of back-and-forth consultations with legal counsel, it is best for subsequent work to be between the two administrations. Of course, any proposals that need to be approved will be vetted publicly in board meetings. There may be occasions for additional joint board meetings where simultaneous presentations and discussions are the best method to proceed. Separate actions by each board will still be required, though, on final motions because each board has its own purview, responsibilities, and budget to attend to.

3i. Where can I access all of the background information on the PSB?

It is posted on the KFPD's website here: <https://www.kensingtonfire.org/public-safety-building>

3j. What are the next steps?

The KFPD staff is proceeding with RFPs for design and engineering services based on the Board's approval and the fact that the "core-and-shell" of the building, i.e. the exterior wall and load-bearing components of the building, can proceed with design no matter what the final arrangement of the interior spaces. That process will take at least six months and be followed by permit review and public bidding for a total "pre-construction" period of at least 12 months. During that time, the General Manager will pursue other economical lease options for both interim space and additional rental locations to solve the larger space needs. The latter depends on the awaited engagement by the KPPCSD Board and what they eventually decide works best for Police services. As described above, it may be beneficial for the Fire Department to have other short-term or long-term external lease space that simultaneously benefits the Police Department. Those options will depend upon the specific approvals for the Boards to consider and, most likely, supplemental long-term financial analysis. Updates on PSB Renovation Project progress will be a regular item in the coming months in order to keep the public informed.

11/10/2021: The GM's update at the BOD meeting of October 13, 2021, included a revised schedule and details on next steps. For those details, please see [Reference Link G: "PSB Renovation Progress Update Including Cost Estimate"](#).

KENSINGTON FIRE DISTRICT

306 ARLINGTON AVENUE
BERKELEY 8, CALIFORNIA

Oct. 29th, 1947
October 29th, 1947

Thomas G. Heaton
Planning Commission
Hall of Justice
Martinez, California

Dear Sir:

On October 22nd, 1947, a joint meeting of the Fire and Police Commissions for this district was held, to discuss the advisability of purchasing property to be used for the future erection of a building to house the Fire and Police Departments. The need for such future building has become evident, since the District is growing, and both departments will have to expand with such growth. Further, a site is now available for purchase, and since it is the only desirable site for the building, it was felt that the property should be purchased at this time.

This property is described as Lots 21 and 22, Block C, Berkeley Highlands. An option to purchase is now held on this property, dated Oct. 17th, 1947, and running for one month only.

As a result of such joint meeting, and in view of the one month limitation of the option, it was agreed that we present to the planning commission a request that such property be zoned for a fire house, such zoning to be included in the Master Zoning Plan now being adopted by the Commission. This request is made now, although no immediate building is planned, in order to establish assurance that in the event of purchase, there might not be any future complications regarding the erection of such public building.

Regarding the present Fire House, which is now inadequate, it has been established by a Board of Fire Underwriters survey that one Fire House of sufficient capacity would fulfill the needs of the entire district, if it were located within one block of the present building. Since the property referred to above is the only property available fitting this survey requirement, it appears to be an urgent matter that the property be acquired and zoned now.

We would therefore request immediate action on this question, since, as stated, the present option has only a short time to run, after which the property would probably not be

KENSINGTON FIRE DISTRICT

306 ARLINGTON AVENUE

BERKELEY 8, CALIFORNIA

Oct. 29th, 1947

-2-

available to us.

Thanking you for your cooperation in this matter, we remain

Very truly yours,

Kensing Fire District
Commission.

CCJ:m

On October 22nd, 1947, a joint meeting of the Fire and Police Commissioners for this District was held, to discuss the advisability of having for the future creation of a Fire Department. The need for such a future building has become evident, since the District is growing, and both departments will have to expand with such growth. Further, a site is now available for purchase, and since it is the only desirable site for the building, it was felt that the property should be purchased at this time.

This property is described as Lots 21 and 22, Block 3, Berkeley Highlands. An option to purchase is now held on this property, dated Oct. 17th, 1947, and running for one month only.

As a result of such joint meeting, and in view of the one month limitation of the option, it was agreed that as presented to the planning commission a request that such property be zoned for a fire house, such zoning to be included in the Master Zoning Plan now being adopted by the Commission. This request is made now, although no immediate building is planned, in order to establish assurance that in the event of purchase, there might not be any future complications regarding the creation of such public building.

Regarding the present Fire House, which is now inadequate, it has been established by a staff of Fire Insurance writers survey that one Fire House of sufficient capacity would fulfill the needs of the entire District, if it were located within one block of the present building. Since the property referred to above is the only property available fitting this survey requirements, it appears to be an urgent matter that the property be acquired and zoned now.

It would therefore request immediate action on this question, since, as stated, the present option has only a short time to run, after which the property would probably not be

LAND USE/VARIANCE PERMIT

DATE FILED 6-23-87
HEARING DATE 7-12-87

Attachment C

APPLICANT'S NAME Kensington Fire District PHONE 526-5314

ADDRESS 306 Arlington Avenue, Kensington, California

TYPE OF APPLICANT'S INTEREST IN PROPERTY Owner

APPLICANT'S NAME Same PHONE Same

ADDRESS Same

CITY DISTRICT 12-6 ASSESSMENT NO. 570-050-21 CENSUS TRACT NO. 92

NEIGHBORHOOD, SUBSECTION 18 INSERT MAP NO. 5

STATEMENT To establish a Fire house in an 12-6 District.

DIVISION 1 CHAPTER 2 SECTION 8142 ORDINANCE NO.

LOCATION OF PROPERTY Lots 21 and 22, Block C Berkeley Highlands, fronting 100 feet on the east side of Arlington Road, approx 300 feet south of Oberlin Avenue (Kensington)

STATEMENT OF FULLY HARDHIP INVOLVED OR REASON FOR THIS APPLICATION The reason for this application is to construct a fire station on the property according to the attached site schematic utilization plan.

that the above facts are correct [Signature] Fire Chief
SIGNATURE OF OWNER

SIGNATURE OF APPLICANT

herewith a check or money order amount of \$40 payable to the County of Contra Costa; also a detailed

CONTRA COSTA COUNTY, PLANNING DEPARTMENT
COUNTY ADMINISTRATION BUILDING
MARTINEZ, CALIFORNIA

**RESOLUTION 21-09****RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT CONFIRMING SEISMIC VULNERABILITY AND STRUCTURAL FAILURE OF THE KENSINGTON PUBLIC SAFETY BUILDING REQUIRING URGENT REMEDIATION**

WHEREAS, the stated mission of the Kensington Fire Protection District is “to provide the highest level of service to Kensington in order to protect the lives, property, and environment of the community from the disastrous effects of fires, medical emergencies, natural disasters, and other hazardous conditions”; and

WHEREAS, the District’s Public Safety Building, located at 217 Arlington Avenue, Kensington, CA, was built in 1970 and serves as the only Essential Services Facility within and central to the District’s borders; and

WHEREAS, the District’s emergency response and administrative personnel work and reside within the building, along with all of the District’s vehicles, equipment, supplies, and communication resources necessary to respond to the Kensington’s daily needs and to provide critical response during a major disaster; and

WHEREAS, Essential Services Facilities must remain operational after a seismic event and, therefore, are designed to higher structural standards than other buildings; and

WHEREAS, evidence of structural failure and concerns about significant seismic vulnerability have been documented in numerous studies of the building, including those by *Seidelman Associates* (June 8, 1990), *Geomatrix Consultants* (October 30, 1997), *Kleinfelder West* (May 5, 2009), *Biggs Cardosa Associates* (February 16, 2016), *IDA Structural Engineers* (July 19, 2016), *Advance Geological Services* (November 6, 2017), *Rockridge Geotechnical* (January 31, 2018), *IDA Structural Engineers* (September 5, 2019), and *Haley Aldrich* (October 8, 2021); and

WHEREAS, the Kleinfelder Geotechnical Report of May 5, 2009 states that “*The major geotechnical concerns for this project include: foundation support, potential for strong ground shaking due to a large earthquake, and continued downslope shallow soil creep of the site*”; and

WHEREAS, the Biggs Cardosa Associates Seismic Assessment of February 16, 2016 states that “*Because the building does not meet the latest seismic code requirements and due to its proximity to major earthquake faults there is the possibility that significant structural damage may occur with loss of life during a seismic event*”; and

WHEREAS, past modifications in 1998, 2004, and 2009 did not sufficiently address the building’s structural problems, nor provide adequate seismic resistance, which remain significant relative to the requirements of the current 2019 California Building Code for Essential Service Facilities; and

WHEREAS, proposed remediation plans, currently underway by ZFA Structural Engineers, have indicated that the building requires extensive new foundation work, new floor and roof framing, and new shear walls in order to meet the current standards of an Essential Services Facility, as well as to protect the District's personnel and assets; and

WHEREAS, alternative sites are not available for the construction of a new Public Safety Building within the constrained borders of Kensington, thereby leaving no other options than to renovate the existing building, as necessary, to serve the community's emergency needs; and

WHEREAS, the design, permitting, bidding, and construction of a project of this scale requires a number of years, during which time the District's personnel and assets remain at risk; and

WHEREAS, the District's Board of Directors recently engaged the services of architects and engineers, who are expeditiously working with District staff to develop the necessary plans and specifications to fully renovate the building in order to resolve the issues noted above; and

WHEREAS, the Kensington Public Safety Building qualifies as critical infrastructure and is eligible for funding assistance from State and Federal resources targeted for that purpose; and

WHEREAS, the District relies upon Contra Costa County officials to process Planning and Building Department permits, which can determine how quickly a safe and lasting Essential Services Facility is achievable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kensington Fire Protection District confirms that the existing Kensington Public Safety Building's structural and seismic deficiencies have been sufficiently documented and must be urgently remediated in order to continue providing essential services to the community.

BE IT FURTHER RESOLVED that the Board of Directors of the Kensington Fire Protection District requests consideration of any available funding by the State and Federal government in order to bring the Kensington Public Safety Building into compliance with current Essential Service Facilities codes and standards, and directs the General Manager to pursue any grant funding that is targeted for that purpose.

FINALLY, BE IT FURTHER RESOLVED that the Board of Directors of the Kensington Fire Protection District requests assistance from Contra Costa County officials to expedite all Planning and Building Department permit processes in the interest of community safety and for the common good.

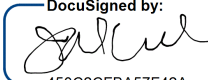
The foregoing resolution was duly adopted at a regular meeting of the Kensington Fire Protection District on the 13th day of October 2021 by the following vote of the Board.


AYES: Dommer, Nagel, Padian, Stein

NOES:

ABSENT: Kosel

ABSTAIN:

DocuSigned by:

450C2CFBA57F42A...
Janice Kosel, Secretary

DocuSigned by:

611510698AA64C8...
Larry Nagel, President