



KENSINGTON FIRE PROTECTION DISTRICT

DATE: May 12, 2021
TO: KFPD Board of Directors
RE: Kensington Public Safety Building Renovation: Questions and Answers

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[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

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.

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.

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.”*

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.

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.

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.

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.”*

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.

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.

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.

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 KPCCSD 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.

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 Pigoni 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.

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](#))

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](#).)

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.

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.

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.