

**BOARD OF DIRECTORS MEETING**

**October 8, 2020**

**ITEM 5**

**UPDATE ON THE CURRENT STATUS OF THE ARCHITECTURAL DESIGN PROCESS FOR HOUSING BOTH THE KENSINGTON FIRE DEPARTMENT AND THE KENSINGTON POLICE DEPARTMENT IN THE PUBLIC SAFETY BUILDING**

**SUMMARY OF RECOMMENDATION**

Receive an update on the current status of the architectural design process for housing both the Kensington Fire Department and the Kensington Police Department in the Public Safety Building.

**BACKGROUND**

(Please refer to the section below regarding “Summary of Prior Architectural Work” for background leading to this “Current Update.”)

Current Update

On September 17, 2020, KPPCSD staff received from the architect draft conceptual plans for a new Option D (attached) for the renovated Public Safety Building. This conceptual plan incorporates an elevator and a wheelchair lift, and has a redesigned space on the ground floor to improve the layout of the Kensington Police Department based on prior comments from the department. The ground floor also incorporates the Kensington Fire Department’s preferred layout for the apparatus bays and support spaces. The conceptual design encloses the outdoor deck area, and includes modifications to meet accessibility codes.

On Thursday, October 1<sup>st</sup>, Police Chief Walt Schuld and the General Manager met (virtually) with the architects to review the new Option D conceptual design. Comments from the Police Chief to the architect related to:

- The need for a mandatory secure computer room;
- Design of the evidence room;
- Number of work stations for police personnel;
- Space for volunteers/cadets;
- Location of firearms clearance tube and safe;
- Storage spaces for files, office equipment, etc.;
- Prisoner processing area, which needs to conform to DOJ requirements;
- Department access from the upper parking lot;
- Inclusion of a Live Scan area;
- The need for a secure interview room.

These issues have been proposed as the subject of future discussions among police and fire management and the architects.

Of note, the Kensington Fire Protection District Board of Directors met last Wednesday, September 30<sup>th</sup>, to discuss the Public Safety Building project, and “payment options,” including a cost allocation to KPPCSD for a renovation of the Public Safety Building which had not yet been reviewed by KPPCSD staff nor its Board of Directors. Among the information that was included as part of this KFPD discussion was that the Option D project design budget was estimated to be nearly \$8 million (\$7 million net of the cost of a temporary facility). I corresponded with the KFPD general manager (attached) that I believed it to be premature to do a budget cost allocation for a project option that KPPCSD had not yet even reviewed with the architect, and that the two agencies must continue to work together in a cooperative manner to achieve success in this joint effort. The KFPD general manager’s response is attached to this report.

It should be noted, as indicated in my report of September 13<sup>th</sup>, that I have also requested that the architect provide a rough schedule for general planning purposes that describes the activities and timetable from now through project completion, assuming that there are no unforeseen obstacles. At the time this agenda report is being prepared, I have not yet received this schedule, but will provide it to the Board as soon it is available.

### Summary of Prior Architectural Work

The architectural firm of RossDrulisCusenbery (RDC) was initially engaged by the Kensington Fire Protection District (KFPD) to design a necessary renovation of the KFPD Public Safety Building (PSB). On September 11, 2019, RDC presented a design for the PSB that housed only the KFPD. After that, the KPPCSD pursued the idea of having RDC come up with a design that would house both departments in the current PSB, and subsequently worked with both the Fire District and RDC for permission to engage RDC. At its meeting of January 23, 2020, the KPPCSD Board, with the concurrence of the KFPD, approved an agreement with RDC in the amount of \$15,673 for their firm to attempt to find a design for the renovation of the Public Safety Building that could accommodate space needs of both KFPD and the KPPCSD Police Department. It was understood that there was no guarantee that this work by RDC would result in a feasible design, but the Board majority felt that it was worthwhile to fund this important additional attempt at a solution.

During the course of the work by RDC, several technical design issues arose that required additional analysis and meeting(s) with the Contra Costa County Building Official. These issues involve accessibility and seismic requirements for the renovated Public Safety Building, and were outside of the original scope of work contracted for by KPPCSD. To continue this architectural analysis, the KPPCSD provided additional funding for an Extra Service Request (ESR 001), with the cost of that ESR split evenly with the Fire District. The cost to each agency was approximately \$13,000.

After undertaking this work, RDC met on July 22<sup>nd</sup> (along with their structural engineer, IDA) with two Contra Costa County Building Department plan check officials. The key agenda items discussed were:

1. Is there an opportunity to avoid having to add an elevator/lift to serve active-duty staff areas of the project?
2. Is it acceptable to enclose exterior deck areas for use as interior space without violating the “no increase in building size” provision in the Alquist-Priolo seismic legislation?
3. Is the team using the appropriate valuation methodology for establishing the “value of the building,” which in turn defines the project budget limit?
4. How does the County address cost contingencies such as property value changes, construction cost-overruns relative to the project cost budget?

Of the four items discussed, Items #3 and #4 received conclusive responses. The replacement value is calculated, consistent with the architect's approach, by estimating the project as though one was building a full-new-building, with a construction date equivalent to the dates of the proposed remodel. In addition, the budget approval occurs at the time of permitting, and is fixed at that time; therefore, cost overruns during construction (as a result of unforeseen circumstances) will *not* negatively impact the permit.

For Items #1 and #2 above, the County officials acknowledged the legitimacy of the collective approach, and reinforced that the architect's methodology was on track. However, they felt that more individuals needed to offer opinions before they could provide conclusive decisions. They agreed that the *unnecessary hardship* argument for the elevator/lift was the right approach, but could not confirm that it would be approved.

As for enclosing the deck, the Planning Department was called into the conversation for a ruling. During the meeting, the County acknowledged that they have rarely (if ever) had to rule on Alquist-Priolo legislation-related permitting issues, so they are figuring out internally which departments will be taking the lead on which items.

On August 20<sup>th</sup>, RDC provided an update to the interim General Manager regarding an August 18<sup>th</sup> call that they had with Judi Kallerman, Principal Plan Checker with Contra Costa County, regarding the two remaining technical issues. RDC reported the following:

- Enclosing the second floor deck, and replacement cost valuation – Contra Costa has yet to make a determination regarding which government entity is responsible for interpretation and enforcement of permitting issues associated with the Alquist-Priolo act.
- Necessity for an elevator/lift – Although there is yet to be a final determination, the preliminary indication is that an elevator/lift will be a required element of the renovation.

County staff also indicated that they are extremely busy and would not be able to resolve these issues for at least a number of weeks.

Based on this update, I contacted Kensington Fire Protection District General Manager Mary Morris-Mayorga to discuss how to move the design forward expeditiously. We agreed that, based on the County's preliminary indication regarding the necessity of an elevator/lift, and the belief that the issue regarding enclosing the second floor deck can be resolved in our favor, the best use of our collective resources would be to request that the architect begin immediately to create a new conceptual design option that includes an elevator/lift and encloses the second floor deck. The architect concurred that this was the most efficient approach, and redirected resources to that effort. They also indicated that completing that work would cost an additional \$6,000, to be equally divided between KPPCSD and KPFD (i.e, \$3,000 to KPPCSD). I authorized this cost increase on behalf of KPPCSD in order to keep this design process moving forward.

## **RECOMMENDATION**

Receive an update on the current status of the architectural design process for housing both the Kensington Fire Department and the Kensington Police Department in in the Public Safety Building.

**FISCAL IMPACT**

The initial contract between KPPCSD and RDC was for the amount of \$15,673; the ESR approved by the KPPCSD Board was for an additional \$13,000; and the General Manager authorized a \$3,000 increase to the amount of the ESR. The total cost to date, then, for architectural services by RDC based on these authorized expenditures to date is approximately \$32,000. Funding is from budgeted capital funds.

**ATTACHMENTS**

Public Safety Building Design Option D  
September 30, 2020 email from KPPCSD General Manager to KPPD General Manager  
September 30, 2020 response to above-referenced email

**SUBMITTED BY:**

Bill Lindsay  
Interim General Manager

**GENERAL CONCEPT PLAN ASSUMPTIONS:**

THE ATTACHED DRAWINGS ARE CONCEPTUAL IN NATURE AND ARE BASED ON PRELIMINARY FACTORS/ASSUMPTIONS THAT INCLUDE:

1. THE EXISTING BUILDING DOCUMENTATION IS INCOMPLETE. THE CURRENT LAYOUTS ARE BASED ON PAPER-DRAWINGS PROVIDED BY THE DISTRICT, BUT HAVE NOT BEEN CROSS-REFERENCED BY CONDITIONS IN THE FIELD. DETAILED AS-BUILT DRAWINGS ARE REQUIRED TO VALIDATE CURRENT CONDITIONS.

2. THE MAJORITY OF THE MECHANICAL EQUIPMENT IS ASSUMED TO BE RELOCATED TO THE ROOF OR OTHER AREA EXTERIOR TO THE MAIN BUILDING.

3. THE ELEVATOR ASSUMES A MACHINE ROOM-LESS (MRL) CONFIGURATION. THIS FEASIBILITY IS TO BE VERIFIED.

4. FURTHER VERIFICATION REQUIRED TO VALIDATE REDUCING THE SIZE OF THE ELECT/COMM/IT SPACE. A DETAILED AS-BUILT ASSESSMENT IS REQUIRED.

5. FURTHER ENGINEERING—INCLUDING STRUCTURAL DESIGN AND SHEAR WALL REQUIREMENTS—MAY IMPACT THESE SPACE LAYOUTS

**AREA CALCULATIONS**

FIRST FLOOR GROSS: 3,092sf

FIRST FLOOR F.D. NET: 1547sf

-includes elevator, stair, app. bays & support spaces

FIRST FLOOR P.D. NET: 859 sf

FIRST FLOOR SHARED NET: 297 sf

-includes lobby, secure hallway, restroom

SECOND FLOOR GROSS: 2,932sf

-excludes existing 327sf outdoor terrace

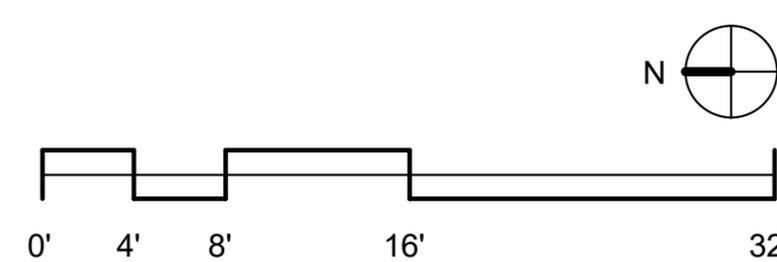
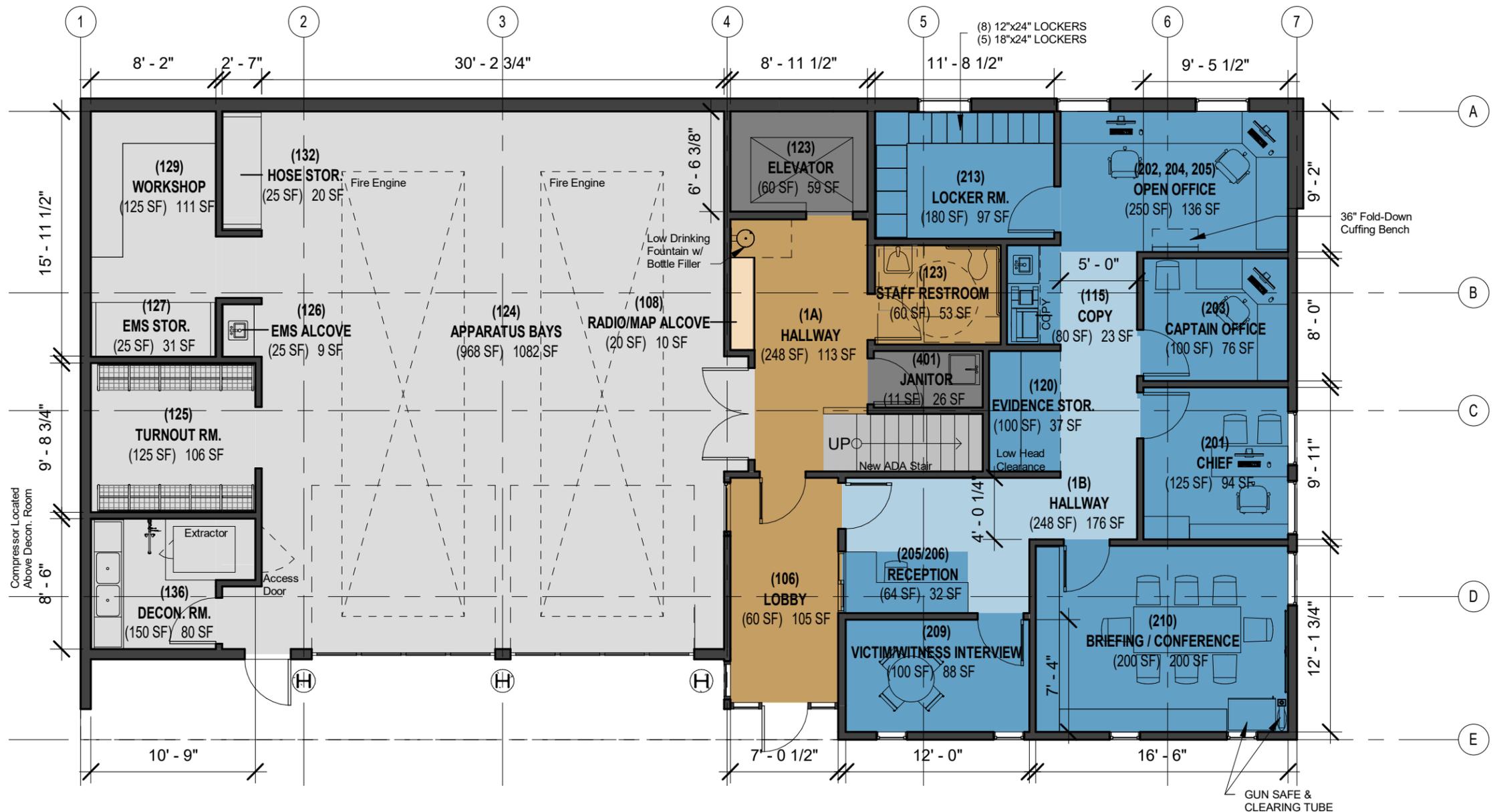
SECOND FLOOR F.D. NET: 2,796sf

SECOND FLOOR SHARED NET: 163 sf

-includes elec., mech & gen rooms

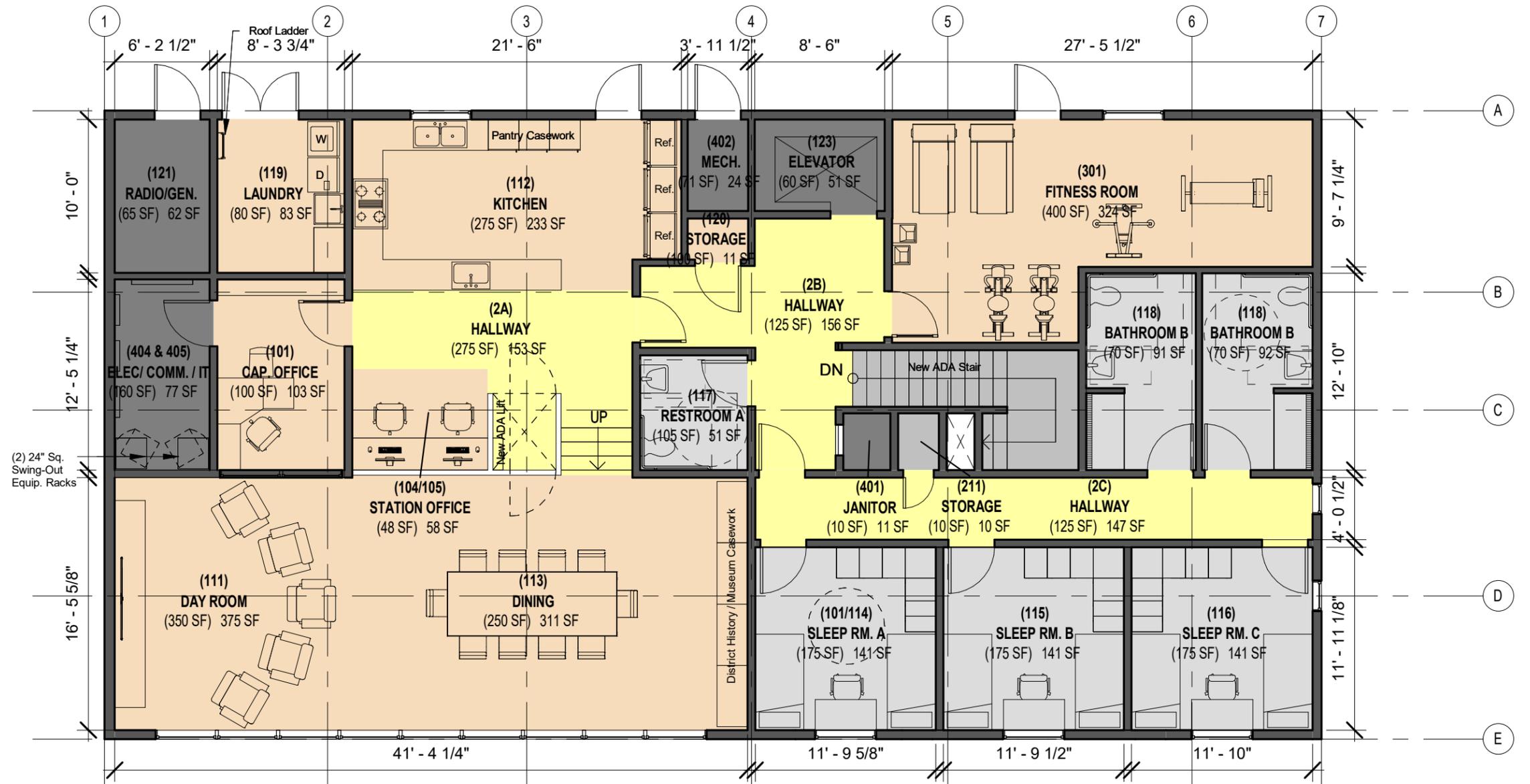
Net areas do not include interior partitions or exterior walls.

**RossDrulisCusenbery Architecture, Inc.**



**FIRST FLOOR OPTION D  
With Elevator & Enclosed Deck**

CONCEPTUAL FIRST FLOOR PLAN - RENOVATION



**AREA CALCULATIONS**

FIRST FLOOR GROSS: 3,092sf  
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 -includes elevator, stair, app. bays & support spaces  
 FIRST FLOOR P.D. NET: 859 sf  
 FIRST FLOOR SHARED NET: 297 sf  
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 SECOND FLOOR F.D. NET: 2,796sf  
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 -includes elec., mech & gen rooms

Net areas do not include interior partitions or exterior walls.

**RossDrulisCusenbery Architecture, Inc.**

# SECOND FLOOR OPTION D With Elevator & Enclosed Deck

CONCEPTUAL SECOND FLOOR PLAN - RENOVATION

**From:** [Bill Lindsay](#)  
**To:** ["Mary Morris-Mayorga"](#)  
**Cc:** [Walt Schuld](#)  
**Subject:** Special Meeting of KPPD Board of Directors  
**Date:** Wednesday, September 30, 2020 5:59:33 PM

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September 30, 2020

Mary Morris-Mayorga  
Interim General Manager  
Kensington Fire Protection District

Dear Ms. Morris-Mayorga:

I was both surprised and disappointed to receive your email this afternoon informing me that the Kensington Fire Protection District Board of Directors called a special meeting for tonight for you to discuss "payment options," including a cost allocation to KPPCSD, for a conceptual design of the renovation of the Public Safety Building which has not yet been reviewed by KPPCSD staff nor its Board of Directors.

The surprise was in hearing that there was a special meeting called, since you represented to me in our phone conversation last week that the KPPD Board would not meet until October 14<sup>th</sup>. This is significant in that the schedule we discussed would have allowed:

- (1) An opportunity for the KPPCSD interim Police Chief and interim General Manager to have a meeting with the architect to discuss specific elements of the "Option D" design, which includes the elevator and patio enclosure. As I confirmed with you today, our meeting with the architect is scheduled for tomorrow, and
- (2) An opportunity for the KPPCSD Board of Directors to discuss the draft "Option D" design with the KPPCSD Board of Directors to determine how it might meet the needs of the KPPCSD Police department, and to provide input to staff and to the architects.

I was also very surprised to see the nearly \$8 million cost estimate for the first time (\$7 million net of the cost of a temporary facility) for what I understand to be the Option D design. While we have discussed in very general terms how costs for the renovated facility might be reasonably allocated between the two agencies, I believe it is premature to do a budget cost allocation for a project option that KPPCSD has not

yet even reviewed with the architect.

Perhaps more difficult to accept is the disappointment in your not having communicated with me until this afternoon the change in your schedule for reviewing plans, and the fact that there was no communication whatsoever concerning the material to be presented to the KPFD Board of Directors this evening. I was under the impression that our communication on this topic was far more open and transparent than I am currently witnessing.

It has always been my perception, one that I believe you share, that government agencies can achieve far more for their constituents if they work together in a cooperative manner. I hope that you will accept this communication in the spirit of continuing to work in this manner, which is my intent in sending it to you.

I look forward to continuing to work with you on the Public Safety Building project, and on other important projects of mutual interest.

Sincerely,

Bill Lindsay  
Interim General Manager  
Kensington Police Protection and Community Services District

*Bill Lindsay  
Interim General Manager  
Kensington Police Protection and Community Services District  
510-292-7408*

**From:** [Mary Morris-Mayorga](#)  
**To:** [Bill Lindsay](#)  
**Cc:** [Walt Schuld](#)  
**Subject:** Re: Special Meeting of KFPD Board of Directors  
**Date:** Wednesday, September 30, 2020 6:35:32 PM

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Bill,

Thank you for your email regarding the Special and Adjourned Meeting of the KFPD Board of Directors. I believe there may be a miscommunication on my part and need to clear that up immediately as I do not want to impair the working relationship of the two of us and our respective agencies.

The adjourned meeting was a continuation of the KFPD Regular Board of Directors Meeting which contained the Public Safety Building Renovation as most meetings do in order to keep the Board apprised of the status. We did not anticipate this meeting when you and I spoke so I did not have the information to provide or definitely would have. This item contained the project cost estimate (including the updated amount you referenced) and proposed financing options for discussion to determine how the Board would like to proceed and solicit feedback. I anticipate the current budget is on the higher end and may be adjusted downward; however, I need to provide the Board with the information needed to plan for the overall financing of the project on our end to determine whether they would like to explore external financing.

For option D, the Fire Chief has concerns on the design as well so we will be working with the architect to revise to the extent possible. I provided the update for the discussion that the elevator is required which changes design options as I keep them updated along the way. The plan is in no way ready for adoption, this is simply an update of the most current.

I did not intend to blindside you at all with this meeting as I just finalized the information yesterday morning and would like to offer my sincerest apologies at the surprise and disappointment caused. I look forward to working on any and all mutual projects together as well, it has been a pleasure thus far.

Sincerely,

Mary A. Morris-Mayorga, MBA  
Interim General Manager  
Kensington Fire Protection District

On Wed, Sep 30, 2020 at 5:59 PM Bill Lindsay <[BLindsay@kppcsd.org](mailto:BLindsay@kppcsd.org)> wrote:

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Interim General Manager

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