

BEING PROPOSITIONED BY THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT

The San Francisco Unified School District (the SFUSD) has authority to raise money by placing initiatives on the San Francisco ballot. On three recent occasions that the SFUSD used this power— twice to issue bonds and once to raise a parcel tax to boost teacher salaries— San Francisco's residents supported the significant advantages offered. But the devil is in the details. The bond measures each included \$15 million to move the School of the Arts— an objective the SFUSD had no intention of meeting. Similarly, the parcel tax included language that allows the SFUSD to spend millions with little oversight and much discretion. The Jury applauds the SFUSD's skill in using propositions to raise funds but warns that it risks alienating the public if it is not more scrupulous in its explanation of where the money will be spent. The Jury also recommends that the SFUSD or the City or both create a structure for reviewing the language in proposition measures before they are submitted to the ballot; failure to do so ultimately will result in the SFUSD killing public confidence and good will— the food that allows the goose to keep laying the golden eggs.

The Purpose of the Civil Grand Jury

The Civil Grand Jury is a government watchdog made up of volunteers who serve for one year. The Civil Grand Jury reports with findings and recommendations resulting from its investigations. The investigated agencies, departments or officials are required by the California Penal Code to respond publicly within at most 90 days.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply.

More information can be found at:

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Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. For each finding of the Civil Grand Jury, the response must either (1) agree with the finding, (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either that (1) the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05).

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Executive Summary

The 2008-2009 Civil Grand Jury (the Jury) reviewed three recent measures placed on the ballot by the San Francisco Unified School District (SFUSD)— Proposition A 2003, 2006 and 2008. In each case, the SFUSD requested that voters pass the ballot measure so that the SFUSD could raise money to meet a principal objective. The 2003 and 2006 measures were written to raise funds for construction projects to meet federally required accessibility standards. The 2008 measure authorized the SFUSD to raise funds to increase teacher salaries. All three measures were approved by voters and resulted in significant advantages for the SFUSD. In each case, however, the ballot initiatives also included language to allow the SFUSD to meet other, less publicized, less central and more problematic objectives. The investigation exposed that SFUSD used location of the popular School of the Arts (SOTA) to entice support for the 2003 and 2006 bond measures. Because there are virtually no controls on the manner in which— or purposes for which— the SFUSD inserts such additional language, the proposition procedure should be modified.

Part I describes the history of the SOTA's location and the continuing inability of SFUSD to make a decision on SOTA and act on it. SOTA has a long and storied history of failed efforts to move it since the 1989 Loma Prieta earthquake. The school now remains at its current campus while both the Van Ness and Fell St. properties continue to decay, SFUSD remains uncommitted to either killing the project or refurbishing the properties, and SFUSD may continue to manipulate the ballot process.

Part II of this report deals with the \$30 million in bonds set aside for moving SOTA. In each of the 2003 and 2006 ballots, SFUSD included language that allowed for the sale of \$15 million in bonds for “rehabilitating the complex at 135 Van Ness” [which includes the property at 170 Fell Street] in order to allow for its occupancy by the School of the Arts (SOTA). Information was available to the most diligent of researchers— but not included in the bond measures— that made clear moving SOTA would cost over \$100 million. Less public was the fact that even after the bonds were authorized, SFUSD was not willing to spend the money nor provide the leadership necessary to mount a capital campaign as described in the 2003 ballot so that the school could actually be moved.

Part III of this report deals with the 2008 parcel tax measure. SFUSD negotiated with the teachers' union, the United Educators of San Francisco (UESF), to use the proposition process to raise teacher salaries with proceeds from a parcel tax. Two things went wrong. First neither SFUSD nor UESF disclosed that they would use a perverted definition of compensation. Second, the proposition was written with the collusion of UESF to allow the SFUSD to spend 29% of the funds for its own purposes beyond anything defined as teacher compensation. This is particularly disturbing once it is discovered that the 41% of the collected money that would go to teacher salaries will be dramatically reduced by increases in their health care costs.

Part I The History of the Location of SOTA

Since its inception the location of the School of the Arts (SOTA) has been a political football. Many people think that the school should be in the Civic Center area where the arts programs of the City reside. The concept of SOTA located in the Civic Center has always appealed to the voters. The Jury has put together a complete description of the many plans and discussions regarding the location of SOTA since its inception. This document is Appendix 1 and a summary is presented here.

In the Beginning

In 1982, SFUSD opened a new school housed within the already-occupied McAteer High School Campus at 555 Portola Drive in San Francisco. This new school was to be a magnet school for the arts, long the dream of San Francisco artist/activist Ruth Asawa and her architect husband, Albert Lanier. Two schools in one building was an unsatisfactory arrangement.

After the 1989 Earthquake

In 1990 Ruth Asawa and her husband suggested the building at 135 Van Ness Avenue would be a good location for SOTA, in close proximity to the Civic Center with the art museums, Opera and Symphony. However, that building and the adjacent 170 Fell Street had suffered extensive damage in the 1989 earthquake. Between 1989 and 1995 the SFUSD and FEMA argued about the details of repairing the two buildings or demolishing 170 Fell.¹ In the end FEMA awarded funds that were spent ostensibly to build two elementary schools and SFUSD Administration moved back into the damaged 135 Van Ness Avenue.

The Aftershocks

In 1992 SOTA was moved to 700 Font Street, a vacant elementary school. The move was always considered temporary because it was an elementary school and was ill suited to serve high school students. It was twelve years, numerous efforts to raise money for SOTA, and waffling on the part of the school district before SOTA was moved from Font back to the McAteer then empty campus, where it remains today.

In 1996 toward the beginning of the process to move SOTA to 135 Van Ness Avenue, the estimated cost of repairing the building was \$13.7 million.² The most recent estimate is \$140 million.³ The machinations of SFUSD include studies, commissioned plans⁴ set aside of money in the budget and requests for money by the ballot to move SOTA⁵ multiple times. SFUSD has taken no action to effect the move. Nor has SFUSD decided not to move SOTA. The cost rises as time passes and SFUSD makes no decision. It is time to make a final decision and act on it. SFUSD has eleven parcels specifically designated as surplus property: the ten parcels identified by the CBRE report and the Font St. property which has been on the market. (See Use or Lose It: A Report on the Surplus Property Owned by the San Francisco Unified School District)

The Jury's surplus property report contained information that made clear there were no impediments to SFUSD selling the named 11 parcels of its surplus property.

Part II Proposition A 2003 and 2006

Administrators at SFUSD generally acknowledge that the genesis of Proposition A 2003 was a 1999 lawsuit. The SFUSD became the defendant in a lawsuit which alleged that it did not provide disabled students the same access to programs as it did to the general student population.⁶ A tremendous amount of money would be necessary to bring the schools into compliance with federal law. Accordingly, SFUSD put on the ballot a measure to raise the needed funds through the proposition process.

The 2003 bond measure raised \$280 million toward making specific improvements to specific schools.⁷ The measure passed in November of 2003 and by 2004, SFUSD had entered into a legal settlement to bring its facilities into compliance with federal access laws.⁸ Besides the specific

named projects, the proposition contained money to move SOTA. Proposition A 2003 provides, in relevant part, as follows:

"\$15 million is being included specifically for the purpose of rehabilitating the complex at 135 Van Ness in order to allow for its occupancy by the School of the Arts ("SOTA"). The District will not use this \$15 million of bond authorization for any other purpose except for the SOTA facilities described herein....

"It is further the intention of the District that these funds be used upon the successful completion of a capital campaign undertaken by SOTA supporters. No bonds will be issued for work related to SOTA until the Board of Education has determined, in its sole discretion, that sufficient funds exist, in total, from Federal, State, local and donated monies, to complete the desired project."

Sufficient funds remain available upon the sale of surplus property. (See 2008-2009 Jury report, on surplus property) In 2003 the voters were unable to set aside \$15 million in bond authorizations for SOTA or without funding hundreds of millions of dollars to begin to meet federal access requirements. The bond measure passed.

In 2005 it became apparent that the 2003 bond funds were running out sooner than expected. SFUSD arranged for a second bond measure for \$450 million on the 2006 ballot.⁹ Again, the text of the proposition set aside \$15 million for SOTA. This time, however, the location for the school was less definitive and there was no requirement for a capital campaign:

"The District proposes to use \$15 million for rehabilitating the complex at 135 Van Ness Avenue or an as-yet unidentified alternative site, in order to allow for its occupancy by the School of the Arts ("SOTA")."

Importantly, each of the two bond requests outlined in exquisite detail exactly what work was to be done on which schools with the exception of SOTA. Both measures were very vague regarding how the requested funds would be spent for SOTA.

The Jury was unable to determine the reasons that the \$15million for moving SOTA was included in the 2003 Proposition A, nor how SFUSD decided what restrictions to put on the use of the money that would be allocated through the bond measure.

The 2006 bond measure was different. Interviews with key SFUSD personnel and documents make clear that discussions between SOTA supporters and key administration officials resulted in an agreement whereby SOTA supporters would support the bond measure in exchange for the \$15 million allocation for moving the school. During the negotiations, SFUSD conducted research, including polling, to assess (1) whether the support from SOTA supporters was necessary and (2) the minimum amount of money SFUSD would have to put toward moving SOTA in order to gain the votes for the bond of the school's supporters. Therefore, rather than allowing a straight up or down vote on SOTA, SFUSAD manipulated SOTA supporters to vote for the \$280 million bond measure.

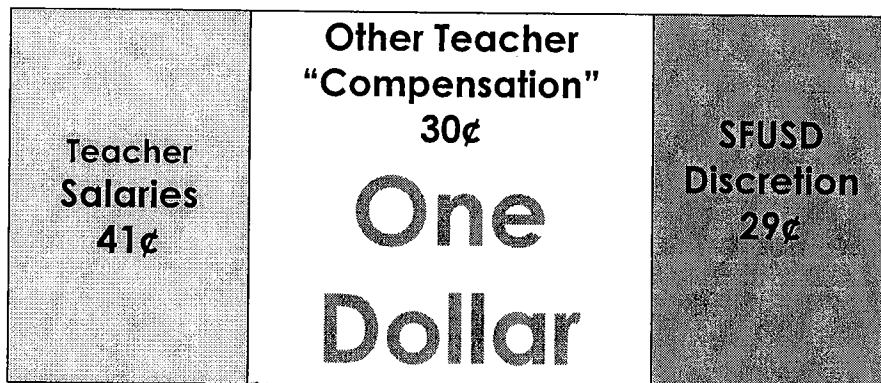
There are two factors that distinguish the \$15 million allocation in the 2006 bond measure. First, SFUSD and the SOTA supporters both understood that it would cost well over \$100 million to move the school to the 135 Van Ness complex. Unlike the 2003 bond, however, there was no requirement in the 2006 bond that the school had to move to 135 Van Ness as a prerequisite for spending the \$15 million. Second, there is ample evidence SFUSD had no intention of moving SOTA at the time it placed the 2006 measure on the ballot. Several members of the Board of Education and key members of the administration managing facilities have acknowledged there was no plan to do so. The SFUSD's study looking into the feasibility of moving the school to 135 Van Ness was not completed until 2007. Even after SFUSD's study concluded that a capital campaign could succeed, SFUSD took no steps to initiate such a campaign or locate a person willing to do so.

Part III Proposition A 2008

In 2008 the SFUSD in collusion with United Educators of San Francisco (UESF) put on the ballot the Quality Teacher and Education Act as Proposition A 2008,¹⁰ in order to improve teacher recruitment and retention. Proposition A was to generate revenue in the form of a parcel tax of \$198 per parcel of land within the city. The parcel tax would be collected from July 1, 2008 until July 1, 2028. Senior citizens would have the opportunity of an exemption. The monies collected from the parcel tax would be adjusted over time for inflation.

Then City Controller Edward Harrington had estimated that at least \$28 million would be collected in the first year. Prior to the election, an MOU between the SFUSD and UESF was agreed upon with specific benefits to be provided.¹¹ The ballot measure also included funds for charter schools and allowed for "...compensation/stipends and/or benefits to other school personnel" and "....technology and other support resources...."

While SFUSD and UESF agreed that 71.3% of the money raised by the parcel tax would go to teacher compensation, SFUSD retained the discretion to meet other priorities with the remaining 28.7% of the money raised. Further, only 41% goes to teachers' salaries.



Your Parcel Tax Dollar

The Board of Education has not yet authorized the payment to the charter schools nor created the oversight committee described in the measure. Since this money was raised by a parcel tax and not a bond measure

there is no legally required structure to oversee the expenditure of the funds. The ballot measure simply states that "An independent oversight committee shall be appointed by the Board of Education,"¹² leaving even more discretion for SFUSD in managing the money. There have been problems with bond oversight by SFUSD in the not-so-distant past, including refusal by the School Board to allow the oversight committee to hire an auditor.¹³

Once again it is important to note the detail in the ballot proposal as to exactly how the requested funds would be expended. Unlike the bond requests of 2003 and 2006 only general information is provided. This is true even though the MOU between SFUSD and UESF was negotiated prior to putting the measure on the ballot.

Findings

1. SFUSD used the moving of SOTA to 135 Van Ness as a ploy to garner votes to pass bond measures.
2. SFUSD failed to publicly disclose the estimated cost for moving SOTA when asking for funds in 2003 and 2006.
3. Currently, the SFUSD has demonstrated no consistent intent of ever moving SOTA to 135 Van Ness Ave.
4. SFUSD has designated as surplus 10 parcels by the CBRE report and 1 more, the Font St. property, all named in the 2008-2009 Civil Grand Jury Report, "Use It or Lose It: A Report on the Surplus Property Owned by the San Francisco Unified School District. " Funds from the sale of the surplus property would facilitate the move of SOTA to the Civic Center.
5. A published news report and letters to the editors¹⁴ of the major San Francisco newspapers improperly attribute false arguments to the Jury and raise the untrue concern that there are deed restrictions on the SFUSD surplus-designated property. The Jury's efforts to level the playing field with corrections and/or retractions have not yet been heeded by the press.

6. SFUSD asked for funds on the ballot in 2008 for "Quality Teacher and Education" that resulted in only 41% of funds going to teacher salaries.

Recommendations

1. That measures placed on the ballot by SFUSD to raise money have an independent review of the wording.
2. That the SFUSD in clear, concise, and specific language tell the public in all future money raising measures exactly what they are going to do with the money raised.
3. That SFUSD commit to moving SOTA to the Civic Center.
4. That SFUSD sell the 11 parcels described in Finding 4 to fund the move of SOTA to the 135 Van Ness complex without the use of any further bond measures.

Finding		1	2	3	4	5	6
Response	SFUSD	X	X	X	X		X
	Superintendent					X	

Recommendation		1	2	3	4
Response	SFUSD	X	X	X	X
	Mayor	X	X		X
	Board of Supervisors	X	X		X

Endnotes for the Report

1. Al-Nammari, F. "Sustainable Disaster Recovery of Historical Buildings, The Case of San Francisco After Loma Prieta Earthquake", (2006) A Dissertation, Texas A&M University Pg 90-95.
<http://repository.tamu.edu/bitstream/handle/1969.1/5874/etd-tamu-2006A-ARCH-AlNamma.pdf?sequence=1>
2. Al-Nammari pg 97.
3. David Goldin A.I.A., Chief Facilities Officer, SFU/UASF Tentative Agreement: Parcel Tax Equity adjustment: February 17, 2009.
4. Actions taken: 1990- FEMA Damage Survey Report, 1991- SFUSD Alternate Project for use of FEMA funds, 1992- Superintendent and Board of SFUSD commit to finding a better facility for SOTA, 1994- Architectural firms submit responses for SFUSD's request for proposal, 1995- Gordon Chong architects chosen by SFUSD to make 135 Van Ness and 170 Fell seismically safe, 1997- FEMA approves pending project, 1997- SFUSD publishes draft Environmental Impact Report, 1998- construction and demolition planned to begin, 1998- consultation process is stalled, 2000- Principal of SOTA announces creation of a new Artistic Director position for move to 135 Van Ness, 2001- Programmatic Agreement signed, 2002- McAteer High School closed, 2003- SFUSD puts Proposition A on the ballot with \$15 million for SOTA move-bonds not sold, 2005- additional architectural study of cost to move SOTA to 135 Van Ness, 2006- SFUSD puts Proposition A on ballot again-bonds not sold, SFUSD- develops Art Education Master Plan that notes SOTA three times.
5. Fiscal actions: 1993- SFUSD allocates \$10 million for SOTA move prior to placing bond measure on the ballot, 1993- SFUSD prepares a bond proposal including SOTA site, 1994- the bond passes, 1993-total cost of moving SOTA is \$23million, 1994- FEMA to provide 75% of estimated cost of repair, 1995- FEMA approves SFUSD cost estimates of \$9 million, 1995- Blue Scheme \$172 million, Sepia Scheme \$142 million, Nourse Auditorium \$29 million, 1997- estimated cost for SOTA move is \$40 million, 1997-SFUSD Facilities Management Dept details \$22.4 million set-side for SOTA, 2002-SFUSD required to repay FEMA \$15 million for failure

- to mothball 170 Fell, 2003- Prop A \$15 million bond, 2006-Prop A \$15 million.
6. Lopez v. San Francisco Unified School Dist., No. C 99-3260 (SI) (D.Cal. filed July 6, 2004).
 7. Prop A 2003 ballot measure, pg 37, see appendix 2.
 8. See Lopez v. San Francisco Unified Sch. Dist., No. C 99-3260 (SI) (docket no. 547, settlement conf. minutes placing settlement on the record).
 9. Prop A 2006 measure, pg 104 see appendix 3.
 10. Prop A 2008 measure see appendix 4.
 11. MOU between SFUSD and UESF see appendix 5.
 12. See **endnote 10**, Prop A 2008.
 13. Finnie , Chuck & Julian Guthrie, "A Grave Injustice Against the Children", San Francisco Chronicle, 11 November 2001.
<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2001/11/11/MN173740.DTL>
 14. Newspaper Articles, see Appendix 6

Appendix 1

The History of SOTA

Glossary

DSR	Damage Survey Report
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
LPAB	Landmark Preservation Advisory Board
PA	Programmatic Agreement
SFAH	San Francisco Architectural Heritage
SFUSD	The San Francisco Unified School District
SHPO	State Historical Preservation Office
SOTA	The School of the Arts
VAPA	Visual and Performing Arts

Historical Outline

In 1982 The San Francisco Unified School District (SFUSD) opened a new school housed within the McAteer High School Campus at 555 Portola Drive in San Francisco. This new school was to be a magnet school for the arts, drawing students from throughout the SFUSD. This arts focused school had long been the dream of San Francisco artist Ruth Asawa and her husband. The new school was named "The School of the Arts" (SOTA). SOTA would be a school designed specifically around the arts. SOTA's mission statement then as it is today states:

*"The Mission of the SFUSD School of the Arts is to provide a specialized high school program and learning environment which are conducive to creative and independent thinking and artistic and academic excellence for promising students of the arts."*¹

By 1992 it had become clear to all involved that the two high schools sharing the same campus was not working. SOTA needed to develop its own identity on a separate campus. SFUSD had a vacant elementary school campus at 700 Font St. close to San Francisco State University. SOTA moved to the Font street address in 1992 to establish its own identity. The Legislative Analyst Report of 2007 stated the following about the Font St. campus:

*"However, as a former elementary school, the Font Street facility was ill suited to SOTA, and the move to Font was always considered temporary..."*²

In 1992 the Superintendent of SFUSD and the Board of Education committed to finding a larger facility for SOTA.

*"After discussion, it was determined that parcel 0815001, district property 135 Van Ness Avenue (formerly the Newton Tharp School, now SFUSD administrative offices) and 170 Fell Street (formerly High School of Commerce), might be an appropriate site."*³

Moving SOTA to 135 Van Ness Ave. and 170 Fell St. was fraught with problems. Both 135 Van Ness Ave. and 170 Fell St. had suffered damage in the 1989 Loma Prieta earthquake, although it was reported at the time that the 135 Van Ness building had suffered less damage than the Fell Street building. According to the State Historical Preservation Office (SHPO) and Federal Emergency Management Agency (FEMA), both buildings were collectively listed as San Francisco Landmark #140 and were eligible for National Register.

In 1990, a consultant prepared reports on the feasibility of repairing and code upgrading 135 Van Ness, originally the office of SFUSD before the Loma Prieta earthquake. This plan was found to be feasible. Plans were prepared for the selective demolition of parts of 170 Fell St. that were too damaged for repair. While the move back to 135 Van Ness Ave was physically and economically possible 170 Fell Street was a different matter. The Fell Building had suffered major damage and had been red tagged by the San Francisco Bureau of Building Inspections because of loss of lateral load bearing strength.⁴ The red tag status of 170 Fell Street meant that the building could only be entered with restrictions. The 170 Fell Street building could not be occupied until the red tag status was changed. This status has never been changed since the 1989 Loma Prieta earthquake. Nor has any repair work been performed on 170 Fell Street.

The movement back to 135 Van Ness Ave. was possible despite the fact that the building initially was red tagged by the San Francisco Bureau of Building Inspection, a City department. Since the building was owned by the SFUSD and not the City the red tag was changed to "secure" resulting in responsibility for the building moving from the city to the SFUSD.⁵ A 1990 Damage Survey Report (DSR) by the Federal Emergency Management Agency (FEMA), recognized that the building was owned by SFUSD, not the City⁶ and also assessed the building as "secure." The changes meant SFUSD could plan on using 135 Van Ness Avenue for use as office space.⁶

In 1990 SFUSD moved back to the 135 Van Ness Ave, with FEMA covering the cost. In addition, FEMA approved the cost for debris removal and emergency protective measures for 135 Van Ness Ave. and 170 Fell Street.⁷ At that time SFUSD wanted to use the 135 Van Ness Ave. building for administrative offices. But as time went on things began to become complicated regarding 135 Van Ness. SFUSD wanted to fix 135 Van Ness to a standard that would allow occupation by students. SFUSD disagreed with the initial DSR generated by FEMA that had been approved by SHPO (State Historical Preservation Office). SFUSD wanted to strengthen the building, as required to use the building as a school, but FEMA would not pay for this work, but only for the move back to 135 Van Ness Ave.

In the same year, (1990), during an award ceremony for Ruth Asawa, Ms. Asawa and her husband broached the idea of using 135 Van Ness Ave. for SOTA. A subsequent letter from Barkley, Attorney at Law⁸, to Interested Parties, Section 106 Process Dec 14, 1996 speaks to the issue. It was felt that locating SOTA in the Civic Center within the arts community of The Opera House and Davies Symphony Hall would bode well for SOTA.

In 1991 FEMA indicated that the cost of suggested repairs for 170 Fell Street would exceed 50% of the cost of replacing the building and that FEMA would not pay for repairs, but just for replacement, a lower amount.⁹ That same year FEMA said that 135 Van Ness and 170 Fell were eligible for National Register.

In late 1991 SFUSD requested an "Alternate Project" status.¹⁰ This meant that SFUSD could use the FEMA funds for another project, in this case the construction of two elementary schools. The cost of the two elementary schools would be more than 14 million dollars to construct. In response to the SFUSD "Alternate Project" FEMA informed the SFUSD that 170 Fell Street was eligible for the National Register. FEMA also informed SFUSD that new cost estimate to replace 170 Fell Street was beyond FEMA's previous estimate. At this time there were no future plans of what to do with 170 Fell St. The 135 Van Ness building was not discussed in the letter from FEMA.

In 1993 FEMA requested from SFUSD a status report on 170 Fell Street.¹¹ This was done so that FEMA could make a fair funding decision. The status report was delayed because the position of Facilities Director in SFUSD was vacant for a year.

Correspondence available in the SHPO files and the DSR's from this time period relating to SOTA indicate that SFUSD prepared a bond proposal in 1993 to cover several related school constructions and upgrades.¹² The bonds included an estimated cost for several schools including a SOTA site. SOTA already existed at the time at the Font Campus, an inferior site that did not meet SOTA's educational needs. The bond proposal was Proposition A which passed in 1994. Proposition A said:

".....to provide the School of the Arts with a more suitable building....."

At this point SFUSD knew that FEMA funding could not cover the move of SOTA to 135 Van Ness Ave.; nevertheless, prior to placing the measure on the ballot SFUSD had already allocated 10 million for SOTA's move.¹³ This 10 million was allocated with the thought that FEMA would provide funding for the damage repairs on 135 Van Ness Ave. and 170 Fell Street. The total cost at this point for the SOTA project was \$23 million dollars.¹⁴

In November 1994 many architectural firms submitted responses to "Request for Proposal" which specified renovation of 135 Van Ness Ave. and 170 Fell Street for the new SOTA.¹⁵ During the same period a meeting between SFUSD, FEMA and SHPO took place. At this meeting SFUSD pointed out that they no longer wanted to demolish 170 Fell Street but instead wanted the complex to be a K-12 school for the arts.¹⁶ Because

the new proposal would be an "Improved Project" under FEMA regulations, funding would be used to improve the status of the buildings and repair them. FEMA informed the SFUSD that it would only provide 75% of the estimated cost to repair and SFUSD would have to cover the rest of the costs.¹⁷

In 1995 FEMA approved SFUSD cost estimate in excess of 9 million dollars for repairs, hazardous material abatement and seismic upgrade. This included handicap access to 170 Fell Street. In March of 1995 SFUSD hired an Arts Education consultant who stated, before the studies on the buildings were completed by Gordon Chong Architects, that demolishing of 170 Fell Street would be necessary if the vision for SOTA was to be possible.¹⁸ In 1995 SFUSD engaged the services of Gordon Chong architects to make 135 Van Ness Avenue and 170 Fell Street seismically safe.

In 1995 Gordon Chong Architects prepared for SFUSD two conceptual designs. The two plans were called "Blue Scheme" and "Sepia Scheme" "Blue Scheme" called for the renovation of both 135 Van Ness Ave. and 170 Fell Street at an estimated cost of \$172 million. The "Sepia Scheme" called for renovation of 135 Van Ness Ave. and the demolishing of 170 Fell Street and the estimated cost was \$143 million. Neither the "Blue Scheme" nor the "Sepia Scheme" called for renovation of the on site Norse auditorium within 135 Van Ness Ave., which was estimated at a separate sum of \$29 million.¹⁹

In March 1995 SFUSD hired Chong Architects, who had prepared the Blue and Sepia Schemes for the project. By June of 1995 it was clear that SOTA would not fit into the existing complex i.e. 135 Van Ness Ave. and 170 Fell Street.²⁰

There were many meetings and much discussion between SFUSD, SHPO, FEMA, LPAB (Landmark Preservation Advisory Board) and San Francisco Heritage over plans for 135 Van Ness Ave. and 170 Fell Street in 1996. These discussions centered on the idea of saving 170 Fell St. as opposed to demolition. In 1990 SFUSD received Landmark status for 170 Fell Street. However, SFUSD wanted 170 Fell Street to be demolished if SOTA was to succeed. Once it received landmark status it would become very difficult for the SFUSD to demolish 170 Fell Street.

In April of 1997 FEMA approved the pending project with the completion of the Environmental Impact report and a Section 106 historic review. Estimated cost for SOTA was \$40 million.²¹ SFUSD anticipated \$10 million from FEMA for 170 Fell Street (this would be for demolition and replacing

the building), \$2 million from FEMA for 135 Van Ness Ave. repairs, and \$24-27 million from school bonds approved by voters in the 1994. FEMA approved the DSR cost and established a 75% FEMA funding cost, as required for an Alternate Project Plan.

"By the end of 1997 the draft Environmental Impact Report (EIR) was published for public comment. The construction and demolition was to start in 1998 and finish in 2000 with a budget of \$46 million. FEMA funding was for the amount of \$14 million and the bond issues funding was \$32 million. This plan was not supported by SHPO because a Section 106 process was not finished yet and FEMA might still not approve the project."²² This plan would only work if 170 Fell St. was demolished which put the preservationists in a highly defensive mode.

By 1998 the consultation process was stalled. At this time FEMA asked SFUSD to submit another request for Revised Improved Project. During this period SFUSD was planning to buy a new building and relocate the occupants of 135 Van Ness. The proposal was to earmark the money allocated to relocate SFUSD staff to a new building and make room for SOTA. FEMA funds would be used to move the SFUSD to a new office building. The project was approved in a letter dated September 27, 1999. A total of \$15 million was approved for the complex.²³

In December of 1999 the SFUSD took the following action at School Board meeting:

(912-14W6 – Action) Authorization to Reserve the property located at 170 Fell Street for the School of the Arts and to allocate a portion of the \$27,000,000 set aside by Resolution No. 94-27A12 for "mothballing" of the said property. (912-14W7 – Action) Incorporation of Seismic Improvement at 170 Fell Street Site into Existing Design Contract for School of the Arts at 135 Van Ness Avenue. ²⁴

It seemed, judging by the board resolution above, that at least some actions regarding 135 Van Ness and 170 Fell Street would begin but nothing was happening. A letter from Eureka Valley Trails & Art Network, an art foundation in San Francisco headed by the same artist who suggested the project, was sent to FEMA and to all parties involved in the consultation process. They said that FEMA money was supposed to go for SOTA, and that that was the resolution that the former SFUSD board made. They also said that the new board should respect the earlier plan by keeping the money and using it for SOTA. Later, there were several

presentations for the public held at Landmark Preservation Advisory Board (LPAB) that explained the new plan. The minutes of the last meeting of the SOTA task force (August 10, 1999), 20 state that the SOTA project would start in two years that for two years the buildings would be used by SFUSD to save funds on rent, and that SOTA would stay in its current place for three years. By the end of the three years, the complex on Van Ness Ave. and Fell St. would be ready for them to move in.²⁵

In the midst of these discussions a new School Board was elected with substantially different ideas about SOTA and 170 Fell Street. The new board had a public hearing in which they told the public that FEMA money was earmarked for SOTA and that they would mothball 170 Fell Street until such time as funds were found to fully rehabilitate 170 Fell Street.²⁶

On February 8, 2000 at a Regular Meeting of SFUSD School Board the following resolution were passed. (02-08W3-Action) Approved to use 135 Van Ness block for school of the Arts.

TUESDAY, MARCH 14, 2000

Resolutions on Consent Calendar Removed at Previous Meeting for Second Reading

01-25W6 – School of the Arts Plan

Public speakers to 01-25W6 (and the following two resolutions) were Dorice Murphy, Ruth Asawa, Al Lanier, and Jim Haas.

01-25W6 was adopted by 6 ayes, 1 absent (Commissioner Dr. Owens).

02-08W3 – Approval to use 135 Van Ness Block for School of the Arts (SOTA)

02-08W3 was adopted by 6 ayes, 1 absent (Commissioner Dr. Owens).

02-08W4 – School of the Arts Adoption of Alternative B, Variant 2, 3, or 4

02-08W4 was adopted by 6 ayes, 1 absent (Commissioner Dr. Owens).²⁷

It seemed that the new School Board was well on their way in support of moving SOTA to 135 Van Ness Ave.

In the Fall of 2000 Yvonne McClung, the then Principal of SOTA, said the following, "Beginning in the Fall of 1993 a new position of Artistic Director was created in the S.F.U.S.D. Presently, we are expanding our arts curriculum as we plan for our move to 135 Van Ness."²⁸

By 2001 the Programmatic Agreement (PA) was signed and about 95% of the SOTA plan was done. By the end of 2001 two things happened which again created problems for SOTA. The homeless broke into 170 Fell Street and SFUSD was without a Facilities Manager. Not having a Facilities Manager left the projects on hold and without attention.²⁹

