

1 [Conveyance of Easement - Silicon Valley Power - Bay Division Pipeline Nos. 3 and 4
2 Crossovers Project - Santa Clara]

3 **Resolution 1) approving and authorizing conveyance of a perpetual, nonexclusive**
4 **easement to Silicon Valley Power, a division of the City of Santa Clara, at no charge,**
5 **for the installation, construction, operation, inspection, maintenance, repair, and**
6 **replacement of electrical facilities, including underground cable, a transformer and a**
7 **meter in City's real property at the Guadalupe River site off Lick Mill Boulevard in the**
8 **City of Santa Clara, to provide electrical power required for the Bay Division Pipeline**
9 **Nos. 3 and 4 Crossovers Project No. CUW38001; 2) adopting findings under the**
10 **California Environmental Quality Act; 3) adopting findings that the conveyance is**
11 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
12 **Code Section 101.1; and 4) authorizing the Director of Property to execute**
13 **documents, make certain modifications, and take certain actions in furtherance of**
14 **this Resolution.**

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17 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") is
18 constructing Project No. CUW38001, the Bay Division Pipeline Nos. 3 and 4 Crossovers
19 Project (the "Project"), as part of the Water System Improvement Program ("WSIP"). The
20 Project is located in San Mateo and Santa Clara Counties, at three different locations in the
21 Cities of Santa Clara and Palo Alto in Santa Clara County and the Town of Atherton in San
22 Mateo County. The Project includes, among other related features, the construction of
23 three new facility crossovers including subsurface vault housing valves and actuators and
24 two adjacent concrete pads supporting an emergency generator and electrical and
25 communications control equipment; and

1 WHEREAS, the objectives of the Project are to improve delivery reliability and
2 provide operational flexibility during maintenance activities or unplanned outages, as well
3 as to replenish local reservoirs after such events; and

4 WHEREAS, An Initial Study/Mitigated Negative Declaration as required by CEQA
5 (California Public Resources Code Sections 21000 et seq.) was prepared for the Project;
6 and

7 WHEREAS, On October 23, 2008, the Planning Department reviewed and
8 considered the Initial Study/Final Mitigated Negative Declaration ("IS/FMND") and found
9 that the contents of said report and the procedures through which the IS/FMND was
10 prepared, publicized and reviewed complied with CEQA, the CEQA Guidelines (14
11 California Code of Regulations Sections 15000 et seq.) and Chapter 31 of the San
12 Francisco Administrative Code; and

13 WHEREAS, Thereafter the SFPUC adopted findings under CEQA, including
14 adopting the IS/FMND and a Mitigation Monitoring and Reporting Program ("MMRP") as
15 required by CEQA, and approved the Project, on December 9, 2008 by Resolution No. 08-
16 0225; and

17 WHEREAS, This Board, by Resolution No. 23-09 adopted on January 27, 2009, a
18 copy of which is on file with the Clerk of the Board of Supervisors in File No. 081617 and
19 which is incorporated herein by this reference and considered part of the record before this
20 Board, adopted the IS/FMND and the SFPUC CEQA findings related to the Project as its
21 own including the MMRP; and

22 WHEREAS, The Project includes the installation of electric facilities, including the
23 Facilities, in order to provide electrical power service needed to operate the SFPUC's
24 BDPL Nos. 3 and 4 crossover facility at the Guadalupe River site off Lick Mill Boulevard in
25 the City of Santa Clara; and

1 WHEREAS, Silicon Valley Power, a division of the City of Santa Clara, is the electric
2 power utility in the City of Santa Clara, and requires that the City and County of San
3 Francisco (“City”) provide an easement on City’s land for the installation, maintenance and
4 operation of such Facilities (the “Easement”) ; and

5 WHEREAS, SFPUC staff have negotiated with the City of Santa Clara staff the
6 proposed terms and conditions of the Easement, set forth in the form of an Easement Deed
7 and Agreement (“Easement Deed”), between City, as Grantor, and the City of Santa Clara,
8 as Grantee, a copy of which is on file with the Clerk of the Board of Supervisors under File
9 No. _____, which is incorporated herein by reference and is considered part of the
10 record before this Board; and

11 WHEREAS, On May 10, 2011, SFPUC, by Resolution No. 11-0071, a copy of which
12 is included in Board of Supervisors File No. _____and which is incorporated herein by
13 this reference: (1) approved the proposed conveyance of the Easement and authorized the
14 SFPUC General Manager and/or the Director of Property, following Board of Supervisors
15 approval of the conveyance of the Easement, to execute the Easement Deed with such
16 additional terms that are in the public interest and in the judgment of the General Manager
17 and/or Director of Property, in consultation with the City Attorney, are reasonable and
18 appropriate for the scope and duration of the City’s power requirements as necessary for
19 the Project; and (2) adopted findings under CEQA related to the Easement; and

20 WHEREAS, The Project files, including the IS/FMNDA, MMRP and SFPUC
21 Resolutions No. 08-0225 and 11-0071 have been made available for review by the Board
22 and the public, and those files are considered part of the record before this Board; and

23 WHEREAS, The Board of Supervisors has reviewed and considered the information
24 and findings contained in the IS/FMND and MMRP and SFPUC Resolutions No. 08-0225
25 and 11-0071, and all written and oral information provided by the Planning Department, the

1 public, relevant public agencies, SFPUC and other experts and the administrative files for
2 the Project; and

3 WHEREAS, The Director of Planning, by letter dated December 8, 2008 and an
4 addendum dated September 15, 2011, found that the acquisition and conveyance of all the
5 necessary property rights for the Project, is consistent with the City's General Plan and with
6 the Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with
7 the Clerk of the Board of Supervisors under File No. _____ and which letter is
8 incorporated herein by this reference; now, therefore, be it

9 RESOLVED, The Board has reviewed and considered the IS/FMND and record as a
10 whole, finds that the IS/FMND is adequate for its use as the decision making body for the
11 action taken herein and hereby incorporates by this reference as though set forth in this
12 resolution the CEQA findings contained in SFPUC Resolution No. 08-0225 and previously
13 adopted as the Board's own by Resolution No. 23-09; and be it

14 FURTHER RESOLVED, The Board finds that the Project mitigation measures
15 adopted by the SFPUC will be implemented as reflected in and in accordance with the
16 MMRP; and be it

17 FURTHER RESOLVED, The Board finds that since the IS/FMND was finalized,
18 there have been no substantial project changes and no substantial changes in the Project
19 circumstances that would require major revisions to the IS/FMND due to the involvement of
20 new significant environmental effects or an increase in the severity of previously identified
21 significant impacts, and there is no new information of substantial importance that would
22 change the conclusions set forth in the IS/FMND; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
24 San Francisco hereby finds that the Easement to be conveyed to City of Santa Clara
25 pursuant to the Easement Deed is consistent with the General Plan and with the Eight

1 Priority Policies of city planning Code Section 101.1 for the same reasons as set forth in the
2 letter of the Director of Planning dated December 8, 2008, and addendum dated
3 September 15, 2011, hereby incorporates such findings by references as though fully set
4 forth in this resolution; and, be it

5 FURTHER RESOLVED, That in accordance with the recommendations of the Public
6 Utilities Commission and the Director of Property, the Board of Supervisors hereby
7 approves the Easement Deed and the transaction contemplated thereby in substantially the
8 form of such instrument presented to this Board; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
10 Property and/or the SFPUC's General Manager to enter into any additions, amendments or
11 other modifications to the Easement Deed (including, without limitation, the attached
12 exhibits) that the Director of Property and/or the SFPUC's General Manager determines are
13 in the best interest of the City, that do not materially increase the obligations or liabilities of
14 the City, and are necessary or advisable to complete the transaction contemplated in the
15 Easement Deed and effectuate the purpose and intent of this resolution, such
16 determination to be conclusively evidenced by the execution and delivery by the Director of
17 Property of the Easement Deed and any amendments thereto; and, be it

18 FURTHER RESOLVED, That the Director of Property is hereby authorized and
19 urged, in the name and on behalf of the City and County, to execute and deliver the
20 Easement Deed to the City of Santa Clara upon the closing in accordance with the terms
21 and conditions of the Easement Deed, and to take any and all steps (including, but not
22 limited to, the execution and delivery of any and all certificates, agreements, notices,
23 consents, escrow instructions, closing documents and other instruments or documents) as
24 the Director of Property deems necessary or appropriate in order to consummate the
25 conveyance of the Easement pursuant to the Easement Deed, or to otherwise effectuate

1 the purpose and intent of this resolution, such determination to be conclusively evidenced
2 by the execution and delivery by the Director of Property of any such documents.

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RECOMMENDED:

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7 John Updike
Acting Director of Property

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