

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 21-0110

WHEREAS, The City and County of San Francisco (City) owns certain unimproved real property presently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) located along State Route 84 (SR-84) and Interstate 680 (I-680) in the unincorporated Town of Sunol, in Alameda County, California, known as SFPUC Parcel No. 65; and

WHEREAS, The California Department of Transportation (Caltrans), in cooperation with the Alameda County Transportation Commission (Alameda CTC, and together with Caltrans, the Buyers), proposes to widen and conform SR-84 to expressway standards, improve the SR-84/I-680 interchange ramps, and extend the existing southbound I-680 HOV/express lane (Project); and

WHEREAS, As a component of the Project, Caltrans desires to acquire from City approximately 257,182 square feet of unimproved agricultural land, approximately 118,057 square feet of easement area, and 1609.09 linear feet of abutter's rights area along the Project area in SFPUC Parcel No. 65; and

WHEREAS, As another Project component, Caltrans desires to purchase approximately 56,175 square feet of electrical utility easements to convey to Pacific Gas & Electric Company (PG&E) at close of escrow to accommodate the relocation of PG&E electrical utilities dislocated by the Project; and

WHEREAS, As another Project component, the Alameda CTC seeks to purchase from City an approximately 5,371 square-foot portion of Assessor's Parcel No. 096-0375-006-11 in fee to be conveyed to Alameda County, and a 30,941 square foot non-exclusive access easement located within Assessor's Parcel No. 096-0375-012-02; and

WHEREAS, The fee interests, easement areas, and abutter's rights that City proposes to sell to Buyers are collectively referred to as the "Property"; and

WHEREAS, Caltrans has authority to exercise the power of eminent domain and compel City to sell portions of the Property; and

WHEREAS, Buyers and City recognize the expense, time, effort, and risk to both parties in determining the compensation for acquiring the Property by eminent domain litigation, and to avoid such litigation, Buyers and City desire to enter into the Agreement for Sale of Real Estate (Sale Agreement); and

WHEREAS, The SFPUC has no utility use for the unimproved Property, which was deemed underutilized per an SFPUC statement of underutilization for the Real Property dated May 18, 2021 signed by the Assistant General Managers of the Water, Wastewater, and Power Enterprises; and

WHEREAS, The Property is "surplus land", as defined in California Government Code Section 55421(b) because it is owned in fee simple by City and not necessary for City's use; and

WHEREAS, The Property is “exempt surplus land”, as defined in California Government Code Section 55421(f)(1)(D) because it is surplus land that the City is transferring to another local agency and state agency for the agencies’ use; and

WHEREAS, Per Section 23.3 of the Administrative Code, the City may convey the Property to the Buyers without a competitive bidding process if the Board of Supervisors determines that a competitive process “is impractical, impossible, or is otherwise not in the public interest”; and

WHEREAS, In this case, a competitive bidding process is impractical and is otherwise not in the public interest because the sale of the Property to the Buyers will avoid the expense, time, effort, and risk of eminent domain litigation and will support the construction of public highway improvements, and because the Property’s location and dimension makes use by any other entity impractical; and

WHEREAS, City, through the SFPUC, intends to sell the Property to Buyers on an “as-is with all faults” basis; and

WHEREAS, Buyers’ offer of fair and just compensation in the sum of One Hundred Fifty-Two Thousand Nine Hundred Fifty Two Dollars and 00/100 (\$152,952) for their purchase of the fee, easement and abutter’s rights interests in portions of the Property, including electrical utility easements that will be conveyed to PG&E, was made in accordance with California Government Code 7267.2, and the Buyers’ appraisals of value conformed to Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice; and

WHEREAS, Acting as the Lead Agency under California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), Caltrans (in cooperation with the Alameda CTC) prepared the SR 84 Expressway Widening and SR 84/I-680 Interchange Improvements Project Environmental Impact Report/Environmental Assessment (EIR/EA) with Finding of No Significant Impact FONSI), pursuant to the provisions of CEQA and NEPA; and Caltrans certified the EIR on May 30, 2018 (State Clearinghouse Number 2016052033) and a Notice of Determination has been published for compliance with CEQA, and Caltrans has issued a FONSI for compliance with NEPA; and

WHEREAS, Following certification, design changes were incorporated into the Project, which required a subsequent review and revalidation of the approved EIR/EA and FONSI; and additional environmental review was conducted, necessary documentation provided, and the revalidation process completed, and Caltrans provided concurrence with the previous NEPA/CEQA conclusion and determined in its NEPA/CEQA Revalidation Form dated July 13, 2020, that the 2018 Final EIR/EA and FONSI remains valid; and

WHEREAS, The SFPUC is a Responsible Agency for the Project under CEQA because a portion of the Project requires SFPUC consent for Caltrans/ACTC use and purchase of SFPUC ROW; and

WHEREAS, The SFPUC has reviewed the Final EIR/EA and FONSI and NEPA/CEQA Revalidation Form and determined that SFPUC’s issuance of a Sale Agreement for SFPUC Parcel No. 65 is within the scope of the Project’s CEQA approval and that these documents are adequate for SFPUC’s use in issuing the sale agreement for the Project; and the EIR/EA and FONSI, the NEPA/CEQA Revalidation Form, CEQA findings, and other Project materials that

are part of the record of this approval are available for public review at the SFPUC offices, Real Estate Services Division, 525 Golden Gate Avenue, 10th Floor, San Francisco, CA.; and

WHEREAS, Since Caltrans approved the Project and completed the Revalidation of the EIR/EA and FONSI, there have been no substantial changes in the Project or changes in Project circumstances that would result in new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the EIR/EA and FONSI; and

WHEREAS, Caltrans and ACTC have adopted the mitigation measures included in the EIR/EA and FONSI and set forth in the mitigation program and have assumed responsibility for their implementation; and the SFPUC has no direct authority or responsibility with respect to the Project other than to enable the Project Sponsors through issuance of the Sale Agreement to carry out the proposed action; now, therefore, be it

RESOLVED, The SFPUC adopts the findings contained in the recitals set forth above as if set forth fully herein, and also adopts the findings required by Section 15091 of the CEQA Guidelines that the Caltrans has previously adopted in conjunction with Caltrans approval of the project; and, be it

FURTHER RESOLVED, That this Commission hereby declares the Property surplus to the SFPUC's utility needs in accordance with Section 8B.121(e) of the City Charter; and, be it

FURTHER RESOLVED, That this Commission finds, in consideration of the foregoing, that the Property is "surplus land", as defined in California Government Code Section 55421(b) because it is owned in fee simple by City and not necessary for City's use; and, be it

FURTHER RESOLVED, That this Commission finds, in consideration of the foregoing, that the Property is "exempt surplus land" as defined in Government Code Section 54221(f)(1)(D) because it is surplus land that the City is transferring to another local agency and state agency for the agencies' use; and, be it

FURTHER RESOLVED, That this Commission asks the Board of Supervisors to determine, in accordance with Section 23.3 of the Administrative Code, that a competitive bidding process for the conveyance of the Property is impractical and is otherwise not in the public interest because the sale of the Property to the Buyers will avoid the expense, time, effort, and risk of eminent domain litigation and will support the construction of public highway improvements and because the Property's location and dimension makes use by any other entity impractical; and, be it

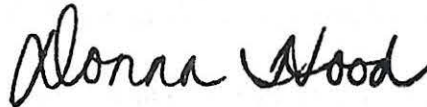
FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of the Sale Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to execute the Sale Agreement, upon approval from the Board of Supervisors and Mayor; and, be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves, and authorizes all actions heretofore taken by any City official in connection with this Sale Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or City's Director of Property to enter into any amendments or modifications to the Sale Agreement, including without limitation, the exhibits, that the General Manager and/or City's Director of Property determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Sale Agreement or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 13, 2021.

A handwritten signature in black ink that reads "Alonna Wood". The signature is written in a cursive, flowing style.

Secretary, Public Utilities Commission