

FILE NO. 990509

RESOLUTION NO. 340-99

1 [Sale of Property]

2 DECLARING PARCELS 16 AND 16A OF THE BERNAL PROPERTY TO BE SURPLUS;  
3 AUTHORIZING THE GENERAL MANAGER OF THE PUBLIC UTILITIES COMMISSION TO  
4 EXECUTE A PURCHASE AND SALE AGREEMENT TO TRANSFER PARCELS 16 AND 16A  
5 TO THE PLEASANTON UNIFIED SCHOOL DISTRICT; ADOPTING FINDINGS PURSUANT  
6 TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND REQUESTING THE PUBLIC  
7 UTILITIES COMMISSION TO REPORT BACK TO THE BOARD'S FINANCE AND LABOR  
8 COMMITTEE WITH REVENUE PROJECTIONS WITHIN <sup>TWO</sup> ~~THREE~~ MONTHS.

9 WHEREAS, The City and County of San Francisco (the "City"), by and through the  
10 jurisdiction of the Public Utilities Commission (the "PUC"), owns fee title to that certain real  
11 property consisting of approximately 510 acres located in Alameda County and the City of  
12 Pleasanton known as the Bernal Property (the "Bernal Property"); and,

13 WHEREAS, The PUC, on behalf of the City, obtained certain land use entitlements  
14 from Alameda County, and is continuing to seek certain other land use entitlements from the  
15 City of Pleasanton, to permit a mixed-use development of the Bernal Property; and,

16 WHEREAS, The existing entitlements from Alameda County and the contemplated  
17 entitlements from the City of Pleasanton require the sale of a parcel on the Bernal Property to  
18 the Pleasanton Unified School District ("PUSD") for the construction of a public elementary  
19 school; and,

20 WHEREAS, The PUSD is in immediate need of Parcels 16 and 16A of the Bernal  
21 Property, consisting of approximately 11 acres, in order to construct a public elementary  
22 school scheduled to open in September 2000; and,

23 WHEREAS, If the City does not sell Parcels 16 and 16A to the PUSD at this time, the  
24 PUSD has threatened to condemn Parcels 16 and 16A; and,

25 Supervisors Ammiano, Katz, Leno, Becerril, Kaufman, Newsom, Yaki

PUBLIC UTILITIES COMMISSION

1           WHEREAS, The PUSD has issued a negative declaration under the California  
2 Environmental Quality Act (State Clearinghouse No. 99012016) (the "Negative Declaration")  
3 for the purchase and sale of Parcels 16 and 16A and the construction of an elementary  
4 school thereon; and,

5           WHEREAS, The Board of Supervisors enacted Ordinance No. 98-1254 to initiate the  
6 sales process for the Bernal Property, which Ordinance exempts the sale of the Bernal  
7 Property from Article 1, Chapter 23 of the San Francisco Administrative Code and allows for  
8 the sale of all or part of the Bernal Property subject to the approval of the Board of  
9 Supervisors by resolution; and,

10           WHEREAS, The PUC believes that, given the current status of the land use  
11 entitlements and the contemplated development project, it is in the best interests of the City to  
12 sell Parcels 16 and 16A of the Bernal Property to the PUSD at this time; and,

13           WHEREAS, On March 2, 1999, the PUC passed a resolution adopting CEQA findings,  
14 declaring Parcels 16 and 16A to be surplus to the water enterprise, and recommending  
15 approval of a purchase and sale agreement dated as of February 23, 1999 (the "Purchase  
16 and Sale Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in  
17 File No. 990509; and,

18           WHEREAS, Under the Purchase and Sale Agreement, the City would sell Parcels 16  
19 and 16A of the Bernal Property to the PUSD for a purchase price of \$6.4 million, payable in  
20 cash and school fee credits applicable to the developer of the Bernal Property, which will be  
21 reduced to \$1 million in cash if the City of Pleasanton approves the proposed development of  
22 the Bernal Property by July 1, 1999 and such approvals become final and effective no later  
23 than January 1, 2000; and,

24           WHEREAS, The Board of Supervisors finds that it is in the best interests of the City to  
25 agree to the purchase price reduction based upon the desire to obtain development approvals

PUBLIC UTILITIES COMMISSION

1 from the City of Pleasanton and the financial advantages to the City that will result from the  
2 sale of the Bernal Property following such approvals; now, therefore, be it

3 RESOLVED, That this Board hereby finds and declares (a) that it has reviewed and  
4 relied upon the Negative Declaration, and, in its independent judgment, it concurs with and  
5 adopts the findings and conclusions made in the Negative Declaration and by the PUC, and  
6 incorporates said findings and conclusions as though fully set forth herein, and (b) that, on the  
7 basis of substantial evidence, there have been no changes to the proposed school project or  
8 its circumstances and no new information has become available since the PUC's findings that  
9 would alter such findings; and, be it

10 FURTHER RESOLVED, That Parcel 16 and Parcel 16A of the Bernal Property are  
11 surplus property, and that the public interest demands or will not be inconvenienced by a sale  
12 of these Parcels; and, be it

13 FURTHER RESOLVED, That pursuant to Ordinance 98-1254, this Board approves the  
14 Purchase and Sale Agreement, and authorizes the General Manager of the PUC to execute  
15 the Purchase and Sale Agreement in substantially the form presented to this Board and to  
16 take all actions set forth therein to transfer Parcels 16 and 16A of the Bernal Property to the  
17 PUSD in accordance with the terms of the Purchase and Sale Agreement; and, be it

18 FURTHER RESOLVED, That the Board hereby requests that the PUC report back to  
19 the Board's Finance and Labor Committee, within ~~ninety (90)~~ <sup>sixty (60)</sup> days from the date of this  
20 Resolution, estimates of revenue projections or property valuations for the following three  
21 disposition options for the Bernal Property: (1) bulk sale of Bernal Property for cash at closing;  
22 (2) joint venture development with a developer selected by the City; and (3) sale of the Bernal  
23 Property with City participation in the purchase financing; and, be it  
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PUBLIC UTILITIES COMMISSION

1           FURTHER RESOLVED, That this Board authorizes the General Manager of the PUC  
2 to take any and all steps necessary and advisable to effectuate the purpose and intent of this  
3 Resolution.

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Recommended:

see original for signature

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Anson B. Moran  
General Manager, Public Utilities Commission



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 990509

**Date Passed:**

Resolution declaring Parcels 16 and 16A of the Bernal Property to be surplus; authorizing the General Manager of the Public Utilities Commission to execute a purchase and sale agreement to transfer Parcels 16 and 16A to the Pleasanton Unified School District; and adopting findings pursuant to the California Environmental Quality Act; requesting Public Utilities Commission to report back to the Finance and Labor Committee with revenue projections within two months.

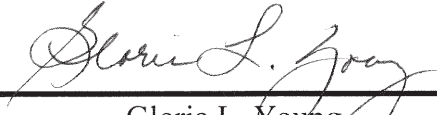
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April 19, 1999 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Yaki, Yee  
Absent: 2 - Newsom, Teng

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I hereby certify that the foregoing Resolution was ADOPTED on April 19, 1999 by the Board of Supervisors of the City and County of San Francisco.



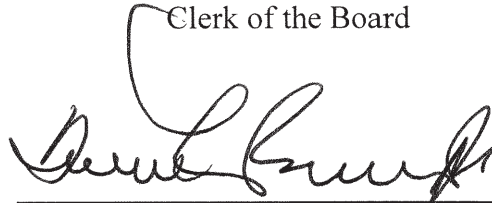
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Gloria L. Young  
Clerk of the Board

APR 30 1999

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Date Approved



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Mayor Willie L. Brown Jr.

File No. 990509 continued...