

1 **[Public Utilities Commission Compliance with BCDC Permit Conditions.]**

2
3 **Resolution authorizing the Department of Real Estate to execute and record an**
4 **agreement imposing the public access conditions required by San Francisco Bay**
5 **Conservation and Development Commission Permit Number 14-99 which allowed the**
6 **expansion and rehabilitation of the Southeast Water Pollution Control Plant Booster**
7 **Pump Station located at 2 Arthur Avenue and Islais Landing Waterfront Park.**

8
9 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) operates and
10 maintains the Southeast Water Pollution Control Plant Booster Pump Station at 2 Arthur
11 Avenue (Assessor's Block: 4501; Lots: 1, 3, 4 and 5) located at Third Street and the south end
12 of the Levon Hagoop Nishkian Third Street Bridge; and,

13 WHEREAS, The continued operation and efficient functioning of the Southeast Water
14 Pollution Control Plant Booster Pump Station is vital to the City's wastewater treatment
15 system and is necessary to the City's compliance with its federal National Pollutant Discharge
16 Elimination System (NPDES) Permit; and,

17 WHEREAS, On January 4, 2000, the SFPUC approved Resolution Number 00-0012 to
18 authorize the construction work for the Southeast Water Pollution Control Plant Booster Pump
19 Station Upgrade Project (A copy of Resolution Number 00-0012 is on file with the Clerk of the
20 Board of Supervisors in file No. 010823); and,

21 WHEREAS, The Southeast Water Pollution Control Plant Booster Pump Station is
22 located in the 100 foot shoreline band jurisdiction zone of the San Francisco Bay
23 Conservation and Development Commission (BCDC) on the south side of Islais Creek; and,

24 WHEREAS, The BCDC required that the work in the 100 foot shoreline band be
25 subject to BCDC major permit requirements; and,

1 WHEREAS, The SFPUC and the Port of San Francisco (Port) filed jointly for a BCDC
2 major permit. The SFPUC and the Port would need to improve public access to the Islais
3 Landing Waterfront Park and to restore the shoreline habitat on the south bank of Islais Creek
4 permit as a condition of receiving BCDC approval of the rehabilitation and expansion of the
5 Southeast Water Pollution Control Plant Booster Pump Station; and,

6 WHEREAS, The BCDC conducted a duly noticed public hearing on January 6, 2000
7 and voted unanimously to issue Permit Number 14-99 (the Permit.) (A copy of Permit
8 Number 14-99 is on file with the Clerk of the Board of Supervisors in File No. 010823 .)
9 subject to compliance with specific conditions regarding public access and restoration of
10 shoreline habitat; and,

11 WHEREAS, Special Condition II-B-2 of the Permit requires the SFPUC and Port to
12 record against the property a permanent guarantee of public access for walking, sitting,
13 viewing, nature study, picnicking, and other related purposes to the public access areas as
14 identified on Exhibit A of the Permit; and,

15 WHEREAS, To satisfy Special Condition II-B-2 of the Permit, a Notice of Conditions,
16 Covenants and Restrictions that permanently guarantees the dedicated public access so long
17 as the Southeast Water Pollution Control Plant Booster Pump Station continues to occupy the
18 site on Assessor's Block 4501 had been prepared but not recorded. (A copy of the Notice of
19 Conditions, Covenants and Restrictions is on file with the Clerk of the Board of Supervisors in
20 File No. 010823); and,


21 WHEREAS, On June 14, 2000, the BCDC issued a Notice of Apparent Violation to the
22 SFPUC and the Port for failure to comply with the recordation requirement of the Permit. (A
23 Copy of the Notice of Apparent Violations to BCDC Permit No. 14-99 is on file with the Clerk
24 of the Board of Supervisors in File No. 010823) Failure to record the Special Condition was
25 subject to the imposition of civil penalties under the McAteer-Petris Act; now, therefore, be it

1 RESOLVED, That this Board of Supervisors in accordance with the recommendations
2 of the San Francisco Public Utilities Commission and the Director of Property hereby
3 authorizes and approves the execution and recordation of the Notice of Conditions,
4 Covenants and Restrictions in compliance with Special Condition II-B-2 of BCDC Permit
5 Number 14-99 to guarantee public access to the Islais Landing Waterfront Park; and, be it



6 FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of
7 Property, on behalf of the City and County of San Francisco, to execute and record the Notice
8 of Conditions, Covenants, and Restrictions, as recommended by the San Francisco Public
9 Utilities Commission, and as approved by the City Attorney; and, be it

10 FURTHER RESOLVED, That all actions authorized by this resolution and heretofore
11 taken by any City official in connection with the subject matter hereof are hereby ratified,
12 confirmed and approved by this Board of Supervisors.

13
14 **RECOMMENDED:**

15 

16 _____
17 General Manager
18 Public Utilities Commission

19 
20 _____
21 Director of Property 



City and County of San Francisco

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

Tails Resolution

File Number: 010823

Date Passed:

Resolution authorizing the Department of Real Estate to execute and record an agreement imposing the public access conditions required by San Francisco Bay Conservation and Development Commission Permit Number 14-99 which allowed the expansion and rehabilitation of the Southeast Water Pollution Control Plan Booster Pump Station located at 2 Arthur Avenue and Islais Landing Waterfront Park.

June 25, 2001 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval


Absent: 1 - Yee

File No. 010823

I hereby certify that the foregoing Resolution was ADOPTED on June 25, 2001 by the Board of Supervisors of the City and County of San Francisco.

JUL 06 2001

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.