

1 [Revocable Permit - Union Sanitary District - Bay Division Pipeline Nos. 3 and 4. Seismic  
2 Upgrade Project]

3 **Resolution authorizing issuance of a Revocable Permit by the San Francisco Public**  
4 **Utilities Commission to Union Sanitary District for the improvements to the regional**  
5 **water supply system, otherwise known as Project No. CUW35302 Seismic Upgrade of**  
6 **Bay Division Pipeline Nos. 3 and 4 for a term in excess of ten years, pursuant to**  
7 **Charter Section 9.118, and adopting findings pursuant to the California Environmental**  
8 **Quality Act.**

9  
10 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") has developed  
11 a project description under the Water System Improvement Program ("WSIP") for the  
12 improvements to the regional water supply system, otherwise known as Project No  
13 CUW35302 Seismic Upgrade of Bay Division Pipeline ("BDPL") Nos. 3 & 4 (the "Project").  
14 The Project is located in Alameda County, and its key features include construction of up to  
15 2,360 feet of a new pipeline (BDPL No. 3X) to replace a section of the existing BDPL No.3  
16 where it crosses three traces of the Hayward fault in order to accommodate movement along  
17 the fault traces, and improvements to existing BDPL No. 4 to seismically strengthen the  
18 pipeline to control where failures would occur and prevent damage to the new BDPL No. 3X  
19 should failures occur; and

20 WHEREAS, The objectives of the Project are to reduce the potential effects of a  
21 catastrophic failure of BDPL Nos. 3 & 4 where they cross the Hayward fault in order to protect  
22 these vital lifelines (Mission Boulevard, I-680, and the new BDPL 3X), to design the proposed  
23 BDPL No. 3X to be functional within 24 hours of a seismic event, to deliver basic service to  
24 the East/South Bays, Peninsula, and San Francisco within 24 hours of a major earthquake,  
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1 and design and upgrade facilities to meet average-day demand for the Bay Division regional  
2 system of up to 300 mgd within 30 days of a major earthquake; and

3 WHEREAS, On January 27, 2011, the SFPUC, by Resolution No. 11-0014, a copy of  
4 which is included in Board of Supervisors File No. 110176 and which is incorporated herein by  
5 this reference: (1) approved the Project; (2) adopted findings, including a statement of  
6 overriding considerations, and a Mitigation Monitoring and Reporting Program required by  
7 CEQA; and (3) authorized SFPUC staff and the SFPUC's General Manager ("General  
8 Manager") to proceed with actions necessary to implement the Project consistent with the  
9 SFPUC Resolution No. 11-0014; and

10 WHEREAS, This Board has previously reviewed and considered the information and  
11 findings contained in the Final Environmental Impact Report ("FEIR") for the Project and  
12 adopted Board Resolution No. 136-11, all as contained in Board of Supervisors File No.  
13 110176, which resolution is incorporated herein by reference as though fully set forth, together  
14 with all written and oral information provided by the Planning Department, the public, relevant  
15 public agencies, SFPUC and other experts and the administrative files for this action as  
16 identified above; and

17 WHEREAS, Although the Project is a WSIP capital improvement project, it was  
18 determined to have independent utility because, among other reasons, the Project is  
19 necessary irrespective of any other WSIP project, the Project will not increase the normal  
20 operating capacity of the water supply system or change the manner in which the water is  
21 dispersed and any potential cumulative impacts associated with implementation of the Project  
22 are addressed in the FEIR prepared for the Project; and

23 WHEREAS, The Project files, including the FEIR, and SFPUC Resolution No. 11-0014  
24 have been made available for review by the Board and the public, and those files are  
25 considered part of the record before this Board; and

1           WHEREAS, In order to construct and implement the Project, the SFPUC has  
2 determined that it is necessary to relocate a sewer line owned and maintained by the Union  
3 Sanitary District ("USD") from a parcel of land located in Fremont, California owned by the  
4 State of California to an adjacent parcel (the "City Parcel") owned by the City as part of the  
5 SFPUC right of way; and

6           WHEREAS, In order to induce USD to relocate its sewer line to the City Parcel, USD  
7 requires that SFPUC issue a Revocable Permit (the "Permit"), a copy of which is on file with  
8 the Clerk of the Board of Supervisors in File No. 120088, that will provide, inter alia: (1) for an  
9 indefinite term that is anticipated to exceed 10 years and (2) that, in the event City determines  
10 to revoke the Permit for reasons other than USD's material breach of the Permit or its  
11 abandonment of its sewer line, City shall provide USD with a reasonable alternative site for  
12 location of USD's sewer line and appropriate financial assistance to defray the costs of USD's  
13 relocation of its sewer line necessitated by such revocation; now, therefore, be it

14           RESOLVED, That this Board reaffirms the findings adopted in Board Resolution No.  
15 136-11, and finds that the FEIR for the Project is adequate for its use as the decision-making  
16 body for action taken herein; having assessed the impacts associated with implementation of  
17 Project and determined that implementation of the Project will not involve any new significant  
18 impacts not addressed in the FEIR; and be it

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

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1           FURTHER RESOLVED, That this Board hereby authorizes the General Manager of the  
2 SFPUC to execute the Permit; and be it

3           FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
4 Manager to enter into any additions, amendments, or other modifications to the Permit and  
5 any other documents or instruments in connection with the Permit that the General Manager  
6 determines are in City's best interests, do not materially decrease City's benefits with respect  
7 to the Permit, do not materially increase the consideration or expense to be paid by City  
8 pursuant to the Permit or City's obligations or liabilities in connection with the Permit, and are  
9 necessary and advisable to implement the Project and effectuate the purpose and intent of  
10 this Resolution, such determination to be conclusively evidenced by the execution and  
11 delivery by the General Manager; and be it

12           FURTHER RESOLVED, That all actions prior to the adoption of this Resolution by  
13 City's or the SFPUC's officers with respect to the Permit are hereby approved, confirmed, and  
14 ratified.