

1 [Real Property License - City of Daly City - Two Groundwater Project Wells - 377 and 370
2 South Park Plaza Drive, Daly City, California]

3 **Resolution approving and authorizing the execution of a No-Fee License with the City**
4 **of Daly City for the operation and maintenance of two Groundwater Project Wells on**
5 **land owned by the City of Daly City located at 377 and 370 South Park Plaza Drive, Daly**
6 **City, San Mateo County, California; and authorizing the San Francisco Public Utilities**
7 **Commission's General Manager to execute documents, make certain modifications,**
8 **and take certain actions in furtherance of this Resolution, as defined herein, for a term**
9 **to commence upon execution of the License through June 30, 2034.**

10
11 WHEREAS, On August 12, 2014, by SFPUC Commission Resolution No. 14-0127 (the
12 "SFPUC Resolution"), the SFPUC Commission authorized and approved Capital Project No.
13 CUW30103 - Regional Groundwater Storage & Recovery Project (the "Project"); and

14 WHEREAS, The SFPUC Resolution authorized staff to proceed with actions necessary
15 to implement the Project including (1) the acquisition of real property interests (temporary or
16 permanent) needed for the construction of Project wells, and (2) authorized the SFPUC
17 General Manager to negotiate and execute an operating agreement with the City of Daly City
18 for the operation and maintenance of the Project wells; and

19 WHEREAS, The City and County of San Francisco ("City") by and through its Public
20 Utilities Commission ("SFPUC") and the City of Daly City ("Daly City") are parties to an
21 operating agreement entitled the "Agreement for Groundwater Storage and Recovery from the
22 Southern Portion of the Westside Basin" with an effective date of December 16, 2014 (the
23 "Operating Agreement"); and

24 WHEREAS, Article 8 of the Operating Agreement contemplates that, after the SFPUC
25 constructs two Project wells within Daly City's water service area: (1) Daly City will operate

1 and maintain the Project wells for the benefit of the SFPUC's Regional Water System in
2 accordance with, among other things, the provisions of the Operating Agreement and the
3 provisions of a License to be entered into by City and Daly City; and

4 WHEREAS, In 2017, the City completed construction of the two Project wells on two
5 separate parcels in the County of San Mateo located at 377 South Park Plaza Drive, Daly
6 City, California and 370 South Park Plaza Drive, Daly City, California, and installed two eight-
7 inch diameter raw water pipelines that connect the Project wells to Daly City's water
8 distribution system; and

9 WHEREAS, The operation and maintenance of the two Project wells require a license
10 (License) from City to Daly City; and

11 WHEREAS, City has agreed to grant a no-fee License to the Daly City, on the terms
12 and conditions stated on the License; and

13 WHEREAS, The License shall commence on the date the License is mutually executed
14 and delivered by the parties and continue during the term of the Operating Agreement until
15 June 30, 2034, or such later date that the term of the Operating Agreement is extended or
16 terminated pursuant to its terms; and

17 WHEREAS, An environmental impact report was prepared for the San Francisco Public
18 Utilities Commission's (SFPUC) Regional Groundwater Storage and Recovery Project No.
19 30103 ("Project"); and

20 WHEREAS, The Final EIR for the Project was certified by the Planning Commission on
21 August 7, 2014 by Motion No. M-19209; and

22 WHEREAS, On August 12, 2014, the SFPUC, by Resolution No. 14-0127, approved
23 the Project and adopted findings and a Mitigation Monitoring and Reporting Program required
24 by the California Environmental Quality Act (CEQA), and authorized the General Manager of
25 the Commission to negotiate and approve the Project Operating Agreement and site specific

1 agreements for the operation of Project Wells by the City of Daly City, California Water
2 Service Company, and the City of San Bruno; and

3 WHEREAS, The Project files, including the FEIR and SFPUC Resolution No. 14-0127
4 have been made available for review by the SFPUC and the public, and those files are part of
5 the record before this Board; and

6 WHEREAS, The Board has reviewed and considered the information contained in the
7 FEIR the findings contained in SFPUC Resolution No. 14-0127 and all written and oral
8 information provided by the Planning Department, the public, relevant public agencies,
9 SFPUC and other experts and the administrative files for the Project; now, therefore, be it

10 RESOLVED, The Board has reviewed and considered the FEIR and record as a whole,
11 finds that the FEIR is adequate for its use as the decision-making body for the action taken
12 herein approving a license to enter and use SFPUC property ("License") issued to the City of
13 Daly City for the operation of two Project wells in Daly City, and incorporates the CEQA
14 findings contained in SFPUC Resolution No. 14-0127, including the Statement of Overriding
15 Considerations by this reference thereto as though set forth in this Resolution; and, be it

16 FURTHER RESOLVED, That the term of the License runs through June 30, 2034, the
17 end of the term of the 2021 "Amended and Restated Water Supply Agreement Between the
18 City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo
19 County, and Santa Clara County" ("WSA"), section 2.02 of which provides that the term may
20 be extended by two additional extension terms of five years each until June 30, 2044, and the
21 Board authorizes extension of the License term through June 30, 2044, in the event that one
22 or both of the five year extension terms in the WSA are approved by the SFPUC and its
23 wholesale water customers; and, be it

24 FURTHER RESOLVED, The Board further finds that since the FEIR was finalized,
25 there have been no substantial Project changes and no substantial changes in Project

1 circumstances that would require major revisions to the FEIR due to the involvement of new
2 significant environmental effects or an increase in the severity of previously identified
3 significant impacts, and there is no new information of substantial importance that would
4 change the conclusions set forth in the FEIR; and, be it

5 FURTHER RESOLVED, That the SFPUC General Manager is hereby authorized to
6 enter into any amendments or modifications to the License, including without limitation, the
7 exhibits, that the SFPUC General Manager determines, in consultation with the City Attorney,
8 are in the best interest of the City, do not materially increase the obligations or liabilities of the
9 City, are necessary or advisable to effectuate the purposes and intent of the License or this
10 resolution, and are in compliance with all applicable laws, including the City Charter; and, be it

11 FURTHER RESOLVED, That the SFPUC General Manager is hereby authorized and
12 urged, in the name and on behalf of the City, to execute the License, and to take all steps
13 (including, but not limited to, the execution and delivery of all certificates, agreements, notices,
14 consents, and other instruments or documents) as the SFPUC General Manager deems
15 necessary or appropriate pursuant to the License, or to otherwise effectuate the purpose and
16 intent of this Resolution, such determination to be conclusively evidenced by the execution
17 and delivery by the SFPUC General Manager; and, be it

18 FURTHER RESOLVED, That within 30 days of the License being fully-executed by all
19 parties, the San Francisco Public Utilities Commission shall provide the final License to the
20 Clerk of the Board for inclusion into the official file.