

1 [Real Property Acquisition - Easements from TSE Serramonte, L.P. - Regional Groundwater
2 Storage and Recovery Project, San Mateo County - \$23,170]

3 **Resolution approving and authorizing the acquisition of one temporary construction**
4 **easement and one permanent subsurface easement for a sanitary sewer and electrical**
5 **line, from TSE Serramonte, L.P., a California limited partnership for \$23,170 to be used**
6 **by the City and County of San Francisco under the Water System Improvement**
7 **Program for the access, installation, modification, removal, inspection, maintenance,**
8 **repair, replacement, periodic scheduled maintenance, emergency repairs, and**
9 **construction of the project known as the Regional Groundwater Storage and Recovery**
10 **Project, Project No. CUW30103; adopting findings under the California Environmental**
11 **Quality Act; adopting findings that the conveyance is consistent with the General Plan,**
12 **and the eight priority policies of Planning Code, Section 101.1; and approving the**
13 **Agreement and authorizing the Director of Property and/or the San Francisco Public**
14 **Utilities Commission General Manager to execute documents, make certain**
15 **modifications, and take certain actions in furtherance of this Resolution, as defined**
16 **herein.**

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18 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") has developed
19 and approved the Regional Groundwater Storage and Recovery Project ("Project"), Project
20 No. CUW30103, a water infrastructure project included as part of the Water System
21 Improvement Program ("WSIP"), with the primary purpose of providing additional dry-year
22 regional water supply capacity; and

23 WHEREAS, The Project is located in the County of San Mateo and its completion
24 would help the SFPUC achieve the WSIP Level of Service goal for Water Supply adopted by
25 the SFPUC in Resolution No. 08-200; and

1 WHEREAS, The specific objectives of the Project are to conjunctively manage the
2 South Westside Groundwater Basin through the coordinated use of SFPUC surface water
3 and groundwater pumped by the City of Daly City, the City of San Bruno, and the California
4 Water Service Company (“Participating Pumpers”) to provide supplemental SFPUC surface
5 water to the Participating Pumpers in normal and wet years, resulting in a corresponding
6 reduction of groundwater pumping, which then allows for in-lieu recharge of the South
7 Westside Groundwater Basin to increase the dry-year and emergency pumping capacity of
8 the South Westside Groundwater Basin by up to an average annual volume of 7.2 million
9 gallons per day and provide a new dry-year groundwater supply for SFPUC customers and
10 increase water supply reliability during a multi-year drought cycle; and

11 WHEREAS, An Environmental Impact Report (“EIR”) as required by the California
12 Environmental Quality Act (“CEQA”) was prepared for the Project by the San Francisco
13 Planning Department, File No. 2008.1396E; and

14 WHEREAS, The San Francisco Planning Commission on August 7, 2014 1) certified
15 the FEIR for the Project by Motion No. M-19209; 2) adopted findings under CEQA,
16 including the adoption of a Mitigation Monitoring and Reporting Program (“MMRP”) and a
17 statement of overriding considerations (“CEQA Findings”) by Motion No. M-19210; and 3)
18 found the Project consistent with the General Plan, and eight priority policies of Planning,
19 Section 101.1 (“General Plan Findings”) by Motion No. M-19211, a copy of the motions is
20 on file with the Clerk of the Board of Supervisors under File No. 150616, which is
21 incorporated herein by this reference; and

22 WHEREAS, The Project requires that the City acquire one (1) temporary construction
23 easement and one (1) permanent subsurface access easement for a sanitary sewer and
24 electrical line purposes (collectively, the “Easements”) over, on, in, under and across portions
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1 of that real property owned by the TSE Serramonte, L.P., a California limited partnership,
2 (“Grantor”) located in the City of Colma in San Mateo County, CA; and

3 WHEREAS, On August 12, 2014, by SFPUC Resolution No. 14-0127, a copy of
4 which is on file with the Clerk of the Board of Supervisors under File No. 140945, which is
5 incorporated herein by this reference, adopted CEQA Findings and approved the proposed
6 acquisition of the Easements by authorizing the SFPUC General Manager and/or the
7 Director of Property through consultation with the Office of the City Attorney, following
8 Board of Supervisors approval of the acquisition of the Easements, to accept and execute
9 final agreements, and any other related documents necessary to consummate the
10 transactions contemplated therein; and

11 WHEREAS, The Board of Supervisors on October 28, 2014 approved Resolution
12 No. 400-14, which included the adoption of CEQA Findings and the adoption of the San
13 Francisco Planning Commission’s General Plan Findings for the Project; a copy of which is
14 on file with the Clerk of Board of Supervisors under File No. 140945, which is incorporated
15 herein by this reference; and

16 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
17 Office of the City Attorney, have negotiated with the Grantor the proposed terms and
18 conditions of City’s acquisition of the Easements as set forth in the form of an Agreement
19 for Purchase and Sale of Real Estate (“Agreement”), between City, as Grantee, and
20 Grantor, a copy of which is on file with the Clerk of the Board of Supervisors under File No.
21 160885, which is incorporated herein by reference, by which City would pay Grantee
22 \$23,170 as compensation for the Easements as determined by an appraisal report dated
23 June 6, 2014; and

24 WHEREAS, The Project files, including SFPUC Resolution Nos. 08-200 and 14-0127
25 and San Francisco Planning Department File No. 2008.1396E have been made available

1 for review by the Board of Supervisors and the public, and those files are considered part of
2 the record before this Board; and

3 WHEREAS, The Board of Supervisors has reviewed and considered the information
4 contained in the FEIR, and the CEQA Findings, including all written and oral information
5 provided by the Planning Department, the public, relevant public agencies, the SFPUC and
6 other experts and the administrative files for the Project; now, therefore, be it

7 RESOLVED, The Board of Supervisors, having reviewed and considered the FEIR
8 and record as a whole, finds that the proposed Agreement is within the scope of the project
9 analyzed in the FEIR and previously approved by the San Francisco Planning Commission,
10 the SFPUC, and the Board of Supervisors; and, be it

11 FURTHER RESOLVED, The Board finds that the FEIR is adequate for its use as the
12 decision-making body for approval of the Agreement and hereby incorporates by reference
13 the CEQA Findings made in Resolution No. 400-14, Board File No. 140945 concerning the
14 Project; and, be it

15 FURTHER RESOLVED, The Board further finds that since the FEIR was finalized,
16 there have been no substantial project changes and no substantial changes in project
17 circumstances that would require major revisions to the FEIR due to the involvement of
18 new significant environmental effects or an increase in the severity of previously identified
19 significant impacts, and there is no new information of substantial importance that would
20 change the conclusions set forth in the FEIR; and, be it

21 FURTHER RESOLVED, The Board of Supervisors hereby incorporates by reference
22 the General Plan Findings made in Resolution No. 400-14, Board File No. 140945
23 concerning the Project; and, be it

24 FURTHER RESOLVED, That in accordance with the recommendations of the Public
25 Utilities Commission and the Director of Property, the Board of Supervisors hereby

1 approves the Agreement and the transaction contemplated thereby in substantially the form
2 of such instrument presented to this Board; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors ratifies the Agreement and
4 authorizes the Director of Property and/or the SFPUC's General Manager to enter into any
5 additions, amendments, or other modifications to the Agreement (including, without
6 limitation, the attached exhibits) that the Director of Property and/or the SFPUC's General
7 Manager determines are in the best interest of the City, that do not materially increase the
8 obligations or liabilities of the City, and are necessary or advisable to complete the
9 transaction contemplated in the Agreement and effectuate the purpose and intent of this
10 resolution, such determination to be conclusively evidenced by the execution and delivery
11 by the Director of Property of the Agreement and any amendments thereto; and, be it

12 FURTHER RESOLVED, That the Director of Property is hereby authorized and
13 urged, in the name and on behalf of the City and County, to execute and deliver the
14 Agreement with Grantor upon the closing in accordance with the terms and conditions of
15 the Agreement, and to take any and all steps (including, but not limited to, the execution
16 and delivery of any and all certificates, agreements, notices, consents, escrow instructions,
17 closing documents, and other instruments or documents) as the Director of Property deems
18 necessary or appropriate in order to consummate the acquisition of the Easements
19 pursuant to the Agreement, or to otherwise effectuate the purpose and intent of this

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1 resolution, such determination to be conclusively evidenced by the execution and delivery
2 by the Director of Property of any such documents.

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\$23,170.00 available
Index Code: 730150

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Controller

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14 RECOMMENDED:

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Director of Property
Real Estate Division

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18 RECOMMENDED:

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General Manager
San Francisco Public Utilities Commission

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