

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 24-0246

WHEREAS, The City and County of San Francisco (City) owns certain real property presently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) located on Huntington Avenue, San Bruno, California, designated as SFPUC Parcel No. 9 and also designated in the County of San Mateo as Assessor's Parcel Nos. 093-340-020 and 093-340-060 (Property); and

WHEREAS, The City of San Bruno (San Bruno) desires to construct a two-way bicycle path and related roadway improvements (Project) on Parcel No. 9; and

WHEREAS, San Bruno desires to acquire from City approximately 67,802 square feet consisting of the entirety of SFPUC Parcel No. 9 for its Project; and

WHEREAS, In contemplation of entering into an Agreement for Sale of Real Estate (Agreement), San Bruno and the SFPUC entered into a Revocable License with a term of up to two years and expiring on July 31, 2025, providing San Bruno temporary possession and use of SFPUC Parcel No. 9 for the construction of certain Project components to meet its project certification deadlines; and

WHEREAS, San Bruno and the City desire to enter into an Agreement for the City to sell Parcel No. 9 to San Bruno; and

WHEREAS, The SFPUC determined that it has no utility use for Parcel No. 9, as evidenced by an SFPUC Statement of Underutilization dated August 8, 2023, signed by the Assistant General Managers of the Water, Wastewater, and Power Enterprises; and

WHEREAS, The Property is "surplus land", as defined in California Government Code Section 54221(b) because it is owned in fee simple by the City and not necessary for the City's use; and

WHEREAS, The Property is "exempt surplus land", as defined in California Government Code Section 54221(f)(1)(D) because it is surplus land that the City is transferring to another local, state, or federal agency for the agency's use; and

WHEREAS, Under Chapter 23.3 of the City's Administrative Code, the City may convey Parcel No. 9 to San Bruno without a competitive bidding process if the Board of Supervisors determines that a competitive process is impractical, impossible, or is otherwise not in the public interest; and

WHEREAS, In this case, a competitive bidding process is impractical and is otherwise not in the public interest because Parcel No. 9 is currently used as a roadway, median and

sidewalk improvements and is not available for independent development; and

WHEREAS, The City, through the SFPUC, intends to sell Parcel No. 9 to San Bruno on an “as-is with all faults” basis pursuant to the terms of the Agreement; and

WHEREAS, San Bruno’s offer of fair and just compensation in the sum of Five Thousand Dollars (\$5,000) for its purchase of the fee interests of Parcel No. 9 falls below the City’s Administrative Code appraisal requirement for any property valued at or above \$10,000; and

WHEREAS, On July 13, 2023, the City of San Bruno determined the Project to be categorically exempt from environmental review under the CEQA Guidelines section 15301, Class 1 (Existing Facilities) and statutorily exempt from environmental review under the CEQA section 21080.25; now, therefore, be it

RESOLVED, That this Commission hereby declares Parcel No. 9 surplus to the SFPUC’s utility needs in accordance with Section 8B.121(e) of the City Charter; and, be it

FURTHER RESOLVED, That this Commission finds that Parcel No. 9 is “surplus land”, as defined in California Government Code Section 55421(b) because it is owned in fee simple by City and not necessary for City’s use; and, be it

FURTHER RESOLVED, That this Commission finds that Parcel No. 9 is “exempt surplus land” as defined in Government Code Section 54221(f)(1)(D) because it is surplus land that the City is transferring to another local agency and state agency for the agencies’ use; and, be it

FURTHER RESOLVED, That this Commission asks the Board of Supervisors to determine, in accordance with Chapter 23.3 of the Administrative Code, that a competitive bidding process for the conveyance of Parcel No. 9 is impractical and is otherwise not in the public interest because the sale of Parcel No. 9 to San Bruno will avoid the expense, time, effort, and risk of eminent domain litigation and will support the construction of public highway improvements and because Parcel No. 9’s location and dimension make use by any other entity impractical; and, be it

FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of the Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to execute the Agreement, upon approval from the Board of Supervisors and Mayor; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the City’s Director of Real Property and/or the SFPUC General Manager to execute a deed conveying fee interests in Parcel No. 9 to San Bruno; and, be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves, and authorizes all actions taken to date by any City official in connection with this Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or City's Director of Property to enter into any amendments or modifications to the Agreement or without limitation its exhibits or attachments, that the General Manager and/or City's Director of Property determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Agreement or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 10, 2024.

A handwritten signature in dark ink, appearing to read "C. Deyne", is written over a horizontal line.

*Director of Commission Affairs
San Francisco Public Utilities Commission*