

## **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 22-0122

WHEREAS, The City and County of San Francisco (City), through its Public Utilities Commission (SFPUC), has developed and approved Project No. CUW30103, Regional Groundwater Storage and Recovery (Project), under the Water System Improvement Program (WSIP); and

WHEREAS, The primary objective of the Project is to provide additional dry-year regional water supply for SFPUC customers through the coordinated use of surface water stored by the SFPUC and groundwater pumped by Daly City, San Bruno, and California Water Service Company; and

WHEREAS, The Project design includes the construction of groundwater wells and well stations to be connected to the SFPUC transmission system and three wholesale customers on the Upper Peninsula, including one groundwater well on certain SFPUC parcels known internally as MUNI ROW Parcels 2 and 3, located behind and adjacent to 1600 El Camino Real in South San Francisco, California (the Groundwater Well Site); and

WHEREAS, The Groundwater Well Site has no practical vehicular access for the large bi-weekly deliveries of chemicals and other equipment and materials necessary to operate and maintain a groundwater well for production of potable water; and

WHEREAS, The Project requires that City acquire (1) an approximately 14,619-square-foot easement for pedestrian and vehicle access (Access Easement) over, along, and across certain property owned by Bay Area Rapid Transit (BART), known as Assessor's Parcel No. 093-330-120, in Colma, California and (2) a temporary construction easement to support construction of the access improvements (Temporary Construction Easement); and

WHEREAS, SFPUC staff, through consultation with City's Director of Property and the Office of the City Attorney, have negotiated with BART the proposed terms and conditions of City's acquisition of the Access Easement and Temporary Construction Easement for a purchase price of \$306,000, as set forth in the form of an Agreement for Purchase and Sale of Real Estate (Agreement); and

WHEREAS, On August 7, 2014, the Planning Commission certified the Final Environmental Impact Report (FEIR) for the Project (Case No. 2008.1396E) prepared pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, On August 12, 2014, by Resolution No. 14-0127, this Commission approved the Project and adopted the CEQA Findings and Mitigation Monitoring and Reporting Program (MMRP) as required by CEQA; and

WHEREAS, On March 17, 2016, the Planning Department issued a Minor Project Modification (MPM) to the FEIR for additional access across BART property to reach a groundwater well station and determined that no supplemental environmental review was needed beyond the MPM; and

WHEREAS, The Planning Department is the custodian of records, located in File No. 2008.1396E at 49 South Van Ness Avenue, Suite 1400, San Francisco, California; and

WHEREAS, The Project files, including the FEIR, MPM to the FEIR, Resolution No. 14-0127, CEQA Findings and the MMRP have been made available for review by this Commission and the public, and those files are part of the record before this Commission; and

WHEREAS, This Commission has reviewed and considered the information contained in the FEIR, the CEQA findings contained in Resolution Number 14-0127, the MPM to the FEIR, and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the FEIR and the MPM and the record as a whole, finds that the FEIR is adequate for its use as the decision-making body for the Project, and incorporates the CEQA findings contained in Resolution Number 14-0127 by this reference thereto as though set forth in this Resolution; and be it

FURTHER RESOLVED, This Commission further finds that since the FEIR and MPM were finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR and MPM; and be it

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

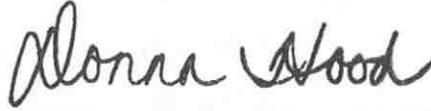
FURTHER RESOLVED, That this Commission hereby approves the terms and conditions and authorizes and directs the SFPUC's General Manager to execute the Agreement with BART subject to the approval of the Board of Supervisors and Mayor; and be it

FURTHER RESOLVED, That, upon approval of the Agreement by the City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the SFPUC General Manager to execute easement deeds for the Access Easement and Temporary Construction Easement; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the General Manager of the SFPUC to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Property to enter into any amendments or modifications to the Agreement, including without limitation, the exhibits, that the General Manager or 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 June 28, 2022.*

A handwritten signature in cursive script, reading "Monna Wood". The signature is written in dark ink and is positioned above a horizontal line.

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*Secretary, Public Utilities Commission*