

1 [Water Line Relocation Agreement.]

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3 **Resolution approving and authorizing the execution and delivery of a Water Line**
4 **Relocation Agreement with San Francisco Community College ("City College")**
5 **authorizing the exchange of real property interests in the City and County of San**
6 **Francisco following the completion of construction of a new water pipeline; adopting**
7 **findings of consistency with the General Plan and priority policies of Planning Code**
8 **Section 101.1; and adopting environmental findings.**

9

10 WHEREAS, City College, a community college district, is constructing a new 150,000
11 square foot physical education facility on southeast corner of its Ocean Avenue Campus at 50
12 Phelan Avenue in San Francisco (the "City College Project"); and

13 WHEREAS, the City College Project includes the relocation of certain underground
14 water pipelines owned and maintained by the San Francisco Public Utilities Commission (the
15 "SFPUC"); and

16 WHEREAS, The SFPUC has negotiated with City College a Water Line Relocation
17 Agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of
18 Supervisors in File No. _____, and which is incorporated by reference as though
19 fully set forth herein, which provides that, upon completion of construction of the relocated
20 water pipeline and the satisfaction of all other conditions set forth in the Agreement, the City
21 and County of San Francisco (the "City") will transfer to City College its interest in the
22 easement for the existing water pipeline (the "Old Water Line Area") in return for an easement
23 in the location of the new water pipeline (the "New Water Line Area") and the relocated
24 pipeline located in a portion of Lot 10, Assessor's Block 5932, which parcel is owned in fee by
25 City College; and

1 WHEREAS, Pursuant to the Agreement, City College will perform the relocation of the
2 SFPUC's water pipeline at no expense to SFPUC, except that SFPUC will pay for the pipeline
3 to have sacrificial anode corrosion protection, which is an improvement over the existing
4 pipeline, in accordance with plans approved by the SFPUC; and

5 WHEREAS, On June 10, 2004, the City College Board of Trustees, in Resolution Nos.
6 040610-S1 and 040610-S8 certified the Final Environmental Impact Report for the City
7 College of San Francisco Master Plan (the "Final EIR") (SCH No. 2003102086), which
8 included the City College Project, and adopted various findings related to the California
9 Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter
10 "CEQA") and State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et
11 seq., hereinafter "CEQA Guidelines"). These findings included Environmental Findings,
12 rejection of project alternatives, a statement of overriding considerations, and the adoption of
13 mitigation measures and a mitigation monitoring and reporting program. The Final EIR
14 analyzed various impacts that could occur as a result of the water line relocation; and

15 WHEREAS, In a letter dated April 15, 2005 the City Planning Department determined
16 that the actions contemplated in this Resolution do not require further environmental review
17 under CEQA and in a letter dated January 12, 2006, the City Planning Department
18 determined that such actions are, on balance, in conformity with the General Plan and
19 Planning Code Section 101.1, copies of which are on file with the Clerk of the Board of
20 Supervisors in File No. _____; and

21 WHEREAS, For the actions contemplated in the Agreement and this Resolution, the
22 City is acting as a responsible agency under CEQA section 21069 and CEQA Guidelines
23 sections 15096 and 15381; and

24 WHEREAS, The City is relying on the Final EIR for purposes of the actions
25 contemplated herein. The Final EIR is available for review by this Board of Supervisors and

1 the public at the offices of the Clerk of the Board of Supervisors in City Hall and at the
2 SFPUC's Offices at 1155 Market Street, 4th Floor. These files and the documents therein are
3 part of the record before this Board and are incorporated herein by reference; and

4 WHEREAS, On January 10, 2006, the SFPUC passed Resolution No. 06-0008
5 recommending approval of the Agreement, a copy of which is on file with the Clerk of the
6 Board of Supervisors in File No. _____, and which is incorporated by reference as
7 though fully set forth herein, making findings under CEQA as set forth in this Resolution; and

8 WHEREAS, The Director of Property has determined that the transaction contemplated
9 under the Agreement represents a fair and even exchange of value, and that City College's
10 grant to CCSF of an easement over the New Water Line Area, along with City College's
11 assumption of responsibility for all costs of relocating and providing a new waterline in the
12 New Water Line Area, will be a fair consideration for City's release of its interest in the Old
13 Water Line Area; now, therefore, be it

14 RESOLVED, To the extent applicable to the water line relocation element of the project
15 which is under the jurisdiction of the City, this Board has reviewed and considered the Final
16 EIR and hereby adopts the Environmental Findings, which include rejection of project
17 alternatives, adoption of mitigation measures, and approval of a statement of overriding
18 considerations in regard to significant unavoidable impacts; and, be it

19 FURTHER RESOLVED, That, as to the water line relocation element of the project, this
20 Board finds that applicable mitigation measures shall be imposed as conditions of the actions
21 set forth herein; and, be it

22 FURTHER RESOLVED, That, as to the water line relocation element of the project, this
23 Board finds on the basis of substantial evidence in light of the whole record that: (1) no
24 substantial changes have occurred with respect to the circumstances under which the project
25 or the actions were undertaken which would require major revisions to the Final EIR due to

1 the involvement of new significant environmental effects, or a substantial increase in the
2 severity of effects identified in the Final EIR and (2) no new information of substantial
3 importance to the Project or the Actions has become available since the certification of the
4 Final EIR that would indicate (a) the Project or the Actions will have significant effects not
5 discussed in the Final EIR; (b) significant environmental effects will be substantially more
6 severe; (c) mitigation measures or alternatives found not feasible which would reduce one or
7 more significant effects have become feasible; or (d) mitigation measures or alternatives
8 which are considerably different from those in the Final EIR would substantially reduce one or
9 more significant effects on the environment; and, be it

10 FURTHER RESOLVED, That the Board hereby finds and declares (a) that it has
11 reviewed and relied upon the Final EIR and the CEQA findings set forth above, and, in its
12 independent judgment, it concurs with and adopts said findings and conclusions, and (b) that,
13 for the actions set forth in this Resolution, there is no need to prepare a subsequent EIR
14 because there have been no substantial project changes, no substantial changes to project
15 circumstances, and no new information of substantial importance, since the SFPUC adoption
16 of Resolution No. 06-0008 that would alter the conclusions set forth therein; and be it

17 FURTHER RESOLVED, The Board of Supervisors finds that the public interest will not
18 be inconvenienced or harmed by the relocation of the water pipeline or by an exchange of the
19 Old Water Line Area for the New Water Line Area; and be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFPUC General
21 Manager and/or the Director of Property to execute and deliver the Agreement in substantially
22 the form presented to this Board, and to take all acts set forth in the Agreement to effectuate
23 the relocation of the water pipeline and the exchange of real property interests as
24 contemplated in the Agreement; and be it

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1 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
2 Property to execute and deliver the quitclaim easement deed conveying the Old Water Line
3 Area to City College and to accept the easement deed conveying the New Water Line Area to
4 the City upon City College's satisfactory completion of the new water pipeline per the terms of
5 the Agreement, and be it

6 FURTHER RESOLVED, That this Board authorizes the General Manager of the
7 SFPUC and the Director or Property to take any and all other steps they or the City Attorney
8 deem necessary and advisable to effectuate the purpose and intent of this Resolution; and be
9 it

10 FURTHER RESOLVED, That the General Manager of the SFPUC and Director of
11 Property shall be authorized to enter into any amendments or modifications to the Agreement,
12 including without limitation, the exhibits, and other related documents or memorandum, that
13 the General Manager or Director of Property determine, in consultation with the City Attorney,
14 are in the best interest of the City, do not otherwise materially increase the obligations or
15 liabilities of the City, are necessary or advisable to effectuate the purposes of the Agreement
16 or this resolution, and are in compliance with all applicable laws, including City's Charter; and
17 be it

18 FURTHER RESOLVED, That this Board instructs the Department of Public Works to
19 work with the General Manager of the SFPUC and the Director or Property to prepare and
20 submit to this Board legislation vacating the Old Water Line Area and accepting for dedication
21 the New Water Line Area and Relocated Pipeline.

22 Recommended:

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25 _____
Director of Property