

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 24-0247

WHEREAS, The City and County of San Francisco (City) owns a certain 46,097-square-foot parcel of real property under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) located on portions of Mission Road and Antoinette Lane in South San Francisco, California, described as Parcel No. 21 of San Mateo County Lands in the deed from Spring Valley Water Company to City, dated March 3, 1930, recorded in Vol. 493 of Official Records at page 1, in the Office of the Recorder of San Mateo County, State of California (Property); and

WHEREAS, The Property comprises portions of road network that is operated and maintained by the City of South San Francisco (South San Francisco); and

WHEREAS, The Property has never contained any SFPUC utility infrastructure; and

WHEREAS, South San Francisco desires to acquire the fee interest of the Property to gain full control of its road network and to facilitate work related to its Civic Campus Project (Project), which is located in the vicinity of the Property and is currently under construction; and

WHEREAS, On April 24, 2024, the Assistant General Managers of the SFPUC's Power Enterprise, Wastewater Enterprise, and Water Enterprise each declared that the Property is not essential to the SFPUC's utility needs; and

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

WHEREAS, Pursuant to Section 23.3 of the City's Administrative Code, the City may convey the Property to South San Francisco 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, A competitive bidding process is impractical and is otherwise not in the public interest because the Property is currently used as a public city street and is not capable of independent development; and

WHEREAS, South San Francisco made an offer of fair and just compensation for \$132,000 for its purchase of the Property, in accordance with California Government Code 7267.2; and

WHEREAS, The purchase price for the Subject Property is equal to its appraised value, as set forth in an Appraisal Report with a Date of Value of September 24, 2024, performed by Erik Woodhouse, MAI of Associated Right of Way Services, Inc., and approved by City's Director of Property on October 24, 2024, in accordance with Chapter 23 of City's Administrative Code; and

WHEREAS, SFPUC staff, through consultation with the Office of the City Attorney, have negotiated with South San Francisco the proposed terms and conditions of South San Francisco's fee acquisition of the Property for a purchase price of \$132,000 on an "as-is with all faults" basis, as set forth in the form of an Agreement for Purchase and Sale of Real Estate (Agreement) and Quitclaim Deed; and

WHEREAS, On July 27, 2011, the City of South San Francisco, acting as the California Environmental Quality Act (CEQA) lead agency, certified a Program Environmental Impact Report (EIR) for the El Camino Real/Chestnut Avenue Redevelopment Plan and associated General Plan and Zoning Ordinance Amendment; and

WHEREAS, On December 13, 2017, the City of South San Francisco, acting as the CEQA lead agency, certified a Supplemental EIR for the Community Civic Campus Project; and

WHEREAS, On November 13, 2019, the City of South San Francisco adopted a resolution that determined that the Former SFPUC Opportunity Site Residential Project was consistent with the Redevelopment Plan Program EIR and Community Civic Campus Project Supplemental EIR based on an Environmental Consistency Analysis pursuant to CEQA Guidelines section 15168(c); and

WHEREAS, The City of South San Francisco has adopted the mitigation measures included in the Supplemental EIR to avoid or substantially lessen the significant environmental effects identified in the Supplemental EIR, and set forth in the Supplemental EIR Mitigation Monitoring and Reporting Program and has assumed responsibility for their implementation; and

WHEREAS, The Redevelopment Plan Program EIR, Community Civic Campus Project Supplemental EIR, associated CEQA Findings, Supplemental EIR Mitigation Monitoring and Reporting Program and Former SFPUC Opportunity Site Residential Project Environmental Consistency Analysis that are part of the record of this approval are available for public review at the SFPUC offices, Real Estate Services Division, 525 Golden Gate Avenue, 10th Floor, San Francisco, California; and

WHEREAS, Staff has determined that since the City of South San Francisco adopted the Program EIR, Supplemental EIR, and Environmental Consistency Analysis, there have been no substantial changes in the Redevelopment Plan, Community Civic Campus Project, and Former SFPUC Opportunity Site Residential Project or changes in Project circumstances that would result in 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 Program EIR, Supplemental EIR, and Environmental Consistency Analysis; and

WHEREAS, This Commission, acting as a responsible agency under the CEQA Guidelines sections 15096 and 15381, has reviewed the Program EIR, Supplemental EIR, and Environmental Consistency Analysis and has determined that the approval and execution of the Purchase and Sale Agreement and Quitclaim Deed is within the scope of the Project's CEQA approval, and that the Program EIR, Supplemental EIR, and Environmental Consistency Analysis and other materials are adequate for use in approval and execution of the Purchase and Sale Agreement and Quitclaim Deed; and

WHEREAS, The SFPUC has no direct authority or responsibility with respect to the proposed Redevelopment Plan, Community Civic Campus Project, Former SFPUC Opportunity Site Residential Project, or any Project mitigation measures, other than to enable the City of South San Francisco, through approval and execution of the Purchase and Sale Agreement and Quitclaim Deed, to carry out the proposed Project; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Program EIR, Supplemental EIR, and Environmental Consistency Analysis, and record and finds that the Program EIR, Supplemental EIR, and Environmental Consistency Analysis are adequate for use as the decision-making body for the action taken by this Resolution; and, be it

FURTHER RESOLVED, This Commission affirms the determination that since the Program EIR, Supplemental EIR, and Environmental Consistency Analysis were finalized, there have been no substantive Project changes and no substantial changes in Project circumstances that would require revisions to the Program EIR, Supplemental EIR, and Environmental Consistency Analysis due to the potential 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 Program EIR, Supplemental EIR, and Environmental Consistency Analysis; 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 the Agreement; and, be it

FURTHER RESOLVED, That this Commission hereby declares the Property 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, under the circumstances described above, that the Property 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, under the circumstances described above, that the Property 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 for the agency's use; and, be it

FURTHER RESOLVED, That this Commission asks the Board of Supervisors to determine, in accordance with Section 23.3 of the Administrative Code, that a competitive

bidding process for the conveyance of the Property is impractical and is otherwise not in the public interest because (i) the Property's location, dimension, and current use make its use by any other entity impractical; (ii) the sale of the Property to South San Francisco will support the continuation of the Property's current use as portions of public city streets; and (iii) the sale of the Property to South San Francisco will avoid the costly risk of eminent domain litigation; and, be it

FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of the Agreement and authorizes and directs the General Manager and City's Director of Property to execute the Agreement and Quitclaim Deed, subject to the approval of the Board of Supervisors and Mayor; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to enter into any amendments or modifications to the Agreement and Quitclaim Deed, including without limitation any exhibits or attachments to the Agreement and Quitclaim Deed, that the General Manager 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, Quitclaim Deed, 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.*



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Director of Commission Affairs  
San Francisco Public Utilities Commission