

1 [CEQA Findings and Approval of Real Property Agreements for SFPUC Water System  
2 Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San  
3 Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco]

4 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**  
5 **including the adoption of a mitigation monitoring and reporting program and a statement**  
6 **of overriding considerations related to the San Andreas Pipeline No.3 Installation Project,**  
7 **CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this**  
8 **action; making findings of consistency with the General Plan and priority policies of**  
9 **Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the**  
10 **necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch**  
11 **Ventures, L.P., Wilbak Investments, L.P. (Westlake Associates) to modify, relocate and**  
12 **quitclaim certain easement rights in real property located in the Westlake Villas areas**  
13 **along Poncetta Drive between John Daly Boulevard and the north property line of Lake**  
14 **Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to**  
15 **execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC**  
16 **(Parkmerced) to modify, relocate and quitclaim certain easement rights in real property**  
17 **located in the Parkmerced development from Brotherhood Way to 19th Avenue in the City**  
18 **and County of San Francisco.**

19  
20 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a  
21 project description for the San Andreas Pipeline No.3 Installation Project, a water  
22 infrastructure project included as part of the Water System Improvement Program, located  
23 between San Pedro Valve Lot in Daly City and Merced Manor Reservoir in San Francisco (the  
24 "Project"). The Project includes the installation of approximately a 4.4-mile-long, 36-inch-  
25 diameter welded steel pipe, three crossovers, five customer service connections, underground

1 vaults, appurtenances, and a cathodic protection system; and the removal or slurry fill of the  
2 existing 30-inch out-of-service Baden Merced Pipeline; and

3 WHEREAS, The objectives of the Project are to improve seismic and delivery reliability  
4 of the water system, and provide redundancy for water customers in San Francisco and in the  
5 northern Peninsula during planned and unplanned shutdown of an existing pipeline; and

6 WHEREAS, An environmental impact report ("EIR") as required by the California  
7 Environmental Quality Act ("CEQA") was prepared for the Project; and

8 WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning  
9 Commission on April 2, 2009 by Motion No.17853; and

10 WHEREAS, The FEIR prepared for the Project is tiered from the Water System  
11 Improvement Program Environmental Impact Report ("PEIR") adopted by the San Francisco  
12 Public Utilities Commission in Resolution No. 08-200 dated October 30, 2008, as authorized  
13 by and in accordance with CEQA and the CEQA Guidelines; and

14 WHEREAS, On April 17, 2009, the San Francisco Public Utilities Commission  
15 (SFPUC), by Resolution No. 09-0060, a copy of which is included in Board of Supervisors File  
16 No. \_\_\_\_\_ and which is incorporated herein by this reference: (1) approved the Project;  
17 (2) adopted findings (CEQA Findings) and a Mitigation Monitoring and Reporting Program  
18 (MMRP) required by the CEQA; (3) authorized the General Manager to seek the Board of  
19 Supervisors' approval of and, if approved, to execute necessary agreements and deeds with  
20 John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P.  
21 (Westlake Associates) and Parkmerced Investors Properties, LLC (Parkmerced); (4)  
22 authorized the General Manager to negotiate and execute construction and access  
23 agreements with the Lake Merced Golf Club and the San Francisco Golf Club; and (5)  
24 authorized the General Manager to apply for and accept reasonable terms and conditions of  
25 encroachment permits from Daly City and San Mateo County; and

1           WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No. 09-  
2 0060 have been made available for review by the Board and the public, and those files are  
3 considered part of the record before this Board; and

4           WHEREAS, The Board of Supervisors has reviewed and considered the information  
5 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0060, and all written  
6 and oral information provided by the Planning Department, the public, relevant public  
7 agencies, SFPUC and other experts and the administrative files for the Project; and

8           WHEREAS, The Project includes work located in Westlake Villas areas along Poncetta  
9 Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in  
10 the City of Daly City, and in connection with such work, SFPUC has negotiated various real  
11 estate documents, including without limitation, a term sheet, pipeline relocation agreement, an  
12 amended and restated easement deed and quitclaim deed with John Daly Boulevard  
13 Associates, L.P.; Monarch Ventures, L.P., and Wilbak Investments, L.P., as tenants in  
14 common (Westlake Associates), copies of which documents are on file with the Clerk of the  
15 Board of Supervisors in File No. \_\_\_\_\_ and which are incorporated by reference as  
16 though fully set forth herein (collectively, the "Westlake Associates Real Property  
17 Documents"); and

18           WHEREAS, The Project includes work located in the Parkmerced development from  
19 Brotherhood Way to 19th Avenue in the City and County of San Francisco, and in connection  
20 with such work, SFPUC has negotiated various real estate documents, including without  
21 limitation, a term sheet, pipeline relocation agreement, an amended and restated easement  
22 deed, and a quitclaim deed with Parkmerced Investors Properties, LLC (Parkmerced), a copy  
23 of which documents are on file with the Clerk of the Board of Supervisors in File No.  
24 \_\_\_\_\_ and which are incorporated by reference as though fully set forth herein  
25 (collectively, the "Parkmerced Real Property Documents"); and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08 that placed Water System Improvement Program appropriated funds on Controller’s Appropriation Reserve, by project, making release of appropriation reserves by the Controller subject to the prior occurrence of: (1) the SFPUC's and the Board's discretionary adoption of CEQA Findings for each project, following review and consideration of completed project-related environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where required, and (2) the Controller's certification of funds availability, including proceeds of indebtedness. The associated costs covered for this Project under Ordinance No. 311-08 are less than the \$100 million threshold that requires subsequent release of reserves directly by the Budget and Finance Committee of the Board of Supervisors; now, therefore, be it

RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR and record as a whole, finds that the FEIR is adequate for its use as the decision-making body for the action taken herein including, but not limited to, approval of the Project-related property documents described below, and incorporates the CEQA Findings and MMRP contained in Resolution No. 17853 including the Statement of Overriding Considerations by this reference thereto as though set forth in this Resolution; and be it

FURTHER RESOLVED, That the Board finds that the Project mitigation measures adopted by the SFPUC will be implemented as reflected in and in accordance with the MMRP; and be it

FURTHER RESOLVED, The Board finds that since the FEIR was 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,

1 and there is no new information of substantial importance that would change the conclusions  
2 set forth in the FEIR; and be it

3 FURTHER RESOLVED, That the Board finds and declares that the Project is in  
4 accordance with Section 4.105 of the San Francisco Charter consistent with the City's  
5 General Plan and priority policies of Planning Code Section 101.1, and adopts the findings of  
6 the City Planning Department, as set forth in the General Plan Referral Report dated April 8,  
7 2009, a copy of which is on file with the Clerk of the Board in File No. \_\_\_\_\_, and  
8 incorporates such findings by reference; and be it

9 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Westlake  
10 Associates Real Property Documents, including without limitation, a pipeline relocation  
11 agreement, an amended and restated easement deed in favor of City, and a quitclaim deed in  
12 favor of Westlake Associates, in substantially the form presented to this Board, and authorizes  
13 the General Manager of the SFPUC and/or Director of Property to execute and enter into the  
14 pipeline relocation agreement, to accept and/or execute said amended and restated  
15 easement deed from Westlake Associates, and to execute and convey said quitclaim deed  
16 from City to Westlake Associates, upon approval and satisfaction of any conditions in the  
17 Westlake Associates Property Documents; and be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby approves the  
19 Parkmerced Real Property Documents, including without limitation, a pipeline relocation  
20 agreement, an amended and restated easement deed in favor or City, and a quitclaim deed in  
21 favor of Parkmerced, in substantially the form presented to this Board, and authorizes the  
22 General Manager of the SFPUC and/or Director of Property to execute and enter into the  
23 pipeline relocation agreement, to accept and/or execute said amended and restated  
24 easement deed from Parkmerced, and to execute and convey said quitclaim deed from City to  
25

1 Parkmerced, upon approval and satisfaction of any conditions in the Parkmerced Property  
2 Documents; and be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the General  
4 Manager of the SFPUC and/or the Director of Property to enter into any amendments or  
5 modifications to the Westlake Associates Real Property Documents and Parkmerced Real  
6 Property Documents, including without limitation, any of the exhibits, and any other related  
7 documents or memorandum, and to take any and all other steps that the General Manager  
8 determines, in consultation with the City Attorney: (1) are in the best interest of the City; (2) do  
9 not otherwise materially increase the obligations or liabilities of the City; (3) are acceptable,  
10 necessary or advisable to effectuate the purposes and intent of the Westlake Associates  
11 Property Documents, Parkmerced Property Documents or this resolution; and (4) are in  
12 compliance with all applicable laws, including the City Charter; and, be it

13 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this  
14 Resolution to the Controller.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25