

1 [Waterline Relocation Agreement.]

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3 **Resolution approving and authorizing the execution and delivery of a Waterline**
4 **Relocation Agreement with Mills Peninsula Health Services; authorizing the exchange**
5 **of real property interests in the City of Burlingame, San Mateo County following the**
6 **completion of construction of a new water pipeline; adopting findings of consistency**
7 **with the General Plan and priority policies of Planning Code Section 101.1; and**
8 **adopting environmental findings.**

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10 WHEREAS, Mills Peninsula Health Services ("MPHS"), a California non-profit, is
11 replacing the existing Peninsula Medical Center and nearby medical office buildings located in
12 the City of Burlingame, San Mateo County to comply with state law which requires all hospital
13 facilities to meet new seismic standards; and,

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

16 WHEREAS, The SFPUC has negotiated with MPHS a Waterline Relocation Agreement
17 (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File
18 No. _____, and which is incorporated by reference as though fully set forth herein,
19 which provides that, upon completion of construction of the relocated water pipeline and the
20 satisfaction of all other conditions set forth in the Agreement, the City will transfer to MPHS its
21 interest in the easement for the existing water pipeline (the "Old Waterline Area") in return for
22 an easement in the location of the new water pipeline (the "New Waterline Area") and the
23 relocated pipeline located in Assessor's Parcels 025-123-000, 025-123-041 and 025-123-030
24 which parcels are owned in fee by MPHS; and,

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1 WHEREAS, Pursuant to the Agreement, MPHS will perform the relocation of the
2 SFPUC's water pipeline at no expense to the SFPUC and in accordance with plans approved
3 by the SFPUC; and,

4 WHEREAS, On November 15, 2004, the City Council of the City of Burlingame,
5 California in Resolution No. 105-2004 certified the Final Environmental Impact Report for the
6 Peninsula Hospital Replacement Project (the "Final EIR") and adopted various findings
7 related to the California Environmental Quality Act (Cal. Public Resources Code sections
8 21000 et seq., hereinafter "CEQA") State CEQA Guidelines (Cal. Code of Regulations Title
9 14, sections 15000 et seq., hereinafter "CEQA Guidelines") (SCH No. 2003072005). These
10 findings included a statement of overriding considerations and the adoption of mitigation
11 measures and a mitigation monitoring and reporting program. The Final EIR analyzed various
12 impacts that could occur as a result of the Waterline relocation; and,

13 WHEREAS, In a letter dated October 26, 2005, the City Planning Department
14 determined that the actions contemplated in the Agreement do not require further
15 environmental review under CEQA and are, on balance, in conformity with the General Plan
16 and Planning Code Section 101.1; and,

17 WHEREAS, For the actions contemplated herein, the City is acting as a responsible
18 agency under CEQA section 21069 and CEQA Guidelines sections 15096 and 15381; and,

19 WHEREAS, The City is relying on the Final EIR for purposes of the actions
20 contemplated herein. The Final EIR is available for review by this Board of Supervisors and
21 the public at the offices of the Clerk of the Board of Supervisors in City Hall and at the
22 SFPUC's Offices at 1155 Market Street, 4th Floor. These files and the documents therein are
23 part of the record before this Board and are incorporated herein by reference; and,

24 WHEREAS, On January 10, 2006, the SFPUC passed a resolution recommending
25 approval of the Agreement, a copy of which is on file with the Clerk of the Board of

1 Supervisors in File No. _____, which is incorporated by reference as though fully
2 set forth herein, making findings under CEQA as set forth in this Resolution; and,

3 WHEREAS, The Director of Property has determined that the transaction contemplated
4 under the Agreement represents a fair and even exchange of value, and that MPHS' grant to
5 CCSF of an easement over the New Waterline Area, along with MPHS' assumption of
6 responsibility for all costs of relocating and providing a new waterline in the New Waterline
7 Area, will be a fair consideration for CCSF's release of its interest in the Old Waterline Area;
8 now, therefore, be it

9 RESOLVED, To the extent applicable to the Waterline relocation element of the project
10 which is under the jurisdiction of the City, this Board has reviewed and considered the Final
11 EIR and hereby adopts the Environmental Findings, which include rejection of project
12 alternatives, adoption of mitigation measures, and approval of a statement of overriding
13 considerations in regard to significant unavoidable impacts; and, be it

14 FURTHER RESOLVED, That, as to the Waterline relocation element of the project, this
15 Board finds that applicable mitigation measures shall be imposed as conditions of the actions
16 set forth herein; and, be it

17 FURTHER RESOLVED, That, as to the Waterline relocation element of the project, this
18 Board finds on the basis of substantial evidence in light of the whole record that: (1) no
19 substantial changes have occurred with respect to the circumstances under which the project
20 or the actions were undertaken which would require major revisions to the Final EIR due to
21 the involvement of new significant environmental effects, or a substantial increase in the
22 severity of effects identified in the Final EIR and (2) no new information of substantial
23 importance to the Project or the Actions has become available since the certification of the
24 Final EIR that would indicate (a) the Project or the Actions will have significant effects not
25 discussed in the Final EIR; (b) significant environmental effects will be substantially more

1 severe; (c) mitigation measures or alternatives found not feasible which would reduce one or
2 more significant effects have become feasible; or (d) mitigation measures or alternatives
3 which are considerably different from those in the Final EIR would substantially reduce one or
4 more significant effects on the environment; and, be it

5 FURTHER RESOLVED, That the Board hereby finds and declares (a) that it has
6 reviewed and relied upon the Final EIR and the CEQA findings set forth above, and, in its
7 independent judgment, it concurs with and adopts said findings and conclusions, and (b) that,
8 for the actions set forth in this Resolution, there is no need to prepare a subsequent EIR
9 because there have been no substantial project changes, no substantial changes to project
10 circumstances, and no new information of substantial importance, since the SFPUC adoption
11 of Resolution No. 06-0009 that would alter the conclusions set forth therein; and, be it

12 FURTHER RESOLVED, The Board of Supervisors finds that the public interest will not
13 be inconvenienced or harmed by the relocation of the water pipeline or by an exchange of the
14 Old Waterline Area for the New Waterline Area; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFPUC General
16 Manager and/or the Director of Property to execute and deliver the Agreement in substantially
17 the form presented to this Board, and to take all acts set forth in the Agreement to effectuate
18 the relocation of the water pipeline and the exchange of real property interests as
19 contemplated in the Agreement; 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 easement deed conveying
22 the Old Waterline Area to MPHS and accept the easement deed conveying the New Waterline
23 Area to the City upon MPHS's satisfactory completion of the new water pipeline per the terms
24 of the Agreement; and, be it

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

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

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13 Recommended:

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16 Steve Legnitto
17 Director of Property

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