

1 [Real Property Acquisition - Easements from the Jefferson Elementary School District -
2 Regional Groundwater Storage and Recovery Project, San Mateo County - \$426,000]

3 **Resolution ratifying, approving, and authorizing the acquisition of seven easements**
4 **from the Jefferson Elementary School District, a California public school district, for**
5 **\$426,000 to be used by the City and County of San Francisco under the Water System**
6 **Improvement Program for the access, installation, modification, removal, inspection,**
7 **maintenance, repair, replacement, periodic scheduled maintenance, emergency**
8 **repairs, and construction of the project known as the Regional Groundwater Storage**
9 **and Recovery Project, Project No. CUW30103; adopting findings under the California**
10 **Environmental Quality Act; adopting findings that the conveyance is consistent with**
11 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
12 **ratifying the Agreement and authorizing the Director of Property and/or the San**
13 **Francisco Public Utilities Commission General Manager to execute documents, make**
14 **certain modifications, and take certain actions in furtherance of this Resolution.**

15
16 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") has
17 developed and approved the Regional Groundwater Storage and Recovery Project
18 ("Project"), Project No. CUW30103, a water infrastructure project included as part of the
19 Water System Improvement Program ("WSIP"), with a the primary purpose of providing an
20 additional dry-year regional water supply; and

21 WHEREAS, The Project is located in the County of San Mateo and its completion
22 would help the SFPUC achieve the WSIP Level of Service goal for Water Supply adopted
23 by the SFPUC in Resolution No. 08-200; and

24 WHEREAS, The specific objectives of the Project are to conjunctively manage the
25 South Westside Groundwater Basin through the coordinated use of SFPUC surface water

1 and groundwater pumped by the City of Daly City, the City of San Bruno, and the California
2 Water Service Company (“Participating Pumpers”) to provide supplemental SFPUC surface
3 water to the Participating Pumpers in normal and wet years, resulting in a corresponding
4 reduction of groundwater pumping, which then allows for in-lieu recharge of the South
5 Westside Groundwater Basin to increase the dry-year and emergency pumping capacity of
6 the South Westside Groundwater Basin by up to an average annual volume of 7.2 million
7 gallons per day and provide a new dry-year groundwater supply for SFPUC customers and
8 increase water supply reliability during a multi-year drought cycle; and

9 WHEREAS, An Environmental Impact Report (“EIR”) as required by the California
10 Environmental Quality Act (“CEQA”) was prepared for the Project by the San Francisco
11 Planning Department, File No. 2008.1396E; and

12 WHEREAS, The San Francisco Planning Commission on August 7, 2014 1) certified
13 the FEIR for the Project by Motion No. M-19209; 2) adopted findings under CEQA,
14 including the adoption of a Mitigation Monitoring and Reporting Program (“MMRP”) and a
15 statement of overriding considerations (“CEQA Findings”) by Motion No. M-19210; and 3)
16 found the Project consistent with the General Plan, and eight priority policies of Planning
17 Code, Section 101.1 (“General Plan Findings”) by Motion No. M-19211, a copy of the
18 motions is on file with the Clerk of the Board of Supervisors under File No. 150616, which is
19 incorporated herein by this reference; and

20 WHEREAS, The Project requires that the City acquire two (2) temporary
21 construction easements, one (1) access easement, one (1) storm drainage easement, one
22 (1) utility water easement, one (1) utility line easement, and one (1) well easement
23 (collectively, the “Easements”) over and across portions of that real property owned by the
24 Jefferson Elementary School District, a California public school district (“Grantor”) located
25 in an unincorporated area of Daly City in San Mateo County, CA; and

1 WHEREAS, On August 12, 2014, by SFPUC Resolution No. 14-0127, a copy of
2 which is on file with the Clerk of the Board of Supervisors under File No. 140945, which is
3 incorporated herein by this reference, adopted CEQA Findings and approved the proposed
4 acquisition of the Easements by authorizing the SFPUC General Manager and/or the
5 Director of Property through consultation with the Office of the City Attorney, following
6 Board of Supervisors approval of the acquisition of the Easements, to accept and execute
7 final agreements, and any other related documents necessary to consummate the
8 transactions contemplated therein; and

9 WHEREAS, The Board of Supervisors on October 28, 2014, approved Resolution
10 No. 400-14, which included the adoption of CEQA Findings and the adoption of the San
11 Francisco Planning Commission's General Plan Findings for the Project; a copy of which is
12 on file with the Clerk of Board of Supervisors under File No. 140945, which is incorporated
13 herein by this reference; and

14 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
15 Office of the City Attorney, have negotiated with the Grantor the proposed terms and
16 conditions of City's acquisition of the Easements as set forth in the form of an Agreement
17 for Purchase and Sale of Real Estate ("Agreement"), between City, as Grantee, and
18 Grantor, a copy of which is on file with the Clerk of the Board of Supervisors under File No.
19 150616, which is incorporated herein by reference and is considered part of the record
20 before this Board; and

21 WHEREAS, The Project files, including SFPUC Resolution Nos. 08-200 and
22 14-0127 and San Francisco Planning Department File No. 2008.1396E have been made
23 available for review by the Board of Supervisors and the public, and those files are
24 considered part of the record before this Board; and

25

1 WHEREAS, The Board of Supervisors has reviewed and considered the information
2 contained in the FEIR, and the CEQA Findings, including all written and oral information
3 provided by the Planning Department, the public, relevant public agencies, the SFPUC and
4 other experts and the administrative files for the Project; now, therefore, be it

5 RESOLVED, The Board of Supervisors, having reviewed and considered the FEIR
6 and record as a whole, finds that the proposed Agreement is within the scope of the project
7 analyzed in the FEIR and previously approved by the San Francisco Planning Commission,
8 the SFPUC, and the Board of Supervisors; and, be it

9 FURTHER RESOLVED, The Board finds that the FEIR is adequate for its use as the
10 decision-making body for approval of the Agreement and hereby incorporates by reference
11 the CEQA Findings made in Resolution No. 400-14, Board File No. 140945 concerning the
12 Project; and, be it

13 FURTHER RESOLVED, The Board further finds that since the FEIR was finalized,
14 there have been no substantial project changes and no substantial changes in project
15 circumstances that would require major revisions to the FEIR due to the involvement of
16 new significant environmental effects or an increase in the severity of previously identified
17 significant impacts, and there is no new information of substantial importance that would
18 change the conclusions set forth in the FEIR; and, be it

19 FURTHER RESOLVED, The Board of Supervisors hereby incorporates by reference
20 the General Plan Findings made in Resolution No. 400-14, Board of Supervisors File No.
21 140945 concerning the Project; and, be it

22 FURTHER RESOLVED, That in accordance with the recommendations of the Public
23 Utilities Commission and the Director of Property, the Board of Supervisors hereby
24 approves the Agreement and the transaction contemplated thereby in substantially the form
25 of such instrument presented to this Board; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors ratifies the Agreement and
2 authorizes the Director of Property and/or the SFPUC's General Manager to enter into any
3 additions, amendments, or other modifications to the Agreement (including, without
4 limitation, the attached exhibits) that the Director of Property and/or the SFPUC's General
5 Manager determines are in the best interest of the City, that do not materially increase the
6 obligations or liabilities of the City, and are necessary or advisable to complete the
7 transaction contemplated in the Agreement and effectuate the purpose and intent of this
8 resolution, such determination to be conclusively evidenced by the execution and delivery
9 by the Director of Property of the Agreement and any amendments thereto; and, be it

10 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
11 in the name and on behalf of the City and County, to execute and deliver the Agreement with
12 Grantor upon the closing in accordance with the terms and conditions of the Agreement, and
13 to take any and all steps (including, but not limited to, the execution and delivery of any and all
14 certificates, agreements, notices, consents, escrow instructions, closing documents, and other
15 instruments or documents) as the Director of Property deems necessary or appropriate in
16 order to consummate the acquisition of the Easements pursuant to the Agreement, or to
17 otherwise effectuate the purpose and intent of this resolution, such determination to be
18 conclusively evidenced by the execution and delivery by the Director of Property of any such
19 documents.

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Controller

RECOMMENDED:

Director of Property
Real Estate Division

RECOMMENDED:

General Manager
San Francisco Public Utilities Commission