

1 [Sale of Easement - 212 Square Feet at Northeast Corner of 23rd Street and Potrero Avenue
2 - Pacific Gas and Electric Company - \$10,600]

3 **Resolution approving and authorizing the sale of an easement on the City’s property,**
4 **consisting of 212 square feet of land at the northeast corner of 23rd Street and Potrero**
5 **Avenue, to the Pacific Gas and Electric Company for the price of \$10,600; adopting**
6 **findings under the California Environmental Quality Act; and authorizing the Director of**
7 **Property to execute documents, make certain modifications and take certain actions in**
8 **furtherance of this Resolution, as defined herein.**

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10 WHEREAS, The campus of the Priscilla and Mark Zuckerberg San Francisco General
11 Hospital and Trauma Center (“SFGH”), including the parcel of real property known as
12 Assessor’s Block No. 4154, Lot No. 001 (the “Affected Parcel”), is under the jurisdiction of
13 City’s Department of Public Health (“DPH”); and

14 WHEREAS, SFGH is building a new acute care hospital to meet state seismic
15 requirements; and

16 WHEREAS, Pacific Gas and Electric Company (“PG&E”) has the right to install poles,
17 wires, conduits, and related appurtenances for the distribution and transmission of electricity
18 in City’s streets pursuant to a franchise granted by Ordinance No. 414, adopted by the City’s
19 Board of Supervisors on December 19, 1939, and Section 6201 of the California Public
20 Utilities Code (together, the “Franchise Agreement”); and

21 WHEREAS, Pursuant to the Franchise Agreement, PG&E installed above-ground
22 electrical facilities comprised of distribution poles and related wires, conduits, and related
23 appurtenances within the City streets known as 23rd Street and Potrero Avenue; and

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1 WHEREAS, An existing PG&E power pole (“Power Pole”) is presently located in the
2 improved sidewalk portion of 23rd Street near the intersection with Potrero Avenue, adjacent
3 to the Affected Parcel; and

4 WHEREAS, The City team responsible for construction of the new hospital concluded
5 that the Power Pole will interfere with the placement of and impair the visibility of new
6 electrified wayfinding signage for the new hospital scheduled to be installed on the Affected
7 Parcel; and

8 WHEREAS, The City has requested that PG&E remove the Power Pole from its current
9 location and install a replacement pole in a location that will not interfere with the new hospital
10 signage; and

11 WHEREAS, PG&E has proposed a new location for the Power Pole that is satisfactory
12 to the City, located within the area governed by the Franchise Agreement; and

13 WHEREAS, The resulting realignment of the associated overhead power lines would
14 be such that some of the power lines would cross over a corner of the Affected Parcel, which
15 is not within the area governed by the Franchise Agreement; and

16 WHEREAS, City staff has determined that the presence of the power lines over the
17 corner of the Affected Parcel (Easement Area) would not have a material adverse impact on
18 SFGH operation on the Affected Parcel; and

19 WHEREAS, In order to accommodate the relocation of the Power Pole to the new
20 location, City staff has negotiated with PG&E an Easement Agreement that would require
21 PG&E to remove or relocate the Power Pole within the City sidewalk, and would provide
22 PG&E an Easement over a portion of the Affected Parcel (the Easement Area) comprised of a
23 strip of land of uniform width of ten feet, in consideration of a payment to the City by PG&E of
24 the Easement’s fair market value, as ascribed by an third party appraisal, of \$10,600, and on
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1 the terms and conditions set forth in the Easement Agreement, a copy of which is on file with
2 the Clerk of the Board of Supervisors in File No. 150759; and

3 WHEREAS, The City's Director of Property reviewed and approved the third party
4 appraisal of the value of the Easement Area; and

5 WHEREAS, On June 19, 2008, the City Planning Commission, by Motion No. 1763,
6 certified a Final Environmental Impact Report ("FEIR") for the San Francisco General Hospital
7 Seismic Compliance Hospital Replacement Program (the "Project"), in compliance with the
8 California Environmental Quality Act, California Public Resources Code, Sections 21000, et.
9 seq., ("CEQA"), the CEQA Guidelines, 14 Cal. Code Regs, Sections 15000, et.seq., ("CEQA
10 Guidelines"), and San Francisco Administrative Code, Chapter 31 ("Chapter 31"), finding that
11 the FEIR was completed in compliance with CEQA, and was adequate, accurate and
12 objective and reflected the independent judgment of the Planning Commission; and

13 WHEREAS, On July 16, 2008, By Resolution No. 307-08, the Board of Supervisors
14 adopted CEQA Findings regarding the alternatives to the Project, mitigation measures, and
15 significant environmental impacts analyzed in the FEIR, a statement of overriding
16 considerations, approval actions needed to implement the Project and a proposed mitigation
17 monitoring and reporting program ("CEQA Findings"); and

18 WHEREAS, The CEQA Findings for the Project are on file with the Clerk of the Board
19 of Supervisors in File No. 080664, and are incorporated into this Resolution by this reference;
20 and

21 WHEREAS, On May 14, 2015, the Planning Department, by a Memorandum to City
22 Planning File No. 2007.0603E, determined that the action contemplated by this Resolution is
23 within the scope of the FEIR analysis and no further environmental review is required; and
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1 WHEREAS, Offering the Easement by competitive bidding process or auction would be
2 impractical because the Easement only serves one particular entity's distribution system and
3 is not independently developable; and

4 WHEREAS, On June 2, 2015, the Health Commission approved the sale of the
5 Easement and the form of the Easement Agreement, by Resolution No. 15-10, a copy of
6 which is on file with the Clerk of the Board of Supervisors in File No. 150759; now, therefore,
7 be it

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9 hereby finds, on the basis of substantial evidence and in light of the whole record, that (1)
10 there have been on changes to the Project that will require important revisions to the FEIR
11 due to the involvement of new significant environmental effects or a substantial increase in the
12 severity of previously identified significant effects; (2) no substantial changes have occurred
13 with respect to the circumstances under which the Project will be undertaken which would
14 require major revisions to the FEIR due to the involvement of new environmental effects, or a
15 substantial increase in the severity of effects identified in the FEIR; and (3) no new information
16 of substantial importance to the Project has become available which would indicate (a) the
17 Project has significant effects not discussed in the Final ER, (b) significant environmental
18 effects will be substantially more severe; (c) that mitigation measures or alternatives which
19 would reduce one or more significant effects but which were found to be not feasible have
20 now become feasible; or (d) mitigation measures or alternatives which are considerably
21 different from those in the FEIR would substantially reduce one or more significant effects on
22 the environment; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors finds that the public interest or
24 necessity will not be inconvenienced by the conveyance of the Easement, because the City
25 does not need the Easement Area for utility facilities and because conveyance of the

1 Easement will enable PG&E to timely relocate their Power Pole from its current location; and,
2 be it

3 FURTHER RESOLVED, That the Board of Supervisors finds that an auction or
4 competitive bidding process would be impractical, because the subject real property is not
5 capable of independent development given its location and configuration; and, be it

6 FURTHER RESOLVED, That in accordance with the recommendation of the Director
7 of Property, the Board of Supervisors hereby approves the sale of the Easement for the
8 appraised value of \$10,600, and the terms and conditions of the Easement in substantially the
9 form of the Easement Agreement presented to the Board and authorizes the Director of
10 Property, in the name and on behalf of the City and County, to execute the Easement
11 Agreement; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
13 Property to enter into any amendments or modifications to the Easement Agreement
14 (including, without limitation, the attached exhibits) that the Director of Property determines, in
15 consultation with the City Attorney, are in the best interest of the City, do not otherwise
16 materially diminish the benefits to the City or increase the obligations or liabilities of the City,
17 are necessary or advisable to effectuate the purposes of the Easement Agreement and are in
18 compliance with all applicable laws, including City's Charter; and, be it

19 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
20 in the name and on behalf of the City and County, to take any and all steps (including, but not
21 limited to, the execution and delivery of any and all certificates, agreements, notices,
22 consents, escrow instructions, closing documents and other instruments or documents) as the
23 Director of Property deems necessary or appropriate in order to consummate the conveyance
24 of the Easement pursuant to the Easement Agreement, or to otherwise effectuate the purpose
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1 and intent of this resolution, such determination to be conclusively evidenced by the execution
2 and delivery by the Director of Property of any such documents.

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Director of Property

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