

1 [Real Property Acquisition - Easements from Costco Wholesale Corporation - Regional
2 Groundwater Storage and Recovery Project, San Mateo County - \$190,000]

3 **Resolution approving and authorizing the acquisition of one temporary construction**
4 **easement, one permanent subsurface electrical easement, one permanent subsurface**
5 **well connection easement, and one subsurface utility water connection easement from**
6 **Costco Wholesale Corporation, a Washington corporation, for \$190,000 to be used by**
7 **the City and County of San Francisco under the Water System Improvement Program**
8 **for the access, installation, modification, removal, inspection, maintenance, repair,**
9 **replacement, periodic scheduled maintenance, emergency repairs, and construction of**
10 **the project known as the Regional Groundwater Storage and Recovery Project, Project**
11 **No. CUW30103; adopting findings under the California Environmental Quality Act;**
12 **adopting findings that the conveyance is consistent with the General Plan, and the**
13 **eight priority policies of Planning Code, Section 101.1; and approving the Agreement**
14 **for Purchase and Sale of Real Estate and authorizing the Director of Property and/or**
15 **the San Francisco Public Utilities Commission General Manager to execute documents,**
16 **make certain modifications, and take certain actions in furtherance of this Resolution,**
17 **as defined herein.**

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

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

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

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

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

24 WHEREAS, The Project requires that the City acquire one (1) temporary construction
25 easement, one (1) permanent subsurface electrical easement, (1) subsurface well connection

1 easement and one subsurface utility water connection easement (collectively, the
2 “Easements”) over, in, under and across portions of that real property owned by the Costco
3 Wholesale Corporation, a Washington corporation (“Grantor”) located in the City of South San
4 Francisco in San Mateo County, CA; and

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

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

18 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
19 Office of the City Attorney, have negotiated with the Grantor the proposed terms and
20 conditions of City’s acquisition of the Easements as set forth in the form of an Agreement
21 for Purchase and Sale of Real Estate (“Agreement”), between City, as Grantee, and
22 Grantor, a copy of which is on file with the Clerk of the Board of Supervisors under File No.
23 150826, which is incorporated herein by reference and is considered part of the record
24 before this Board; and

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

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

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

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

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

23 FURTHER RESOLVED, The Board of Supervisors hereby incorporates by reference
24 the General Plan Findings made in Resolution No. 400-14, Board of Supervisors File No.
25 140945 concerning the Project; and, be it

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

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

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

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\$190,000.00 available
Index Code: 730150

Controller

Subject to the enactment of the Annual
Appropriation Ordinance for FY 2015/2016

RECOMMENDED:

Director of Property
Real Estate Division

RECOMMENDED:

General Manager
San Francisco Public Utilities Commission