

1 [Real Property Acquisition - Easements from John Daly Boulevard Associates, L.P., Monarch
2 Ventures, L.P., and Wilbak Investments, L.P. - Regional Groundwater Storage and Recovery
3 Project, San Mateo County - \$78,185]

4 **Resolution approving and authorizing the acquisition of one temporary construction**
5 **easement, two permanent surface access easements and one permanent subsurface**
6 **easement for water utility purposes from John Daly Boulevard Associates, L.P., a**
7 **California limited partnership, Monarch Ventures, L.P., a California limited partnership,**
8 **and Wilbak Investments, L.P., a California limited partnership for \$78,185 to be used by**
9 **the City and County of San Francisco under the Water System Improvement Program**
10 **for the access, installation, modification, removal, inspection, maintenance, repair,**
11 **replacement, periodic scheduled maintenance, emergency repairs, and construction of**
12 **the project known as the Regional Groundwater Storage and Recovery Project, Project**
13 **No. CUW30103; adopting findings under the California Environmental Quality Act;**
14 **adopting findings that the conveyance is consistent with the General Plan, and the**
15 **eight priority policies of Planning Code, Section 101.1; and approving the Agreement**
16 **and authorizing the Director of Property and/or the San Francisco Public Utilities**
17 **Commission General Manager to execute documents, make certain modifications, and**
18 **take certain actions in furtherance of this Resolution, as defined herein.**

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

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

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

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

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

1 WHEREAS, The Project requires that the City acquire one (1) temporary construction
2 easement, two (2) permanent subsurface access easements, (1) subsurface access
3 easement for water utility purposes (collectively, the “Easements”) over, in, under and across
4 portions of that real property owned by the John Daly Boulevard Associates, L.P., a California
5 limited partnership, Monarch Ventures, L.P., a California limited partnership and Wilbak
6 Investments, L.P., a California limited partnership (“Grantor”) located in the City of Daly City in
7 San Mateo County, CA; and

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

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

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

1 160009, which is incorporated herein by reference and is considered part of the record
2 before this Board; and

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

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

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

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

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

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1 FURTHER RESOLVED, The Board of Supervisors hereby incorporates by reference
2 the General Plan Findings made in Resolution No. 400-14, Board of Supervisors File No.
3 140945 concerning the Project; and, be it

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

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

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

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\$78,185.00 available
Index Code: 730150

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Controller

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14 RECOMMENDED:

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Director of Property
Real Estate Division

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18 RECOMMENDED:

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General Manager
San Francisco Public Utilities Commission

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