Resolution approving and authorizing the execution and delivery of a Water Line Relocation Agreement with San Francisco Community College ("City College") authorizing the exchange of real property interests in the City and County of San Francisco following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

WHEREAS, City College, a community college district, is constructing a new 150,000 square foot physical education facility on southeast corner of its Ocean Avenue Campus at 50 Phelan Avenue in San Francisco (the "City College Project"); and

WHEREAS, the City College Project includes the relocation of certain underground water pipelines owned and maintained by the San Francisco Public Utilities Commission (the "SFPUC"); and

WHEREAS, the SFPUC has negotiated with City College a Water Line Relocation Agreement (the "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 060244, and which is incorporated by reference as though fully set forth herein, which provides that, upon completion of construction of the relocated water pipeline and the satisfaction of all other conditions set forth in the Agreement, the City and County of San Francisco (the "City") will transfer to City College its interest in the easement for the existing water pipeline (the "Old Water Line Area") in return for an easement in the location of the new water pipeline (the "New Water Line Area") and the relocated pipeline located in a portion of Lot 10, Assessor's Block 5932, which parcel is owned in fee by City College; and
WHEREAS, Pursuant to the Agreement, City College will perform the relocation of the SFPUC's water pipeline at no expense to SFPUC, except that SFPUC will pay for the pipeline to have sacrificial anode corrosion protection, which is an improvement over the existing pipeline, in accordance with plans approved by the SFPUC; and

WHEREAS, On June 10, 2004, the City College Board of Trustees, in Resolution Nos. 040610-S1 and 040610-S8 certified the Final Environmental Impact Report for the City College of San Francisco Master Plan (the "Final EIR") (SCH No. 2003102086), which included the City College Project, and adopted various findings related to the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA") and State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines"). These findings included Environmental Findings, rejection of project alternatives, a statement of overriding considerations, and the adoption of mitigation measures and a mitigation monitoring and reporting program. The Final EIR analyzed various impacts that could occur as a result of the water line relocation; and

WHEREAS, In a letter dated April 15, 2005 the City Planning Department determined that the actions contemplated in this Resolution do not require further environmental review under CEQA and in a letter dated January 12, 2006, the City Planning Department determined that such actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1, copies of which are on file with the Clerk of the Board of Supervisors in File No. 060244; and

WHEREAS, For the actions contemplated in the Agreement and this Resolution, the City is acting as a responsible agency under CEQA section 21069 and CEQA Guidelines sections 15096 and 15381; and

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

WHEREAS, On January 10, 2006, the SFPUC passed Resolution No. 06-0008
recommending approval of the Agreement, a copy of which is on file with the Clerk of the
Board of Supervisors in File No. __060244____, and which is incorporated by reference as
though fully set forth herein, making findings under CEQA as set forth in this Resolution; and

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

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

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

FURTHER RESOLVED, That, as to the water line relocation element of the project, this
Board finds on the basis of substantial evidence in light of the whole record that: (1) no
substantial changes have occurred with respect to the circumstances under which the project
or the actions were undertaken which would require major revisions to the Final EIR due to
the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final EIR and (2) no new information of substantial importance to the Project or the Actions has become available since the certification of the Final EIR that would indicate (a) the Project or the Actions will have significant effects not discussed in the Final EIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment; and, be it

FURTHER RESOLVED, That the Board hereby finds and declares (a) that it has reviewed and relied upon the Final EIR and the CEQA findings set forth above, and, in its independent judgment, it concurs with and adopts said findings and conclusions, and (b) that, for the actions set forth in this Resolution, there is no need to prepare a subsequent EIR because there have been no substantial project changes, no substantial changes to project circumstances, and no new information of substantial importance, since the SFPUC adoption of Resolution No. 06-0008 that would alter the conclusions set forth therein; and be it

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

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

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

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

FURTHER RESOLVED, That this Board instructs the Department of Public Works to work with the General Manager of the SFPUC and the Director or Property to prepare and submit to this Board legislation vacating the Old Water Line Area and accepting for dedication the New Water Line Area and Relocated Pipeline.

Recommended:

Director of Property 

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS
Resolution approving and authorizing the execution and delivery of a Water Line Relocation Agreement with San Francisco Community College ("City College") authorizing the exchange of real property interests in the City and County of San Francisco following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

March 7, 2006 Board of Supervisors — ADOPTED
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick
File No. 060244

I hereby certify that the foregoing Resolution was ADOPTED on March 7, 2006 by the Board of Supervisors of the City and County of San Francisco.

3.10.06

Date Approved

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom