

1 [Sewer Line Relocation Agreement with San Francisco State University]

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3 **Resolution approving and authorizing the Sewer line Relocation Agreement between**
4 **the San Francisco Public Utilities Commission, on behalf of the City and County of**
5 **San Francisco, and San Francisco State University to relocate an existing sanitary**
6 **sewer and storm drain easement on Assessor's Block 7304-001 (part of the**
7 **University campus) and portions of Font Boulevard and Lake Merced Boulevard in**
8 **San Francisco; adopting findings pursuant to the California Environmental Quality**
9 **Act; adopting findings that the Relocation Agreement is consistent with the City's**
10 **General Plan and Eight Priority Policies of City Planning Code Section 101.1; and**
11 **authorizing the Director of Property to execute documents, make certain**
12 **modifications and take certain actions in furtherance of this resolution.**

13
14 WHEREAS, San Francisco State University ("University") owns certain real property
15 located in the City and County of San Francisco ("City"), including Assessor's Block 7304-
16 001, consisting of a portion of the University's campus, and Assessor's Blocks 7347 and
17 7350-001, located within the alignment of Font Boulevard and Lake Merced Boulevard in
18 the City (the "University Property"); and

19 WHEREAS, The City is benefitted by certain easement rights which are under the
20 jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") that encumber and
21 are located, in part, on the University Property, including an easement for a 24" sewer line
22 with appurtenances (the "24" Easement") and an easement for a 15" sewer line with
23 appurtenances (the "15" Easement"); and

24 WHEREAS, The University proposes to relocate portions of the 24" Easement and
25 15" Easement located on the University Property, including any pipeline facilities or related

1 improvements located therein, to a new area on the University Property (the "Relocation
2 Project"); and

3 WHEREAS, The SFPUC and the University have negotiated a Sewer Line
4 Relocation Agreement (the "Relocation Agreement") which provides that upon completion
5 of construction of the Relocation Project and the satisfaction of all other conditions set forth
6 in the Relocation Agreement, the University will grant to the City an easement in the
7 location of the new sewer line improvements (the "New Easement") in exchange for the
8 City vacating and quitclaiming to the University the City's interest in and to the portions of
9 the existing 24" Easement and 15" Easement located on the University Property pursuant
10 to quitclaim deeds (the "Quitclaim Deeds"); and

11 WHEREAS, Pursuant to the Relocation Agreement, the University will perform the
12 Relocation Project in accordance with plans approved by the SFPUC and the City's
13 Department of Public Works and at the University's expense; and

14 WHEREAS, The City Real Estate Department has determined that the value of the
15 new easements to be granted to the City and the value of property interest to be
16 quitclaimed to the University under the Relocation Agreement are equivalent; and

17 WHEREAS, The California State University, Board of Trustees, (CSU) acting as lead
18 agency under the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000
19 et seq., hereinafter "CEQA"), certified a Final Environmental Impact Report for the San
20 Francisco State University Campus Master Plan ("FEIR"), State Clearinghouse Number
21 2006102050, in November 2007; and prepared and adopted an Initial Study/Mitigated
22 Negative Declaration (IS/MND), State Clearinghouse Number 2006032125, in May 2006, to
23 analyze a Creative Arts Center Project proposed to be on the property where the University
24 intends to relocate the SFPUC easement; and prepared an Addendum No. 1 to the FEIR in
25 August 2009 to address minor project changes and additional project description

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1 information, as well as environmental conditions that had become better known following
2 certification of the FEIR; and

3 WHEREAS, In May 2006, CSU initially adopted the IS/MND for the Creative Arts
4 Building, Mitigation Measures that were made a part of the CSU Project, and Findings that
5 were pursuant to CEQA, and filed a Notice of Determination with respect to that action; and
6 in November 2007, CSU adopted a Resolution (RCPBG 11-07-23) which certified the FEIR,
7 and approved the Campus Master Plan Revision with Enrollment Ceiling Increase at San
8 Francisco State University, and adopted Findings of Fact and applicable Mitigation
9 Measures identified in the Mitigation Monitoring Program for Agenda Item 4 of the Nov 13-
10 14, 2007 meeting, including a Statement of Overriding Considerations that outweigh
11 remaining unavoidable significant impacts to historic resources, traffic, and university
12 population and nearby residents from construction noise; and

13 WHEREAS, CSU has already adopted the Mitigation Measures recommended in the
14 FEIR and the IS/MND, and has authority to implement the Mitigation Measures or to seek
15 any required approvals for the Mitigation Measures; and

16 WHEREAS, The FEIR, IS/MND, and Addendum No. 1 were made available for
17 review by the public, and the SFPUC, acting as a responsible agency under CEQA,
18 reviewed and considered the FEIR, IS/MND, and Addendum No. 1 for the Relocation
19 Project, including the environmental effects of the Relocation Project set forth therein; and

20 WHEREAS, On July 27, 2010, the SFPUC in SFPUC Resolution No. 10-0111
21 specifically adopted CSU Findings with respect to the IS/MND on the Creative Arts Building
22 Project adopted in May 2006, including Mitigation Measures adopted; CSU Resolution No.
23 RCPBG 11-07-23 with respect to the Campus Master Plan FEIR, adopted November 2007,
24 including the CEQA Findings of Fact, Mitigation Monitoring Program, and the Statement of
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1 Overriding Considerations; and the Addendum No. 1 to the FEIR, issued in August 2009
2 (the "CEQA Findings"); and

3 WHEREAS, The SFPUC found that this approval of the Relocation Project is within
4 the scope of the Campus Master Plan Program, the Creative Arts Building Project, and
5 activities evaluated in the CSU FEIR, IS/MND, and Addendum No. 1; and

6 WHEREAS, The SFPUC further found that since the FEIR, IS/MND, and Addendum
7 No. 1 were finalized, there had been no substantial changes in Relocation Project
8 circumstances that would require major revisions to the CSU environmental documents due
9 to the involvement of new significant environmental effects or an increase in the severity of
10 previously identified significant impacts, and there was no new information of substantial
11 importance that would change the conclusions set forth in the CSU environmental
12 documents; and

13 WHEREAS, The SFPUC did not identify any feasible alternative or additional
14 feasible Mitigation Measures within its powers that would substantially lessen or avoid any
15 significant effect that the Relocation Project would have on the environment and has no
16 direct authority to implement the Mitigations Measures contained in the CEQA Findings
17 approved in SFPUC Resolution No. 10-0111; and

18 WHEREAS, The SFPUC found that the public interest would not be inconvenienced
19 or harmed by the relocation and vacation of the existing 24" Easement or 15" Easement, or
20 by an exchange of the existing 24" Easement and 15" Easement for the New Easement;
21 and

22 WHEREAS, The Relocation Project files, including the FEIR, IS/MND, Addendum
23 No. 1, and SFPUC Resolution No. 10-0111, have been made available for review by this
24 Board of Supervisors and the public, and those files are considered part of the record
25 before this Board of Supervisors; and

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1 WHEREAS, This Board of Supervisors has reviewed and considered the information
2 and findings contained in the FEIR, PEIR, Addendum No. 1, and SFPUC Resolution No.
3 10-0111, and all written and oral information provided by the Planning Department, the
4 public, relevant public agencies, the SFPUC, and other experts, and the administrative files
5 for the Relocation Project; and

6 WHEREAS, A copy of the Relocation Agreement between the City and the
7 University is on file with the Clerk of this Board of Supervisors under File No.
8 101015; and

9 WHEREAS, The Director of Property has determined that the University will bear the
10 expense of the Project; and

11 WHEREAS, The Planning Department in a letter of November 9, 2009, found that
12 the Relocation Agreement is consistent with the City's General Plan and with the Eight
13 Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of
14 the Board of Supervisors under File No. 101015 and is incorporated herein by this
15 reference; now, therefore, be it

16 RESOLVED, That this Board of Supervisors finds that since the adoption of the
17 CEQA Findings under SFPUC Resolution No. 10-0111, there have been no
18 substantial project changes and no substantial changes in the project circumstances that
19 would require major revisions to the FEIR due to the involvement of new significant
20 environmental effects or an increase in the severity of previously identified significant
21 impacts, and there is no new information of substantial importance that would change the
22 conclusions set forth in the FEIR; and, be it

23 FURTHER RESOLVED, That this Board of Supervisors, as a responsible agency
24 under CEQA, hereby adopts the CEQA Findings approved and incorporated in SFPUC
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1 Resolution No. 10-0111 for the same reasons set forth in SFPUC Resolution No.
2 10-0111 and incorporated herein by this reference; and, be it

3 FURTHER RESOLVED, That this Board of Supervisors hereby finds that the
4 Relocation Agreement is consistent with the General Plan and with the Eight Priority
5 Policies of City Planning Code Section 101.1 for the same reasons as set forth in the
6 Planning Department letter of November 9, 2009, and incorporated herein by this
7 reference; and, be it

8 FURTHER RESOLVED, That in accordance with the recommendations of the
9 SFPUC and the Director of Property, this Board of Supervisors hereby approves the
10 Relocation Agreement and the transaction contemplated thereby in substantially the form of
11 such agreement presented to this Board of Supervisors; and, be it

12 FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of
13 Property to enter into any additions, amendments or other modifications to the Relocation
14 Agreement (including, without limitation, the attached exhibits) that the Director of Property
15 determines are in the best interest of the City, that do not increase the costs to the City for
16 the easement relocation or otherwise materially increase the obligations or liabilities of the
17 City, and are necessary or advisable to complete the transaction contemplated in the
18 Relocation Agreement and effectuate the purpose and intent of this resolution, such
19 determination to be conclusively evidenced by the execution and delivery by the Director of
20 Property of the Relocation Agreement and any amendments thereto; and, be it

21 FURTHER RESOLVED, That the Director of Property is hereby authorized and
22 urged, in the name and on behalf of the City, to quitclaim the existing 15" Easement and
23 24" Easement in exchange for the New Easement in accordance with the terms and
24 conditions of the Relocation Agreement, and to take any and all steps (including, but not
25 limited to, the execution and delivery of any and all certificates, agreements, notices,

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1 consents, escrow instructions, closing documents and other instruments or documents) as
2 the Director of Property deems necessary or appropriate in order to consummate the
3 exchange of the easements pursuant to the Relocation Agreement, or to otherwise
4 effectuate the purpose and intent of this resolution, such determination to be conclusively
5 evidenced by the execution and delivery by the Director of Property of any such
6 documents.

7 RECOMMENDED:

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10 Amy L. Brown
11 Director of Property
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Supervisor Sean Elsbernd
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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 101015

Date Passed: August 10, 2010

Resolution approving and authorizing the Sewer Line Relocation Agreement between the San Francisco Public Utilities Commission, on behalf of the City and County of San Francisco, and San Francisco State University to relocate an existing sanitary sewer and storm drain easement on Assessor's Block No. 7304-001 (part of the University campus) and portions of Font Boulevard and Lake Merced Boulevard in San Francisco; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Relocation Agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

August 10, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Avalos

File No. 101015

I hereby certify that the foregoing
Resolution was ADOPTED on 8/10/2010 by
the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

August 11, 2010
Date Approved