Resolution approving and authorizing the execution of a No-Fee License with the City of Daly City for the operation and maintenance of two Groundwater Project Wells on land owned by the City of Daly City located at 377 and 370 South Park Plaza Drive, Daly City, San Mateo County, California; and authorizing the San Francisco Public Utilities Commission’s General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein, for a term to commence upon execution of the License through June 30, 2034.

WHEREAS, On August 12, 2014, by SFPUC Commission Resolution No. 14-0127 (the “SFPUC Resolution”), the SFPUC Commission authorized and approved Capital Project No. CUW30103 - Regional Groundwater Storage & Recovery Project (the “Project”); and

WHEREAS, The SFPUC Resolution authorized staff to proceed with actions necessary to implement the Project including (1) the acquisition of real property interests (temporary or permanent) needed for the construction of Project wells, and (2) authorized the SFPUC General Manager to negotiate and execute an operating agreement with the City of Daly City for the operation and maintenance of the Project wells; and

WHEREAS, The City and County of San Francisco ("City") by and through its Public Utilities Commission ("SFPUC") and the City of Daly City ("Daly City") are parties to an operating agreement entitled the "Agreement for Groundwater Storage and Recovery from the Southern Portion of the Westside Basin" with an effective date of December 16, 2014 (the "Operating Agreement"); and

WHEREAS, Article 8 of the Operating Agreement contemplates that, after the SFPUC constructs two Project wells within Daly City’s water service area: (1) Daly City will operate...
and maintain the Project wells for the benefit of the SFPUC’s Regional Water System in accordance with, among other things, the provisions of the Operating Agreement and the provisions of a License to be entered into by City and Daly City; and

WHEREAS, In 2017, the City completed construction of the two Project wells on two separate parcels in the County of San Mateo located at 377 South Park Plaza Drive, Daly City, California and 370 South Park Plaza Drive, Daly City, California, and installed two eight-inch diameter raw water pipelines that connect the Project wells to Daly City’s water distribution system; and

WHEREAS, The operation and maintenance of the two Project wells require a license (License) from City to Daly City; and

WHEREAS, City has agreed to grant a no-fee License to the Daly City, on the terms and conditions stated on the License; and

WHEREAS, The License shall commence on the date the License is mutually executed and delivered by the parties and continue during the term of the Operating Agreement until June 30, 2034, or such later date that the term of the Operating Agreement is extended or terminated pursuant to its terms; and

WHEREAS, An environmental impact report was prepared for the San Francisco Public Utilities Commission’s (SFPUC) Regional Groundwater Storage and Recovery Project No. 30103 (“Project”); and

WHEREAS, The Final EIR for the Project was certified by the Planning Commission on August 7, 2014 by Motion No. M-19209; and

WHEREAS, On August 12, 2014, the SFPUC, by Resolution No. 14-0127, approved the Project and adopted findings and a Mitigation Monitoring and Reporting Program required by the California Environmental Quality Act (CEQA), and authorized the General Manager of the Commission to negotiate and approve the Project Operating Agreement and site specific
agreements for the operation of Project Wells by the City of Daly City, California Water
Service Company, and the City of San Bruno; and

WHEREAS, The Project files, including the FEIR and SFPUC Resolution No. 14-0127
have been made available for review by the SFPUC and the public, and those files are part of
the record before this Board; and

WHEREAS, The Board has reviewed and considered the information contained in the
FEIR the findings contained in SFPUC Resolution No. 14-0127 and all written and oral
information provided by the Planning Department, the public, relevant public agencies,
SFPUC and other experts and the administrative files for the Project; now, therefore, be it
RESOLVED, The Board has reviewed and considered the FEIR and record as a whole,
finds that the FEIR is adequate for its use as the decision-making body for the action taken
herein approving a license to enter and use SFPUC property ("License") issued to the City of
Daly City for the operation of two Project wells in Daly City, and incorporates the CEQA
findings contained in SFPUC Resolution No. 14-0127, including the Statement of Overriding
Considerations by this reference thereto as though set forth in this Resolution; and, be it

FURTHER RESOLVED, That the term of the License runs through June 30, 2034, the
end of the term of the 2021 “Amended and Restated Water Supply Agreement Between the
City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo
County, and Santa Clara County” ("WSA"), section 2.02 of which provides that the term may
be extended by two additional extension terms of five years each until June 30, 2044, and the
Board authorizes extension of the License term through June 30, 2044, in the event that one
or both of the five year extension terms in the WSA are approved by the SFPUC and its
wholesale water customers; and, be it

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

FURTHER RESOLVED, That the SFPUC General Manager is hereby authorized to
enter into any amendments or modifications to the License, including without limitation, the
exhibits, that the SFPUC General Manager determines, in consultation with the City Attorney,
are in the best interest of the City, do not materially increase the obligations or liabilities of the
City, are necessary or advisable to effectuate the purposes and intent of the License or this
resolution, and are in compliance with all applicable laws, including the City Charter; and, be it

FURTHER RESOLVED, That the SFPUC General Manager is hereby authorized and
urged, in the name and on behalf of the City, to execute the License, and to take all steps
(including, but not limited to, the execution and delivery of all certificates, agreements, notices,
consents, and other instruments or documents) as the SFPUC General Manager deems
necessary or appropriate pursuant to the License, or to otherwise effectuate the purpose and
intent of this Resolution, such determination to be conclusively evidenced by the execution
and delivery by the SFPUC General Manager; and, be it

FURTHER RESOLVED, That within 30 days of the License being fully-executed by all
parties, the San Francisco Public Utilities Commission shall provide the final License to the
Clerk of the Board for inclusion into the official file.
Resolution approving and authorizing the execution of a No-Fee License with the City of Daly City for the operation and maintenance of two Groundwater Project Wells on land owned by the City of Daly City located at 377 and 370 South Park Plaza Drive, Daly City, San Mateo County, California; and authorizing the San Francisco Public Utilities Commission’s General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein, for a term to commence upon execution of the License through June 30, 2034.

January 26, 2022 Budget and Finance Committee - RECOMMENDED

February 01, 2022 Board of Supervisors - ADOPTED
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 2/1/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved 2/11/22