

**HEALTH COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
Resolution No. 15-10**

RESOLUTION APPROVING THE CONVEYANCE OF AN EASEMENT FOR OVERHEAD ELECTRICAL FACILITIES AT THE PRISCILLA AND MARK ZUCKERBERG SAN FRANCISCO GENERAL HOSPITAL AND TRAUMA CENTER TO PACIFIC GAS AND ELECTRIC COMPANY; ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), CCEQA GUIDELINES AND SAN FRANCISCO ADMINISTRATIVE CODE CHAPTER 31, INCLUDING THE ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM AND A STATEMENT OF OVERRIDING CONSIDERATIONS; AND DIRECTING THE DIRECTOR OF HEALTH TO SEEK APPROVAL OF THE SAN FRANCISCO BOARD OF SUPERVISORS

WHEREAS, the campus of the Priscilla and Mark Zuckerberg San Francisco General Hospital and Trauma Center (SFGH), including the parcel of real property known as Assessor's Block 4154 Lot 001 (the "Affected Parcel"), is under the jurisdiction of City's Department of Public Health ("DPH"); and

WHEREAS, SFGH is building a new acute care hospital to meet state seismic requirements; and

WHEREAS, Pacific Gas and Electric Company (PG&E) has the right to install poles, wires, conduits, and related appurtenances for the distribution and transmission of electricity in City's streets pursuant to a franchise granted by Ordinance No. 414, adopted by the City's Board of Supervisors on December 19, 1939, and Section 6201 of the California Public Utilities Code (together, the "Franchise Agreement"); and

WHEREAS, Pursuant to the Franchise Agreement, PG&E installed above ground electrical facilities comprised of distribution poles and related wires, conduits, and related appurtenances within the City streets known as 23rd Street and Potrero Avenue. An existing PG&E power pole (Power Pole) is presently located in the improved sidewalk portion of 23rd Street near the intersection with Potrero Avenue, adjacent to the Affected Parcel; and

WHEREAS, The City team responsible for the construction of the new hospital (Rebuild Team) concluded that the Power Pole will interfere with the placement of and impair the visibility of new electrified way finding signage for the new hospital scheduled to be installed on the Affected Parcel; and

WHEREAS, The City has requested that PG&E remove the Power Pole from its current location and install a replacement pole in a location that will not interfere with the new hospital signage; and

WHEREAS, PG&E has proposed a new location for the Power Pole that is satisfactory to the City; the proposed new power pole location is within the area governed by the Franchise Agreement, however the resulting realignment of the associated overhead power lines would be such that some of the power lines would cross over a corner of the Affected Parcel, which is not within the area governed by the Franchise Agreement; and

WHEREAS, DPH staff have determined that the presence of the power lines over the corner of the Affected Parcel would not have a material adverse impact on SFGH operations on the Affected Parcel; and

WHEREAS, In order to accommodate the relocation of the Power Pole to the new location, City staff has negotiated with PG&E an easement agreement (Easement Agreement) that would require PG&E to remove or relocate the Power Pole within the City sidewalk, and would provide PG&E an overhead easement over a portion of the Affected Parcel comprised of a strip of land of the uniform width of 10 feet, as described in the Easement Agreement, in consideration of a payment of the easement's fair market value of \$10,600 by PG&E, and on the terms and conditions set forth in the Easement Agreement; and

WHEREAS, the Health Commission, in accordance with the actions contemplated in this resolution, makes the following findings in compliance with the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq., ("CEQA"), the CEQA Guidelines, 14 Cal. Code Regs., Sections 15000 et seq., ("CEQA Guidelines") and San Francisco Administrative Code Chapter 31 ("Chapter 31"):

(a) On June 19, 2008, the Planning Commission, by Motion No. 1763, certified a Final Environmental Impact Report ("FEIR") for the San Francisco General Hospital Seismic Compliance Hospital Replacement Program (the "Project") in compliance with CEQA, the CEQA Guidelines and Chapter 31, finding that the FEIR was completed in compliance with CEQA and was adequate, accurate and objective and reflected the independent judgment of the Planning Commission.

(b) On July 16, 2008, by Resolution No. 307-08, the Board of Supervisors adopted CEQA Findings regarding the alternatives to the Project, mitigation measures, and significant environmental impacts analyzed in the FEIR, a statement of overriding considerations, approval actions needed to implement the Project and a proposed mitigation monitoring and reporting program ("CEQA Findings"). The CEQA Findings for the Project are on file with the Clerk of the Board of Supervisors in File No. 080664 for Resolution No. 307-08, and are incorporated into this resolution by this reference.

(c) On May 14, 2015, the Planning Department, by a Memorandum to City Planning File No. 2007.0603E, determined that the action contemplated by this resolution is within the scope of the FEIR analysis and no further environmental review is required; which memorandum is incorporated into this resolution by this reference and is on file with the Commission Secretary.

(d) The Health Commission finds, on the basis of substantial evidence and in light of the whole record, that (1) there have been no changes to the Project that will require important revisions to the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project will be undertaken which would require major revisions to the FEIR due to the involvement of new environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and (3) no new information of substantial importance to the Project has become available which would indicate (a) the Project has significant effects not discussed in the Final ER, (b) significant environmental effects will be substantially more severe; (c) that mitigation measures or alternatives which would reduce one or more significant effects but which were found to be not feasible have now become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIR would substantially reduce one or more significant effects on the environment.

WHEREAS, The Rebuild Team has requested that the Health Commission take action on the Easement Agreement in order to allow the Easement Agreement to be considered by the San Francisco Board of Supervisors at the earliest possible date so the Power Pole relocation can be performed by PG&E soon enough to avoid delaying the opening of the new hospital; and

NOW, THEREFORE, BE IT RESOLVED, That the Health Commission approves the Easement Agreement and the Health Commission directs DPH staff to seek approval of the Easement Agreement by the San Francisco Board of Supervisors.

I hereby certify that the San Francisco Health Commission at its meeting of June 2, 2015 adopted the foregoing resolution.

Mark Morewitz
Executive Secretary to the Health Commission