



San Francisco Water Power Sewer

Operator of the Hetch Hetchy Regional Water System

ATTACHMENT 15

525 Golden Gate Avenue, 10th Floor

San Francisco, CA 94102

415.487.5210

April 19, 2016

**VIA EMAIL TO T RYAN@SUNNYVALE.CA.GOV
AND MISHIJIMA@SUNNYVALE.CA.GOV**

Ms. Trudi Ryan
Ms. Momoko Ishijima
Planning Department
City of Sunnyvale
Post Office Box 3707
Sunnyvale, CA 94088

Re: **Notice of East Weddell Drive General Plan Amendment and
Rezone Project concerning SFPUC Parcel No. 159**

Dear Ms. Ryan and Ms. Ishijima:

Thank you sending us the Notice of East Weddell Drive General Plan Amendment (the "**GPA**") and Rezone Project (the "**Rezoning**") and for allowing us this opportunity to offer preliminary comments on its scope. On behalf of the San Francisco Public Utilities Commission (the "**SFPUC**"), I provide the following general and specific comments to be transmitted to the Planning Commission as part of the GPA and Rezoning hearings.

Background and General Comments

As part of its regional system that provides water to approximately 2.6 million people in the Bay Area, the SFPUC manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way ("**ROW**") in three Bay Area counties. In order to prevent or minimize obstacles to its operation and maintenance of its critically important infrastructure, the SFPUC protects its lands by scrutinizing proposed projects and activities on SFPUC lands for consistency with SFPUC policies and plans.

The City and County of San Francisco ("**San Francisco**"), through the SFPUC, owns in fee a parcel of real property in Sunnyvale known as SFPUC Parcel No. 159, also designated as APN 110-14-189 (the "**San Francisco Property**"). The San Francisco Property bisects the proposed GPA/Rezoning area as an 80-foot wide ROW. The San Francisco Property serves as a utility corridor and is improved by two large subsurface water transmission lines and associated appurtenances that link the Hetch Hetchy Reservoir to the SFPUC regional water system.

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The First Morning Light Chinese Christian Church ("**Church**") occupies the San Francisco Property pursuant to a revocable license dated July 1, 2014 issued by the SFPUC.

The SFPUC's primary mission is to provide water, power, and sewer utility services. Accordingly, SFPUC lands are principally used to support its utility infrastructure.

Because of the critical importance of the SFPUC's responsibility to provide water and power to the public, San Francisco is compelled to maintain its ability to control and limit the use of its ROW by third parties for purposes that might conflict with utility purposes. Any development in or on the ROW could reduce our operational flexibility and increase operating cost for our rate payers. Because the San Francisco ROW contains pipelines and appurtenant structures that require routine and, sometimes, emergency maintenance or repair, the SFPUC must ensure that it has unrestricted access to the San Francisco Property to ensure timely completion of both routine and emergency maintenance on our high-pressure water pipelines.

To protect the SFPUC's operational flexibility and access to its infrastructure, the SFPUC has adopted land use policies that govern the use of the San Francisco Property by third parties. To ensure compliance with such policies, any proposed project on the San Francisco Property must participate in and complete the SFPUC's Project Review process (as more fully described in the next section).

Previously, residential developers proposed redevelopment adjacent to the San Francisco Property and, in 2014, sought to include the San Francisco Property within the scope of their project and the John W. Christian Greenbelt as described in the Final Environmental Impact Report for East Weddell Residential Projects prepared for the City of Sunnyvale dated February 2014. In connection with such efforts, we direct you to the SFPUC land use policy that prohibits any use on the San Francisco Property to fulfill another jurisdiction's open space, setback, parking, or third-party development requirements. This means neither the Church nor any third party such as the East Weddell developers may use or place restrictions upon the San Francisco Property to satisfy the requirements of any development project regarding third-party land that must be approved by the City of Sunnyvale, including requirements relating to park, open space, or parking uses.

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Moreover, the SFPUC disallows any use that:

- makes the San Francisco Property the sole emergency access to a neighboring property;
- creates a regulatory compliance issue;
- includes installation of structures, trees, or large shrubs on the San Francisco Property;
- includes the installation of utilities, roads, fences, or other improvements parallel to, rather than across, SFPUC pipelines or electric transmission lines;
- includes the San Francisco Property as part of a transit-oriented development plan, dedicated rapid transit lane, or transit corridor;
- would increase the SFPUC's potential liability or diminish the security of the SFPUC's utility infrastructure;
- risks contamination of our land or water with hazardous materials;
- provides aerial utility crossing or overhead transmission lines within the San Francisco Property or watershed;
- cannot be removed promptly to allow SFPUC construction; maintenance or emergency repairs of its facilities; and
- is inconsistent with any existing or future SFPUC policies, as they may be amended or modified from time to time.

Specific Comments

Based on the foregoing concerns, we now share our preliminary comments regarding the proposal that should be included and discussed in the GPA and Rezoning:

1. The SFPUC maintains a water pipeline serving millions of Bay Area customers under the San Francisco Property, which San Francisco owns in fee and is designated by the City of Sunnyvale as APN 110-14-189. In 2014, the Final Environmental Impact Report for East Weddell Residential Projects dated February 2014 prepared for the City of Sunnyvale proposed to include the San Francisco Property in the East Weddell Residential Projects and the John W. Christian Greenbelt. *As noted, our Commission policies disallow the use of SFPUC property to fulfill another jurisdiction's open space, setback, emergency access, parking, or other entitlement requirements. Thus, the SFPUC property may not be incorporated as a permanent part of these projects, used to extend the John W. Christian Greenbelt (portions of which are currently located on other SFPUC land under a license agreement with the City of Sunnyvale), or otherwise used as public open space. The pedestrian path on the SFPUC property shall not be connected to the John W. Christian Greenbelt trail.*

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2. The SFPUC does not permit structures, trees or large shrubs on its property. Any landscape plans must adhere to the SFPUC's Integrated Vegetation Management Policy, Section 12.005, at: <http://www.sfwater.org/index.aspx?page=431>.
3. No utilities may be installed parallel, rather than across, the San Francisco Property. Only perpendicular crossings are permitted. No aerial utility crossing over the SFPUC Property is permitted.
4. No use is permitted that would restrict access to the San Francisco Property at any time by SFPUC staff, construction equipment, or vehicles.
5. In no event will the SFPUC allow the San Francisco Property to be the sole point of ingress and egress or emergency access with respect to any adjacent parcels.
6. Any changes in drainage that may impact the San Francisco Property must be strictly scrutinized and, if approved, must be conditioned upon adequate ameliorative measures. Water should drain away from the San Francisco Property.

By acknowledging the proposed GPA and Rezoning, the SFPUC retains the right to provide further comments on the proposed GPA and Rezoning and the environmental documents that will be prepared for these actions and does not waive any right it may have to object to the proposed GPA and Rezoning.

SFPUC Natural Resources & Land Management Division (NRLMD) Project Review Process

To ensure the SFPUC's ability to use and access its ROW at all times for utility purposes, proposed projects and other activities on the SFPUC ROW (as well as on other SFPUC lands in Alameda, Santa Clara, and San Mateo Counties) must undergo NRLMD Project Review if the project proposes to entail: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. This review is conducted by the SFPUC's Project Review Committee (Committee).

The Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality, and real estate. Projects and activities are reviewed by the Committee for:

1. Conformity with the SFPUC Alameda and Peninsula Watershed Management Plans;

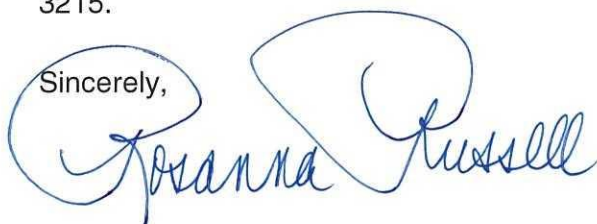
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2. Consistency with the SFPUC Environmental Stewardship Policy, Interim ROW Use Policy, and other policies and best management practices; and
3. Compliance with the California Environmental Quality Act (CEQA).

In reviewing a proposed project, the Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions at planning and design milestones.

Any proposed use of the San Francisco Property is first subject to the Committee procedures. An applicant must (i) have the project vetted in Project Review, and (ii) then receive authorization from the SFPUC through a lease or revocable license before any action that would result in modifications to the San Francisco Property. To initiate the Project Review process, an applicant must download and complete a Project Review application at <http://www.sfwater.org/ProjectReview> and return the completed application to Jonathan Mendoza at jsmendoza@sfwater.org.

If you have any questions or need further information regarding Project Review, please contact Jonathan Mendoza, Land and Resources Planner in the SFPUC's Natural Resources and Lands Management Division at jsmendoza@sfwater.org or (650) 652-3215.

Sincerely,


Rosanna Russell
Real Estate Director
San Francisco Public Utilities Commission

Attachments:
Real Estate Guidelines
Interim Right of Way Use Policy