

RESOLUTION NO. 2023 - ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING AND LICENSE AGREEMENT WITH THE CITY AND COUNTY OF
SAN FRANCISCO FOR THE HUNTINGTON AVENUE BICYCLE AND PEDESTRIAN
IMPROVEMENT PROJECT AND FINDING THE ACTION IS EXEMPT FROM CEQA**

WHEREAS, the City of San Bruno (City) has an approved capital improvement project, The Huntington Avenue Bicycle and Pedestrian Improvement Project (Project), that would install a separated bicycle track and pedestrian improvements on Huntington Avenue; and

WHEREAS, Huntington Avenue from Sneath Lane to San Bruno Avenue is a major north-south 4-lane collector street that was improved by the Bay Area Rapid Transit (BART) to San Francisco International Airport (SFO) Extension Project completed in 2003; and

WHEREAS, the BART to SFO Extension Project, on behalf of the City of San Bruno, only acquired the segment of Huntington Avenue from Sneath Lane to Herman Street; and

WHEREAS, the portion of Huntington Avenue from Herman Street to San Bruno Avenue where the Project improvements will be constructed is on real property owned by the City and County of San Francisco identified as San Mateo County Assessor's Parcel Numbers 093-340-060 and 093-340-020 (Properties); and

WHEREAS, the City desires to acquire a license agreement for the Properties from the City and County of San Francisco in order to be able to construct the Project; and

WHEREAS, the license agreement has a one-time cost of \$2,000 and a monthly recurring cost of \$200 per month; and

WHEREAS, the City desires to enter in a memorandum of understanding agreement committing the City to acquire, in fee at the appraised value of \$5,000.00, the Properties from the City and County of San Francisco within 2 years to maintain the Project improvements in perpetuity; and

WHEREAS, the City the memorandum of understanding states that should the acquisition not be completed within two years and provided CCSF is not solely responsible for the delay, the City would be liable for a holdover penalty payable to CCSF in the amount of \$1,500 per month, increasing \$100 per month, up to a maximum of \$5,000 per month until the sales transaction is completed; and

WHEREAS, the City Council's action qualifies for exemptions from further California Environmental Quality Act analysis for the following reasons: First, it can be seen with certainty that there is no possibility that the license agreement and eventual property transfer would have a significant effect on the environment. (Pub. Res. Code Sec. 15061(b)(3);) Further, the bike lane project is exempt from CEQA pursuant to a Class 1 exemption for existing facilities, which includes existing highways, streets, and sidewalks, and alterations thereto such as the addition of bicycle facilities including bicycle lanes. (14 Cal. Code Regs. 15301 (c)) Based on the foregoing, staff recommends that the City Council find the action exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Bruno hereby authorizes the City Manager to execute a memorandum of understanding and license agreement with the City and County of San Francisco for the Properties to construct and maintain the Project improvements and finds the action exempt from CEQA.

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I hereby certify that foregoing **Resolution No. 2023 - _____**
was introduced and adopted by the San Bruno City Council at a regular meeting on
_____, 2023, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers
ABSENT: Councilmembers:

Lupita Huerta, City Clerk