

File No. 091478

Committee Item No. 2

Board Item No. 29

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee BUDGET AND FINANCE

Date 1/20/10

Board of Supervisors Meeting

Date 1/26/10

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

- |                          |                          |                        |
|--------------------------|--------------------------|------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>EIR + Addendum*</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                  |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                  |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                  |
| <input type="checkbox"/> | <input type="checkbox"/> | _____                  |

Completed by: Gail Johnson

Date 1/15/10

Completed by: [Signature]

Date 1/21/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County.]

2  
3 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**  
4 **including the adoption of a mitigation monitoring and reporting program and a statement**  
5 **of overriding considerations related to the Sunol Valley Water Treatment Plant and**  
6 **Treated Water Reservoir Project, Water System Improvement Program ("WSIP")-funded**  
7 **Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the**  
8 **Controller of this action.**

9  
10 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a  
11 project description for the Sunol Valley Water Treatment Plant and Treated Water Reservoir  
12 Project, Water System Improvement Program ("WSIP")-funded Project No. CUW38101, a  
13 water infrastructure project included as part of the WSIP, located in the Sunol Valley in  
14 Alameda County (the "Project"); and

15 WHEREAS, The objectives of the Project are to comply with the California Department  
16 of Public Health (CDPH) Compliance Order (Order 02-04-96C-001) to provide treated water  
17 storage to serve as a buffer for potential treatment failures at the plant; add redundant  
18 facilities to improve treatment reliability by increasing the plant's sustainable capacity to  
19 160 million gallons per day (mgd), provide ability to reliably augment water supply with as  
20 much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of  
21 the Hetch Hetchy supply; and, provide ability to sustainably treat as much as 160 mgd of  
22 Hetch Hetchy water at the plant during an unplanned Hetch Hetchy water quality event; and

23 WHEREAS, An environmental impact report ("EIR") as required by the California  
24 Environmental Quality Act ("CEQA") was prepared for the Project; and

1           WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning  
2 Commission on December 3, 2009, by its Motion No. 17992, after the Planning Commission  
3 reviewed and considered the Final Environmental Impact Report (FEIR) in Planning  
4 Department File No. 2006.0137E; and

5           WHEREAS, The FEIR prepared for the Project is tiered from the Water System  
6 Improvement Program Environmental Impact Report ("PEIR") adopted by the San Francisco  
7 Public Utilities Commission in Resolution No. 08-200 dated October 30, 2008, as authorized  
8 by and in accordance with CEQA and the CEQA Guidelines; and

9           WHEREAS, On December 8, 2009, the San Francisco Public Utilities Commission  
10 (SFPUC), by Resolution No. 09-0203, a copy of which is included in Board of Supervisors File  
11 No. 091478 and which is incorporated herein by this reference: (1) approved the Project;  
12 (2) adopted findings (CEQA Findings) and a Mitigation Monitoring and Reporting Program  
13 (MMRP) required by the CEQA; and

14           WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No. 09-  
15 0203 have been made available for review by the Board and the public, and those files are  
16 considered part of the record before this Board; and

17           WHEREAS, The Board of Supervisors has reviewed and considered the information  
18 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0203, and all written  
19 and oral information provided by the Planning Department, the public, relevant public  
20 agencies, SFPUC and other experts and the administrative files for the Project; and

21           WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08 that placed  
22 Water System Improvement Program appropriated funds on Controller's Appropriation  
23 Reserve, by project, making release of appropriation reserves by the Controller subject to the  
24 prior occurrence of: (1) the SFPUC's and the Board's discretionary adoption of CEQA  
25 Findings for each project, following review and consideration of completed project-related



1 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of  
2 the San Francisco Administrative Code, where required, and (2) the Controller's certification  
3 of funds availability, including proceeds of indebtedness. The ordinance also placed any  
4 project with costs in excess of \$100 million on Budget and Finance Committee reserve  
5 pending review and reserve release by that Committee. Therefore, the SFPUC has sent a  
6 letter to the Budget and Finance Committee requesting review and release of the portion of  
7 those funds necessary for the Project; now, therefore, be it

8       RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR  
9 and record as a whole, finds that the FEIR is adequate for its use as the decision-making  
10 body for the action taken herein, and incorporates the CEQA Findings and MMRP contained  
11 in Resolution No. 09-0203 including the Statement of Overriding Considerations by this  
12 reference thereto as though set forth in this Resolution; and be it

13       FURTHER RESOLVED, That the Board finds that the Project mitigation measures  
14 adopted by the SFPUC will be implemented as reflected in and in accordance with the MMRP;  
15 and be it

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

22       FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this  
23 Resolution to the Controller.  
24  
25



CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

**BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

January 14, 2010

**TO:** Budget and Finance Committee  
**FROM:** Budget and Legislative Analyst  
**SUBJECT:** January 20, 2010 Budget and Finance Committee Meeting

**TABLE OF CONTENTS**

<b>Item</b>	<b>File</b>		<b>Page</b>
1 & 2	09-1490 & 09-1478	Reserved Fund – Public Utilities Commission CEQA Findings for SFPUC Sunol Valley Water Treatment Plant .....	1 & 2 – 1
4	09-1439	Paratransit Broker Agreement- Not to Exceed \$118,599,710.....	4 – 1

<p><b>Items # 1 and 2</b>  <b>Files 09-1490 and 09-1478</b></p>	<p><b>Department(s):</b>                  Public Utilities Commission (PUC)</p>
---	---

**EXECUTIVE SUMMARY**

**Legislative Objectives**

- File 09-1490: Request to release \$105,924,871 of funds previously placed on reserve by the Board of Supervisors for the construction of the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project, one of 85 projects included in the PUC's Water System Improvement Program (WSIP).
- File 09-1478: Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

**Fiscal Impacts**

- The proposed release of \$105,924,871 on reserve from proceeds from the sale of Water Revenue Bonds, previously appropriated by the Board of Supervisors for PUC WSIP projects totaling \$1,923,629,197.

**Key Points**

- The Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project, located in Alameda County, will increase the sustainable water capacity of the existing Sunol Valley Water Treatment Plant (SVWTP) by 33 percent, and construct a new 17.5 million gallon reservoir at the plant to store treated water, providing increased sustainable water treatment capacity to meet the demands of the PUC's water system.
- Since the funds were originally appropriated and placed on reserve by the Board of Supervisors approximately one year ago, the total estimated cost of the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project has decreased by \$4,997,136, or 3.3 percent, from \$149,869,511 to \$144,872,375, and the Project is scheduled to be completed by January of 2013, or approximately six months ahead of the previous estimated completion date of July of 2013.

**Recommendations**

- Approve the requested release of reserved funds (File 09-1490).
- Approve the proposed resolution adopting the findings under the California Environmental Quality Act (CEQA) (File 09-1478).

## BACKGROUND

According to Mr. Carlos Jacobo, Budget Director at the PUC, the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project is one of 85 projects included in the PUC's Water System Improvement Program (WSIP)<sup>1</sup>. The Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project will (a) increase the sustainable capacity of the Sunol Valley Water Treatment Plant (SVWTP) by 40 million gallons of water per day, from 120 to 160 million gallons of water per day, an increase of 33 percent, to meet the average daily customer demand during an outage of the Hetch Hetchy water supply and (b) create a 17.5 million gallon reservoir to store treated potable water in order to comply with an order from the California Department of Public Health. Mr. Jacobo advised that in 1996, the California Department of Public Health ordered the PUC to increase treated water storage capacity to serve as a backup source for treated potable water in case of potential treatment operating failures at the SVWTP.

The current total estimated cost of the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project is \$144,872,375. Construction of the Project is anticipated to begin in April of 2010 and be completed by approximately January of 2013. Table 1 below summarizes the Project's funding plan, based on data provided by Mr. Jacobo.

**Table 1: Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project Funding Plan Financed From Water Revenue Bonds**

All Appropriations Approved by the Board of Supervisors Prior to December 16, 2008	\$14,762,380
Appropriated and Reserved on December 16, 2008 by the Board of Supervisors (File 08-1453)	111,831,674
Anticipated March, 2010 Appropriation Request, Subject to Future Board of Supervisors Approval	18,278,321
<b>Total Current Estimated Project Cost</b>	<b>\$144,872,375</b>

As shown in Table 1 above, on December 16, 2008, the Board of Supervisors appropriated and placed on reserve \$111,831,674 (File 08-1453) for the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project.

On January 28, 2009, the Budget and Finance Committee released \$5,906,803 of the previously appropriated and reserved \$111,831,674, (File 08-1222), to fund initial costs including (a) design consultants, (b) environmental compliance consultants, (c) construction management consultants, and (d) in-house PUC staff costs, such that \$105,924,871 (the subject of this request) remains on reserve (\$111,831,674 less \$5,906,803) for this Project.

<sup>1</sup> Propositions A and E, which were approved by the San Francisco voters on November 4, 2002, authorized the issuance of Water Revenue Bonds to finance the PUC's \$4,585,556,000 WSIP, consisting of 85 separate projects designed to provide increased water delivery and seismic reliability throughout the Hetch Hetchy water system.

As also shown in Table 1 above, Mr. Jacobo anticipates that in March of 2010 the PUC will request an appropriation for the remaining \$18,278,321 needed to complete the construction funding for the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project.

## DETAILS OF PROPOSED LEGISLATION

The PUC is requesting that the Budget and Finance Committee release the remaining \$105,924,871 currently held on reserve (File 09-1490) to partially fund the construction of the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project. Table 2 below shows the PUC's anticipated expenditure plan for the \$105,924,871 being requested for release from reserve and the \$18,278,321 in anticipated future Water Revenue Bond appropriations needed to complete the construction funding.

**Table 2: Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project Expenditure Plan**

<b>Cost Category</b>	<b>Subject Requested Release of Reserve</b>	<b>Future Needed Appropriations</b>
Construction Management		\$9,875,399
Construction	105,924,871	7,731,656
Construction Close-Out		104,764
Construction Support City Staff		566,502
<b>Total</b>	<b>\$105,924,871</b>	<b>\$18,278,321*</b>

*\*See Table 1 above.*

The PUC (a) issued a competitive request for construction bids on December 18, 2009, with bids due by February 11, 2009, and (b) anticipates awarding a construction contract, in the estimated amount of \$113,656,527 (\$105,924,871 from the subject requested release of reserved funds plus \$7,731,656 from a future appropriation, as shown in Table 2 above), by April of 2010. The Budget Analyst notes that this construction contract would not be subject to Board of Supervisors approval because the PUC is authorized to award construction contracts, using the City's competitive bidding procedures, without subsequent Board of Supervisors approval, pursuant to Section 9.118(b) of the San Francisco Charter.

The PUC is also requesting the Board of Supervisors approval of the proposed resolution to adopt the findings included in the CEQA-required environmental report for the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project (File 09-1478). According to Mr. Jacobo, the San Francisco Planning Commission approved the CEQA required environmental report on December 3, 2009, which identifies project modifications necessary to mitigate the environmental impact of the subject Project.

Mr. Jacobo advises that environmental mitigation work and project modifications required by the environmental permits are not anticipated to alter the total current estimated total project cost of \$144,872,375 (see Table 1 above) or the estimated project completion date of January of 2013. The proposed CEQA resolution would also require the Clerk of the Board to notify the Controller that the Board of Supervisors approved the proposed resolution because the WSIP project funds previously appropriated for the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project were placed on Controller's reserve, pending the Board of Supervisors' adoption of the relevant CEQA report.

## FISCAL IMPACTS

The proposed request would release \$105,924,871 of reserved funds in proceeds from the sale of Water Revenue Bonds, previously appropriated for the PUC on December 11, 2008 by the Board of Supervisors in the total amount of \$1,923,629,197. Of that amount, \$111,831,674 was allocated to the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project and placed on reserve. The Budget Analyst notes that funding for all WSIP projects with appropriations greater than \$100,000,000 were placed on reserve by the Board of Supervisors on December 16, 2008 (File 08-1453). On January 28, 2009, the Board of Supervisors released \$5,906,803 from that reserve, such that the \$105,924,871, which is the subject of this request for release, currently remains on reserve.

## OTHER CONSIDERATIONS

**The Budget and Finance Committee did not specify criteria for the release of the subject funds when they were placed on reserve.**

The Budget Analyst notes that when the subject funds were placed on reserve approximately one year ago, (a) the required CEQA reports were not completed, (b) the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project was estimated to cost a total of \$149,869,511, and (c) the Project was anticipated to be completed by July of 2013. As discussed above, (a) approval of the proposed resolution (File 09-1478) would adopt environmental findings required by CEQA, (b) the Project is currently estimated to cost \$144,872,375, a decrease of \$4,997,136, or 3.3 percent, from the originally estimated cost of \$149,869,511, and (c) the Project is scheduled to be completed by January of 2013, or approximately six months ahead of the previously estimated construction completion date of July of 2013.

## RECOMMENDATIONS

1. Approve the requested release of reserved funds (File 09-1490).
2. Approve the proposed resolution adopting the findings under the California Environmental Quality Act (CEQA) (File 09-1478).

(

(

(



## PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0203

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff have developed a project description under the Water System Improvement Program (WSIP) for the improvements to the regional water supply system, otherwise known as Project No. CUW38101, Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project; and

WHEREAS, The objectives of the Project are to:

- Comply with the California Department of Public Health (CDPH) Compliance Order (Order 02-04-96C-001) to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.

WHEREAS, On December 3, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2006.0137E, consisting of the Draft EIR, the Comments and Responses document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in its Motion No. \_\_\_\_\_; and

WHEREAS, This Commission has reviewed and considered the information contained in the FEIR, 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 and the FEIR; and

WHEREAS, The Project and FEIR files have been made available for review by the SFPUC and the public in File No. 2006.0137E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) in Attachment A to this Resolution and a proposed Mitigation, Monitoring and

Reporting Program (MMRP) in Attachment B to this Resolution, which material was made available to the public and the Commission for the Commission's review, consideration and action; and

WHEREAS, The Project is a capital improvement project approved by this Commission as part of the Water System Improvement Program (WSIP); and

WHEREAS, A Final Program EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA; and

WHEREAS, The PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission; and

WHEREAS, The Project includes work located in Alameda County, and SFPUC staff may seek to enter into a Memoranda of Agreement ("MOA") with this local jurisdiction, addressing such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property agreements for Project construction, and (d) the parties' respective indemnification and insurance obligations; and

WHEREAS, The SFPUC has issued leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, or other parties hold property rights or interests on lands along, over, adjacent to or in the vicinity of the right of way, and it may be necessary for the Project for the General Manager, or his designee, to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended leases, permits, licenses, or encroachment removal or other project related agreements (each, a "Use Instrument") with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game,

San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR (FEIR), finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Exhibit A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Exhibit B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW38101 Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project and authorizes staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of the construction contract; and be it,

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and execute a Memoranda of Agreement to facilitate and coordinate the Project work, if necessary, with Alameda County (the "Project MOA") in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. The Project MOA may address such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property licenses required to permit Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the San Francisco Risk Manager's approval; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to, or in the vicinity of the SFPUC right of way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board of Supervisors approval if necessary, and provided any necessary Board approval is obtained, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements and other Use Instruments or real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of* \_\_\_\_\_ *December 8, 2009*



\_\_\_\_\_  
*Secretary, Public Utilities Commission*



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 17992

HEARING DATE: December 3, 2009

*Hearing Date:* December 3, 2009  
*Case No.:* 2006.0137E  
*Project:* Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project  
*Zoning:* Various  
*Block/Lot:* Various  
*Project Sponsor:* San Francisco Public Utilities Commission  
 1145 Market Street, 5th Floor  
 San Francisco, CA 94103  
*Staff Contact:* Brett Becker – (415) 575-9045  
[brett.becker@sfgov.org](mailto:brett.becker@sfgov.org)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### ADOPTION OF FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SUNOL VALLEY WATER TREATMENT PLANT EXPANSION AND TREATED WATER RESERVOIR PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2006.0137E, Sunol Valley Water Treatment Expansion and Treated Water Reservoir Project, located in Alameda County (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and in accordance with 15082 of the CEQA Guidelines, the Department prepared a Notice of Preparation (NOP) of an EIR and conducted a scoping meeting (see Draft EIR, Appendix A). The NOP was circulated to local, state, and federal agencies and to other interested parties on August 3, 2007, initiating a public comment period that extended through September 4, 2007. Pursuant to CEQA Guidelines Section 15083, the Department held one public scoping meeting in Sunol on August 22, 2007. The purpose of the meeting was to present the proposed Project to the public and receive public input regarding the proposed scope of the EIR analysis. Comments received during the NOP comment period are included in Appendix A of the Draft EIR.

- B. On June 3, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in newspapers of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the public hearings on the DEIR. This notice was mailed to the Department's list of persons requesting such notice and other interested parties.
  - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted at various locations along or near the project site by Department staff on June 3, 2009. The Notice of Availability was made available at public libraries in San Francisco, and in the Cities of Fremont and Pleasanton in Alameda County.
  - D. On June 3, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list of the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse. The DEIR was posted on the Department's website.
  - E. The Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on June 3, 2009.
2. The DEIR was circulated to local, state, and federal agencies and to interested organizations and individuals for review and comment on June 3, 2009 for a 45-day public review period. The public review period closed on July 17, 2009. Two duly-advertised public hearings on the DEIR to accept written or oral comments were held; one hearing was held in Sunol on June 30, 2009 and a second hearing was held in San Francisco on July 9, 2009. The Commission acknowledges and endorses the supplemental public hearing that the Environmental Review Officer's delegate conducted in Sunol in order to allow potentially affected members of the public to present oral comments at a convenient location. The public hearings transcripts are in the Project record.
  3. The Department prepared responses to comments on environmental issues received at the public hearings and in writing during the public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document (hereinafter "C&R document"), published on November 18, 2009. The C&R was distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices and on the Department's website.
  4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the C&R document, all as required by law.
  5. This FEIR tiers from the Water System Improvement Program (WSIP) Program Environmental Impact Report (PEIR) and incorporates by reference the relevant analysis of

the PEIR with respect to the WSIP's impacts and mitigation measures as applicable to this Project. This Commission certified the PEIR on October 30, 2008 and the SFPUC approved the WSIP on the same day. The State Clearinghouse Number for the PEIR is 2005092026.

6. Project files on the FEIR have been made available for review by the Commission and the public. These files, as well as the files for the PEIR, are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission. Linda Avery is the custodian of records. Copies of the DEIR and associated reference materials as well as the C&R and Supplement to the C&R, and the WSIP PEIR are also available for review at public libraries in San Francisco and Alameda Counties.
7. The Commission, in certifying the completion of said FEIR, hereby does find that the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project described in the FEIR, will result in significant environmental effects that could not be mitigated to a less than significant level with implementation of mitigation measures. Because the project is part of the WSIP, the project would contribute to the following significant and unavoidable effects on the environment identified in the WSIP:

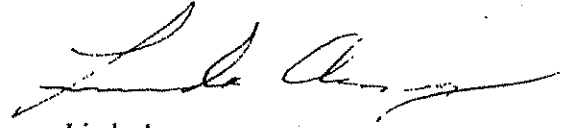
Significant and Unavoidable WSIP Water Supply Impacts:

- The proposed water supply and system operations would reduce stream flows and alter the stream hydrograph along Alameda Creek below the Alameda Creek Diversion Dam in the Alameda Creek watershed in Alameda County and result in a significant and unavoidable impact on stream flow in Alameda Creek between the diversion dam and the confluence with Calaveras Creek;
  - The proposed water supply and system operations would result in a potentially significant and unavoidable impact in the Peninsula watershed on fishery resources in Crystal Springs Reservoir in San Mateo County; and
  - The Program would indirectly contribute to potentially significant and unavoidable environmental impacts caused by growth in the San Francisco Public Utilities Commission service area, as identified in the planning documents and associated environmental documents for the affected jurisdictions.
8. The Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  9. The Commission hereby does find that the FEIR concerning File No. 2006.0137E, Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

Motion No. 17992  
Hearing Date: December 3, 2009

Case No. 2006.0137E  
Sunol Valley Water Treatment Plant Expansion and Treated  
Water Reservoir Project

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 3, 2009.



Linda Avery  
Commission Secretary

AYES: Commissioners Miguel, Antonini, Borden, Lee, Moore, and Sugaya

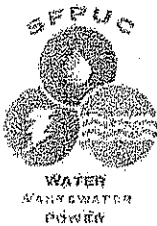
NOES:

ABSENT: Commissioner Olague

RECUSED:

ACTION: Certification of a Final Environmental Impact Report for the Proposed Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project.





**AGENDA ITEM**  
**Public Utilities Commission**  
*City and County of San Francisco*



DEPARTMENT Infrastructure Division AGENDA NO. #17  
 MEETING DATE December 8, 2009

Approve Project-EIR: Regular Calendar  
 Project Manager: Ravi Krishnaiah

**CUW38101, Approve Project, Sunol Valley Water Treatment Plant**

<p>Summary of Proposed Commission Action:</p>	<p>Approve Water Enterprise, Water System Improvement Program ("WSIP")-funded Project No. CUW38101, Sunol Valley Water Treatment Plant (the "SVWTP") Expansion and Treated Water Reservoir Project (the "Project"); <b>adopt</b> the required California Environmental Quality Act ("CEQA") Findings, including a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program ("MMRP"); and <b>authorize</b> the General Manager to implement the Project, in compliance with the Charter and applicable law, and subject to Board of Supervisors approval where required, including the following:</p> <ol style="list-style-type: none"> <li>1. Negotiate and execute a Memoranda of Agreement ("MOA") with Alameda County to facilitate and coordinate the proposed construction work.</li> <li>2. Exercise any City or San Francisco Public Utilities Commission (SFPUC) right under any deed, lease, permit, or license as necessary, and negotiate and execute with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to, or in the vicinity of the SFPUC's right of way, new or amended lease, permit, license, encroachment-removal or other project related agreements, if necessary for the Project.</li> <li>3. Obtain permits or approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, State Historic Preservation Officer, U.S. Fish &amp; Wildlife Service, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, Bay Area Air Quality Management</li> </ol>
---	---

APPROVAL:

JULIE L. LABONTE  
  
 DEPARTMENT / BUREAU  
 COMMISSION SECRETARY  
Mike Housh

FINANCE

Todd L. Rydstrom  
 GENERAL MANAGER

	<p>District and California Department of Transportation.</p> <p>Implementation actions will include advertising for construction bids; however, staff will seek Commission approval to award the construction contract at a future date.</p>
<p><b>Background:</b></p>	<p>The Project is located adjacent to the existing SVWTP in unincorporated Alameda County in the Sunol Valley. The SVWTP primarily treats water from the Calaveras and San Antonio Reservoirs and, when needed, Hetch Hetchy water can be diverted to the SVWTP for treatment.</p> <p>The SFPUC is obligated by the California Department of Public Health (CDPH) (Order 02-04-96C-001) to provide additional treated water storage at the SVWTP to serve as a balancing reservoir. The Project therefore proposes to install a new 17.5-million-gallon treated water reservoir adjacent to the existing facilities. Additionally, the Project would construct various new facilities to increase the sustainable treatment capacity at the SVWTP from 120 million gallons per day (mgd) to 160 mgd (the hydraulic capacity of the SVWTP) for 60 days. The Project would not increase the total volume of water that could be treated and served to the public; it would only increase redundancy and thereby operation flexibility to ensure that, when scenarios require treating 160 mgd, that water will meet regulatory requirements.</p> <p>Key project components include:</p> <ul style="list-style-type: none"> <li>• 78-inch pipeline from the new treated water reservoir to the existing SVWTP discharge pipeline to connect to the regional transmission system;</li> <li>• 17.5-million-gallon treated water reservoir;</li> <li>• 3.5-million-gallon chlorine contact tank;</li> <li>• Water treatment chemical storage and feed systems;</li> <li>• Flocculation and sedimentation basin;</li> <li>• Wash water recovery basin and piping; and</li> <li>• Miscellaneous piping, valves, mechanical and electrical work.</li> </ul> <p>Construction would be completed in about three years.</p>
<p><b>Result of Inaction:</b></p>	<p>The SFPUC will not be able to proceed with plans to implement the SVWTP Expansion and Treated Water Reservoir Project. This will prevent the SFPUC to comply with the CDPH requirement for additional treated water storage and build the facility improvements needed to increase the plant's sustainable capacity and enhance reliable treatment of local water to meet customer demands.</p>
<p><b>Description of</b></p>	<p>1. In order to move forward with the Project, the Commission must</p>

**Project Action:**

review and consider the certified Final Environmental Impact Report (EIR), and adopt the Project CEQA Findings and the MMRP, including the Statement of Overriding Considerations. The Final EIR was provided to each member of the Commission. The CEQA document was developed by the San Francisco Planning Department.

The Final EIR analyzed Project-specific significant impacts and found potentially significant impacts within the resource areas of aesthetics, cultural resources, transportation and circulation, noise, air quality, recreation, utilities and service systems, biological resources, hydrology and water quality, hazards and hazardous materials, agricultural resources, and cumulative impacts. Potentially significant impacts will be reduced to a less than significant level by implementing the mitigation measures in the Final EIR and the MMRP during the design, construction, and post-construction phases, except for those significant and unavoidable impacts caused by the WSIP water supply decision, to which the Project, as a component of the WSIP, will contribute and which were identified in the Final EIR. These significant and unavoidable impacts include: fishery resources in Crystal Springs Reservoir (Upper and Lower), effects on flow along Alameda Creek below the Alameda Creek Diversion Dam, and growth inducement. The CEQA Findings contain a Statement of Overriding Considerations justifying Project approval notwithstanding the potential for significant and unavoidable impacts, as authorized by CEQA. The CEQA Findings and MMRP are attached as Exhibits A and B to the Commission Resolution for this agenda item.

2. Upon approval of the Project, SFPUC staff will proceed to implement the Project, including advertising for construction bids, and obtaining necessary agreements and permits. Staff will seek Commission approval to award the construction contract at a future date.

3. The Project will involve work in Alameda County. The Resolution authorizes the General Manager to negotiate a Memoranda of Agreement ("MOA") with this local jurisdiction to facilitate and coordinate the proposed construction work. The MOA will be in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of the Commission Resolution, and in compliance with the Charter and all applicable laws, and approved by the City Attorney. The MOA may address matters, including but not limited to: (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other real property licenses for Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the

San Francisco Risk Manager's approval.

4. For portions of the City-owned SFPUC right of way where the Project work will occur, the SFPUC has issued leases, permits, or licenses to certain parties to use the right of way for various purposes, and in some instances there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, or other parties hold property rights or interests on lands along, over, adjacent to or in the vicinity of the right of way that may be affected by the Project. The Resolution authorizes the General Manager, or his designee, to (i) exercise any City or SFPUC right under any deed, lease, permit, or license as necessary or advisable in connection with the Project, and (ii) negotiate and execute with owners or occupiers of property interests or utility facilities or improvements, on, along, over, adjacent to or in the vicinity of, the SFPUC's right of way, new or amended leases, permits, licenses, encroachment-removal or other project related agreements (each, a "Use Instrument") with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation. The General Manager's authority so granted will include the authority, if necessary for the Project, to enter into, amend, or exercise rights under existing or new Use Instruments with any owner or occupier of property on, along, over, adjacent to or in the vicinity of the SFPUC right of way, including Use Instruments required to accommodate project construction activities or schedule, or to implement Project mitigation measures related to groundwater management, restoration of water service, vegetation and habitats, and settlement monitoring. Any such new or amended Use Instrument will be in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney.

5. Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, and Bay Area Air Quality Management District. The Resolution authorizes the General Manager to apply for, and if necessary, seek Board of Supervisors' approval, and, if approved, accept and execute required approvals by these regulatory agencies. To the extent that the terms and conditions of the required approvals will require SFPUC to indemnify other parties, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for

	the scope and duration of the required approval, as necessary for the Project.
<b>Environmental Review:</b>	The San Francisco Planning Commission certified a Final Environmental Impact Report (EIR) for Project No. CUW38101, on December 3, 2009.
<b>Recommendation:</b>	SFPUC staff recommends that the Commission adopt the attached resolution.
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. SFPUC Resolution</li><li>2. Attachment A: CEQA Findings</li><li>3. Attachment B: Mitigation Monitoring and Reporting Program</li></ol>

## PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. \_\_\_\_\_

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff have developed a project description under the Water System Improvement Program (WSIP) for the improvements to the regional water supply system, otherwise known as Project No. CUW38101, Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project; and

WHEREAS, The objectives of the Project are to:

- Comply with the California Department of Public Health (CDPH) Compliance Order (Order 02-04-96C-001) to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.

WHEREAS, On December 3, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2006.0137E, consisting of the Draft EIR, the Comments and Responses document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in its Motion No. \_\_\_\_\_; and

WHEREAS, This Commission has reviewed and considered the information contained in the FEIR, 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 and the FEIR; and

WHEREAS, The Project and FEIR files have been made available for review by the SFPUC and the public in File No. 2006.0137E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, (CEQA Findings) in Attachment A to this Resolution and a proposed Mitigation, Monitoring and

Reporting Program (MMRP) in Attachment B to this Resolution, which material was made available to the public and the Commission for the Commission's review, consideration and action; and

WHEREAS, The Project is a capital improvement project approved by this Commission as part of the Water System Improvement Program (WSIP); and

WHEREAS, A Final Program EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA; and

WHEREAS, The PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission; and

WHEREAS, The Project includes work located in Alameda County, and SFPUC staff may seek to enter into a Memoranda of Agreement ("MOA") with this local jurisdiction, addressing such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property agreements for Project construction, and (d) the parties' respective indemnification and insurance obligations; and

WHEREAS, The SFPUC has issued leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, or other parties hold property rights or interests on lands along, over, adjacent to or in the vicinity of the right of way, and it may be necessary for the Project for the General Manager, or his designee, to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended leases, permits, licenses, or encroachment removal or other project related agreements (each, a "Use Instrument") with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, Implementation of the Project will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game,

San Francisco Bay Regional Water Quality Control Board, and Bay Area Air Quality Management District; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR (FEIR), finds that the FEIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Exhibit A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Exhibit B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW38101 Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project and authorizes staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of the construction contract; and be it,

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to negotiate and execute a Memoranda of Agreement to facilitate and coordinate the Project work, if necessary, with Alameda County (the "Project MOA") in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and in compliance with the Charter and all applicable laws, and approved as to form by the City Attorney. The Project MOA may address such matters as (a) SFPUC's commitments to restore or replace, pursuant to agreed specifications, certain improvements owned by the local jurisdiction, (b) cooperative procedures and fees relating to local permits, inspections, and communications to the public concerning Project construction, (c) the form of necessary encroachment permits or other property licenses required to permit Project construction, and (d) the parties' respective indemnification and insurance obligations, subject to the San Francisco Risk Manager's approval; and, be it



FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests or utility facilities or improvements on, along, over, adjacent to, or in the vicinity of the SFPUC right of way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board of Supervisors approval if necessary, and provided any necessary Board approval is obtained, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements and other Use Instruments or real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of* \_\_\_\_\_ *December 8, 2009.*

---

*Secretary, Public Utilities Commission*



## ATTACHMENT A

### SUNOL VALLEY WATER TREATMENT PLANT EXPANSION AND TREATED WATER RESERVOIR

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### SAN FRANCISCO PUBLIC UTILITIES COMMISSION

In determining to approve the Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir Project ("Project") described in Section I, Project Description below, the San Francisco Public Utilities Commission ("SFPUC") makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

This document is organized as follows:

**Section I** provides a description of the Project proposed for adoption, the environmental review process for the Project, the approval actions to be taken and the location of records;

**Section II** identifies the impacts found not to be significant that do not require mitigation;

**Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

**Section IV** identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

**Section V** evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof, analyzed; and

**Section VI** presents a statement of overriding considerations setting forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the Project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B to Resolution No. \_\_\_\_\_**. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR") that is required to

reduce or avoid a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Comments and Responses document ("C&R"), which together comprise the Final EIR, are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## **I. APPROVAL OF THE PROJECT**

### **A. Project Description**

By this action, the SFPUC adopts and implements the Project identified in the Final EIR to construct and operate a new treated water reservoir and water treatment facilities adjacent to the existing Sunol Valley Water Treatment Plant ("SVWTP") in an unincorporated Alameda County in the Sunol Valley. The Project is located adjacent to the existing SVWTP in unincorporated Alameda County in the Sunol Valley. The SVWTP primarily treats water from the Calaveras and San Antonio Reservoirs and, when needed, Hetch Hetchy water can be diverted to the SVWTP for treatment.

The SFPUC is has been ordered by the California Department of Public Health ("CDPH") (Order 02-04-96C-001) to provide additional treated water storage at the SVWTP to serve as a balancing reservoir. (See Appendix B of the Draft EIR). The Project therefore proposes to install a new 17.5-million-gallon treated water reservoir adjacent to the existing facilities. Additionally, the Project would construct various new facilities to increase the sustainable treatment capacity at the SVWTP from 120 million gallons per day ("mgd") to 160 mgd (the hydraulic capacity of the SVWTP) for 60 days. The Project would not increase the total volume of water that could be treated and served to the public; it would only increase redundancy and thereby operation flexibility to ensure that, when scenarios require treating 160 mgd, that water will meet regulatory requirements.

Key features of the proposed Project include:

- 78-inch-diameter discharge pipe to connect to the new treated water reservoir to the existing SVWTP discharge pipeline that connects to the Regional Transmission System;
- 17.5-million-gallon treated water reservoir;
- 3.5-million-gallon chlorine contact tank;
- Water treatment chemical storage and feed systems;
- Flocculation and sedimentation basin;
- Wash water recovery basin and piping;
- 2,000-kilowatt diesel generator and a new 8,000-gallon diesel fuel storage tank;
- Miscellaneous piping, valves, and mechanical and electrical work; and
- Spoils disposal and conversion of an existing nursery to grassland habitat.

## B. Project Objectives

The Project objectives are to:

- Comply with the CDPH Compliance Order to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.<sup>1</sup>

In addition, the proposed Project is part of the SFPUC's Water System Improvement Program ("WSIP") adopted by this Commission on October 30, 2008 by its Resolution No. 08-0200. The WSIP consists of over 70 local and regional facility improvement projects that would increase the ability of the SFPUC's water supply system to withstand major seismic events and prolonged droughts and to meet estimated water-purchase requests in the service areas through the year 2018. The regional water system consists of water conveyance, treatment, and distribution facilities, and delivers water to retail and wholesale customers. The Project also serves to meet several of the WSIP goals and objectives for the overall regional water system by helping to (1) improve seismic reliability by constructing new facilities with modern earthquake engineering methods; (2) improve delivery reliability under a variety of operating conditions by improving overall operations of the system through additional redundancy; and (3) improve water quality reliability under a variety of operation conditions through providing additional treated water storage and operational flexibility.

## C. Environmental Review

### I. Water System Improvement Program Environmental Impact Report

On October 30, 2008, the SFPUC adopted the regional Water System Improvement Program (the "WSIP") (originally identified as the "Phased WSIP Variant"). The WSIP will improve the regional system with respect to water quality, seismic response, water delivery and water supply to meet water delivery needs in the service area through the year 2018 and establish level of service goals and system performance criteria. The program includes a water supply strategy and modifications to system operations, and construction of a series of facility improvement

---

<sup>1</sup> Water from the SVWTP system is conveyed to the Hetch Hetchy system through a 78-inch pipeline that parallels Calaveras Road. Periodically, however, the Hetch Hetchy facilities are out of service for maintenance. During these periods the SVWTP must treat local water to compensate for the loss of Hetch Hetchy supply. There are also relatively short periods when the Hetch Hetchy supply is available but does not comply with drinking water standards for turbidity, usually due to rate changes or pH failures at the Rock River Lime Station or disinfection failures at the Tesla Portal, but also possibly due to unusually high levels of sediment carried by stormwater runoff following a fire on watershed lands, flooding, or other such extraordinary events.

projects spanning seven counties, including Tuolumne, Stanislaus, San Joaquin, Alameda, Santa Clara, San Mateo and San Francisco. The Project, one of the facility improvement projects adopted as part of the Phased WSIP Variant, is within the Sunol Valley Region of the WSIP and is located in Alameda County.

To address the potential environmental effects of the WSIP, the San Francisco Planning Department prepared a Program EIR ("PEIR"), which was certified by the San Francisco Planning Commission on October 30, 2008 (Motion No. 17734). At a project-level of detail, the PEIR evaluated the environmental impacts of the WSIP's water supply strategy and, at a program level of detail, it evaluated the environmental impacts of the WSIP's facility improvement projects. The PEIR contemplated that additional project-level environmental review would be conducted for the facility improvement projects, including the Project.

## 2. Sunol Valley Water Treatment Plant Environmental Impact Report

Pursuant to and in accordance with the requirements of Section 21094 of the Public Resources Code and Section 15152 of the CEQA Guidelines, the Final EIR prepared for the Project described below, tiers from the PEIR and incorporates by reference the relevant analyses of the PEIR with respect to the WSIP's impacts and mitigation measures. The Final EIR summarizes and incorporates by reference the PEIR's analysis of the impacts associated with the WSIP's water supply strategy, including the PEIR analysis and conclusions regarding impacts on the SFPUC's watersheds and growth inducement impacts. The Project was fully analyzed and considered in sufficient detail in the PEIR's analysis of water supply and growth inducement impacts.

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department, as lead agency, released a Notice of Preparation ("NOP") on August 3, 2007 and held a public scoping meeting on August 22, 2007, in Sunol, California. (See Appendix A of the Draft EIR.)

The NOP was distributed to the State Clearinghouse and mailed to: governmental agencies with potential interest, expertise, and/or authority over the project; interested members of the public; and occupants and owners of real property surrounding the project area. The scoping meeting was held at the Sunol Glen Elementary School at 11601 Main Street in Sunol, California, and six people attended. The purpose of the scoping meeting was to present the project description and receive oral comments regarding the scope of the Draft EIR for the proposed project.

MEA received comments between August 3 and September 18, 2007, on the NOP. In addition to comments received during the scoping meeting, the San Francisco Planning Department received written comments in the form of letters or emails. The comment inventory is included in Appendix A of the Draft EIR. Comments received addressed environmental issues such as aesthetics, biological resources, hazardous materials, hydrology and water quality, and recreation impacts. Comments also addressed project description and CEQA alternatives.

The San Francisco Planning Department then prepared the Draft EIR, which describes the Project and the environmental setting, identifies potential impacts, presents mitigation measures for impacts found to be significant or potentially significant, and evaluates Project Alternatives.

The Draft EIR analyzes the impacts associated with each of the key components of the Project, and identifies mitigation measures applicable to reduce impacts found to be significant or potentially significant for each of those key components. It also includes an analysis of four alternatives to the Project. In assessing construction and operational impacts of the Project, the EIR considers the impact of the Project and the cumulative impacts associated with the proposed Project in combination with other past, present, and future actions with potential for impacts on the same resources.

Each environmental issue presented in the Draft EIR is analyzed with respect to significance criteria that are based on the San Francisco Planning Department Major Environmental Analysis Division ("MEA") guidance regarding the environmental effects to be considered significant. MEA guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Draft EIR was circulated to local, state, and federal agencies and to interested organizations and individuals for review and comment on June 3, 2009 for a 45-day public review period, which closed on July 17, 2009. Public hearings on the Draft EIR to accept written or oral comments were held in Sunol on June 30, 2009 and in San Francisco on July 9, 2009. During the public review period, the San Francisco Planning Department received written comments sent through the mail, fax, or email. No comments were received at the San Francisco public hearing. A court reporter was present at each of the public hearings, transcribed the oral comments verbatim, and prepared written transcripts.

The San Francisco Planning Department then prepared the Comments and Responses ("C&R") document, which provides written response to each comment received on the Draft EIR. The C&R was published on November 18, 2009 and included copies of all of the comments received on the Draft EIR and individual responses to those comments. The C&R provided additional, updated information and clarification on issues raised by commenters, as well as SFPUUC and Planning Department staff-initiated text changes. The Planning Commission reviewed and considered the Final EIR, which includes the Draft EIR and the C&R document, and all of the supporting information. The Final EIR provided augmented and updated information on many issues presented in the Draft EIR, including (but not limited to) the following topics: project description, aesthetics, traffic, hydrology and water quality, biological resources, and mitigation measures. In certifying the Final EIR, the Planning Commission determined that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA because the Final EIR contains no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. This Commission concurs in that determination.

The Final EIR fully analyzed the Project proposed for approval herein. No new impacts have been identified that have not been analyzed in the Final EIR.

## **D. Approval Actions**

### **1. Planning Commission Actions**

On December 3, 2009, the Planning Commission certified the Final EIR.

### **2. Public Utilities Commission Actions**

The San Francisco Public Utilities Commission is taking the following actions and approvals to implement the Project:

- Adopt these CEQA findings and the attached Mitigation Monitoring and Reporting Program.
- Approve the Project, as described herein.

### **3. San Francisco Board of Supervisors Actions**

- The Planning Commission's certification of the Final EIR may be appealed to the Board of Supervisors. If appealed, the Board of Supervisors will determine whether to uphold the certification or to remand the Final EIR to the Planning Department for further review.
- The San Francisco Board of Supervisors approves an allocation of bond monies to pay for implementation of the Project.

### **4. Other—Federal, State, and Local Agencies**

Implementation of the Project mitigation measures will involve consultation with or required approvals by other local, state and federal regulatory agencies, including, but not limited to, the following:

- U.S. Army Corps of Engineers
- U.S. Fish & Wildlife Service
- State Historic Preservation Officer
- Cal/OSHA
- California Department of Fish and Game
- State Water Resources Control Board
- San Francisco Bay Regional Water Quality Control Board
- Various municipal public works departments

To the extent that the identified mitigation measures require consultation or approval by these other agencies, this Commission urges these agencies to assist in implementing, coordinating or approving the mitigation measures, as appropriate to the particular measure.

## **E. Findings About Significant Environmental Impacts And Mitigation Measures**

The following Sections II, III and IV set forth the SFPUC's findings about the Final EIR's determinations regarding significant environmental impacts and the mitigation measures



proposed to address them. These findings provide the written analysis and conclusions of the SFPUC regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the SFPUC as part of the Project. To avoid duplication and redundancy, and because the SFPUC agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporate them by reference herein and rely upon them as substantial evidence supporting these findings.

In making these findings, the SFPUC has considered the opinions of SFPUC staff and experts, other agencies and members of the public. The SFPUC finds that the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the SFPUC is not bound by the significance determinations in the EIR (see Pub. Resources Code, § 21082.2, subd (e)), the SFPUC finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. In making these findings, the SFPUC ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the SFPUC adopts and incorporates all of the mitigation measures set forth in the Final EIR and the attached MMRP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The SFPUC intends to adopt each of the mitigation measures proposed in the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR.

In the Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding dozens of times to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the SFPUC rejecting the conclusions of the Final EIR or the mitigation measures recommended in the Final EIR for the Project.

## **II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION**

Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Based on the evidence in the whole record of this proceeding, the SFPUC finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

### **Plans and Policies**

- Conflict with San Francisco plans and policies or other applicable land use plans and policies

### **Land Use**

- Adverse impact on the existing land use character of the vicinity

### **Aesthetics**

- Adverse effect on scenic vistas
- Degrade the existing visual character or quality of the site and its surroundings
- Result in a substantial new source of substantial light or glare

### **Population and Housing**

- Induce substantial population growth due to an increase in employment opportunities

### **Transportation and Circulation**

- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways
- Result in inadequate emergency access
- Increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system during operation

### **Noise and Vibration**

- Expose persons to or generate excessive groundborne vibration
- Expose persons to or generate noise levels in excess of standards established in the Alameda County Noise Ordinance during operation
- Result in a substantial temporary, periodic, or permanent increase in ambient noise levels in the project vicinity above levels existing without the project during operation

### **Air Quality**

- Conflict with or obstruct implementation of the applicable air quality plan
- Expose sensitive receptors to diesel particulate matter ("DPM") exceeding regulatory thresholds
- Create objectionable odors
- Conflict with the state goal of reducing greenhouse gas ("GHG") emissions in California to 1990 levels by 2020

- Operation emissions that would violate or contribute to an existing violation of air quality standards for emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub>

#### Utilities and Service Systems

- Generate solid waste that would exceed permitted landfill capacity

#### Public Services

- Increase demand for public services

#### Biological Resources

- Result in disturbance, injury or mortality of and substantial loss of foraging habitat for San Joaquin kit fox
- Adverse impacts on American badger  
Impact the movement of native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors, or on the use of native wildlife nursery sites
- Impact California Red-Legged Frog, Foothill Yellow-Legged Frog and Western Pond Turtle due to operational discharges to Alameda Creek
- Impact resident trout/native fish due to operational discharges to Alameda Creek

#### Geology and Soils

- Expose construction personnel to risk of loss, injury, or death due to slope instability
- Expose the proposed facilities to substantial adverse effects due to surface fault rupture
- Expose the proposed facilities to adverse effects due to seismically induced ground shaking
- Expose the proposed facilities to adverse effects due to seismically induced ground failure, including liquefaction, landslides, and settlement
- Expose the proposed facilities to adverse effects due to slope instability
- Expose the proposed facilities to adverse effects due to location on geologic or soil units that may become unstable
- Expose the facilities to expansive or corrosive soils
- Result in a substantial change in the natural topography of the site

#### Hydrology and Water Quality

- Degradation of water quality due to operational discharges of treated water to surface waters
- Expose people or structures to a significant flooding hazard due to operation of the treated water reservoir
- Place spoils within the 100-year floodplain that would impede or redirect flood flows
- Deplete groundwater resources during operation

### **Hazards and Hazardous Materials**

- Risk of loss, injury, or death as a result of fire during construction activities
- Result in substantial gassy conditions during tunnel excavation activities
- Release of hazardous materials during operation

### **Mineral and Energy Resources**

- Result in the use of fuel, water, or energy in a wasteful manner
- Result in the substantial loss of availability of known mineral resources of importance to the region and the state

### **Cumulative Impacts**

- Considerable contribution to a cumulative impact regarding consistency with plans and policies
- Considerable contribution to a cumulative impact on existing character of land uses in Sunol Valley
- Considerable contribution to a cumulative impact on views from Calaveras Road due to spoils placement
- Considerable contribution to a cumulative impact on aesthetic character due to new aboveground facilities
- Considerable contribution to a cumulative impact on population and housing
- Considerable contribution to a cumulative impact on historic resources
- Considerable contribution to a cumulative impact to degradation of Calaveras Road
- Considerable contribution to a cumulative impact to traffic on Interstate 680
- Considerable contribution to a cumulative impact on noise levels from construction traffic on Calaveras Road during the day
- Considerable contribution to a cumulative impact of DPM emissions
- Considerable contribution to a cumulative impact of greenhouse gas emissions
- Considerable contribution to a cumulative need for increased public services and associated effects
- Considerable contribution to a cumulative impact of increased geological hazards
- Considerable contribution to a cumulative impact on regional groundwater levels within the watershed
- Considerable contribution to a cumulative impact of increased flooding
- Considerable contribution to a cumulative impact of increased wildland fire hazard
- Considerable contribution to a cumulative impact of loss of mineral resources
- Considerable contribution to a cumulative impact of wasteful use of energy

### **III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES**

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative).

The findings in this Section III and in Section IV concern mitigation measures set forth in the EIR. These findings discuss mitigation measures as proposed in the EIR and recommended for adoption by the SFPUC, which can be implemented by the SFPUC. The mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the Final EIR for the Project. The full text of the mitigation measures is contained in the Final EIR and in Attachment B, the Mitigation Monitoring and Reporting Program. The Commission finds that the impacts identified in this section would be reduced to a less-than-significant level through the mitigation measures contained in the Final EIR and set forth in Attachment B.

This Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies, including the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

**Impact AES-2: Project construction could damage scenic resources that contribute to a scenic public setting**

The trees along Calaveras Road and on the hillsides west of Calaveras Road are scenic resources that contribute to a scenic public setting. Alameda Creek and associated vegetation is also a scenic resource that is intermittently visible from Calaveras Road due to intervening vegetation and topography and from elevated distant vantage points on the trails.

Construction would require removal of trees on portions of the hillside where new water treatment facilities would be installed. Removal of these trees would largely be screened by intervening topography and the trees along Calaveras Road and Alameda Creek, which would not be removed. Nevertheless, this would be a significant impact.

- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*

**Impact AES-6: Project operations could permanently damage scenic resources**

The proposed new facilities, including the treated water reservoir, chlorine contact tank, and retaining wall would require removal of trees west of Calaveras Road that contribute to a scenic public setting. The area around the existing treatment plant is heavily wooded and existing vegetation and tree resources along Alameda Creek would largely screen views. Nevertheless, removal of trees would be significant impact.

- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*

**Impact CR-1: Project construction could result in impacts to paleontological resources**

A substantial portion of the project site is situated immediately on alluvial and fluvial deposits of Pleistocene age, which are considered highly sensitive for paleontological resources. Subsurface excavation in these areas could result in disturbance or loss of paleontological resources. Additionally, if earthwork in areas of Holocene substrate is deep enough to involve underlying

Pleistocene strata, activities in such area could also result in disturbance or loss of paleontological resources. This would be a significant impact.

- *Mitigation Measure CRI-a: Conduct Preconstruction Surveys for Significant Paleontological Resources in Areas of Undetermined and High Paleontological Sensitivity*
- *Mitigation Measure CRI-b: Paleontological Resources Worker Awareness Training*
- *Mitigation Measure CRI-c: Perform Preconstruction Surface Salvage of Any Significant Paleontological Resources Discovered*
- *Mitigation Measure CRI-d: Conduct Paleontological Resources Monitoring during Construction in Areas of Undetermined and High Paleontological Sensitivity, as Required*
- *Mitigation Measure CRI-e: Stop Work if Known or Suspected Paleontological Resources Are Encountered*

**Impact CR-2: Project construction could result in impacts on unknown or known pre-historic and historic-era archaeological resources**

No known prehistoric or archaeological resources were identified through the investigation conducted to support the EIR. However, the soil types and geomorphological configuration of the Project area indicate that undiscovered prehistoric archaeological resources could be buried beneath the ground surface. Such resources could be discovered through subsurface construction activities. This would be a significant impact.

- *Mitigation Measure CR-2: Procedures to be Followed in the Event of an Accidental Discovery*

**Impact CR-3: Project construction could potentially disturb buried human remains**

Human remains have not been identified within the Project area through the records search, archaeological fieldwork, or consultation with the Native American Heritage Commission ("NAHC"). However, subsurface construction activities could inadvertently unearth and impact unknown (i.e., not yet recorded) human remains associated with unrecorded archaeological deposits. This would be a significant impact.

- *Mitigation Measure CR-3: Protection of Human Remains if Encountered during Excavation Activities*

**Impact TRANS-1: Project construction could result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system**

Project construction would generate vehicle and truck trips on a temporary basis, which would result in a temporary increase in traffic on the existing circulation system. Project construction would generate three kinds of traffic—truck trips associated with the materials and equipment delivery necessary for carrying out the proposed work, vehicle trips associated with workers employed on the site, and spoils hauling trips. Project traffic would affect existing level of service ("LOS") at the I-680 north bound ramp and Calaveras Road; however, these roadways would continue to operate at LOS D or above and would not exceed the operational threshold of LOS E established by the Alameda County Congestion Management Agency. However, if spoils

were hauled on Calaveras Road to the spoils site north of the SVWTP during peak hours, a significant impact on traffic could occur.

- *Mitigation Measure TRANS-1: Preparation and Implementation of Traffic Control Plan*

**Impact TRANS-3: Project construction could substantially increase hazards due to a design feature or incompatible uses**

Project delivery and hauling trucks would be large, travel at slow speeds, and have wider turning radii than automobiles, and, when turning in and out of the SVWTP access road, would present a hazard to existing vehicle traffic. The proposed Project would also present the potential for conflict between heavy trucks and bicyclists on Calaveras Road. Because of their small size when compared to large construction-related trucks, bicyclists can be particularly difficult to notice for truck drivers. Project construction may occur during weekends, and, therefore, hazards to recreational bicyclists would be heightened during the weekends. This would be a significant impact.

- *Mitigation Measure TRANS-1: Preparation and Implementation of Traffic Control Plan*

**Impact NOI-1: Project construction could temporarily expose persons to or generate noise levels in excess of standards established in the Alameda County Noise Ordinance**

Construction activities would result in temporary noise increases in the Project area. There are two sensitive receptors that could be affected: a private ranch residence (the Garcia Ranch) approximately 1.3 miles northwest of the SVWTP and 1,360 feet west of Calaveras Road and the SFPUC watershed keeper's house approximately 1.3 miles northeast of the SVWTP and 225 feet east of Calaveras Road. The noise analysis found that noise from pile driving alone and/or in addition to other construction activities would exceed the Alameda County Noise Ordinance during evening and nighttime hours. This would be a significant impact.

- *Mitigation Measure NOI-1: Implementation of Noise Controls*

**Impact NOI-3: Project construction could generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project**

For this EIR, a "substantial increase in ambient noise" would occur if Project noise levels exceed either the speech interference threshold of 70 dBA or the sleep disturbance threshold of 50 dBA. The noise analysis found that, even with pile driving, construction noise would not exceed the speech interference threshold. Construction activities, even without pile driving, would exceed the sleep disturbance threshold. This would be a significant impact.

- *Mitigation Measure NOI-1: Implementation of Noise Controls*

**Impact AIR-2: Construction emissions of PM<sub>10</sub>, PM<sub>2.5</sub>, ROG, and NO<sub>x</sub> could violate air quality standards**

Construction of the SVWTP expansion, treated water reservoir, discharge pipeline, and spoils hauling and placement would generate fugitive dust<sup>2</sup> (including PM<sub>10</sub> and PM<sub>2.5</sub>) and other criteria pollutants as a result of construction activities, including excavation, grading, vehicle travel on paved and unpaved surfaces, and vehicle exhaust. Combustion emissions from construction equipment and vehicles (i.e., heavy equipment and delivery/haul trucks, and worker commute vehicles) would result in emissions of ROG and NO<sub>x</sub>. Construction-related emissions could substantially increase localized concentrations of PM<sub>10</sub> and affect PM<sub>10</sub> compliance with ambient air quality standards on a regional basis. Criteria pollutant emissions of ROG and NO<sub>x</sub> from these emission sources would incrementally add to regional atmospheric loading of ozone precursors during project construction. Particulate emissions from construction activities could also lead to adverse health effects and nuisance concerns (e.g., reduced visibility and soiling of exposed surfaces). This would be a significant impact.

- *Mitigation Measure AIR-2a: Implementation of Dust Control Plan*
- *Mitigation Measure AIR-2b: Implementation of BAAQMD Dust Control Measures*
- *Mitigation Measure AIR-2c: Implementation of BAAQMD Exhaust Control Measures*

**Impact REC-1: Project construction could temporarily impact recreation use of Calaveras Road during project construction**

During the approximately 3-year construction period, the temporary increase in traffic on Calaveras Road could affect access to the Sunol Regional Wilderness and Ohlone Regional Wilderness areas, operated by the East Bay Regional Parks District. In addition, Calaveras Road experiences considerable bicycle travel on the weekends and the East Bay Bicycle Coalition identifies Calaveras Road between I-680 and Milpitas as an on-road route recommended for bicycle travel. This would be a *significant* impact.

- *Mitigation Measure TRANS-1: Preparation and Implementation of Traffic Control Plan*

**Impact UTL-2: Temporary disruption to regional and local utilities**

Construction activities could inadvertently conflict with regional and local utilities, including the SFPUC's existing underground water service pipelines and culverts extending under Calaveras Road into Nursery Sites 1 and 2 and the North Spoils site. The Project contractor would be required to comply with the California Occupational Safety and Health Administration Construction Safety Orders for excavation and trenching, and with the utility notification requirements under Article 2 of the California Government Code Section 4216 which would reduce the potential for temporary service disruptions. If service were disrupted, this would be a significant impact.

- *Mitigation Measure UTL-2: Avoid Conflicts with Existing Utilities and Coordinate Efforts with Affected Utilities*

---

<sup>2</sup> Fugitive emissions generally refer to those emissions that are released to the atmosphere by some means other than through a stack or tailpipe.



**Impact BIO-1: Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of California Tiger Salamander**

The Project could result in temporary adverse effects to California tiger salamander, including mortality and/or injury; disruption of migration or movement patterns; entrapment in excavated trenches if left open overnight; disturbance or disorientation due to noise, vibration, presence of human activity, and nighttime lighting; inadvertent release of hazardous materials that could degrade habitat and cause injury or mortality; and temporary loss of habitat. The Project would also result in permanent loss of upland habitat. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*

**Impact BIO-2: Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of California Red-Legged Frog**

The Project could result in temporary adverse effects to California red-legged frog, including mortality and/or injury; disruption of migration or movement patterns; entrapment in excavated trenches if left open overnight; disturbance or disorientation due to noise, vibration, presence of human activity, and nighttime lighting; inadvertent release of hazardous materials that could degrade habitat and cause injury or mortality; and loss of habitat. Erosion and sedimentation of Alameda Creek could adversely affect breeding and non-breeding aquatic California red-legged frog habitat in Alameda Creek. The Project would also result in permanent loss of upland habitat. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*

### **Impact BIO-3: Potential Degradation of Suitable Habitat and Potential Injury or Mortality of Foothill Yellow-Legged Frog and Western Pond Turtle**

The Project could result in temporary adverse effects to foothill yellow-legged frog and western pond turtle, including mortality and/or injury; disruption of migration or movement patterns; entrapment in excavated trenches if left open overnight; disturbance or disorientation due to noise, vibration, presence of human activity, and nighttime lighting; inadvertent release of hazardous materials that could degrade habitat and cause injury or mortality; and temporary loss of habitat. Erosion and sedimentation of Alameda Creek due to adjacent construction activities could adversely affect aquatic habitat in the creek. The Project would also result in permanent loss of upland habitat. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*

### **Impact BIO-4: Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of Alameda Whipsnake**

The Project could result in temporary adverse effects to Alameda whipsnake, including mortality and/or injury; disruption of migration or movement patterns; entrapment in excavated trenches if left open overnight; disturbance or disorientation due to noise, vibration, presence of human activity, and nighttime lighting; inadvertent release of hazardous materials that could degrade habitat and cause injury or mortality; and temporary loss of habitat. The Project would also result in permanent loss of upland habitat. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake*

**Impact BIO-5: Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of Western Burrowing Owl**

The Project could result in temporary adverse effects to western burrowing owl, including mortality and/or injury; disturbance or disorientation due to noise, vibration, presence of human activity and nighttime lighting; inadvertent release of hazardous materials that could degrade habitat and cause injury or mortality; and temporary loss of habitat. The Project would also result in permanent loss of upland habitat. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement CDFG Guidelines for Burrowing Owl Mitigation, if Necessary*

**Impact BIO-6: Loss of Suitable Nest Trees and Potential Disturbance, Injury or Mortality of Nesting Special-Status and other Migratory Birds**

The Project could have an adverse effect on special-status or other migratory birds due to the loss of suitable nest tree. During construction the Project could result in injury, adult or juvenile mortality, loss of eggs, disruption of daily activities, nest destruction or abandonment, or loss of reproductive potential. Noise, dust, vibration, presence of human activity, and lighting during nighttime construction may disturb or disorient birds. Approximately 105 trees would be removed. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-6: Remove Trees and Shrubs during the Non-breeding Season (August 16–February 14) for Birds or Conduct Nesting Bird Surveys, and Establish No-Disturbance Buffers, as Appropriate*

**Impact BIO-7: Potential Disturbance, Injury or Mortality of and Loss of Potential Roosting Habitat for Pallid Bat**

The Project could have an adverse effect on pallid due to loss or disturbance of active roosts in trees in or adjacent to the project site through tree removal. Approximately 105 trees that could provide roosting habitat for pallid bats would be removed. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-7: Conduct Preconstruction Surveys for Sensitive Bats and Implement Avoidance and Minimization Measures if Found*

**Impact BIO-10: Potential Disturbance, Injury, or Mortality of San Francisco Dusky-Footed Woodrat**

Suitable habitat for San Francisco dusky-footed woodrat is located within the riparian forest/scrib along Alameda Creek. If woodrats and/or nests are present in this area, they could be disturbed, injured, or killed by construction activities. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-10: Conduct Pre-Construction Surveys for Dusky-footed Woodrat and Implement Avoidance and Minimization Measures if Found*

**Impact BIO-11: Dewatering during project construction could result in impacts on resident trout/other native fish**

The Project would not involve any work within the Alameda Creek channel. However, dewatering discharges of groundwater to Alameda Creek during installation of the proposed 78-inch pipeline under the creek and other adjacent activities could affect resident trout/other native fish if the water temperature substantially exceeds ambient temperatures. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*

**Impact BIO-12: Temporary or permanent impacts on sensitive riparian and oak woodland natural communities**

The Project would adversely effect two sensitive habitats: willow riparian forest/scrub and mixed oak woodlands. Stormwater runoff and watering for dust control could carry sediment and pollutants from areas disturbed during project construction to the willow riparian habitat, which could have detrimental effects, including disease or mortality. The Project would result in the temporary loss of 0.1 acres of willow riparian forest/scrub and up to 4.1 acres of mixed oak woodlands. No permanent impacts are anticipated in willow riparian forest/scrub. The Project would permanently displace approximately 0.6 acre of mixed oak woodland. This would be a significant impact.

- *Mitigation Measure BIO-1a: : Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*

**Impact BIO-13: Temporary and permanent impacts on wetlands or waters of the U.S. or of the state**

The new treated water reservoir site would result in the permanent loss of a 0.04-acre perennial spring wetland. The project would avoid direct work within Alameda Creek as the new 78-inch pipeline would be installed 40 feet under the creek using micro-tunneling construction method and the associated launching and receiving pits and staging area would be set back at least 100 feet from the banks of the creek. Stormwater runoff and watering for dust control could carry sediment and pollutants from temporarily disturbed areas during construction to Alameda Creek. Groundwater encountered during excavation could be discharged to Alameda Creek and could

result in discharge of sediment and other pollutants to the creek. This would be a significant impact.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-13: Minimize Disturbance of Waters of the United States and Waters of the State, Including Wetlands*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*

**Impact HYD-1: Project construction could degrade water quality of Alameda Creek and wetlands as a result of erosion and sedimentation or a hazardous materials release**

The proposed Project would include earthmoving, construction dewatering, and handling of hazardous materials. These activities could result in the release of sediment and other pollutants that, if introduced to runoff and be transported to surface water bodies, would degrade water quality and potentially violate water quality standards. This would be a significant impact.

- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*
- *Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan*
- *Mitigation Measure AIR-2a: Implementation of Dust Control Plan*
- *Mitigation Measure AIR-2b: Implementation of BAAQMD Dust Control Measures*

**Impact HYD-2: Project construction could deplete groundwater resources and Alameda Creek flows**

To safely and efficiently complete work, standing groundwater in the excavated areas would be pumped out of the excavated area, a process referred to as dewatering. It is possible that a substantial amount of groundwater would need to be pumped out of the launching and receiving pits for the micro-tunnel under Alameda Creek, if encountered, to maintain a dry work area during excavation. If Alameda Creek is flowing during dewatering, it is possible that dewatering could cause a decline in the creek water level, which could strand fish in pools and cause stress and mortality to these individuals. This would be a significant impact.

- *Mitigation Measure HYD-2: Maintenance of Alameda Creek Flows during Construction Dewatering*

**Impact HYD-3: Project construction activities could temporarily alter site drainage patterns**

Excavation and temporary stockpiling of spoils could temporarily affect the existing drainage pattern of the Project site in a manner that could result in substantial erosion or siltation on- or off-site. For example, stockpiling of spoils could redirect stormwater drainage in a manner that increases scour and erosion. Shoring used during excavation as well as staging of materials and

equipment could also alter site drainage patterns in a manner that would increase scour and erosion. This would be a significant impact.

- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*

**Impact HYD-7: Project operation could result in increased stormwater runoff due to new impervious surfaces**

The proposed project would create approximately 4.6 acres of new impervious surfaces where new facilities would be installed. Impervious surfaces prevent natural absorption and pollutant filtration of storm runoff compared to natural vegetated pervious ground cover, which could result in greater volume and velocity of runoff and potentially increased sediment and pollutant load discharged to creeks and greater velocity where water enters the creek, which could result in increased scour and erosion of creek banks. To reduce new impervious surfaces, the Project would use pervious asphalt for the new 0.2 acre parking area at the flocculation and sedimentation basin and, as part of placement of spoils at Nursery Site 1, removing approximately 0.6 acres of existing pavement, remove existing impervious tarps, and decompact soils and restore it to natural grassland. Restoration of this 19 acre site would result in significantly more pervious ground cover, which would reduce existing stormwater runoff from being transported through this area to Alameda Creek. The increase in impervious surface would be a significant impact. Consistent with the Alameda County Clean Water Program, impacts of additional stormwater runoff on creek hydrology, morphology, and water quality would be reduced to less than significant if the post-project runoff does not exceed the pre-project rates and durations and treatment for runoff is provided.

- *Mitigation Measure HYD-7: Incorporate Alameda County Clean Water Program Design Measures to Accommodate Additional Runoff from New Impervious Surfaces*

**Impact HAZ-1: Construction of the proposed project could create potential hazards through transportation, use, and disposal of hazardous materials**

Construction activities would include the routine use, transport, and disposal of hazardous materials, including fuels, oils, chemicals and other materials. Heavy earthmoving equipment would use large quantities of petroleum hydrocarbon-based fuels and lubricants. Improper transportation, use, storage, and disposal of these materials could result in exposure of construction workers or the public to these hazardous materials. This would be a significant impact.

- *Mitigation Measure HAZ-1a: Soil Investigation Prior to Construction*
- *Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan*

**Impact HAZ-2: Construction of the proposed project could create the potential for upset and accident conditions involving the release of hazardous materials in the environment**

Hazardous materials would be used for the operation of heavy equipment during project construction. These hazardous materials may include fuels, oil, and other materials used in equipment maintenance. Improper equipment use or accident conditions could result in incidental releases or spills, potentially posing health risks to workers, the public and the environment. This would be a significant impact.

- *Mitigation Measure HAZ-1a: Soil Investigation Prior to Construction*
- *Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan*

**Impact HAZ-3: Construction of the proposed project could create the potential to encounter hazardous materials in soil and groundwater**

Soils and groundwater within the project site may contain hazardous materials related to past agricultural land uses and hazardous materials stored and used at the SVWTP. The Phase I report concluded that several areas on the project site may be contaminated, and recommended additional soil and groundwater sampling to determine the presence of hazardous materials. The presence of contaminated soils or groundwater at these sites, if encountered, could pose a risk to construction workers or the environment. This would be a significant impact.

- *Mitigation Measure HAZ-1a: Soil Investigation Prior to Construction*
- *Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan*

**Impact AG-1: Operation of the proposed project could result in conversion of farmlands to non-agricultural uses**

The proposed project would result in the permanent conversion of approximately 21 acres of Unique Farmland for the placement of spoils at Nursery Site 1 and Nursery Site 2. This would be a significant impact.

- *Mitigation Measure AG-1: Compensation for loss of Unique Farmland*

#### **Cumulative Impact on Aesthetics**

The Project would contribute considerably to a cumulative impact to the scenic character of the Sunol Valley due to removal of vegetation.

- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*

#### **Cumulative Impact on Cultural Resources**

The Project would contribute to a cumulative impact to previously undiscovered archeological and paleontological resources, as well as human remains.

- *Mitigation Measure CR-2: Procedures to be Followed in the Event of an Accidental Discovery*
- *Mitigation Measure CR-3: Protection of Human Remains if Encountered during Excavation Activities*
- *Mitigation Measure CR1-a: Conduct Preconstruction Surveys for Significant Paleontological Resources in Areas of Undetermined and High Paleontological Sensitivity*
- *Mitigation Measure CR1-b: Paleontological Resources Worker Awareness Training*
- *Mitigation Measure CR1-c: Perform Preconstruction Surface Salvage of Any Significant Paleontological Resources Discovered*
- *Mitigation Measure CR1-d: Conduct Paleontological Resources Monitoring during Construction in Areas of Undetermined and High Paleontological Sensitivity, as Required*



- *Mitigation Measure CR1-e: Stop Work if Known or Suspected Paleontological Resources Are Encountered*

### **Cumulative Impact on Transportation and Circulation**

Due to the potential for overlapping projects in the Sunol valley region as well as for construction associated within Calaveras Road as an access route to all project sites, the project would contribute considerably to a significant traffic impact.

- *Mitigation Measure CUM-1: Combined Sunol Valley Traffic Control Plan*
- *Mitigation Measure TRANS-1: Preparation and Implementation of Traffic-Control Plan*

### **Cumulative Impact to Noise and Vibration**

The Project could contribute considerably to a cumulative impact to noise resulting from night-time traffic on Calaveras Road if more than 14 trucks per hour use Calaveras Road at night. Additionally, overlapping construction schedules of the Project and the Alameda Siphon No. 4 Project, New Irvington Tunnel, and the San Antonio Backup Pipeline Project could result in cumulative noise and vibration impacts at night, to which the Project would contribute considerably.

- *Mitigation Measure NOI-1: Implementation of Noise Controls*

### **Cumulative Impacts to Air Quality and Climate**

The Project would contribute considerably to potentially significant cumulative construction air quality emission impacts, including impacts related to PM<sub>10</sub>, PM<sub>2.5</sub> and ozone precursors.

- *Mitigation Measure AIR-2a: Implementation of Dust Control Plan*
- *Mitigation Measure AIR-2b: Implementation of BAAQMD Dust Control Measures*
- *Mitigation Measure AIR-2c: Implementation of BAAQMD Exhaust Control Measures*

### **Cumulative Impact to Recreation**

The Project would contribute considerably to potentially significant cumulative construction impact on access to recreational facilities and bicyclists due to increase in traffic on Calaveras Road.

- *Mitigation Measure TRANS-1: Preparation and Implementation of Traffic Control Plan*

### **Cumulative Impact to Utilities and Service Systems**

The Project would contribute considerably to potentially significant impact on utilities and service systems.

- *Mitigation Measure UTL-2: Avoid Conflicts with Existing Utilities and Coordinate Efforts with Affected Utilities*

### **Cumulative Impact on Biological Resources**

Within the Sunol Valley, the Project could contribute considerably to significant cumulative impacts to: grassland (including upland habitat for California tiger salamander, California red-



legged frog, burrowing owl, and Alameda whipsnake); riparian vegetation and the Alameda Creek channel (including habitat for resident rainbow trout, foothill yellow-legged frog, western pond turtle, and California red-legged frog); and individual trees that could provide nesting for special-status bird and bat species. Construction discharges could affect water quality in Alameda Creek and its habitat for common and special-status species. Additionally, if barriers to steelhead migration were removed, it is possible that steelhead could eventually be present in the project work area within the Sunol Valley; the Project could contribute to a cumulative impact to steelhead, if present.

- *Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel*
- *Mitigation Measure BIO-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities*
- *Mitigation Measure BIO-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake*
- *Mitigation Measure BIO-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan*
- *Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-Legged Frog, and Alameda Whipsnake*
- *Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement CDFG Guidelines for Burrowing Owl Mitigation, if Necessary*
- *Mitigation Measure BIO-6: Remove Trees and Shrubs during the Non-breeding Season (August 16–February 14) for Birds or Conduct Nesting Bird Surveys, and Establish No-Disturbance Buffers, as Appropriate*
- *Mitigation Measure BIO-7: Conduct Preconstruction Surveys for Sensitive Bats and Implement Avoidance and Minimization Measures if Found*
- *Mitigation Measure BIO-10: Conduct Pre-Construction Surveys for Dusky-footed Woodrat and Implement Avoidance and Minimization Measures if Found*
- *Mitigation Measure BIO -13: Minimize Disturbance of Waters of the United States and Waters of the State, Including Wetlands*
- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*
- *Mitigation Measure HYD-7: Incorporate Alameda County Clean Water Program Design Measures to Accommodate Additional Runoff from New Impervious Surfaces*

### **Cumulative Impact to Hydrology and Water Quality**

The Project would contribute considerably to a cumulative impact to surface water quality due to, among other things, discharges of stormwater, dewatering effluent, and tunnel drainage. The Project would also contribute considerably to a cumulative impact to temporary reduction in water level flow in Alameda Creek and hydrology due to alteration of topography and an increase in impervious areas at the project site and the vicinity, resulting in downstream erosion impacts in local creeks.

- *Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices*
- *Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges*

- *Mitigation Measure HYD-2: Maintenance of Alameda Creek Flows during Construction Dewatering*
- *Mitigation Measure HYD-7: Incorporate Alameda County Clean Water Program Design Measures to Accommodate Additional Runoff from New Impervious Surfaces*

#### **Cumulative Impact to Hazards and Hazardous Materials**

The Project would contribute considerably to a cumulative impact related to exposure of workers to hazardous materials if they work on multiple projects in the Sunol Valley.

- *Mitigation Measure HAZ-1a: Soil Investigation Prior to Construction*
- *Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan*

#### **Cumulative Impacts to Agricultural Resources**

The Project would contribute considerably to a cumulative impact to agricultural resources associated with the conversion of areas mapped as Unique Farmland.

- *Mitigation Measure AG-1: Compensation for loss of Unique Farmland*

#### **IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Project does not have any Project-specific significant and unavoidable impacts. Because the Project is a component of the WSIP, it will contribute to the significant and unavoidable impacts caused by the WSIP water supply decision. These impacts were discussed in this Commission's Resolution No. 08-0200, and mitigation measures that were proposed in the Program EIR were adopted by this Commission for these impacts; however, the mitigation measures could not reduce the impacts to a less than significant level, and the impacts were determined to be significant and unavoidable. This Commission has already adopted the mitigation measures proposed in the Program EIR to reduce these impacts when it approved the WSIP in its Resolution No. 08-0200. This Commission also adopted a Mitigation Monitoring and Reporting Program as part of that approval. The findings regarding the following impacts and mitigation measures set forth in Resolution No. 08-0200 are incorporated into these findings by this reference, as though fully set forth herein. The significant and unavoidable impacts were listed in Resolution No. 08-0200 as follows:

##### **Potentially Significant and Unavoidable WSIP Water Supply Impacts**

- **Fisheries (Upper and Lower Crystal Springs Reservoir):** Effects in the Peninsula watershed on fishery resources in Crystal Springs Reservoir in San Mateo County; and
- **Growth:** Indirect growth-inducement impacts in the SFPUC service area.

##### **Significant and Unavoidable WSIP Water Supply Impacts**

- **Streamflow (Alameda Creek below Alameda Creek Diversion Dam):** Effects on stream flow in Alameda Creek between the diversion dam and the confluence with Calaveras Creek.

#### **V. EVALUATION OF PROJECT ALTERNATIVES**

This Section describes the Project as well as alternatives and the reasons for approving the Project and for rejecting the alternatives. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet Project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

#### A. Reasons for Approval of the Project

The overall goals of the WSIP for the regional water system are to:

- Maintain high-quality water and a gravity-driven system
- Reduce vulnerability to earthquakes
- Increase delivery reliability
- Meet customer water supply needs through 2018
- Enhance sustainability
- Achieve a cost-effective, fully operational system

The Project contributes to achievement of these goals. In addition, the Project was designed to ensure adequate service over time and to resist damage from earthquakes. Specifically, the objectives of the Project are to:

- Comply with the CDPH Compliance Order to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.

#### B. Alternatives Rejected and Reasons for Rejection

Although the Project would have no project-specific significant and unavoidable impacts, it would contribute to significant and unavoidable impacts identified in the WSIP PEIR. The Commission rejects the Alternatives set forth in the Final EIR and listed below because the Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section in addition to those described in Section VI below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives. In making these determinations, the Commission is aware that CEQA defines

"feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

### **Alternative 1: No Project**

Under the No Project Alternative, the existing SVWTP would continue to operate as under current conditions. This alternative would avoid all of the impacts associated with the proposed Project. However, under this alternative, the SVWTP would not meet the requirements of the CDPH to provide treated water storage to serve as a balancing reservoir that the SFPUC is obligated to fulfill. Hence the SVWTP would continue to operate out of compliance with the CDPH Compliance Order.

Further, under this alternative, the existing sustainable capacity would remain at 120 mgd, which is below the SFPUC's objective to sustainably augment water supply with up to 160 mgd of water from the Alameda Watershed during unplanned Hetch Hetchy outage or water quality event. The SVWTP would continue to operate with limited storage capacity and operational redundancy such that, following a major seismic event or unplanned Hetch Hetchy water quality event requiring a higher volume of water treatment at the SVWTP, the SVWTP could be constrained in its ability to contain on-site or treat the water to regulatory standards prior to its transport into the regional water system. In such situations, failure to take action could lead to future environmental impacts to aesthetics, traffic, noise and vibration, air quality, hydrology and water quality, and hazards and hazardous materials associated with the need to construct emergency storage and supply systems and/or transportation of emergency water. Such emergency facility repairs or facility installation could potentially result in greater impacts to environmental resources as compared to the proposed Project because there may not be adequate time to perform studies and locate activities away from sensitive environmental resources.

Because of the need to comply with the CDPH requirements, the likelihood of a severe seismic event in the near future, and the potential for an unplanned Hetch Hetchy water quality event that could require increased water treatment at the SVWTP, the Commission rejects this alternative. The U.S. Geological Survey has estimated a 62 percent probability of at least one magnitude 6.7 or greater earthquake between 2003 and 2032. This alternative would leave SFPUC water customers vulnerable to the impacts of an interruption of water supply if sufficient water meeting regulatory requirements can not be served.

### **Alternative 2: Regulatory Compliance Alternative**

This alternative would include construction of the essential facilities to comply with the CDPH Compliance Order, which include the:

- New treated water reservoir;
- Chlorine contact tank;

- 78-inch discharge pipe under Alameda Creek;
- New chemical storage and feed facilities; and
- Miscellaneous piping, valves, mechanical and electrical work.

The facilities that would not be built under this alternative are the flocculation/sedimentation basin and associated modifications to the flow distribution chamber, pipeline to the new flocculation basin, and pipeline to the settled water conduit, wash water recovery basin, upgraded filters, and new air blower associated with backwashing the filters.

Hence, to meet the requirements of the CDPH the same major facilities proposed under the proposed Project would still be constructed under this alternative.

The installation of the components under this alternative would contribute in general to the Project goals of improving operational flexibility and reliable delivery of water meeting regulatory standards by increasing on-site storage capacity. Namely, in the event of a treatment upset, water could be contained in the new chlorine contact tank and treated water reservoir, thereby preventing untreated water from entering the transmission system. The treated water reservoir would also serve as a balancing reservoir that would facilitate plant operation and thereby support reliable water treatment and supply. However, this alternative would not fully meet the SFPUC's objective of increasing the sustainable capacity of the plant from 120 mgd to 160 mgd because it eliminates construction of the fifth flocculation and sedimentation basin. Each flocculation and sedimentation basin in conjunction with the filter galleries (also referred to as a treatment train) can treat 40 mgd of water. Therefore, in order to treat 160 mgd due to an unplanned seismic or water quality event, all four existing basins would need to be fully operational. At a large facility such as the SVWTP, preventative maintenance is an ongoing activity that typically requires major equipment, such as the flocculation and sedimentation basin, to be out of service for extended periods. Therefore, if an unplanned seismic or water quality event occurred when one of the treatment plants is out of service, the plant would not be able to adequately treat to the full 160 mgd that may be required. Hence this alternative would only partially meet the SFPUC's objective to sustainably augment water supply with up to 160 mgd of water from the Alameda Watershed during unplanned Hetch Hetchy outage or water quality event.

Because the facilities contributing the most to significant impacts due to their size (i.e., treated water reservoir and chlorine contact tank) and location (i.e., 78-inch pipeline under Alameda Creek) would still be constructed, significant impacts of this alternative would be similar to the proposed Project for many resource areas. Significant impacts would be only slightly reduced for the following resource areas because of a slight decrease in the extent of excavation and associated equipment and materials; traffic, noise and vibration, air quality, hydrology and water quality, hazards and hazardous materials, and minerals and energy.

Although this alternative would meet the SFPUC's objective of complying with the CDPH requirements, the Commission rejects this alternative because it would not substantially lessen significant impacts of the proposed Project and would not meet the SFPUC's to sustainably augment water supply with up to 160 mgd of water from the Alameda Watershed during

unplanned Hetch Hetchy outage or water quality event.. Further this alternative would not substantially decrease costs while it eliminates the significant value of important facility and system redundancy to sustainably treat up to 160 mgd with only very minimal additional impacts as compared to not constructing the facilities.

### **Alternative 3: Above Ground Treated Water Reservoir Alternative**

This alternative would construct the new treated water reservoir approximately 1 mile north of the existing SVWTP. Additional facilities to the proposed Project that would be constructed under this alternative include: a pipeline to move water from the existing SVWTP discharge pipeline to the new treated water reservoir; a new pumping plant to move the water through this pipeline because of the existing effluent pipeline would be lower than the new site (i.e., it could not flow to the reservoir via gravity); a new overhead power line to supply electricity to the pumping plant; and a new paved permanent access road and bridge from Calaveras Road that would require abutments and at least one intermediate piling in the Alameda Creek channel. Pumping the water from the treated water reservoir would require approximately 6 million kilowatt hours of energy per year. The chlorine contact tank, flocculation and sedimentation basin, and other project components would still be constructed at the existing SVWTP as under the proposed Project.

This alternative was analyzed because it would substantially reduce the amount of excavation and spoils disposal which, under the propose Project, contribute to significant environmental effects. This alternative would generate approximately 175,000 cubic yards of spoils, less than half of the proposed Project. Spoils would be hauled either via Calaveras Road or via a temporary haul route that would be constructed parallel to Calaveras Road that would require a temporary free span bridge of approximately 120 feet would across Alameda Creek. However, while this alternative would reduce significant impacts associated with agriculture, all other impacts would be similar to or greater than those of the proposed Project primarily because it is a new above ground facility in an otherwise relatively undeveloped area instead of being adjacent to the existing SVWTP in a previously disturbed area. Most notably, this alternative would increase impacts to traffic on Calaveras Road, aesthetics due to the greater visibility of the above ground treated water reservoir and pumping plant from Calaveras Road; biological resources due to increase in the area of disturbance in an otherwise undeveloped area and activities affecting Alameda Creek; hydrology due to siting facilities in the middle of the floodplain between two creek channels; operational noise in close proximity to a private residence; and energy usage and greenhouse gas emissions associated with the requisite pumping plant.

Although this alternative would meet all of the SFPUC's project objectives, the Commission rejects this alternative because it would not substantially lessen most of the significant impacts of the Project and in fact would have greater environmental impacts for most resource areas. Moreover, this alternative would require higher construction cost and require installation of a new pump station, which would substantially increase energy use during operation thereby resulting in increased greenhouse gas emissions. Moreover, this alternative would result in more complicated, and thus more expensive, maintenance and system operation scenarios because it essentially involves operating a whole new facility and is not gravity operated.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**



Although the Project would have no project-specific significant and unavoidable impacts, it would contribute to significant and unavoidable impacts identified in the WSIP PEIR. Pursuant to CEQA section 21081 and CEQA Guideline 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specially finds that there are significant benefits of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the Final EIR for the proposed Project are adopted as part of this approval action. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

- Comply with the CDPH Compliance Order to provide treated water storage to serve as a buffer for potential treatment failures at the SVWTP;
- Add redundant facilities at the SVWTP to improve treatment reliability by increasing the plant's "sustainable capacity" to 160 mgd, defined as the ability to treat 160 mgd for at least 60 days with the largest piece of equipment or process component (e.g., flocculation and sedimentation basin) out of service for maintenance (overall hydraulic peak capacity at the plant would remain 160 mgd);
- Provide ability to reliably augment water supply with as much as 160 mgd of water from the Alameda Creek watershed during unplanned outages of the Hetch Hetchy supply; and
- Provide ability to sustainably treat as much as 160 mgd of Hetch Hetchy water at the SVWTP during an unplanned Hetch Hetchy water quality event.

In addition, the Project implements the WSIP's goals and objectives, and the Statement of Overriding Considerations from SFPUC Resolution 08-0200 is adopted and incorporated in these findings as though fully set forth. In particular, this Project helps to implement the following benefits of the WSIP:

1. Implementation of facility improvement projects will reduce vulnerability to earthquakes. Improvements are designed to meet current seismic standards. The regional water system

is a critical and vulnerable link in the City's and wholesale customer's ability to survive after a major earthquake and to maintain access to critically needed water supplies. The SFPUC will be able to meet the fundamental and most pressing needs of the water system - to improve the seismic safety and reliability of the water system as a means of saving human life and property under a catastrophic earthquake scenario or even a disaster scenario not rising to the level of catastrophic. Effecting the necessary repairs and improvements to assure the water system's continued reliability, and developing it as part of a larger, integrated water security strategy, is critical to the Bay Area's economic security, competitiveness and quality of life.

2. The SFPUC will be able to deliver basic service to the three regions in the service area (East/South Bay, Peninsula, and San Francisco) within 24 hours after a major earthquake.
3. The Water system will maintain a high quality water system.
4. Improvements are designed to meet current and foreseeable future federal and state water quality requirements.
5. The WSIP will increase delivery reliability and improve the ability to maintain the water system, providing operational flexibility to allow planned maintenance shutdown of individual facilities without interrupting customer service, operational flexibility to minimize the risk of service interruption due to unplanned facility upsets or outages, and operational flexibility and system capacity to replenish local reservoirs as needed. In order to implement a feasible asset management program in the future that will provide continuous maintenance and repairs to facilities, the regional water system requires redundancy (i.e., backup) of some critical facilities necessary to meeting day-to-day customer water supply needs. Without adequate redundancy of critical facilities, the SFPUC has limited operational flexibility in the event of an emergency or a system failure, as well as constraints on conducting adequate system inspection and maintenance.
6. The WSIP will achieve a cost-effective, fully operational system, ensuring cost-effective use of funds, maintaining a gravity-driven system.

Having considered these benefits, including the benefits discussed in Section I above, the Commission finds that the benefits of the Project and the WSIP outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.



ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM						
Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		Implementation Schedule	
			Implementation and Reporting Responsible Party	Reviewing & Approval Party		
<b>AESTHETICS</b>						
AES-2	Project construction could damage scenic resources that contribute to a scenic public setting	Implement Mitigation Measure BIO-1d	-	-	-	-
AES-6	Project operations could permanently damage scenic resources	Implement Mitigation Measure BIO-1d	-	-	-	-
<b>CULTURAL RESOURCES</b>						
CR-1	Project construction could result in impacts to paleontological resources	<p><b>Mitigation Measure CR-1a: Conduct Preconstruction Surveys for Significant Paleontological Resources in Areas of Undetermined and High Paleontological Sensitivity</b></p> <p>Before construction begins, the SFPUC shall retain a California Registered Professional Geologist with appropriate expertise or a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (1995) to conduct a more detailed evaluation of potential paleontological resources in those areas of the project identified as undetermined or highly sensitive for paleontological resources, namely areas of Holocene, Pleistocene, which occur where the treated water reservoir, flocculation and sedimentation basin, wash water recovery basin, and chlorine contact tank facilities would be constructed. The following shall be adhered to:</p> <ul style="list-style-type: none"> <li>The evaluation shall include a thorough literature-based and field-reconnaissance survey of the highly sensitive and undetermined areas where surficial excavation activities are planned. The field survey shall be limited to identifying potentially significant features at the surface.</li> <li>The evaluation shall be documented in a report to be submitted for review and approval by the SFPUC prior to the start of construction.</li> <li>If the evaluation and survey result in the discovery of a paleontological resource exposed at the surface, or confirm the potential for impacts on significant paleontological resources, Mitigation Measures CR-1c and CR-1d shall also be implemented. Mitigation Measure CR-1a shall be implemented as a safeguard regardless of the identified likelihood of potential impacts.</li> </ul> <p><b>Mitigation Measure CR-1b: Paleontological Resources Worker Awareness Training</b></p> <p>Before construction begins, the SFPUC shall ensure that all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on finds in the site vicinity; and proper procedures in the event fossils are encountered. Worker training shall be prepared by a qualified paleontologist as defined by the Society of Vertebrate Paleontology (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee, 1995) or other appropriate personnel (e.g., California Registered Professional Geologist with appropriate expertise) experienced in teaching non-specialists.</p>	1. CM Team (Paleontologist)	1. SFPUC BEM	1. Obtain and review resume or other documentation of consulting paleontologist's qualifications. Conduct preconstruction paleontological surveys and document documentation of qualifications of paleontologist (e.g., resume).	1. Preconstruction

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<p><b>Mitigation Measure CR-1c: Perform Pre-construction Surface Salvage of Any Significant Paleontological Resources Discovered</b></p> <p>If a significant paleontological resource is discovered at the ground's surface as a result of pre-construction surveys conducted per Mitigation Measure CR-1a and cannot be avoided through exclusion of the area from project disturbance (e.g., through the installation of exclusion fencing), the SFPUC shall retain a California-Registered Professional Geologist with appropriate expertise or a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (1995) to salvage and treat the resource prior to construction in the immediate vicinity of the find. Salvage of the resource would include recovering the item and properly documenting, preparing, and curating the find. Treatment of the resource may include preparation and recovery of fossil materials for housing in an appropriate museum, or university collection, and may also include preparation of a report for publication describing the find. No construction activities at the location of the find shall be allowed until the salvage operation is completed and authorization is provided by the SFPUC.</p>	1. CM Team (Paleontologist)	1. SFPUC BEM	1. Conduct paleontological salvage activities. Prepare written report of salvage activities. Include documentation of qualifications of paleontologist (e.g., resume).	1. Pre-construction, if necessary
		<p><b>Mitigation Measure CR-1d: Conduct Paleontological Resources Monitoring during Construction in Areas of Undetermined and High Paleontological Sensitivity, as Required</b></p> <p>If determined necessary after implementation of Mitigation Measure CR-1a, the SFPUC shall retain a qualified paleontologist as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (1995) to conduct on-site monitoring for unanticipated discovery of potentially significant paleontological resources during initial ground-disturbing activities (e.g., grading and excavation) in the areas with geological units identified as highly sensitive for paleontological resources and as field-verified by the qualified paleontologist. After initial ground disturbance activities in the paleontologically sensitive areas, monitoring shall cease but a paleontologist shall be retained on-call by the SFPUC throughout the project in the event of an unanticipated find during subsequent construction activities. The monitor will have authority to divert grading or excavation away from exposed surfaces temporarily in order to examine disturbed areas more closely, and/or recover fossils.</p>	1. SFPUC EMB 2. CM Team 3. CM Team (Paleontologist)	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that measures applying to paleontological discovery are incorporated in contract documents. 2. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance, and ensure corrective action. 3. File documentation of paleontologists' qualifications (e.g., resume). Document paleontological monitoring activities in logs. In the event of a discovery, confirm suspension of work, examine fossil, and report as required.	1. Design 2. Construction 3. Construction
		<p><b>Mitigation Measure CR-1e: Stop Work if Known or Suspected Paleontological Resources Are Encountered</b></p> <p>If fossil materials are discovered during any project-related activity, all ground-disturbing work within 50 feet of the find shall stop immediately until the paleontological monitor can assess the nature and importance of the find and recommend appropriate treatment. Recommendations for treatment shall be consistent with SVP guidelines (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee, 1995) and may include preparation and recovery of fossil materials so they can be housed in an appropriate museum or university collection.</p>	1. CM Team	1. SFPUC BEM	1. If required, prepare a Recovery Plan to mitigate effects of the project. Proceed with recommendations of paleontologist.	1. Construction
CR-2	Project construction could result in impacts on unknown or known pre-historic and historic-era archaeological resources	<p><b>Mitigation Measure CR-2: Procedures to be Followed in the Event of an Accidental Discovery (Including Implementation of an Archaeological Monitoring and Testing Program)</b></p> <p>To avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.4(a)(6), the SFPUC shall distribute the San Francisco Planning Department archaeological resource "ALERT" sheet to the project's prime contractor, to any project subcontractor (including firms providing services such as demolition, excavation, grading, foundation, or pile driving), or utilities firm involved in soils disturbing activities within the project site.</p>	1. SFPUC EMB	1. SFPUC BEM	1. Ensure that measures related to archaeological discoveries are included in contract documents.	1. Design

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<p>The "ALERT" sheet shall provide workers notice that archaeological remains may be encountered during excavation and instructions on what to do if evidence of an archaeological site is encountered. Prior to any soils disturbing activities being undertaken, each contractor shall be responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The SFPUC shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the ALERT Sheet.</p> <p>Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the contractor and/or the SFPUC shall immediately notify the ERO and shall immediately suspend any soils disturbing activities within 150 feet of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archaeological resource may be present within the project site, the SFPUC shall retain the services of a qualified archaeological consultant. The archaeological consultant shall advise the ERO as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the SFPUC.</p> <p>Measures might include: preservation in situ of the archaeological resource; an archaeological monitoring program; and/or an archaeological testing program. If an archaeological monitoring program or archaeological testing program is required, it shall be consistent with the San Francisco Planning Department's Major Environmental Analysis Division (MEA) guidelines for such programs. The ERO may also require that the SFPUC immediately implement a site security program if the archaeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archaeological consultant shall submit an accidental discovery Archaeological Data Recovery Report (ADRR) to the ERO which, in addition to the usual contents of the ADRR, includes an evaluation of the historical significance of any discovered archaeological resource, as well as describing the archaeological and historical research methods employed in the archaeological monitoring/data recovery program(s) undertaken, and presenting, analyzing, and interpreting the recovered data. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft ADRR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the ADRR shall be distributed as follows:</p> <ul style="list-style-type: none"> <li>California Archaeological Site Survey: NWIC [Northwest Information Center] shall receive one copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC.</li> <li>The San Francisco Planning Department MEA shall receive three copies of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources.</li> </ul> <p>The SFPUC shall receive copies of all documents prepared in conformance with this mitigation measure. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution from that presented above.</p>	<p>2. CM Team</p> <p>3. CM Team (Archaeologist)</p> <p>4. CM Team (Archaeologist)</p>	<p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p> <p>4. SFPUC BEM and ERO</p>	<p>2. Ensure that all personnel attend environmental training prior to beginning work, receive "ALERT" sheet, and sign the training sign-in sheet. Maintain file of sign-in sheets. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance and ensure corrective action.</p> <p>3. Ensure that all potential discoveries are reported as required and that the contractor suspends work in the vicinity. Mobilize an archaeologist to the area if the ERO determines that an archaeological resource may be present.</p> <p>4. Evaluate the potential discovery and advise ERO as to the significance of the discovery. Proceed with recommendations, evaluations, and implementation of additional measures in consultation with ERO. Prepare and submit Final Archaeological Resources Report.</p>	<p>2. Preconstruction and Construction</p> <p>3. Construction</p> <p>4. Construction</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
CR-3	Project construction could potentially disturb buried human remains	<p><b>Mitigation Measure CR-3: Protection of Human Remains if Encountered during Excavation Activities</b></p> <p>If human remains are encountered during construction, the location shall be protected, and there shall be no further excavation or disturbance of the location and any nearby area that may contain human remains. SFPUC shall retain a qualified archaeologist immediately to assess the situation.</p> <p>The treatment of human remains and of associated funerary objects discovered during any soil-disturbing activity shall comply with applicable State laws. This shall include immediate notification of the County Coroner and, in the event of the Coroner's determination that the human remains are Native American, notification of the California State Native American Heritage Commission (NAHC), who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.96). The archaeological consultant, SFPUC, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow Section 5097.98(b) of the California Public Resources Code, which states that "the landowner or his or her authorized representative shall render the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p>	<p>1. CM Team</p> <p>2. CM Team</p> <p>3. CM Team (Archaeologist)</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that contract documents include measures related to discovery of human remains.</p> <p>2. If human remains are encountered, temporarily redirect activities, notify County Coroner and qualified archaeologist and notify ERO. Confirm suspension of work and later startup of work in accordance with mitigation measure.</p> <p>3. Evaluation remains along with County Coroner. If remains are Native American, contact NAHC and MLD and determine treatment and disposition of remains in consultation with NAHC and MLD.</p>	<p>1. Design</p> <p>2. Construction</p> <p>3. Construction</p>
TRANS-1	Project construction could result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system	<p><b>Mitigation Measure TRANS-1: Preparation and Implementation of Traffic Control Plan</b></p> <p>The SFPUC shall ensure that the construction contractor prepares and successfully implements a project-specific traffic control plan. The traffic control plan shall contain the appropriate level of detail necessary to minimize traffic impacts and hazards on Calaveras Road, including adequate consideration for both motorized vehicle traffic and bicycle traffic. This traffic control plan shall be approved by the Alameda County Public Works Agency prior to construction. At a minimum, the plan shall include the following:</p> <ul style="list-style-type: none"> <li>• Advance warning signs shall be installed on Calaveras Road to the south and north of the project access points (namely to the SVWTP area and to the spoils disposal areas) advising motorists of the construction zone ahead to minimize hazards associated with activities immediately adjacent to Calaveras Road and the entry and egress of project-related vehicles.</li> <li>• Either flaggers, illuminated signs, a temporary stoplight, a flashing yellow light, or a combination of these methods shall be utilized to slow approaching traffic at project access points throughout the construction period.</li> <li>• Pedestrian and bicycle access and circulation shall be maintained during project construction, where safe to do so.</li> <li>• All equipment and materials shall be stored in designated contractor staging areas on or adjacent to the work area, in such a manner as to minimize obstruction of traffic.</li> </ul>	<p>1. SFPUC EMB</p> <p>2. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that requirement to prepare a Traffic Control Plan and applicable measures are included in contract documents.</p> <p>2. Ensure contractor submits a Traffic Control Plan and verify it complies with the requirements, including preparation by a qualified civil engineer (i.e., obtain resume). Submit to agencies for review and ensure recommendations are incorporated as appropriate.</p> <p>3. Monitor to ensure that the contractor implements measures in the Traffic Control Plan and contract documents, report noncompliance, and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Construction</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
TRANS-3	Project construction could substantially increase hazards due to a design	<ul style="list-style-type: none"> <li>Locations shall be identified for parking by construction workers, either within the work areas or, if necessary, at a nearby location with transport provided between the parking location and the work area.</li> <li>To the extent applicable, the traffic control plan shall conform to the Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones.</li> <li>To the extent applicable, the traffic control plan shall conform to the California Manual on Uniform Traffic Control Devices.</li> <li>Spills hauling shall be limited to non-peak hours (a.m. peak hour is between 7 a.m. and 9 a.m. [weekdays] and p.m. peak hour is between 4 p.m. and 6 p.m. [weekdays]). Spills hauling trips to any of the identified disposal sites shall be limited to only occur on Calaveras Road and shall not entail use of I-680, the I-680 ramps at Calaveras Road, or any other roads in the vicinity of the site.</li> </ul>				
<b>NOISE AND VIBRATION</b>						
NOI-1	Project construction could temporarily expose persons to or generate noise levels in excess of standards established in the Alameda County Noise Ordinance	<p>Mitigation Measure NOI-1: Implementation of Noise Controls</p> <p>To mitigate for potential noise-related impacts, the project shall implement the following noise control measures:</p> <ul style="list-style-type: none"> <li>Pile driving activities shall be prohibited during the evening and nighttime hours (7 p.m. to 7 a.m. Monday through Friday and 5 p.m. to 8 a.m. Saturday and Sunday).</li> <li>If noise from any construction activities exceeds 50 dBA at the nearest residences, then the following noise reduction measures shall be implemented to limit noise levels to 50 dBA: <ul style="list-style-type: none"> <li>Reduce the number of pieces of construction equipment that operate simultaneously.</li> <li>Provide temporary barriers around noise-generating equipment.</li> </ul> </li> <li>Total project-related haul and delivery truck volumes on any particular haul truck route shall be limited to 80 trucks per hour to minimize noise.</li> <li>Haul and delivery trucks shall be prohibited from operating within 200 feet of any residential uses during the nighttime hours (10 p.m. to 7 a.m.). If sensitive receptors are beyond 200 feet from the haul route, then limited truck operations shall be allowed during the more sensitive nighttime hours, however, noise generated by these operations cannot exceed the 50-dBA sleep interference criterion at the closest receptors. If trucks must operate during these hours and residential uses are located within 200 feet of the haul route, then deliveries shall be made to staging areas outside residential areas, and transferred to the construction site during daytime hours (7 a.m. to 7 p.m.).</li> <li>If nighttime construction is anticipated, then the SFPUC shall send out a notice to residences located within 3,000 feet of the project work area, which contains the proposed start date and provides contact information for reporting complaints related to noise.</li> </ul> <p>The SFPUC shall designate a project liaison to respond to noise complaints during construction. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advanced notifications.</p>	<p>1. SFPUC EMB</p> <p>2. CM Team</p> <p>3. CM Team (Communications)</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that noise control requirements, including providing advance notification of construction activities to allow SFPUC to distribute notices, are included in contract documents.</p> <p>2. Provide advance notification of construction activities to residences. Maintain records of notices</p> <p>3. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance, and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Construction</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Implementation and Reporting		Monitoring and Reporting Program	Implementation Schedule
			Responsible Party	Reviewing & Approval Party		
NOI-3	Project construction could generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<ul style="list-style-type: none"> <li>If noise complaints are received, and noise levels are exceeding the thresholds of 70 dBA Leq during the day or 50 dBA Leq at night, then the SFPUC shall require its contractors to implement additional noise controls, such as using best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) for noise generating equipment. As necessary, noise monitoring shall be performed to determine if these thresholds are exceeded.</li> <li>The SFPUC shall maintain documentation of complaints received, actions taken to resolve problems, and effectiveness of these actions.</li> </ul>				
<b>AIR QUALITY</b>						
AIR-2	Construction emissions of PM <sub>10</sub> , PM <sub>2.5</sub> , ROG, and NO <sub>x</sub> could violate air quality standards.	<p><b>Mitigation Measure AIR-2a: Implementation of Dust Control Plan</b> The SFPUC shall develop a Dust Control Plan. All construction contractors retained for the proposed project shall be required to implement the Dust Control Plan. The plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>Roles and responsibilities for contractor staff and SFPUC staff assigned to implement dust control measures.</li> <li>List of minimum dust control measures to be used. All contractors shall use the appropriate "BAAQMD Dust Control Measures" listed in Mitigation Measure AIR-2b.</li> <li>Methods to select the appropriate dust control measures for any given construction activity at the site.</li> <li>Methods and schedules for inspecting the effectiveness of the chosen dust control measures.</li> <li>Contingency measures to implement corrective action, if inspections reveal the minimum list of dust control measures are not adequate for any given activity.</li> <li>Procedures for recordkeeping and reporting for dust control measures.</li> </ul> <p><b>Mitigation Measure AIR-2b: Implementation of BAAQMD Dust Control Measures</b> The SFPUC shall ensure, through construction-contract specification, that its contractor(s) implement control measures for construction emissions of PM<sub>10</sub> in order to comply with BAAQMD Feasible Control Measures for Construction Emissions of PM<sub>10</sub> as listed below.</p> <ul style="list-style-type: none"> <li>All active construction areas shall be watered at least twice daily.</li> <li>All trucks hauling soil, sand, and other loose debris shall be covered or all trucks shall be required to maintain at least 2 feet of freshboard on public roads.</li> <li>All unpaved access roads, parking areas, and staging areas at construction sites shall either be paved, watered three times daily, or non-toxic soil stabilizers shall be applied.</li> </ul>	<ol style="list-style-type: none"> <li>SFPUC EMB</li> <li>CM Team</li> <li>CM Team</li> </ol>	<ol style="list-style-type: none"> <li>SFPUC BEM</li> <li>SFPUC BEM</li> <li>SFPUC BEM</li> </ol>	<ol style="list-style-type: none"> <li>Ensure that requirement for contractor to prepare and submit a Dust Control Plan be incorporated in contract documents.</li> <li>Ensure that contractor prepares and submits a Dust Control Plan and verify that it complies with requirements.</li> <li>Monitor to ensure that the contractor implements measures in the Dust Control Plan and contract documents, report non-compliance, and ensure corrective action.</li> </ol>	<ol style="list-style-type: none"> <li>Design</li> <li>Preconstruction</li> <li>Construction</li> </ol>
		<p><b>Mitigation Measure AIR-2b: Implementation of BAAQMD Dust Control Measures</b> The SFPUC shall ensure, through construction-contract specification, that its contractor(s) implement control measures for construction emissions of PM<sub>10</sub> in order to comply with BAAQMD Feasible Control Measures for Construction Emissions of PM<sub>10</sub> as listed below.</p> <ul style="list-style-type: none"> <li>All active construction areas shall be watered at least twice daily.</li> <li>All trucks hauling soil, sand, and other loose debris shall be covered or all trucks shall be required to maintain at least 2 feet of freshboard on public roads.</li> <li>All unpaved access roads, parking areas, and staging areas at construction sites shall either be paved, watered three times daily, or non-toxic soil stabilizers shall be applied.</li> </ul>	<ol style="list-style-type: none"> <li>SFPUC EMB</li> <li>CM Team</li> </ol>	<ol style="list-style-type: none"> <li>SFPUC EMB</li> <li>SFPUC BEM</li> </ol>	<ol style="list-style-type: none"> <li>Ensure that applicable basic, enhanced and/or optional dust control measures are included in contract documents.</li> <li>Monitor to ensure that the contractor implements measures in contract documents, report non-compliance, and ensure corrective action.</li> </ol>	<ol style="list-style-type: none"> <li>Design</li> <li>Construction</li> </ol>

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>All paved access roads, parking areas, and staging areas at construction sites shall be swept daily (with water sweepers). If visible soil material is carried onto adjacent public streets, adjacent streets shall be swept daily (with water sweepers).</li> <li>All inactive construction areas (previously graded areas inactive for 10 days or more) shall be hydroseeded or non-toxic soil stabilizers shall be applied.</li> <li>Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, and watered, or non-toxic soil binders shall be applied.</li> <li>As feasible, traffic speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>Sandbags or other erosion-control measures shall be installed to prevent silt runoff to public roadways.</li> <li>Disturbed areas shall be replanted as quickly as possible.</li> <li>Wheel washers shall be installed for all exiting trucks, or all trucks and equipment leaving the site shall be washed off.</li> <li>Wind-breaks or trees/vegetative wind-breaks shall be installed at windward side(s) of construction areas.</li> <li>Excavation and grading activity shall be suspended when winds exceed 25 mph.</li> <li>The area subject to excavation, grading, and other construction activity at any one time shall be limited.</li> </ul> <p><b>Mitigation Measure AIR-2c: Implementation of BAAQMD Exhaust Control Measures</b> To further limit exhaust emissions, SFPUC shall implement the following exhaust controls:</p> <ul style="list-style-type: none"> <li>Grid power shall be used instead of diesel generators at all construction sites where it is feasible to connect to grid power. While it may not be practical to connect to grid power for pipeline projects (since construction sites keep moving along the alignments), grid power shall be used for projects with fixed locations, such as tunnel entry and exit shaft/portals.</li> <li>All contracts specifications shall include Sections 2480 and 2485, Title 13, California Code of Regulations, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds, both California- or non-California-based trucks) to 30 seconds at a school or 5 minutes at any location. In addition, the use of diesel auxiliary power systems and main engines shall be limited to 5 minutes when within 100 feet of homes or schools while the driver is resting.</li> <li>All contracts specifications shall include Section 93115, Title 17, California Code of Regulations, Airborne Toxic Control Measure for Stationary Compression Ignition Engines, which specifies fuel and fuel additive requirements, emission standards for operation of any stationary, diesel-fueled, compression-ignition engines.</li> <li>A schedule of low-emissions tune-ups shall be developed and such tune-ups shall be performed on all equipment, particularly for haul and delivery trucks. A log of required tune-ups shall be maintained and a copy of the log shall be submitted to the SFPUC on a monthly basis for review.</li> <li>Low-sulfur fuels shall be used in all stationary and mobile equipment.</li> </ul>	1. SFPUC EMB	1. SFPUC BEM	1. Ensure that applicable measures are included in contract documents, including requirement for monthly submittal of tune-up log.	1. Design
REC-1	Project construction could temporarily impact recreation use of Calaveras Road during project construction	Implement Mitigation Measure TRANS-1	2. CM Team	2. SFPUC BEM	2. Monitor to ensure that the contractor implements measures in contract documents including monthly submittal of tune-up log, report noncompliance, and ensure corrective action.	2. Construction

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
UTL-2	Temporary disruption to regional and local utilities	<p>Measure UTL-2: Avoid Conflicts with Existing Utilities and Coordinate Efforts with Affected Utilities</p> <p>The SFPUC shall implement the following measures to avoid conflicts with existing utilities and, should they occur, respond in an appropriate and timely manner.</p> <ul style="list-style-type: none"> <li>Notify residents and businesses in the project area of potential utility service disruption two to four days in advance of construction.</li> <li>Prior to excavation, locate overhead and underground utility lines that may be encountered during excavation work prior to opening an excavation.</li> <li>While any excavation is open, protect, support, or remove underground utilities as necessary to safeguard employees.</li> <li>Develop an emergency response plan in the event of conflicts with other utilities prior to commencing construction activities.</li> <li>Promptly work with the utility owner to reconnect any disconnected utility lines if encountered and impacted.</li> <li>Coordinate final construction plans and specifications with affected utilities.</li> </ul>	<p>1. SFPUC EMB</p> <p>2. CM Team (Communications)</p> <p>3. CM Team</p> <p>4. CM Team</p> <p>5. CM Team</p> <p>6. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p> <p>4. SFPUC BEM</p> <p>5. SFPUC BEM</p> <p>6. SFPUC BEM</p>	<p>1. Ensure that utility lines that may be encountered are identified in contract documents. Ensure that contract document includes requirement for contractor to prepare an Emergency Response Plan, provide advance notification of construction activities to allow SFPUC to distribute notices, and confirm utility line information by safe and acceptable means.</p> <p>2. Provide notification to neighbors as required. Maintain records of notifications.</p> <p>3. Ensure contractor submits an Emergency Response Plan and verify it complies with the requirements.</p> <p>4. Verify that the contractors contact USA Alert and receive notification from utilities in accordance with Cal OSHA regulations.</p> <p>5. Obtain report documenting notification of local fire department from contractor if damage to a gas utility results in a leak or suspected leak, or whenever damage to any utility results in a threat to public safety.</p> <p>6. Monitor to ensure that contractor implements measures in contract documents, report non-compliance, and ensure corrective action.</p>	<p>1. Design</p> <p>2. Construction</p> <p>3. Preconstruction</p> <p>4. Preconstruction</p> <p>5. Construction</p> <p>6. Construction</p>
<b>BIOLOGICAL RESOURCES</b>						
BIO-1	Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of California Tiger Salamander	<p>Mitigation Measure BIO-1a: Conduct Mandatory Biological Resources Awareness Training for All Project Personnel</p> <p>The SFPUC shall ensure that mandatory biological resources awareness training is provided to all construction personnel as follows:</p> <ul style="list-style-type: none"> <li>The training shall be developed and provided by a USFWS-approved biologist familiar with the special-status species that may occur in the project area. The training program shall be approved by an SFPUC staff biologist prior to implementation if prepared by a consulting biologist.</li> <li>The training shall be provided before any work occurs in the project area, including equipment mobilization, vegetation clearing or site grading.</li> <li>The training shall provide educational information on the natural history of the special-status species potentially occurring in the project area, a discussion of required mitigation measures to avoid impacts on the special-status species, and discuss penalties for not complying with biological mitigation requirements.</li> </ul>	<p>1. CM Team</p> <p>2. CM Team (Approved Biologist)</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p>	<p>1. Obtain and review resumes or other documentation of consulting biologist's qualifications, including obtaining agency approval if required.</p> <p>2. Ensure that training program is developed and that all personnel attend prior to beginning work and sign training sign-in sheet. Maintain file of sign-in sheets.</p>	<p>1. Preconstruction</p> <p>2. Preconstruction and Construction</p>



**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>The training shall also include education regarding the importance of preventing the spread of invasive non-native species.</li> <li>If new construction personnel are added to the project, the contractor shall ensure that new personnel receive training before they start working. The subsequent training of personnel can include a video/clip of the initial training and/or the use of written materials rather than in-person training by a biologist.</li> </ul>				
		<p><b>Mitigation Measure B10-1b: Install Wildlife Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Impacts to Special-Status Species and Sensitive Natural Communities</b></p> <p>To prevent special-status species from moving through the project boundaries (including access roads, staging areas, etc.) within 1 week prior to the start of construction activities, the SFPUC shall ensure that the temporary fencing is continuously maintained until all construction activities are completed and that construction equipment is confined to the designated work areas, including any off-site mitigation areas and access thereto. The fence shall be made of suitable material that does not allow any of the animals listed above to pass through or over, and the bottom shall be buried to a depth of at least 6 inches such that these species cannot crawl under the fence. In addition, the fence shall include one-way tunnels to allow special-status wildlife species to escape if they become trapped within the site. The exclusion fencing shall not cross Alameda Creek, but shall be installed around the perimeter of the construction work areas on both sides of Alameda Creek to confine California red-legged frogs to the creek channel and discourage them from moving into the work area from the creek.</p> <p>A USFWS-approved biological monitor shall be on-site during installation of the fencing to survey for and relocate any animals to the outside the work area boundaries. Federally listed species shall only be relocated if authorized by CDFG. The exclusion fencing shall be removed only after construction of the project is entirely completed.</p> <p>Exclusionary construction fencing and explanatory signage shall be placed around the perimeter of sensitive vegetation communities that could be impacted by construction activities throughout the period during which such impacts could occur. Signage shall explain the nature of the sensitive resource and that no impact to the community is allowed. The fencing shall include a buffer zone of at least 20 feet between the resource and construction activities. All exclusionary fencing shall be maintained in good condition throughout the construction period.</p> <p>The SFPUC shall avoid and minimize impacts on native mature trees (defined as trees that are 6 inches diameter at breast height (dbh), or 10 inches dbh aggregate for multi-trunk trees) by implementing the following measures:</p> <ul style="list-style-type: none"> <li>A qualified arborist (defined as an International Society of Arboriculture (ISA) certified arborist or a consulting arborist who is a member of the American Society of Consulting Arborists (ASCA)) or a qualified biologist shall identify the location of fencing to be installed around trees to be retained.</li> </ul>	<p>1. SFPUC EMB Team (Certified arborist or biologist)</p> <p>2. SFPUC CM Team</p> <p>3. CM Team (Biologist)</p> <p>4. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p> <p>4. SFPUC BEM</p>	<p>1. Ensure that contract documents include applicable wildlife protection measures (e.g., fencing requirements, monitoring requirements, seasonal restrictions, buffer zones, placement of protective mats, speed limits, etc.) and requirements related to tree protection. Design project to minimize tree removal</p> <p>2. Document installation of fencing around trees to be retained.</p> <p>3. Obtain and review resume or other documentation of consulting biologist's qualifications, including obtaining agency approval if required. Monitor wildlife exclusion fence installation and document activity in monitoring logs.</p> <p>4. Monitor to ensure that contractor implements applicable measures (e.g., delineates work zones, ensures presence of a biological monitor where/when required; installs special/exclusionary fencing; implements buffers; installs tree protection, etc.) in contract documents. Report noncompliance and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Preconstruction and Construction</p> <p>4. Construction</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>• Prior to the start of construction, the SFPUC or its contractors shall install a 4-foot tall fence at the limits of construction, outside the dripline of all trees that are to be retained that are within 50 feet of any grading, road improvements, underground utilities, or other development activity (identified in the field via flagging by the qualified arborist or biologist). Also prior to construction, the SFPUC shall verify that the temporary construction fencing is installed and approved by a qualified arborist or biologist. Any encroachment within these areas must first be approved by a qualified arborist or biologist and the SFPUC.</li> <li>• For native trees on slopes, a silk fence shall be installed at the upslope base of the protective fencing to prevent soil from drifting down over the root zone (defined as the extent of the tree dripline) if work shall be performed upslope of any such trees.</li> <li>• The contractor shall be required to perform any necessary pruning using the "Pruning Guidelines" adopted by the California Department of Forestry and Fire Protection and consistent with the Alameda County Tree Ordinance.</li> <li>• In addition, the SFPUC shall ensure that the following general measures are implemented by the contractor to prevent and minimize impacts to special-status species and sensitive natural communities:             <ul style="list-style-type: none"> <li>• Project-related vehicles shall observe a 15-mph speed limit on unpaved roads in the project area.</li> <li>• The contractor shall provide closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps). All garbage shall be collected daily from the project site and placed in a closed container from which garbage which shall be removed weekly. Construction personnel shall not feed or otherwise attract fish or wildlife to the project area.</li> <li>• No pets shall be allowed in the project area.</li> <li>• No firearms shall be allowed in the project area.</li> <li>• If vehicle or equipment maintenance is necessary, it shall be performed in the designated staging areas.</li> <li>• All workers and construction activities shall occur away from sensitive natural communities.</li> <li>• If trenches greater than 2 feet are left open overnight, the trench shall either be covered at the end of the work day (e.g., with plywood or other hard material) or one or more escape ramps (constructed of earth fill or wooden planks) shall be provided. Before such holes are filled, they shall be thoroughly inspected for trapped animals.</li> <li>• Project personnel shall be required to immediately report any harm, injury, or mortality of a special-status species during construction, including entrapment, to the construction foreman or biological monitor. The construction foreman or monitor shall immediately notify the SFPUC. The SFPUC shall provide verbal notification to the USFWS, Endangered Species Office in Sacramento, California, and/or to the local CDFG warden or biologist (as applicable) within 1 working day of the incident. The SFPUC shall follow up with written notification to USFWS and/or CDFG (as applicable) within 5 working days of the incident. All observations of special-status species shall be recorded on CNDDB field sheets and sent to CDFG by the SFPUC or representative biological monitor.</li> </ul> </li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<p>The spread of invasive non-native plant species and plant pathogens shall be avoided or minimized by implementing the following measures:</p> <ul style="list-style-type: none"> <li>Construction equipment shall arrive at the project clean and free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species.</li> <li>Any imported fill material, soil amendments, gravel, etc., required for construction and/or restoration activities that would be placed within the upper 12 inches of the ground surface shall be free of vegetation and plant material.</li> <li>Certified, weed-free, imported erosion-control materials (or rice straw in upland areas) shall be used exclusively, if possible.</li> <li>To reduce the movement of invasive weeds into uninfested areas, the contractor shall stockpile topsoil removed during excavation of trenches or test pits, which shall be subsequently replaced during re-establishment of disturbed project areas.</li> <li>Trees within the project site areas shall be assessed for symptoms of sudden oak death and the potential presence of <i>Phytophthora ramorum</i>. If diseased trees are identified within the work area, site controls shall be utilized to minimize the spread of infested plant and soil material to other project locations by segregating any removal material from other plant and soil material and by providing for vehicle/equipment wash down before moving equipment to other work locations. The Alameda County registered professional forester shall be consulted prior to disposal of any diseased trees. Soil removed from the immediate vicinity of an infested tree shall not be used for site restoration and may require disposal at a landfill.</li> </ul> <p>Implementation of these measures during construction and site restoration shall be verified by a biological or environmental monitor.</p> <p><b>Mitigation Measure B10-1c: Conduct Pre-Construction Surveys and Monitor Construction Activities for California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and Alameda Whipsnake</b></p> <p><b>Pre-Construction Surveys</b></p> <p>Prior to initial ground-disturbance activities, a USFWS-approved biologist shall survey the construction area and the immediate vicinity for the presence of California tiger salamanders, California red-legged frogs, and Alameda whipsnakes, as follows:</p> <ul style="list-style-type: none"> <li>California tiger salamander. Not more than 2 weeks prior to the onset of work activities (including equipment mobilization) and immediately prior to commencing work, the USFWS-approved biologist shall survey upland habitat in the project area suitable for California tiger salamanders and suitable refuge/burrow sites. As feasible, refuge/burrow areas identified within the project boundary shall be temporarily fenced and avoided. At locations where potential refuge/burrows are identified and cannot be avoided, the burrows shall be excavated by hand prior to construction. If a burrow is occupied, the individual animal shall be moved to a natural burrow or artificial burrow constructed of PVC pipe within 0.25 mile of the project area. Excavation and authorization shall only be conducted by USFWS-approved biologists and only in accordance with authorization by USFWS in a biological opinion. Preconstruction surveys shall also be conducted prior to the placement of and spoils in the North or South Quarry Pits, and any individuals found shall be relocated to suitable adjacent aquatic habitat.</li> </ul>	<p>1. SFPUC EMB</p> <p>2. CM Team (Biologist)</p> <p>3. CM Team (Biologist)</p> <p>4. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p> <p>4. SFPUC BEM</p>	<p>1. Ensure that contract documents include requirement for contractor to provide advance notification of construction activities to SFPUC allow SFPUC to perform preconstruction surveys.</p> <p>2. Obtain and review resume or other documentation of consulting biologist's qualifications, including obtaining agency approval if required.</p> <p>3. Conduct preconstruction biological surveys and construction biological monitoring and monitoring logs.</p> <p>4. Monitor to ensure that contractor implements applicable measures in contract documents. Report noncompliance and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Preconstruction and Construction</p> <p>4. Construction</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>California red-legged frog. Not more than 2 weeks prior to the onset of work activities (including equipment mobilization) and immediately prior to commencing work the USFWS-approved biologist shall survey suitable aquatic habitat (Alameda Creek) and upland habitat in the project area for California red-legged frog. Surveys of Alameda Creek shall include the creek channel and associated riparian habitat within the project area and 1000 feet downstream of the project area. The biologist shall survey upland habitat for potential burrows/aeivation sites. The same methodology for the preconstruction surveys of upland habitat for burrows, fencing burrows, and for excavating and relocating individual animals, if found, shall be implemented as described above for California tiger salamander. Preconstruction surveys shall also be conducted prior to the placement of and spoils in the North or South Quarry Pits, and any individuals found shall be relocated to suitable adjacent aquatic habitat.</li> <li>Western Pond Turtle. Not more than 2 weeks prior to the onset of work activities (including equipment mobilization) and immediately prior to commencing work, a qualified biologist shall survey suitable aquatic habitat (Alameda Creek) and upland habitat in the project area for western pond turtle. Surveys of Alameda Creek shall include the creek channel and associated riparian habitat within the project area and 1000 feet downstream of the project area. If any pond turtles are found within the creek, they shall be moved 0.25 mile downstream on the project area in Alameda Creek, as authorized by CDFG in a Memorandum of Understanding. The biologist shall survey upland habitat for the presence of nests containing pond turtle hatchlings and eggs. All nests containing hatchlings or eggs identified within the project boundary shall be temporarily fenced and avoided.</li> <li>Alameda whipsnake. Not more than 2 weeks prior to the onset of work activities (including equipment mobilization) and immediately prior to commencing work, a USFWS-approved biologist shall conduct a reconnaissance survey of upland habitat in the project area suitable for Alameda whipsnake. If an Alameda whipsnake is found, the approved biologist shall relocate the species to out of the construction area.</li> </ul> <p>Excavation, relocation, or collapse of burrows of federally listed species shall only be conducted as authorized by the USFWS, for state-listed species as authorized by CDFG, or by both agencies for species that are protected at both the federal and state level.</p> <p><b>Construction Monitoring</b></p> <p>At the beginning of each workday during initial ground disturbance (including grading, excavation, and vegetation-removal activities) and during the rainy season, a USFWS-approved biologist shall conduct onsite monitoring for the presence of California tiger salamanders, California red-legged frogs, and Alameda whipsnakes in the area where ground disturbance would occur, as follows:</p> <ul style="list-style-type: none"> <li>Survey Alameda Creek and the quarry-pit ponds prior to any ground disturbing or vegetation-removal activities at or near these areas.</li> <li>Inspect the wildlife exclusion fence to ensure that it does not have any tears or holes that the base of the fence is still buried, and that no individuals have been trapped on or outside of the fence.</li> <li>Closely monitor any California tiger salamanders, California red-legged frogs, and Alameda whipsnakes if found along, on, or outside the fence until they move away from the construction area. If they do not move out of the construction area, a USFWS-approved biologist shall move them as specified below.</li> </ul> <p>Check all open trenches or holes and under parked vehicles for the presence of California tiger salamanders, California red-legged frogs, and Alameda whipsnakes.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Implementation and Reporting		Monitoring and Reporting Program		Implementation Schedule
			Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions		
		<p>If any of these species is found by the biological monitor or construction personnel within the work area, construction activities shall cease in the immediate vicinity of the individual until the USFWS and/or CDFG is contacted and the animal has been removed, as allowed by the USFWS's Biological Opinion for the project, from the construction area by a USFWS-approved biologist and is released near a suitable burrow or other suitable habitat at least 1,000 feet away from the construction area, or until the animal moves on its own away from the construction area.</p> <p>The biological monitor shall not stay onsite for the entire day, but shall remain on-call in case any of these animals are discovered and need to be moved. The SFPUC shall designate the SFPUC Resident Engineer as the point of contact in the event that a California tiger salamanders, California red-legged frogs, or Alameda whipsnakes is discovered onsite when the biological monitor is not present.</p> <p>The rainy season shall be determined by rainfall each year. Rainy season monitoring shall begin immediately after the first rainfall in the fall and continue until 3 weeks after the last rain in the spring. If it rains again after this time, then daily monitoring shall recommence until 3 weeks past these rains.</p> <p>During the non-rainy season, and once all initial ground-disturbing activities are completed, the biological monitor shall perform spot checks of the project area at least once a week for the duration of construction to ensure that the perimeter fence is in good order, trenches are being covered if left open overnight (or escape ramps are being provided), project personnel are conducting checks beneath parked vehicles prior to their movement, that no individual animals are located outside or inside the construction fencing, and that all other required biological protection measures are being complied with.</p>					
		<p><b>Mitigation Measure B1C-1d: Prepare and Implement a Vegetation Restoration and Compensation Plan</b></p> <p>The SFPUC shall prepare a Vegetation Restoration and Compensation Plan (Plan) and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include, at a minimum, detailed specifications for invasive weed control, restoring all temporarily disturbed areas, compensating for the temporal impacts of temporary disturbance to water and wetlands, and compensating for the loss of all permanently disturbed areas in the project area. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between April 15 and October 15 shall include regular watering to ensure adequate growth.</p> <p>To facilitate preparation of the Plan, prior to construction, the SFPUC shall ensure that additional pre-construction surveys of the areas are conducted by a qualified botanist (i.e., a botanist with experience in identifying plant species, plant communities, and wetlands in this area) to collect detailed baseline vegetation composition data including species occurrence, vegetation characterization (tree diameter size, etc.), and percent cover.</p> <p>The Plan shall be included in the SFPUC's permit-application packages submitted to the USACE, RWQCB, CDFG, and USFWS. The SFPUC shall ensure that a USFWS- and CDFG-approved biologist reviews restoration efforts in grassland areas and oversees restoration efforts in all of the other vegetation communities. Described below are the minimum restoration and compensation measures that shall be included in the Plan.</p>	<p>1. SFPUC EMB  2. SFPUC BEM (Qualified botanist for reconstruction vegetation)  3. SFPUC BEM</p>	<p>1. SFPUC BEM  2. SFPUC BEM  3. SFPUC BEM</p>	<p>1. Ensure that on-site restoration requirements, including sudden oak death controls (if necessary), and invasive species control measures are included in the contract documents (e.g., seed mix and invasive weed control).</p> <p>2. Develop Vegetation Restoration and Compensation Plan in accordance with mitigation requirements, include documentation of qualifications of botanist (e.g., resume), and perform detailed vegetation surveys. Submit to applicable agencies and incorporate recommendations.</p>	<p>1. Design  2. Preconstruction  3. Design</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		Implementation Schedule	
			Implementation and Reporting Responsible Party	Reviewing & Approval Party		
		<p><b>Invasive Weed Control Measures</b></p> <p>Invasive weeds such as yellow star-thistle, purple star-thistle, Italian thistle, bull thistle, barb goat grass, and medusa head grass readily colonize soils that have been disturbed by grading or other mechanical disturbance. To avoid or minimize the introduction or spread of invasive weeds into uninfested areas, the SFPUC shall incorporate the following measures into the construction plans and specifications for work:</p> <ul style="list-style-type: none"> <li>Construction equipment shall arrive at the project clean and free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species.</li> <li>Any imported fill material, soil amendments, gravel etc., required for construction and/or restoration activities that would be placed within the upper 12 inches of the ground surface shall be free of vegetation and plant material.</li> <li>Certified, weed-free, imported erosion-control materials (or rice straw in upland areas) shall be used exclusively.</li> <li>The environmental awareness training program for construction personnel shall include an orientation regarding the importance of preventing the spread of invasive weeds.</li> <li>To reduce the movement of invasive weeds into uninfested areas, the contractor shall stockpile topsoil removed during excavation of trenches or test pits, which shall be subsequently replaced during re-establishment of disturbed project areas.</li> <li>Implementation of these measures during construction and site restoration shall be verified by a biological or environmental monitor.</li> </ul> <p><b>Minimum Restoration Measures</b></p> <p>Restoration areas are those areas that are disturbed on-site but would be restored to their baseline conditions as defined by the success criteria described below. In order to restore these areas, the SFPUC shall implement the following:</p> <ul style="list-style-type: none"> <li>Stockpile the topsoil separately from subsoil, replace soil layers in the same order they were removed, and restore the natural grade and contours of the area.</li> <li>For grassland vegetation areas, reseed the affected areas with a noninvasive native grass and forb seed mix.</li> <li>For the perennial wetland removed during construction, replant the affected area with plants of similar size and in similar density as were removed.</li> <li>For native trees (defined as trees that are 6 inches diameter at breast height or 10 inches for multi-trunk trees), replant affected areas with the same species with either three replacement trees of 15-gallon size for any native mature tree within the County right-of-way of Calaveras Road; or on an inch by inch basis for any native mature tree outside the County right-of-way or as otherwise agreed to with the USFWS and CDFG.</li> </ul> <p><b>Minimum Compensation Measures</b></p> <p>Compensation areas are those areas where vegetation plantings shall occur in off-site areas not disturbed by project construction to compensate for temporal and permanent vegetation losses on-site. In order to compensate for any such temporal and permanently disturbed areas, the SFPUC shall implement the following:</p>	<p>4. CM Team</p> <p>5. CM Team</p> <p>6. CM Team (Biological or Environmental Inspector)</p> <p>7. SFPUC BEM</p> <p>8. SFPUC NRLMD</p> <p>9. SFPUC NRLMD</p>	<p>4. SFPUC BEM</p> <p>5. SFPUC BEM</p> <p>6. SFPUC BEM</p> <p>7. SFPUC BEM</p> <p>8. SFPUC NRLMD</p> <p>9. SFPUC NRLMD</p>	<p>4. Ensure that environmental training includes information on invasive weed control measures.</p> <p>5. If trees are found to have symptoms of sudden oak death, document that an Alameda County registered professional was consulted prior to disposal of any diseased trees.</p> <p>6. Monitor to ensure that the contractor implements measures in contract documents for on-site revegetation, report noncompliance, and ensure corrective action.</p> <p>7. Implement off site habitat compensation.</p> <p>8. Perform and document long-term monitoring of on-site restoration. Provide documentation to the agencies as required.</p> <p>9. Perform and document long-term monitoring of off-site habitat compensation areas. Provide documentation to the regulatory agencies as required.</p>	<p>4. Preconstruction</p> <p>5. Construction</p> <p>6. Construction</p> <p>7. Construction and Monitoring (Post Construction)</p> <p>8. Monitoring (Post Construction)</p> <p>9. Monitoring (Post Construction)</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>For all habitat types, replant other nearby existing disturbed areas on SFPUC property with similar species from locally collected propagules and implement legal instruments (such as conservation easements or similar development constraint and habitat management funding guarantees) to manage the areas for habitat resources in perpetuity (i.e., not to be used for other development projects) at a minimum ratio of 1 acre (or portion) restored to 1 acre (or portion) lost or greater acreage basis (as determined in consultation with applicable permitting agencies).</li> <li>For grasslands, seed the compensation area with a noninvasive native grass and forb seed mix.</li> <li>For the perennial wetland along the access road, reestablish a perennial wetland or riparian habitat vegetation along Alameda Creek either in or near the project area on a minimum 1:1 or greater acreage basis (as determined in consultation with applicable permitting agencies) and implement legal instruments (such as conservation easements or similar development constraint and habitat management funding guarantees) to manage the areas for habitat resources in perpetuity (i.e., not to be used for other development projects).</li> <li>As an alternative to the above compensation methods, or in combination with, the SFPUC may also contribute to a mitigation bank approved by the USFWS and/or CDFG for the affected vegetation types.</li> </ul> <p><b>Minimum Success Criteria</b></p> <p>The success criteria for restoring temporarily disturbed areas shall be as follows:</p> <ul style="list-style-type: none"> <li>All areas of grassland, woodland, riparian, or wetlands not permanently disturbed shall be restored to their baseline condition. Percent cover and vegetation composition (other than non-native annual grassland) shall meet or exceed baseline cover and composition condition.</li> <li>Temporarily impacted and restored upland areas shall be monitored at least once a year for at least 3 years or greater, as determined in consultation with applicable permitting agencies and/or as needed to verify whether the vegetation is fully established and self-sustaining.</li> <li>Monitoring of herbaceous and shrub species in wetlands shall be for at least 5 years or greater. Monitoring of riparian trees shall be for at least 10 years or greater.</li> <li>If full maturity of slow-growing vegetation will take longer than 3 years (for upland vegetation), 5 years (wetland shrub/herbaceous plants), or 10 years (riparian trees), such species shall be fully established and self-sustaining in order to meet the criteria and the monitoring period shall be extended accordingly to verify whether the vegetation is fully established and self-sustaining.</li> <li>Upland restoration areas shall be monitored for invasive plants annually in the first 3-years following replanting. If invasive plants are found during the 3-year monitoring period, they shall be removed as necessary to support meeting the cover and vegetation composition success criteria. Wetland areas and riparian trees shall be monitored for the first 5 and 10 years, respectively, for invasive species. The relative cover of invasive plant species shall not exceed 5 percent in any year. Invasive plant species shall be defined as any highly invasive non-native species (Tier 1) or moderately invasive non-native species (Tier 2) listed in the Water Board's Fact Sheet for Wetland Projects.</li> <li>The earliest that success criteria can first be met for upland vegetation is 3 years after restoration, for wetland vegetation is 5 years, and for riparian trees is 10 years. Maintenance and monitoring shall continue until the success criteria are met.</li> </ul>				

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<ul style="list-style-type: none"> <li>Alternatively, if success criteria cannot be met within 3 years for upland vegetation (or 5 or 10 years for wetland and riparian trees), the SFPUC may explore alternative mitigation options, such as off-site compensation or mitigation credits, with the applicable resource agencies. The success criteria for compensation planting for permanently disturbed areas shall be as follows:</li> <li>All plantings shall replace permanent losses on at least a 1:1 basis on an acreage basis (or greater ratio as determined in consultation with applicable permitting agencies). Percent cover and vegetation composition for permanent new plantings shall be similar to a nearby reference site condition defined as a variation of no more than 30 percent from the reference site cover and composition condition. For wetland compensation areas, evidence of planned hydro-period (e.g. inundation duration) and positive field indicators of wetland hydrology (such as wetland vegetation, wetland soils and/or observed inundation) shall be established.</li> <li>Compensation planting areas shall be monitored at least once a year for at least 5 years except that oak woodland compensation planting areas shall be monitored for at least 7 years.</li> <li>If full maturity of slow-growing vegetation will take longer than 5 years (or oak trees will take longer than 7 years), such species shall be fully established and self-sustaining in order to meet the success criteria.</li> <li>Compensation planting areas shall be monitored for invasive plants annually in the first 5 years following replanting (or 7 years for areas of oak woodland). If invasive plants are found during the 5-year monitoring period (or 7 year period), they shall be removed as necessary, to support meeting the cover and vegetation composition success criteria.</li> <li>Success criteria for invasive species shall be that the absolute cover of invasive species be less than 5 percent in any given year.</li> <li>Success criteria shall be assessed within 5 years after restoration (or 7 years for oak woodland). Maintenance and monitoring shall continue until the success criteria are met.</li> <li>Alternatively, if success criteria cannot be met within 5 years (or 7 years for oak woodland), the SFPUC may explore alternative mitigation options, such as off-site compensation or mitigation credits, with the applicable resource agencies.</li> </ul>				
		<p><b>Mitigation Measure BIO-1e: Compensate for Permanent Loss of Upland Habitat for California Tiger Salamander, California Red-legged Frog, and Alameda Whipsnake</b></p> <p>The SFPUC shall compensate for any permanent loss of upland habitat for California tiger salamander, California red-legged frog, and Alameda whipsnake by either preserving suitable habitat within an off-site USFWS and CDFG-approved conservation area or through creation, enhancement or restoration of suitable habitat within the SFPUC Alameda Watershed near the project area. If off-site preservation is used as mitigation, permanent effects shall be compensated at a ratio of 1:1 or greater, as determined in consultation with USFWS and CDFG.</p> <p>If creation, enhancement, or restoration of upland habitat is used as mitigation, the SFPUC shall identify suitable mitigation sites immediately adjacent to existing habitat for these species in the project area and create, enhance or restore at least 1 acre of habitat for every acre permanently disturbed (1:1 ratio or greater, as determined in consultation with CDFG and USFWS).</p>	1. SFPUC BEM	1. SFPUC BEM	1. Design off-site habitat compensation in accordance with mitigation requirements through a coordinated program with other mitigation efforts, such as through a future Habitat Reserve Program (HRP). Submit to applicable agencies and incorporate recommendations.	1. Design
			2. SFPUC BEM	2. SFPUC BEM	2. Implement off-site habitat compensation.	2. Construction



**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
BIO-2	Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of California Red-Legged Frog	Compensations areas shall be permanently restricted from development through binding conditions incorporated into a legal instrument such as a conservation easement. Where habitat impacts for any of these species overlap, mitigation shall be combined. That is, the loss of each habitat type shall be mitigated once.  For each compensation site, proposed methods for compensation and proposed monitoring plan and success criteria shall be included in the Restoration and Compensation Plan that shall be developed by the SFPUC and approved by USFWS and CDFG prior to construction.  Implement Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-1d, BIO-1e, HYD-1a and HYD-1b	3. SFPUC NRLMD	3. SFPUC NRLMD	3. Perform and document long-term monitoring of off-site habitat compensation area(s). Provide documentation to the regulatory agencies as required.	3. Monitoring (Post Construction)
BIO-3	Potential Degradation of Suitable Habitat and Potential Injury or Mortality of Foothill Yellow-Legged Frog and Western Pond Turtle	Implement Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-1d, BIO-1e, HYD-1a and HYD-1b	-	-	-	-
BIO-4	Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of Alameda Whipsnake	Implement Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-1d and BIO-1e	-	-	-	-
BIO-5	Temporary and Permanent Loss of Suitable Habitat for and Potential Injury or Mortality of Western Burrowing Owl	Implement Mitigation Measures BIO-1a and BIO-1d and the following:  <b>Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement CDFG Guidelines for Burrowing Owl Mitigation, if Necessary</b>  Preconstruction surveys shall be conducted to locate active burrowing owl burrows in the project area and in a 250-foot-wide buffer zone around the project area. The SFPUC shall retain a qualified biologist to conduct preconstruction surveys for active burrows according to CDFG guidelines (1995) two weeks prior to construction and immediately before construction. If no burrowing owls are detected during these surveys, no further mitigation is required.  If burrowing owls are detected in the survey area, the following measures shall be implemented: <ul style="list-style-type: none"> <li>From February 1 through August 31 (the nesting season for burrowing owls), occupied burrows shall not be disturbed along with a 250-foot buffer zone or similar area established in coordination with CDFG.</li> </ul>	1. SFPUC EMB  2. CM Team (Biologist)	1. SFPUC BEM  2. SFPUC BEM	1. Ensure that contract documents include requirement for Contractor to provide advance notification to SFPUC of construction activities to allow SFPUC to perform preconstruction surveys.  2. Obtain and review resume or other documentation of consulting biologist's qualifications.  3. Conduct preconstruction biological surveys and construction biological monitoring and related activities (e.g., flagging areas to be protected, flagging sensitive resource habitat, fencing or establishing burrows as permitted/approved, establishing buffer zones, agency consultation, etc.). Document monitoring activities in logs. Consult with CDFG as required.	1. Design  2. Preconstruction  3. Preconstruction and Construction
		<ul style="list-style-type: none"> <li>From September 1 through January 31, which is the non-nesting season, when destruction of occupied burrows by project activities or construction within 250 feet of an occupied burrow is</li> </ul>	4. CM Team	4. SFPUC BEM	4. Monitor to ensure that the contractor implements measures in contract documents	4. Construction

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
BIO-6	Loss of Suitable Nest Trees and Potential Disturbance, Injury or Mortality of Nesting Special-Status and other Migratory Birds	<p>unavoidable, a qualified biologist shall work with the SFPUC to enhance (e.g., enlarge or clear of debris) other existing, unsuitable burrows in the immediate project vicinity or to create new burrows (install artificial burrows) at a ratio of 2:1 on suitable lands, or as otherwise agreed to by the CDFG. Newly created burrows shall follow guidelines established by CDFG. Enhancement or creation of new burrows shall happen prior to passive relocation of owls. Passive relocation of owls shall be conducted only during the non-breeding season and prior to construction within 250 feet of an occupied burrow. Passive relocation techniques (e.g., installing one-way doors at burrow entrances) shall be used by a CDFG-approved biologist instead of trapping. At least 1 week should be allowed to accomplish passive relocation and to allow owls to acclimate to alternate burrows. The biologist shall identify when passive relocation and acclimation has been completed and construction may proceed in the former occupied burrow area.</p> <p>If occupied burrows are found and the owls need to be relocated, the SFPUC shall offset the loss of foraging and burrow habitat in the project area by either acquiring mitigation credits or permanently protecting a minimum of 6.5 acres (per 1995 CDFG guidance) of foraging habitat per occupied burrow identified in the project area. The protected lands shall be located adjacent to the occupied burrowing owl habitat. The location of the protected lands shall be determined in coordination with CDFG. The SFPUC shall also prepare a monitoring plan and provide long-term management and monitoring of the protected lands. The monitoring plan shall specify success criteria, identify remedial measures, and require an annual report to be submitted to CDFG for a minimum of 5 years.</p> <p>Implement Mitigation Measure BIO-1a and the following:  <b>Mitigation Measure BIO-6: Remove Trees and Shrubs during the Non-breeding Season (August 16–February 14) for Birds or Conduct Nesting Bird Surveys, and Establish No-Disturbance Buffers, as Appropriate</b>                      The SFPUC shall conduct construction and tree and shrub removal during the non-breeding season (generally August 16 through February 14) where feasible to avoid impacts to migratory birds including raptors.                      If construction activities must occur during the breeding season (February 15–August 15), the SFPUC shall:  <ul style="list-style-type: none"> <li>Retain a qualified wildlife biologist who is experienced in identifying bird nests and breeding behaviors to conduct nesting-bird surveys in and within 500 feet of the project site. These surveys shall be conducted within 1 week prior to initiation of construction activities (including preconstruction activities such as fence installation) at any time between February 15 and August 15. If no active nests or roosts are detected during surveys, then no additional mitigation is required.</li> <li>If migratory bird or raptor nests are found in the construction area or in the adjacent surveyed area, a no-disturbance buffer shall be established around the nesting location to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late-June through mid-July).</li> </ul> </p>	1. SFPUC EMB 2. CM Team (Biologist) 3. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM	1. Ensure that requirements related to tree removal is included in contract documents. 2. Conduct preconstruction biological surveys as required. Document monitoring activities in logs. Consult with agencies as required. 3. Monitor to ensure that the contractor implements measures in contract documents (i.e., timing restrictions and compliance with any established avoidance or buffer zones), report noncompliance and ensure corrective action.	1. Design 2. Preconstruction and Construction 3. Construction

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
BIO-7	Potential Disturbance, Injury or Mortality of and Loss of Potential Roosting Habitat for Pallid Bat	The extent of these buffers shall be determined by a wildlife biologist in consultation with the applicable resource agencies (i.e., USFWS and/or CDFG) and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance activity, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed and used by a qualified wildlife biologist to assist the USFWS and/or CDFG in making an appropriate decision on buffer distances. Trees and shrubs that contain nests may be removed after a qualified wildlife biologist determines that the young have fledged.	1. SFPUC EMB  2. CM Team (Biologist)	1. SFPUC BEM  2. SFPUC BEM	1. Ensure that contract documents include requirement for Contractor to provide construction schedule updates to SFPUC to allow SFPUC to perform preconstruction surveys, as necessary.  2. Obtain and review/resume or other documentation of consulting biologist's qualifications.  3. Conduct preconstruction biological surveys and construction biological monitoring and related activities (e.g., flagging areas to be protected; establishing buffer zones; agency consultation; etc.). Document monitoring activities in logs. Consult with CDFG as required.  4. Monitor to ensure that the contractor implements measures in contract documents (i.e., compliance with any established avoidance or buffer zones), report noncompliance and ensure corrective action.	1. Design  2. Preconstruction  3. Preconstruction and Construction  4. Construction
BIO-10	Potential Disturbance, Injury, or Mortality of San Francisco Dusky-footed Woodrat	Implement Mitigation Measure BIO-1a and the following:  Mitigation Measure BIO-7: Conduct Preconstruction Surveys for Sensitive Bats and Implement Avoidance and Minimization Measures if Found  Within 1 week prior to tree removal, a qualified biologist shall survey any trees that shall be removed during project construction for roosting bats. Bats may be present any time of the year. The biologist shall thoroughly search trees that provide appropriate roosting habitat for bats (trees with foliage, cavities, or that are hollow) for bats or evidence of bats. If no roosting bats or evidence of bats are found, removal of trees may proceed. If bats are found or evidence of use by bats is present, trees shall be mapped and marked with flagging. The SFPUC shall ensure that the trees are not removed until CDFG has been consulted for guidance on measures to avoid and minimize disturbance of the bats. Measures may include deferring tree removal, monitoring trees and excluding bats from a tree until it is removed, and implementation of a temporary construction buffer to avoid disturbance of young before they are able to fly (for pallid bats, this period is between April and August).	1. SFPUC EMB  2. CM Team (Biologist)	1. SFPUC BEM  2. SFPUC BEM  3. SFPUC BEM	1. Ensure that contract documents include requirement for Contractor to provide advance notification to SFPUC of construction activities to allow SFPUC to perform preconstruction surveys.  2. Obtain and review/resume or other documentation of consulting biologist's qualifications.  3. Conduct preconstruction biological surveys and construction biological monitoring and related activities (e.g., flagging areas to be protected; relocating as approved; establishing buffer zones; agency consultation; etc.). Document monitoring activities in logs. Consult with CDFG as required.  4. Monitor to ensure that the contractor implements measures in contract documents (i.e., compliance with any established avoidance or buffer zones), report noncompliance and ensure corrective action.	1. Design  2. Preconstruction  3. Preconstruction and Construction  4. Construction

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		Implementation Schedule	
			Implementation and Reporting Responsible Party	Monitoring and Reporting Actions		
BIO-11	Dewatering during project construction could result in impacts on resident trout/other native fish	Implement Mitigation Measures BIO-1a, HYD-1a and HYD-1b	-	-	-	
BIO-12	Temporary or permanent impacts on sensitive riparian and oak woodland natural communities	Implement Mitigation Measures BIO-1a, BIO-1b, BIO-1d, and HYD-1a	-	-	-	
BIO-13	Temporary and permanent impacts on wetlands or waters of the U.S. or of the state	<p>Implement Mitigation Measures BIO-1a, BIO-1b, BIO-1d, and HYD-1a and the following:</p> <p><b>Mitigation Measure BIO-13: Minimize Disturbance of Waters of the United States and Waters of the State, Including Wetlands</b>                      The SFPUC and its contractors shall minimize impacts on Waters of the United States and Waters of the State, including wetlands, by implementing the following measures:</p> <ul style="list-style-type: none"> <li>Avoid construction activities in saturated or ponded wetlands and streams (typically during the spring and winter) to the maximum extent feasible. Where wetlands or other water features must be disturbed, the minimum area of disturbance necessary for construction shall be identified and the area outside of that necessary shall be avoided.</li> <li>Install a silt fence adjacent to all wetlands and drainages to be avoided within 50 feet of any proposed construction activity and install signs that read, "Environmentally Sensitive Area - Keep Out." No equipment mobilization, grading, cleaning, or storage of equipment or machinery, or similar activity, shall occur until a representative of the SFPUC has inspected and approved the fencing installed around these features. This restriction applies to both on-site construction and any off-site mitigation area, if any. The SFPUC shall ensure that the temporary fencing is continuously maintained until all construction activities are completed. No construction activities, including movement of equipment, storage of materials or temporary stockpiling of spoil, shall be allowed within the fenced areas protecting wetlands.</li> <li>To minimize the degradation of wetland soils and vegetation where avoidance is infeasible, protective practices such as use of geotextile cushions and other materials (e.g., timber pads, prefabricated equipment pads, geotextile fabric) or vehicles with balloon tires shall be employed in saturated conditions (e.g., when there is noticeable rutting due to saturated conditions and mixing of topsoil and subsoil).</li> <li>Stabilize exposed slopes and streambanks immediately upon completion of construction activities.</li> <li>During construction, continuously remove trees, shrubs, debris, or soils that are inadvertently deposited below the ordinary high-water mark of Alameda Creek, or any perennial wetland in the project area, in a manner that minimizes disturbance of the drainage bed and bank (e.g., manually). Such materials shall be setback at least 10 feet from any wetlands and drainages within the project site that are not otherwise directly disturbed by construction.</li> </ul>	1. SFPUC EMB 2. SFPUC EMB 3. CM Team 4. CM Team	1. SFPUC BEM 2. SFPUC BEM 3. SFPUC BEM 4. SFPUC BEM	1. Design project to minimize disturbance to waters of the United States and state. 2. Ensure that mitigation related to construction activities near or in waters and wetland are included in contract documents. 3. Identify boundaries of wetlands and other waters prior to installation of fencing. 4. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance and ensure corrective action.	1. Design 2. Design 3. Preconstruction 4. Construction

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
HYD-1	Project construction could degrade water quality of Alameda Creek and wetlands as a result of erosion and sedimentation or materials release	<p><b>Mitigation Measure HYD-1a: Construction Water Quality Best Management Practices</b>                      Consistent with the requirements of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction Activity, the proposed project will be undertaken in accordance with a project-specific Storm Water Pollution Prevention Plan (SWPPP).</p> <p>The San Francisco Bay Regional Water Quality Control Board (RWQCB), the primary agency responsible for protecting water quality within the project area, is responsible for reviewing and ensuring compliance with the SWPPP. This review is based on the general permit issued by the State Water Resources Control Board. The recommended Best Management Practices (BMPs) subject to the review and approval of the RWQCB, include the following measures. However, the measures themselves may be altered, supplemented or deleted during the RWQCB's review process, since the RWQCB has final authority over the terms of the SWPPP.</p> <p><b>Scheduling</b></p> <ul style="list-style-type: none"> <li>Schedule construction to minimize ground disturbance during the rainy season.</li> <li>Sequence construction activities to minimize the amount of time that soils remain disturbed.</li> <li>Stabilize all disturbed soils as soon as possible following the completion of ground disturbing work in any area of the project site.</li> <li>Provide plans to stabilize soil with vegetation or physical means in the event rainfall is expected.</li> <li>Install erosion and sediment control BMPs prior to the start of any ground disturbing activities.</li> </ul> <p><b>Erosion and Sedimentation</b></p> <ul style="list-style-type: none"> <li>Preserve existing vegetation at areas where no construction activity is planned or where construction activity will occur at a later date.</li> <li>Stabilize and revegetate disturbed areas as soon as possible after construction with planting, seeding, and/or mulch (e.g., straw or hay, erosion control blankets, hydromulch, or other similar material) except in actively cultivated areas.</li> <li>Install silt fences, coir rolls and other suitable measures around the perimeter of the project site and staging areas and around riparian buffers, storm drains, temporary stockpiles, spoil areas, stream channels, swales, down-slope of all exposed soil areas and other locations determined necessary to prevent offsite sedimentation.</li> <li>Install temporary slope breakers during the rainy season on slopes greater than 5 percent where the base of the slope is less than 50 feet from a water body, wetland, or road crossing at spacing intervals required by the RWQCB.</li> <li>Use filter fabric or other appropriate measures to prevent sediment from entering storm drain inlets.</li> <li>Declaim and treat stormwater and water produced by construction site dewatering using sedimentation basins, sediment traps, daker tanks or other measures to ensure that discharges to receiving waters meet applicable water quality objectives.</li> </ul>	<p>1. SFPUC BEM</p> <p>2. CW Team</p> <p>3. CW Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that the contract documents require that the contractor design, install, and maintain stormwater controls.</p> <p>2. Ensure SWPPP is submitted to RWQCB for review and implement recommendations.</p> <p>3. Monitor to ensure that the contractor implements measures in contract documents, including applicable erosion control measures, SWPPP, water quality criteria and goals. Report noncompliance and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Construction</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<p><b>Groundwater/Dewatering</b></p> <ul style="list-style-type: none"> <li>Prepare a dewatering plan prior to excavation specifying methods of water collection, transport, treatment and discharge of all water produced by construction site dewatering.</li> <li>Impound water produced by dewatering in sediment retention basins or other holding facilities to settle the solids and provide treatment as necessary prior to discharge to receiving waters to meet San Francisco Bay Basin Plan water quality objectives.</li> <li>Control discharges of water produced by dewatering to prevent erosion.</li> <li>Locate sedimentation basins and other retention and treatment facilities away from waterways to prevent silt-bearing water from reaching streams.</li> </ul> <p><b>Tracking Controls</b></p> <ul style="list-style-type: none"> <li>Grade and stabilize construction site entrances and exits to prevent runoff from the site, and to prevent erosion.</li> <li>Take protective measures to prevent the loss of materials into Alameda Creek when crossing the site access bridge.</li> <li>Install a tire washing facility at the site access to allow for the washing when exiting the site.</li> <li>Remove any soil or sediment tracked off paved roads during construction by street sweeping.</li> </ul> <p><b>Non-Stormwater Control</b></p> <ul style="list-style-type: none"> <li>Place drip pans under construction vehicles and all parked equipment.</li> <li>Check construction equipment for leaks regularly.</li> <li>Wash construction equipment in a designated enclosed area regularly.</li> <li>Contain vehicle and equipment wash water for percolation or evaporative drying away from storm drain inlets and to prevent run-off into Alameda Creek.</li> <li>Refuel vehicles and equipment away from Alameda Creek and other waters to prevent run-on, runoff, and to contain spills.</li> <li>Contain fueling areas to prevent run-on, runoff, and to contain spills.</li> <li>Cover all storm drain inlets when paving or applying seals or similar materials to prevent the offsite discharge of these materials.</li> </ul> <p><b>Waste Management and Hazardous Materials Pollution Control</b></p> <ul style="list-style-type: none"> <li>Remove trash and construction debris from the project area daily.</li> <li>Locate sanitary facilities a minimum of 300-feet from Alameda Creek.</li> <li>Maintain sanitary facilities regularly.</li> <li>Store all hazardous materials in an area protected from rainfall and storm water run-on and prevent the offsite discharge of leaks or spills.</li> <li>Minimize the potential for contamination of Alameda Creek and other waters by maintaining spill containment and clean up equipment onsite, and by properly labeling and disposing of hazardous wastes.</li> </ul>				

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program		Implementation Schedule	
			Implementation and Reporting Responsible Party	Monitoring and Reporting Reviewing & Approval Party		
		<ul style="list-style-type: none"> <li>Locate waste collection areas close to construction entrances and away from roadways, storm drains, Alameda Creek and other waters.</li> <li>Inspect dumpsters and other waste and debris containers regularly for leaks and remove and properly dispose of any hazardous materials and liquid wastes placed in these containers. Train construction personnel in proper material delivery, handling, storage, cleanup, and disposal procedures.</li> </ul> <p><b>BMP Inspection, Maintenance, and Repair</b></p> <ul style="list-style-type: none"> <li>Inspect all BMPs on a regular basis to confirm proper installation and function.</li> <li>Inspect all storm water BMPs daily during storms.</li> <li>Inspect sediment basins, sediment traps, and other detention and treatment facilities regularly throughout the construction period.</li> <li>Provide sufficient devices and materials (e.g. silt fence, silt rolls, erosion blankets, etc.) throughout project construction to enable immediate repair or replacement of failed BMPs.</li> </ul> <p><b>Inspect all seeded areas regularly for failures, and remediate or repair immediately.</b></p> <p><b>Monitoring and Reporting</b></p> <ul style="list-style-type: none"> <li>Provide the required documentation for SWPPP inspections, maintenance and repair requirements.</li> <li>Maintain written records of inspections, spills, BMPs related maintenance activities, corrective actions, and visual observations of offsite discharge of sediment or other pollutants, as required by the RWQCB.</li> <li>Monitor water quality to assess the effectiveness of control measures.</li> </ul> <p><b>Post-Construction BMPs</b></p> <ul style="list-style-type: none"> <li>Revegetate all temporarily disturbed areas as required after construction activities are completed.</li> <li>Remove any remaining construction debris and trash from the project site and area upon project completion.</li> <li>Phase the removal of temporary BMPs as necessary to ensure stabilization of the site.</li> <li>Maintain post-construction site conditions to avoid any unintended drainage channels, erosion or areas of sedimentation.</li> <li>Correct post-construction site conditions as necessary to comply with the SWPPP and any other pertinent RWQCB requirements.</li> </ul> <p><b>Mitigation Measure HYD-1b: Management of Dewatering Effluent Discharges</b>                      To address potential impacts to receiving water quality during the construction period related to dewatering effluent discharges, the discharger shall: 1) prepare and implement a site-specific dewatering plan; and 2) fully comply with NPDES requirements. The type of NPDES permit (e.g., Waste Discharge Requirements, 401 Water Quality Certification, or General Permit) will be determined by the RWQCB.</p>	1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC BEM	1. Ensure that the contract documents require that the contractor design, install, and maintain dewatering controls, including submitting a Dewatering Plan. 2. Ensure that the contractor prepares and submits a Dewatering Plan and verify it complies with the requirements. Submit SWPPP to RWQCB for review and implement recommendations.	1. Design 2. Preconstruction

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
		<p>Dewatering Plan--The dewatering plan shall specify how the water will be collected, contained, treated, monitored, and discharged to the vicinity storm drainage system. The plan, at a minimum, shall:</p> <ul style="list-style-type: none"> <li>Identify methods for collecting and handling water onsite for treatment prior to discharge, including locations and capacity of settling basins, treatment ponds, and/or holding tanks.</li> <li>Identify methods for treating water onsite prior to discharge, such as filtration, coagulation, sedimentation, oil skimmers, pH adjustment, and other best management practices.</li> <li>Establish procedures and methods for maintaining and monitoring dewatering operations to ensure that no breach in the process occurs that could result in exceedance of applicable water quality objectives.</li> <li>Identify discharge locations and include details regarding how the discharge will be conducted to minimize erosion and scour.</li> </ul> <p><b>NPDES Permit</b> -- The discharger shall request a determination from the RWQCB as to the type of permit under which the project dewatering effluent discharges will be regulated. Based on that determination, the discharger shall prepare and submit all required and relevant project information so that the RWQCB can issue appropriate guidelines and requirements (e.g., numerical effluent limitations, monitoring and reporting requirements). At a minimum, the project discharges to surface waters shall not exceed water quality objective for receiving waters included in the current San Francisco Bay Region, Water Quality Control Plan (Basin Plan), including (but not limited to):</p> <ul style="list-style-type: none"> <li>pH shall not be depressed below 6.5 nor raised above 9.5.</li> <li>Turbidity shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.</li> <li>Temperature shall not be increased by more than 5°F (2.8°C) above natural receiving water temperature.</li> <li>Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.</li> <li>Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.</li> <li>Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.</li> <li>All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.</li> </ul> <p>The discharger shall comply with all monitoring and reporting requirements established by the RWQCB. Any exceedances of established narrative or numeric water quality objectives shall be reported to the RWQCB and corrective action taken. Corrective action may include an increase in residence time in treatment features (e.g., longer holding time in settling basins) and/or incorporation of additional treatment measures (e.g., addition of sand filtration prior to discharge).</p>	3. CM Team	3. SFPUC BEM	3. Monitor to ensure that the contractor implements measures in contract documents, report noncompliance, and ensure corrective action.	3. Construction
HYD-2	Project construction could deplete groundwater resources and Alameda Creek flows	<p><b>Mitigation Measure</b></p> <p><b>Dewatering</b></p> <p>The SFPUC shall complete the proposed tunneling during the dry season when Alameda Creek is expected to be dry to minimize effects on flow in Alameda Creek due to anticipated dewatering of the launching and receiving pits, if feasible.</p> <p>If dewatering of groundwater must occur while surface water is visible in Alameda Creek (within 150 feet north and south of the pipeline crossing), then the dewatering effluent shall be discharged directly to Alameda Creek or to an upland area immediately adjacent to the creek upstream of the dewatering activity to replace the surface flows.</p>	1. SFPUC EMB 2. CM Team	1. SFPUC BEM 2. SFPUC BEM	1. Ensure that measures required for dewatering are incorporated in contract documents. 2. Ensure applicable measures are included in SWPPP.	1. Design 2. Construction



**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
HVD-3	Project construction activities could temporarily alter site drainage patterns	Implement Mitigation Measure HVD-1a				
HVD-7	Project operation could result in increased stormwater runoff due to new impervious surfaces	<p><b>Mitigation Measure HVD-7: Incorporate Alameda County Clean Water Program Design Measures to Accommodate Additional Runoff from New Impervious Surfaces</b></p> <p>To ensure that the 4.5 acres of new impervious surfaces do not adversely impact the banks and channel of Alameda Creek or its water quality, the SFPUC shall incorporate design measures such that consistent with the Alameda County Clean Water Program, post-project runoff does not exceed the pre-project rates and durations and treatment is provided to remove pollutants prior to discharge to Alameda Creek.</p> <p>The SFPUC shall achieve this by implementing one or more of the below design methods or other proven method:</p> <ul style="list-style-type: none"> <li>Using Low Impact Development (LID) measures such as bioretention facilities, pervious asphalt, flow through planter boxes, infiltration basins, cisterns, and other such methods.</li> <li>Removing existing impervious areas and restoring it to a pervious condition.</li> <li>Installing an energy dissipation structure and oil/sand separator along with other low impact design measures to minimize runoff.</li> </ul> <p>The SFPUC shall qualitatively demonstrate the selected design measures would result in post-project runoff equal to or less than pre-project rates, such as through sizing low impact development methods according to the Contra Costa County Stormwater C.3 Guidebook and the use of the Bay Area Hydrograph Model, or other modeling equivalent to the modeling required by the Alameda County NPDES and C.3 requirements and the Alameda County Clean Water Program for projects that exceed 1 acre of impervious surface. The SFPUC shall submit the proposed measures to the RWQCB for review and approval.</p>	<p>1. SFPUC EMB</p> <p>2. SFPUC EMB</p> <p>3. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Incorporate BMPs into project design per mitigation measure. The SFPUC shall submit the proposed measures to the RWQCB for review and approval.</p> <p>2. Ensure requirements for BMPs are included in contract documents.</p> <p>3. Monitor to ensure contractor properly installs BMPs, report noncompliance, and ensure corrective action.</p>	<p>1. Design</p> <p>2. Design</p> <p>3. Construction</p>
<b>HAZARDOUS AND/HAZARDOUS MATERIALS</b>						
HAZ-1	Construction of the proposed project could create potential hazards through transportation, use, and disposal of hazardous materials	<p><b>Mitigation Measure HAZ-1a: Soil Investigation Prior to Construction</b></p> <p>Prior to project construction, the SFPUC shall perform a soil investigation to determine the presence of chemical residues within shallow soils. Samples shall be collected from surface soils (from ground surface to 1.5 feet below the surface) in each of the proposed work areas and spots sites that will be disturbed during project construction. These samples shall be analyzed for total copper, arsenic, lead, mercury and organochlorine pesticides. The results of the soil investigation shall be used to ensure spills reuse and disposal meet the reuse criteria established by the SWRCB, determine if specific soils management and disposal procedures for contaminated materials are required, and determine if construction worker health and safety procedures for working with contaminated materials are required.</p>	<p>1. SFPUC BEM</p> <p>2. CM Team</p>	<p>1. SFPUC BEM and RWQCB</p> <p>2. SFPUC BEM</p>	<p>1. Perform preconstruction sampling.</p> <p>2. Ensure results of soil sampling are provided to contractor for incorporation in the Construction Risk Management Plan.</p>	<p>1. Design</p> <p>2. Preconstruction</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule
HAZ-2	Construction of the proposed project could create the potential for upset and accident conditions involving the	<p><b>Mitigation Measure HAZ-1b: Preparation of a Construction Risk Management Plan</b></p> <p>The SFPUC shall prepare and implement a Construction Risk Management Plan (CRMP) that addresses hazardous materials and other worker health and safety issues that may arise during construction. The SFPUC shall ensure the CRMP includes the following details at a minimum:</p> <ul style="list-style-type: none"> <li>• Results from shallow surface sampling conducted per Mitigation Measure HAZ-1a, to determine any necessary contaminated soils and groundwater management procedures.</li> <li>• A site-specific Health and Safety Plan (HASP) prepared by a qualified health and safety professional in accordance with applicable laws, rules, and regulations. The HASP shall include all required measures to protect construction workers and the general public by including engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction area and to reduce hazards outside the construction area, if prescribed exposure levels were exceeded, personal protective equipment shall be required for workers in accordance with state and federal regulations. Submission of the CRMP to the SFPUC, or any review of the contractor's CRMP or HASP by the SFPUC, shall not be construed as approval of the adequacy of the contractor's health and safety professional, the contractor's HASP, or any safety measure taken in or near the construction site. The contractor shall be solely and fully responsible for compliance with all laws, rules and regulations applicable to health and safety of persons during the performance of the construction work.</li> <li>• Soil management, reuse, and disposal procedures for excavated materials that are determined to be contaminated.</li> <li>• Treatment, handling, and disposal procedures for encountered groundwater determined to be contaminated.</li> <li>• Construction-worker health and safety procedures to address the possibility of encountering unknown contamination or subsurface hazards, such as previously unreported tanks or wells.</li> <li>• Fire-prevention measures including smoking in disturbed areas only and disposing of cigarette butts in waste bins, parking in non-vegetated areas, portable fire extinguishers shall be kept within ten feet of flammable or combustible liquid storage sites, welding and cutting operations, and compliance with the requirements of the California PRC, beginning with Section 4427.</li> <li>• Emergency-response procedures, including keeping spill cleanup materials such as absorbent pads onsite and procedures for the containment and cleanup of accidental releases of hazardous materials used or stored during construction activities.</li> <li>• Procedures for notification of SFPUC emergency coordinators and neighboring facilities in the event that construction activities require a temporary closure of Calaveras Road, which could interfere with emergency response or evacuation plans.</li> <li>• In the event of a reportable spill or other emergency incident, the contractor shall notify the SFPUC and applicable agencies in accordance with guidance from the California Office of Emergency Services (OES), as well as the Alameda County Water District (ACWD).</li> </ul> <p>Implement Mitigation Measures HAZ-1a and HAZ-1b</p>	<p>1. SFPUC EMB</p> <p>2. CM Team</p> <p>3. CM Team</p>	<p>1. SFPUC BEM</p> <p>2. SFPUC BEM</p> <p>3. SFPUC BEM</p>	<p>1. Ensure that requirement for contractor to prepare and submit a site health and safety plan, CRMP, measures for use and storage of hazardous materials and the prevention are included in contract documents.</p> <p>2. Ensure that contractor prepares and submits a CRMP and verify that it complies with requirements.</p> <p>3. Monitor to ensure that the contractor implements measures in the CRMP and contract documents, report noncompliance, and ensure corrective action.</p>	<p>1. Design</p> <p>2. Preconstruction</p> <p>3. Construction</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation Measure	Monitoring and Reporting Program			
			Implementation and Reporting Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	
HAZ-3	Construction of the proposed project could create the potential to encounter hazardous materials in soil and groundwater	Implement Mitigation Measures HAZ-1a and HAZ-1b				
<b>AGRICULTURAL RESOURCES</b>						
AG-1	Operation of the proposed project could result in conversion of farmlands to non-agricultural uses	<p>Mitigation Measure AG-1: Compensation for loss of Unique Farmland</p> <p>The SFPUC shall compensate for the conversion of Unique Farmland to non-agricultural use for spoils disposal, as indicated below:</p> <ul style="list-style-type: none"> <li>As compensation for the permanent loss of 21 acres of Unique Farmland at the Nursery Sites 1 and 2 spoils placement areas, the SFPUC shall dedicate an irrevocable agricultural conservation easement permanently setting aside 21 acres of Unique Farmland in or near the Sunol Valley for exclusive agricultural use.</li> <li>As an alternative to the dedication required above, the SFPUC shall contribute funds to a local agricultural land conservancy to establish a conservation easement to protect an equivalent acreage of similarly valued land in the area.</li> </ul>	1. SFPUC Real Estate	1. SFPUC BEM	1. Document equivalent set-aside on SFPUC land or contribution to land conservancy.	1. Construction
<b>CUMULATIVE</b>						
CUM-1	Cumulative traffic increases on Calaveras Road	<p>Mitigation Measure CUM-1: Combined Sunol Valley Traffic Control Plan</p> <p>The SFPUC or its construction contractor(s) shall develop a Sunol Valley Traffic Control Plan that coordinates the project-specific traffic control plans developed as part of Mitigation Measure TRAMS-1 and identifies additional measures to minimize the impacts of construction traffic on Calaveras Road and I-580. As applicable, these measures shall be developed consistent with the standards of Alameda County and Caltrans and could include:</p> <ul style="list-style-type: none"> <li>Additional traffic control devices, such as traffic signals at key intersections providing access to local roadways and land uses. Traffic signals could facilitate access onto Calaveras Road at intersections and also allow for gaps in truck traffic flow to facilitate access from driveways along Calaveras Road.</li> <li>Additional traffic control personnel at key locations to facilitate vehicular traffic flow during peak periods of truck activity.</li> <li>Adjustments in truck arrival and departure schedules for the various facilities (e.g., staggering departures).</li> <li>Public information regarding periods when construction traffic on Calaveras Road would be greatest.</li> </ul> <p>Working with Caltrans to determine if warning signs, such as a "Slow Trucks" sign (California Code W51) would be appropriate to inform drivers that slow-moving trucks may interfere with the flow of traffic on I-580.</p>	1. SFPUC EMB 2. CM Team (Traffic Construction Coordinator)	1. SFPUC BEM 2. SFPUC BEM and CM Team	1. Ensure that applicable measures that are identified in the coordinated plan are also included in contract documents. 2. Coordinate individual project traffic control plans and develop a coordinated plan that includes measures that address traffic resulting from multiple projects in the Sunol Valley.	1. Design 2. Preconstruction and Construction 3. Construction

BAAQMD = Bay Area Air Quality Management District  
 BEM = (SFPUC) Bureau of Environmental Management  
 CDEG = California Environmental Quality Act  
 CM Team = (SFPUC) Construction Management Bureau and Construction Management Consultant

dbA = A-weighted decibel  
 EMB = (SFPUC) Engineering Management Bureau  
 ERO = (SFPUC) Planning Department Environmental Review Officer  
 MEA = San Francisco Planning Department, Major Environmental Analysis Division  
 MLD = Most Likely Descendant

NACH = Native American Heritage Commission  
 NRI/LND = (SFPUC) Natural Resources and Lands Management Division  
 RWQCB = Regional Water Quality Control Board  
 SFPUC = San Francisco Public Utilities Commission  
 USFWS = U.S. Fish and Wildlife Service



## RESOLUTION NO. 149-2006

*Adopted November 7, 2006*

### **CONDITIONALLY APPROVING THE COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR A COMMERCIAL BUILDING ON PARCEL 4 OF BLOCKS 41-43 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

#### **BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Agency Commission") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency Commission adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. On November 2, 1998, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance 335-98, adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the South OPA ("DRDAP"), provide that development proposals in Mission Bay South will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.
3. On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report as a program EIR for Mission Bay North and South pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines Section 15180. On the same date, the Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Plan and other Mission Bay project approvals. The San Francisco Planning Commission ("Planning Commission") certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting

environmental findings and a statement of overriding considerations. Hereinafter, the Final Subsequent Environmental Impact Report, including any addenda thereto, shall be collectively referred to as the "FSEIR."

4. On October 10, 2000, the Agency Commission adopted Resolution No. 199-2000, which found that the potential environmental impacts of the Blocks 41-43 Major Phase were within the scope of impacts discussed in the FSEIR and approved the Blocks 41-43 Major Phase submission. On October 18, 2005, by Resolution No. 163-2005, the Agency Commission approved a revised Major Phase submission for Blocks 41-43 and reconfirmed the previously made environmental findings.
5. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in Mission Bay South. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Agency's Owner Participation Agreement for Mission Bay North (collectively, the "OPAs"), as well as all responsibilities under the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.
6. As permitted under the South OPA, Alexandria Real Estate Equities ("Developer") purchased a large number of parcels in Mission Bay South, including Blocks 41-43. Developer will be bound by all relevant terms of the South OPA and related agreements, including the requirements of the equal opportunity program and design review process.
7. Pursuant to the Plan and Plan Documents, including the DRDAP, the Developer has submitted a Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 dated October 17, 2006 ("Schematic Design").
8. Agency staff has reviewed the Schematic Design submitted by Developer, finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions.
9. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 ("Implementing Action").
10. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FSEIR and has made documents related to the Implementing Action and the FSEIR files available for review by the

Agency Commission and the public, and these files are part of the record before the Agency Commission.

11. The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Agency Commission by Resolution Nos. 183-98 dated September 17, 1998, 199-2000 dated October 10, 2000, and 163-2005 dated October 18, 2005, were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action.

## FINDINGS

The Agency finds and determines that the Schematic Design submission is an Implementing Action within the scope of the Project analyzed in the FSEIR and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:

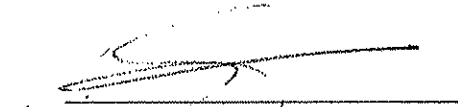
1. The Implementing Action is within the scope of the Project analyzed in the FSEIR and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.
3. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

## RESOLUTION

**ACCORDINGLY, IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR findings and statement of overriding considerations and hereby adopts the CEQA Findings set forth in Resolution Nos. 183-98, 199-2000, and 163-2005 incorporated herein and those set forth above; and (2) that the Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, subject to the following condition:

1. The building materials, landscape design and additional finishes and architectural detailing are subject to further review and approval by Agency staff during Design Development and/or in field mock-ups prior to construction.

**APPROVED AS TO FORM:**



---

*for* James B. Morales  
Agency General Counsel





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** December 29, 2009

**TO:** 2009.1152ER: Earthquake Safety and Emergency Response Bond (ESER) File

**FROM:** Devyani Jain, on behalf of Bill Wycko, ERO

**RE:** CEQA Clearance for the Incorporation of Critical Firefighting Facilities and Infrastructure in ESER Bond

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

The Draft Earthquake Safety and Emergency Response Bond (the "ESER Bond") Ordinance (the "Ordinance") and Resolution (together with the Ordinance, the "Legislation") provide for allocating a portion of the ESER Bond to Critical Firefighting Facilities and Infrastructure. The Legislation states that a portion of the ESER Bond will be allocated to the construction, acquisition, improvement, retrofitting and completion of critical firefighting facilities and infrastructure for earthquake safety and emergency response not otherwise specifically enumerated in the Legislation, including without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels for the water system for firefighting. As such, this portion of the ESER Bond describes a financing mechanism within the ESER Bond that may be used for any of these general purposes but does not identify any specific projects.

According to CEQA Section 21065 and CEQA Guidelines Sections 15060(c)(3) and 15378(b), the Critical Firefighting Facilities and Infrastructure financing mechanism component of the ESER Bond is not considered a "Project" for CEQA purposes. This is because this component does not involve any sufficiently specific activity that would result in a physical change to the environment but instead involves the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." The use of these ESER Bond proceeds in the future to finance any individual projects or portion of any project will be subject to CEQA review prior to City approval of such projects.



PLANNING COMMISSION  
MOTION NO. 17332

Project Subject to:

- Inclusionary Housing (Sec 315)
- Childcare Requirement (Sec 314)
- Park Fund (Sec 139)
- Public Art (Sec 149)
- Public Open Space (Sec 138)
- Jobs Housing Linkage Program (Sec 313)
- Transit Impact Development Fee
- First Source Hiring
- Other: \_\_\_\_\_

Case No.: 2006.1216B  
Address: 1600 Owens Street  
Assessor's Block & Lot: 8709/010  
aka Mission Bay South,  
Blocks 41-43, Parcel 4

Hearing Date: November 2, 2006

SAN FRANCISCO PLANNING COMMISSION  
MOTION NO. 17332

ADOPTING FINDINGS PURSUANT TO PLANNING COMMISSION RESOLUTION 14702 RELATING TO DESIGN APPROVAL FOR A TEN-STORY, 160-FOOT TALL OFFICE BUILDING APPROXIMATELY 245,500 GROSS SQUARE FEET, ALSO CONTAINING APPROXIMATELY 5,086 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AND UP TO 420 OFF-STREET PARKING SPACES LOCATED OFF-SITE ON PARCEL 4, AND TO PROJECT AUTHORIZATION UNDER THE 2006-2007 ANNUAL OFFICE LIMITATION PROGRAM PURSUANT TO RESOLUTION 14702 AND TO SECTIONS 321 AND 322 OF THE PLANNING CODE, FOR A DEVELOPMENT CONTAINING UP TO 228,000 SQUARE FEET (GROSS FLOOR AREA) OFFICE SPACE, LOCATED AT 1600 OWENS STREET, ON ASSESSOR'S BLOCK 8709, LOT 010, AKA MISSION BAY SOUTH BLOCKS 41-43, PARCEL 5, IN THE MISSION BAY SOUTH REDEVELOPMENT AREA, A COMMERCIAL-INDUSTRIAL-RETAIL ZONING DISTRICT, AND AN HZ-7 HEIGHT DISTRICT.

Preamble

On September 17, 1998, by Resolution No. 14702, the Planning Commission (hereinafter "Commission") determined that the Mission Bay South Redevelopment Plan ("MBS Plan") provides for a type, intensity, and location of development that is consistent with the overall goals, objectives, and policies of the General Plan, as well as the Eight Priority Policies of Section 101.1(b) of the Planning Code ("Code").

Under that Resolution, the Commission also determined that the office development contemplated in the MBS Plan in particular promotes the public welfare, convenience and necessity, and therefore, that the determination required pursuant to Section 321 *et seq.* of the Code for office development shall be deemed to have been made for all specific office development projects undertaken pursuant to the MBS plan.

Further, the Commission considered under Resolution 14702 the guidelines set forth in Section 321(b)(3)(A)-(G) and determined that the apportionment of office space over the anticipated 30-year build-out of the South Plan Area will remain within the limits set by Section 321, and will maintain a balance among economic growth, housing, transportation, and public services, pursuant to terms of the MBS Plan and Plan Documents, which provide for the appropriate construction and provision of housing, roadways, transit, and all other necessary public services in accordance with the Infrastructure Plan (as defined in the MBS Plan Documents).

In its consideration of Resolution 14702, the Commission reviewed the design guidelines of the MBS Plan Area, as set forth in the MBS Design for Development Document ("D for D") and determined that the standards and guidelines in the D for D will ensure the design quality of any

proposed office development. The Commission resolved to review and approve the designs of specific office developments in the Plan Area using the D for D guidelines and standards, when such proposals would be subject to the provisions of Section 321 *et seq.*, to confirm that said development is consistent with the findings set forth in Resolution 14702.

The Commission further resolved that, upon confirming that a specific development is consistent with the findings set forth in Resolution 14702, the Commission would issue a project authorization for that development.

The development of office space is an element of the MBS Plan, which, among other things, provides for: "Strengthening the economic base of the Plan Area and the community by strengthening retail and other commercial functions in the Plan Area through the addition of approximately 335,000 leasable square feet of retail space ... and about 5,953,600 leasable square feet of mixed office, research and development and light manufacturing uses"

#### Recitals

1. Application: On September 29, 2006, Ms. Terezia Nemeth of Alexandria Real Estate, (hereinafter "Project Sponsor") filed Application No. 2006.1216B with the City and County of San Francisco Planning Department ("Department") for design approval and project authorization pursuant to Resolution 14702 and Planning Code Section 321, for construction of 228,000 square feet of office space at 1600 Owens Street, as further described below ("Project").
2. Project Site/Present Use: The site is located in the Mission Bay South Project Area, in a Commercial-Industrial-Retail Zoning District, and an HZ-7 Height District. Parcel 010 in Assessor's Block 8709, also known as MBS Parcel 4 IN Blocks 41-43, is about 1.66 acres in area, and is bounded to the north by Owens Street, to the west by "A" Street, to the south by Mission Bay Parcel 4, and to the east by Mission Bay Parcel 6. Parcel 6 is the site of a future parking garage that will fulfill the parking requirements for the buildings proposed on Parcels 4 and 5. Adjacent Parcel 4 is currently pending a proposal to construct a new, approximately 160,600 gross-square-foot laboratory/office building that is six stories and approximately 89 feet in height.
3. Project Description: The proposal is to construct a new six-story building, with approximately 245,500 gross square feet, and approximately 160 feet high. Authorization is requested for up to 228,000 square feet of office, with approximately 5,086 square feet of ground floor retail, and up to 420 off-street parking spaces located on Parcel 6.  
The project is proposed to be flexible and meet the needs for modern tenants, and can be occupied by office or bio-science users.
4. On November 2, 2006, the Commission, at a regularly scheduled meeting, conducted a duly noticed public hearing on Application No. 2006.1216B, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Planning Department.
5. In evaluating the Project's Application, the Commission has reviewed and considered the Summary and Draft Motion, and other materials pertaining to this Project in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

**MOVED**, That the Commission hereby approves the project design and authorizes the office space

allocation pursuant to Section 321 *et seq.* as requested by Case 2006.1216B, subject to these findings and the conditions contained in Exhibit A, attached hereto and incorporated herein by reference, based on the following findings:

### Findings

Having reviewed all the materials identified in the Preamble and Recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. The above Preamble and Recitals are accurate and also constitute findings of this Commission.
2. The Redevelopment Agency of the City and County of San Francisco (the "Agency") is implementing the MBS Plan pursuant to and in accordance with Community Redevelopment Law of the State of California.
3. Environmental Review: The Agency and the Planning Department, together acting as co-lead agencies for conducting environmental review for the Plan, and other permits, approvals and related and collateral actions (the "Project"), prepared and certified a Final Subsequent Environmental Impact Report (the "FSEIR"). The Agency certified the FSEIR for the Project on September 17, 1998 by Resolution No. 182-98. Also on September 17, 1998 by Resolution No. 183-98, the Agency adopted environmental findings (and a statement of overriding considerations, that the unavoidable negative impacts of the Project are acceptable because the economic, social, legal, technological and other benefits of the Project outweigh the negative impacts on the environment) pursuant to the California Environmental Quality Act ("CEQA") and State Guidelines in connection with the approval of the MBS Plan and other Project approvals. The Planning Commission certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and by Resolution No. 854-98 adopting environmental findings (and a statement of overriding considerations).

Pursuant to the California Public Resources Code (PRC) Section 21090 and Section 15180 of the State CEQA Guidelines, all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, and the FSEIR on the Redevelopment Plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the Redevelopment Plan because events specified in PRC Section 21166 and State CEQA Guidelines Sections 15162 or 15163 have not occurred. Specifically, no substantial changes in the Project, no substantial changes in the circumstances under which the Project is being undertaken, and no new information has become available that would cause new significant environmental impacts. Also, no mitigation measures or alternatives previously found to be infeasible have been found to be feasible, and no different mitigation measures or alternatives that would substantially reduce one or more significant effects of the Project have been identified. The project Authorization for Case 2006.1216, 1600 Owens Street, MBS Blocks 41-43 ("Implementing Action"), is an undertaking pursuant to and in furtherance of the Plan pursuant to CEQA Guidelines Section 15180.

The Planning Commission, based upon its review of the FSEIR, hereby finds that: (1) the Implementing Action does not incorporate modifications into the Project analyzed in the FSEIR and will not require important revisions to the FSEIR 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 upon which

the Project analyzed in the FSEIR was undertaken which would require major revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of effects identified in the FSEIR; (3) no new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe, (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment; (4) the Implementing Action is within the scope of the Project described and analyzed in the FSEIR; and (5) no new environmental documentation is required.

4. Section 321- Available Allocation: Consistent with Section 304.11 of the MBS Redevelopment Plan and Planning Code Sections 320 through 325, approval of the office development of MBS Blocks 41-31 would not exceed the annual limitation contained in Planning Code Section 321.

At present, the unassigned large office allocation (for projects equal to or greater than 50,000 square feet in area) is 2,535,467 square feet, which includes the annual addition of 875,000 square feet on October 17, 2006. Upon authorization of the subject project for 228,000 square feet, and upon approval of the adjacent, companion project at 1500 Owens Street for 158,500 square feet, 2,148,967 square feet would be available for allocation to pending and future office projects this year.

Further, the sponsors of these two projects have obtained ownership of Lot 10 in Block 8709, Mission Bay, and are proposing a new structure for that site. There is a previously approved allocation, Case 2002.030, for 80,922 square feet that would revert to the available allocation upon approval of that future project.

5. Section 321- Approval Criteria: Pursuant to Resolution 14702, the Commission is charged with determining whether the Project conforms to applicable standards in the D for D Document, which supersedes the criteria set forth in Section 321 and other provisions of the Code except as provided in the MBS Plan. The proposed Project meets the MBS Redevelopment Plan and the D for D Document standards and guidelines as described below in findings 6 and 7, respectively:
6. Mission Bay South Design for Development Standards

The Mission Bay South (MBS) Design for Development Document is a companion document to the Mission Bay South Redevelopment Plan. It contains Design Standards and Design Guidelines, which apply to all development within the MBS Plan Area. With the adoption of the MBS Redevelopment Plan and the Design for Development Document (D for D), those documents supersede the San Francisco Planning Code in its entirety, except as otherwise provided in the MBS Redevelopment Plan.

In MBS plans for the development of buildings are preceded by the approval of a Major Phase, which generally covers one or several MBS blocks and in which such items as the general appearance, site planning (program of uses, estimated: range of development density, parking, loading, square footage of each use and schedule for development, utilities, transit, vehicular, pedestrian and bicycle circulation, open space, private and public) and streetscape are considered. Any major phase should also meet the MBS Redevelopment Plan and D for D standards and guidelines.

The proposed Project meets the MBS Redevelopment Plan and D for D Document standards and guidelines as described below.

A. Land Use

1600 Owens Street (Blocks 41-43, Parcel 4), as shown in Attachment 3 of the MBS Redevelopment Plan, "Redevelopment Land Use Map", is within a designated Commercial Industrial District. Plans for development of 1600 Owens indicate that the intended use would be medical research and biotechnical research facility ("life science")/ office and retail, which are permitted uses in that District (Section 302.4 of the MBS Redevelopment Plan).

B. Height

According to Map 4 of the MBS D for D, 1600 Owens is within Height Zone HZ-7, which has the following development controls:

- Base Height 90 feet (Coverage < 85% of the total area of HZ-7)
- Tower Height: 160 feet (Coverage < 15% of the total area of HZ-7)
- Max. Number of towers: 4 for the entire HZ-7 area
- Location: 60% of the frontage of buildings within 100' of freeway on Blocks 40-43 shall not exceed the height of the freeway.
- Mechanical Equipment Exempt from the Height limitation. The exemption is limited to the top 36 feet (20 feet for a mechanical penthouse, 16 for top of a ventilator stack) of such features where the height limit is more than 65 feet.

*The base building height would be 79'; the sum of the footprint of all the buildings (existing and proposed) within the base height within HZ-7 does not exceed 85% of the total area of HZ-7. The maximum building height would be 159.5'; 1600 Owens is the first tower to be proposed within HZ-7. The total freeway frontage for Blocks 41-43 is 1,272'; according to the Major Phase application for said Blocks, the combined building length proposed within 100' of the freeway would be 509' which implies that at least 60% of all the buildings in Blocks 41-43 would not be higher than the freeway. Mechanical equipment and exhaust stacks would be located on the roof and screened from view, the maximum height of the proposed screen would be 25'*

C. Bulk

Bulk controls in HZ-7 apply above 90 feet as follows:

- Maximum Plan Length: 200 feet
- Maximum Floor Plate: 20,000 square feet

*The plans for 1600 Owens indicate 199' as the maximum plan length and 19,941 square feet as the average floor plate.*

D. Coverage and Streetwall

In Commercial Industrial Districts, the D for D Document sets forth the following requirements:

- Coverage: Not applicable
- Streetwall:
  - Minimum Length: Minimum 70%<sup>1</sup> of block frontage length along primary streets required (Owens Street is considered a primary street).
  - Minimum Height 15 feet
  - Maximum Height Height not to exceed 90 feet
  - Corner Zone Conditions: Not applicable (1600 Owens is not at the intersection of two primary streets.)
  - Required Stepbacks Not applicable
  - Pedestrian Walkways: Not applicable
  - Projections Architectural projections over a street, alley, park or plaza shall provide a minimum of 8 feet of vertical clearance over the sidewalk or other surface above which they are situated. Projections include purely architectural or decorative character with a vertical dimension of 2'6", and bay windows, balconies and similar features. The projection is limited to no more than 3' over streets, alleys, and public open spaces.

*The sum of building frontages along Owens (existing and proposed buildings= 824.00') does not exceed 70% of the cumulative length of all the parcels comprising Blocks 41-43 (approximately 1254'). The minimum and maximum streetwall height would be 78.75'. Parcel 4 is not at the intersection of two primary streets.*

*The proposed building design, as modified, complies with requirements for Projections.*

E. Sunlight and Shadow

Shadow analysis is not required unless, as part of a specific project application, the project applicant seeks a variance from the standards determining the shape and location of buildings.

*No variance is necessary as part of this application, so no shadow analysis is required.*

F. Wind Analysis

The MBS D for D Document indicates that wind review will be required for all projects that include buildings over 100' in height.

1 Block frontage refers to the total measurement from street-to-street, with no exceptions for pedestrian walkways.



*A wind analysis has been prepared; it identifies two areas that failed the distress criterion which will be mitigated: the southwest edge along the pedestrian mews between 1500 and 1600 Owens will be improved by the addition of an 8' suspended canopy and the northeast edge along the proposed corner park in Lot A, which will be improved by a dense planting of canopy trees.*

**G. View Corridors**

View corridors follow street alignments and are based on the following principles: to preserve orientation and visual linkages to the Bay, as well as vistas to hills, the Bay Bridge and downtown skyline; to preserve orientation and visual linkages that provide a sense of place within Mission Bay. No building or portion thereof shall block a view corridor.

*The development of 1600 Owens would not block any view corridors as defined above. The northeast elevation (along Owens) of the proposed building would act as the terminus of one view corridor extending along Gene Friend Way within the UCSF Mission Bay Campus. As such, special attention has been paid to provide visual interest through building mass, articulation, colors and details and the designation of the ground floor for active uses.*

**H. Parking**

The number of off-street parking spaces required and/or allowed for uses within MBS, as indicated in the MBS D for D, are:

- Office: Maximum and minimum, 1.8 space for each 1,000 square feet of gross floor area.
- Retail: Maximum, one space for every 500 square feet of gross floor area for 20,000 square feet.
- Life Science: Maximum and minimum two spaces for every 1,000 square feet of gross floor area for up to 1,734,000 square feet, provided that any structure occupied for administrative functions shall be subject to the 1,000 square feet of gross floor area standard.
- Bicycle Parking: One secure bicycle parking space must be provided for every 20 vehicular parking spaces or fraction thereof.

Based on the gross square footage indicated on the application for Planning Code Section 321 (b) determination for development of 1600 Owens, the maximum number of parking spaces allowed would be: Retail (5,086 square feet) 10 parking spaces and Office/Biotechnology (227,568 square feet) 455 parking spaces, for a total of 465 vehicular parking spaces. Parking for a total of 420 vehicles and for at least 21 bicycles would be provided in the adjacent parking structure on Parcel 6 (as indicated in the Revised Major Phase Application dated August 9, 2005).

**I. Loading**

The number of loading spaces required and/or allowed for uses within MBS, provided per gross square feet, as indicated in the MBS D for D are the following:

- Retail: One space for retail uses between 10,001 and 60,000 square feet.
- Commercial: One space for commercial uses between 100,001 and 200,000 square feet.
- Dimensions: At least 10 feet wide, 35 feet long and 14 feet high.

*Based on the indicated ratio, the total number of loading spaces would be two. Plans for the development of 1600 Owens indicate two loading spaces satisfying the dimensional requirements indicated in the D for D Document.*

7. Mission Bay South Design for Development Design Guidelines

The Applicable Design Guidelines are: **Commercial Industrial and Retail Guidelines.**

**1. Block Development**

A. View Corridors

"View corridors are defined by the Mission Bay street grid. No building or portion thereof shall block a view corridor established by that grid of streets and dedicated right-of-ways".

*The proposed development of 1600 Owens does not block any view corridors as defined above. The northeast elevation (along Owens) of the proposed building would act as the terminus of one view corridor extending along Gene Friend Way within the UCSF Mission Bay Campus. As such, special attention has been paid to provide visual interest through building mass, articulation, colors and details and the designation of the ground floor for active uses.*

B. Open Spaces

"Encourage the development of publicly-accessible open spaces at ground level. Where feasible, design these open spaces in relation to local-serving retail such as cafes and to the public open space network".

*The proposed development of 1600 Owens contemplates the development of private open spaces to be made available to the public during daylight hours. Private open space could be coordinated with the construction of a park on a separate parcel, Lot A; tree clusters shade paved walks that pass areas planted with ground cover vegetation, designed to provide landscape amenities and support a campus like environment. Public seating would be accommodated on the hardscape area of the future park to be developed in Lot A, adjacent to the commercial space on the ground floor, as shown on plans.*

C. Pedestrian Walkways

"Walkways are encouraged to enhance the pedestrian experience in the Commercial Industrial area". "Walkways to mid-block open spaces or courtyard are encouraged".

*The Major Phase for Blocks 41-43 contemplates the development of several walkways to interconnect the proposed buildings and supporting structures; the proposed pedestrian walkways include one between Parcels 4 and 5. Plans for development of 1600 Owens include the construction of the walkway for which paving and planting materials have been selected to make the pedestrian experience gentle and intimate;*

*there is a secondary building entrance located along said walkway, which interconnects to another pedestrian walkway between Parcels 5 and 6.*

## 2. Street Frontage

### A. Streetwall

"Commercial areas in San Francisco are noted for streets with buildings at the property line where there is little or no space between the buildings. This historical pattern of development gives San Francisco its intense urban quality and should be a model for Mission Bay development. Commercial Industrial Buildings shall be continuous at the property line on streets, except for occasional breaks in the streetwall".

"Setbacks up to 10 feet from the property line are allowed within a continuous streetwall".

"Variations from the streetwall are allowed to create open space, pedestrian circulation space, mid-block lanes and landscaping areas".

*The design of the ground floor streetwall of 1600 Owens is recessed to form a continuous 5' deep arcade, parallel to the Owens. This arcade would wrap around the frontage of the building along the pedestrian walkway and the future park. The ground floor frontages along Owens, the pedestrian walkway and the future park in Lot A would be dedicated to retail uses, which would be highlighted through the use of continuous floor to ceiling glazing and the location of entrances to the commercial locales. These moves would reinforce the urban quality sought by the guidelines.*

### B. Streetwall Height

"Within high density commercial areas of San Francisco such as downtown and South of Market, a typical ratio of street width to streetwall height is approximately 1: 1.25".

"The building-street relationship in Mission Bay Commercial Industrial areas should reflect this city pattern".

*The width of Owens is 68' and the proposed building height, at its base would be, approximately, 82' (including the parapet). The proposed building mass consists of two volumes: a five-story rectangular base, and a five-story curving glazed tower which is setback from the northwest and southeast elevations. These setbacks reinforce the perception, from street level, of the base as a dominant mass); therefore, the proposed ratio of street width to streetwall height is approximately 1: 1.25.*

### C. Pedestrian Scale 2

"Office and other commercial buildings are encouraged to be active and to incorporate visually interesting details and/or decoration into the design of the building base".

*The plans for the proposed development of 1600 Owens provide for an active ground floor which contains building entrances and approximately 5, 100 square feet of retail space located along Owens and extending approximately 100', with a likely overflow*

- 
- 2 Pedestrian scale is considered in the design guidelines for Commercial Industrial/Retail districts in Street Frontage and in Building Height and Form. In order to avoid repetition, this section addresses only the types of uses proposed at ground level, along the public sidewalks. Specific architectural details are described in Building Height and Form.

area, along the southeast elevation (facing the future park), and approximately 30' along the pedestrian walkway that separates 1500 from 1600 Owens. At ground level the façade would be recessed approximately 5' to form a continuous arcade. Plans for the building indicate the main building entrance to be at the end of the arcade facing the future park and a secondary building entrance along the pedestrian walkway. Both entrances would be highlighted with canopies. Under the arcade and along other exposed portions of the facades (except at the service yard and the portions of the ground floor adjoining the freeway) the ground floor would be wrapped with a completely glazed skin.

**D. Curb Cuts**

"In order to preserve the continuity and quality of the pedestrian environment, curb cuts for parking and service uses are strongly discouraged along Third Street".

*The proposed building does not face Third Street yet its design would minimize the amount of curb cuts along Owens (which has a street frontage is approximately 1254'). The Major Phase for Blocks 41-43 contemplates two curb on Owens for vehicular access and egress to the parking structures proposed for Parcels 3 and 6; each curb cut would be approximately 40' wide. No curb cuts are proposed for Parcel 4 (1600 Owens).*

**E. Freeway Zone**

"Mission Bay buildings near to the 280 Freeway (height zone HZ-7) should take into account their importance in establishing a design character for the area, as seen from surrounding neighborhoods and from a highly traveled regional access route, and in contributing to a dramatic and attractive arrival sequence for the City of San Francisco. Issues of building placement, massing, façade materials and height are all important in this consideration."

"Open Space/Panorama- In the northern portion of height zone HZ-7, Block 43 has particular restrictions designed to preserve a portion of the downtown panorama. On Block 43, in addition to the freeway edge, all portions of buildings within the special height area adjacent to Owens Field, as defined on the Height Zone Map, are limited to a height, including any projections above the building height, equal to the average height of the freeway barriers adjacent to the Block with the exception of a maximum 90' base building and /or tower located toward the southeast corner of the Block, which is outside the special height area".

*The, northwest, southwest and southeast elevations of the proposed building face Freeway 280, while the southwest and southeast elevations would be visible from Potrero Hill. These proximity and vicinity determine the building placement, massing and façade materials to respond to the need of establishing the design character of the area.*

*The structure is composed of two primary elements: a five-story curving tower wrapped in clear glass/silver aluminum curtain wall, balanced on a five-story rectangular base clad in factory finished composite metal panels. The massing steps back from the elevated freeway in conformance with the approved Major Phase for Blocks 41-43 and also according to the height requirement of the D for D. The building is oriented perpendicular to Owens and the upper portion is located approximately 150' east of the freeway, which would create an appropriate breathing space for the tower.*

*Other important features which contribute to a dramatic and attractive arrival sequence for the City of San Francisco and which would establish a design character for the area are: on the southeast corner a five-story bay featuring sloped glazing and horizontal metal shades, which relates the building base to the tower element in terms of texture and form; terracotta colored metal sunscreens and an architecturally-detailed exterior egress stairs that slices the tout glazed surface of the tower.*

### **3. Building Height and Form**

#### **A. Height Locations**

"The predominant commercial height zone in Mission Bay allows buildings to a maximum of 90 feet high. Buildings up to 160 feet high may be constructed within a percentage of the developable area of each height zone as indicated in the Design Standards".

*Development of 1600 Owens would combine a building base not exceed a height of 90', which is the predominant height in height zone HZ-7. The design standards for that zone allow the constructions of 4 buildings that would reach a height of 160'; the upper portion of 1600 Owens is the only tower so far to be proposed in HZ-7. The proposed tower would contribute to frame and enhance views to downtown San Francisco when approaching the City along Freeway 280.*

#### **B. Skyline Character**

"Skyline character is a significant component of the overall urban composition that is San Francisco and the guidelines encourage development which will complement the existing city pattern and result in new, attractive view element as seen from vantage points".

*The building massing of 1600 Owens would be consistent with the existing city pattern of low buildings along the freeways and gradual tapering of heights as the building sites get further away from it. Furthermore, the proposed treatment of the tower facades, which turn around to face the freeway, forming a continuous and elegant curve, the screening of rooftop equipment, and the completion of the roof of the building base with a "green roof" would contribute with attractive view elements through massing, colors and textures as seen from nearby Potrero Hill and Freeway 280.*

#### **C. Building Base**

"For pedestrians, the character of the building base is important in establishing a comfortable scale and environment and should be designed to achieve this". "Variety at street level for pedestrian scale can be achieved through the use of design features such as stairs, entries, expressed structural elements, arcades, projections, rusticated materials and landscaping".

*The character of the building base, where it abuts the public sidewalk, the park to be developed in Lot A and the pedestrian walkway, would be defined by variety and visual interest achieved through a 5' deep arcade which reveals structural elements and a completely glazed skin along all building sides, except at the service yard and the southwest elevation, at ground level. The design of the ground floor contemplates building entrances highlighted with sculptural canopies, landscaping and paving, which is proposed to unify the exterior and the interior of the building through the use of pavers*

*in a pattern that will be repeated in the building lobby and in the approaches to the two building entrances. Other visual features that would contribute defining the building base and which would contribute to the establishment of a comfortable scale and environment is the five-story bay featuring sloped glazing and horizontal metal shades at the southeast corner of the building.*

#### D. Roofscape

"Recognizing that Mission Bay building roofs may be visible from higher surrounding locations, they should be designed consistent with the distinctive architecture of the building". "Roofs should use non-reflective, low intensity colors". "Mechanical equipment should be organized and designed as a component of the roovescape and not appear to be a leftover or add-on element. Mechanical equipment should be screened as provided in the Design Standards".

*The plans for the roof of the proposed development indicate that the cooling towers and lab exhausts fans would be located on the roof and organized and screened from view. The mechanical equipment enclosure is proposed to complement the overall exterior expression of the building through the use of a 20' high, profiled metal enclosure, painted green to match the panels of the building base.*

### 4. Architectural Details

#### A. Visual Interest

"To mitigate the scale of development and create pedestrian friendly environment, building massing should be modulated and articulated to create interest and visual variety".

*The building design is conceived as two 5-story volumes with distinctive appearances. The base is a cube clad in factory finished composite metal panels that at selected locations reveals the building structure and a taut surface of aluminum and vision and spandrel glass hiding the edges of the floor slabs. Windows are organized in a syncopated pattern and, in conjunction with the metal panels provide a taut surface.*

*The upper volume is proposed as a semi-cylinder, setback from the southwest, northwest and southeast elevations, however, a slight portion of the semi-cylinder projects over the latter. This semi-cylinder is wrapped in clear glass/silver aluminum curtain wall.*

*Both volumes would be integrated through the interception of planes characteristic of each one of them, (for instance, the northwest elevation is proposed to carry the green metal panels of the building base to the roof level; the southeast and northeast elevations show the glass curtain wall that wraps the upper semi-cylinder dropping below the parapet line. Similarly, the southeast corner a five-story bay featuring sloped glazing and horizontal metal shades, relates the building base to the tower element in terms of texture and form) or through the sculptural, architecturally detailed egress stairs that slice the taut glazed surface of the semi-cylinder and the top floor of the building base. Other elements that contribute to provide unity to the overall design are: louvered panels covering the air handling units of each floor and terracotta-colored sunscreens.*

*Articulation of the facades would be achieved through the elimination of metal panels that reveal the building structure and glass skin in selected locations and by folding the*

*plane of the curved section of the semi-cylindrical volume, to create a bay window type of feature.*

**B. Color and Materials**

"Extreme contrast in materials, colors, shapes and other characteristics which will cause buildings to stand out in excess of their public importance should be avoided".

*The building design proposes a harmonious palette of colors: those provided by the green colored metal panels and the colors of the reflections of the sky and neighboring buildings provided by the glass curtain wall. Given that the predominant colors would be associated with the main building volumes, contrasting colors are applied to distinct elements characteristic of both the base and the tower: sunshades and canopies, which are proposed as terracotta colored. Recesses, projections and folding of planes would create shadow lines that would enrich the chromatic contribution of this building.*

8. Childcare: Pursuant to Planning Code Section 314, the Project would result in the addition of approximately 228,000 square feet of office space subject to Section 314 of the Planning Code.
9. Public Art Concept: The project sponsor will work with Agency staff to define the public art installation, which should (1) be located where public benefit and enjoyment is maximized, (2) have placement that is appropriate to the scale and nature of the artwork being considered and (3) will complement and enhance the architecture or the space where it is located.
10. The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Uses would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES the project authorization and design requested via Case 2006.1216B, subject to the following conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this project authorization to the Board of Appeals within fifteen days after the date of this Motion No. 17332. The effective date of this Motion shall be the date of this Motion if not appealed (after the fifteen-day period has expired) OR the date of the decision of the Board of Appeals if appealed. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-6880.

I hereby certify that the Planning Commission adopted the foregoing Motion on November 2, 2006.

Linda Avery  
Commission Secretary

**AYES:** Commissioners Alexander, Antonini, Lee, Moore, Olague and Sugaya

**NAYES:** None

**ABSENT:** None

**ADOPTED:** November 2, 2006



EXHIBIT A

CONDITIONS OF APPROVAL

1. Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Proposed Building or underlying property.
2. The authorization herein is for an office allocation pursuant to Planning Code Section 321 et seq. and to Motion 14702 for assignment of up to 228,000 square feet of office area and for design approval of a new building generally as described in Application No. 2006.1216B and in the text of Planning Commission Motion No. \_\_\_\_\_. Said building shall be in substantial conformity with the plans and documents dated October 17, 2006, and labeled Exhibit B. Final plans shall be reviewed and approved by the Staff of the Department prior to the issuance of the site or building permit.
3. A site permit or building permit for the Proposed Building authorized herein shall be obtained within eighteen months of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permits(s). Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development.
4. The office space previously allocated in Case 2002.030, approved for 80,922 square feet, shall revert to the available allocation upon approval of this project.
5. The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
6. Development of the Site may precede the installation of off-site infrastructure in the area. The Infrastructure for the proposed building as described in Application 2006.1216B shall be reviewed by the Redevelopment Agency.
7. Five secure bicycle storage spaces shall be provided at this site, and 15 secure bicycle spaces to serve this building shall be provided in the adjacent parking structure.
8. The project Sponsor shall continue to work with Department and Agency staff in refining certain aspects of the architectural design, finishes and detailing.
9. Prior to the issuance of any new or amended building permit for the construction The Applicant shall cause this "Exhibit A" to be recorded against the title of the Subject Property as a Notice of Special Restrictions under the City Planning Code.





# SAN FRANCISCO PLANNING DEPARTMENT

## Agreement to Implement Mitigation Measures

**Date:** January 8, 2010  
**Case No.** 2009.0568E  
**Project Title:** City and County of San Francisco Auxiliary Water Supply System  
Seismic Upgrade  
**Project Sponsor:** Charles Higuera, San Francisco Department of Public Works  
**Block/Lot:** Twin Peaks Reservoir: 2719C/011, and associated maintenance tunnels  
within an easement on 2721/011  
Ashbury Tank site: 2655/026  
Jones Street Tank site: 0220/004 and 013  
Pump Station No. 1: 3788/006  
Pump Station No. 2: 0409/002  
**City and County:** San Francisco

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### MITIGATION MEASURE(S):

#### *Mitigation Measure M-CP-1(a), (b), (f), (i), and (j) (Secretary of the Interior Standards for the Treatment of Historic Properties)*

In accordance with CEQA Section 15064.5(3), complying with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*<sup>1</sup> (see Standards for Rehabilitation 1-10, below) is considered sufficient to mitigate to a level of less than significant the impact on historical resources (including historic districts and individually eligible resources).

The Secretary of the Interior is responsible for establishing standards for all programs under the departmental authority and for advising federal agencies on the preservation of historic properties listed on or eligible for listing on the NRHP. In partial fulfillment of this responsibility, the Secretary of the Interior's *Standards for Historic Preservation Projects* have been developed to guide work undertaken on historic buildings.

The Standards for Rehabilitation (36 CFR Part 67) make up that section of the overall historic preservation project standards and address the most prevalent treatment. Rehabilitation is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

<sup>1</sup>National Park Service, Kay D. Weeks and Anne E. Grimmer, *The Secretary of the Interior Standard's for the Treatment of Historic Properties: with Guidelines for Rehabilitating, Restoring, and Reconstructing Historic Buildings* (US Department of the Interior: Washington, D.C.: 1995)

The intent of the standards is to assist the long-term preservation of a property's significance through preservation of historic materials and features. The standards pertain to historic buildings of all materials, construction types, sizes, and occupancy, and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction.

The SFFD would implement the following Secretary of the Interior's Standards for Rehabilitation:

**M-CP-1 (a)**—A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

**M-CP-1 (b)**—The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

**M-CP-1 (f)**—Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, and pictorial evidence.

**M-CP-1 (i)**—New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and be compatible with the massing, size, scale, and architectural features to protect the historical integrity of the property and its environment.

**M-CP-1 (j)**—New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment will not be impacted.

As stated in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic resource will be needed to provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy the materials and features—including their finishes—that are important in defining the building's historic character.

### ***Mitigation Measure M-CP-2, Document Historical Resources***

The SFFD would retain a consultant to document historic resources before any construction work associated with demolition or removal of the Ashbury Tank or construction at Pump Station No. 2. The appropriate level of documentation would be selected by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation will consist of the following:

- A full set of measured drawings that depict existing or historic conditions of the Ashbury Street tank and Pump Station No. 2;
- Digital photographs (do not have to be large-format negatives) of the interior and the exterior of Pump Station No. 2 and the valve house at the Ashbury Tank and exterior of the Ashbury Tank. Photographs at the Ashbury Tank will follow the HABS/HAER Photographic Specifications; and
- A history and description of Pump Station No. 2 and the Ashbury Tank.

The professional historian would prepare the documentation and would submit it for review and approval by the San Francisco Planning Department's Preservation Specialist. The documentation would be disseminated to the San Francisco Library History Room and the SFFD Headquarters.

***Mitigation Measure M-CP-3 (Pipe Replacement)***

As little of the aboveground pipe as possible would be replaced to reduce the impact of removal and replacement of original pipes to a less-than-significant impact. Any changes in the historic construction method of the pipe would be documented according to HABS/HAER specifications.

***Mitigation Measure M-CP-4 (Protect Historic Character-Defining Features)***

During the project, the SFFD would protect interior historic character-defining features, such as original pumps, valve gate controls, and other original machinery and associated piping. The plan for interior construction would be approved by the San Francisco Planning Department or the Historic Preservation Commission.

***Mitigation Measure M-CP-5 (Interpretation for Educational Display)***

In consultation with a qualified historian and the San Francisco Planning Department Preservation Specialist, the SFFD would post interpretive signs on the exterior of the Pump Station No. 2 building, as well as at Pump Station No. 1 and the Ashbury and Jones Street Tank to better inform the public about the history and function of the AWSS and the changes that it has undergone over the years (The Twin Peaks Reservoir is not included because it is not accessible to the public). Furthermore, the CCSF Web site would have a link to the history of and photographic documentation for the AWSS, illustrating the alterations that took place over time.

***Mitigation Measure M-CP-6 (Pumps Preservation and Display at Pump Station No. 2)***

The SFFD would implement this measure with the following details to ensure that impacts on Pump Station No. 2 resulting from the project's activities are mitigated to the maximum extent possible:

- The SFFD would remove two of the original pumps and their associated piping and valves and display them outside the Pump Station No. 2, in the grassy area on the east side of the building.

This display would be included as part of the interpretive educational display as described in M-CP-5 and serve to educate the public about the AWSS and demonstrate how this system continues to protect and serve the citizens of San Francisco from fire for almost a century.

- In consultation with a qualified conservator and curator, the pumps will be installed within the display area in a manner that minimizes their vulnerability to vandalism and deterioration and a work plan will be developed for their continued maintenance.

***Mitigation Measure M-CP-7 (Accidental Damage Measures)***

The SFFD would implement the following protection measures beforehand to reduce the potential for inadvertent damage to character-defining features of the AWSS during construction:

- Consult with the CCSF and the San Francisco Planning Department Preservation staff about avoiding damage to interior and exterior historic character-defining features near the construction zone during development and implementation of construction plans and development of procedures;
- Establish protection procedures for interior historic character-defining features, such as protecting interior features against damage during project work by covering them with heavy canvas or plastic sheets; and
- Provide a project orientation for all construction workers to increase their understanding of and sensitivity to the challenges of the special environment where they will be working.
- In the event that a historic character-defining feature is accidentally damaged during project activities, the construction team would temporarily stabilize the feature to prevent further damage. Once the feature is stabilized the San Francisco Planning Department would be contacted immediately for review and approval of proposed repair work. All materials would be retained and repaired. All repair work would be in conformance with the *Secretary of the Interiors Standards*.

***Mitigation Measure M-CP-8 (Seismic Reinforcement)***

A structural engineer that meets Secretary of Interior Professional Qualification Standards would be retained to provide consultation and oversight on a seismic reinforcement system that minimizes the removal and obscuring of historic fabric of Pump Station No. 2 (including spatial relationships within the main interior volume).

***Mitigation Measure M-CP-9 (Twin Peaks Reservoir Conditions Assessment and Specification Plan)***

A Historical Preservation Architect who meets the Secretary of the Interior's Professional Qualification Standards would prepare a specification plan to ensure the following: only those portions of the existing dividing wall that cannot be repaired are replaced; the new dividing wall be stylistically constructed in the same manner as the existing historic wall, except for the coping which

would increase in width from 14-inches to 26-inches, and the damaged portions of the concrete curb to be repaired in-kind and match the historic conditions.

The Historical Preservation Architect would also prepare a conditions assessment report to determine which portions of the iron fence can be retained and which portions are beyond repair. All parts of the fence that could be repaired would be stabilized and reinstalled in their historic locations. All parts of the fence to be replaced would be done so in kind.

***Mitigation Measure M-CP-10 (Archaeological Monitoring)***

Based on the reasonable potential that prehistoric archeological resources may be present within the Pump Station No. 2 project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

*Archeological monitoring program (AMP).* The archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the

archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.



- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains, Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public

interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

***Mitigation Measure M-CP-11 (Suspend Construction Work if Paleontological Resource is Identified)***

Work shall be suspended and a qualified paleontologist notified when a paleontological resource is discovered at any of the project sites. The paleontologist shall document the discovery as needed, shall evaluate the potential resource, and shall assess the significance of the find under CEQA criteria. Excavation also shall be halted or diverted within 50 feet of a fossil find until the discovery is examined by a paleontologist. If avoidance is not feasible, the paleontologist shall prepare an excavation plan.

***Mitigation Measure M-CP-12 (Human Remains and Associated or Unassociated Funerary Objects)***

The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws, including immediate notification of the CCSF coroner, and, in the event of the coroner's decision that the remains are Native American, notification of the California State NAHC, who shall appoint a Most Likely Descendant (Pub. Res. Code Sec. 5097.98). The archaeological consultant, the SFFD, and the Most Likely Descendant shall make all reasonable efforts to develop an agreement for the appropriate dignified treatment of human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5[d]). The agreement should consider the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

***Mitigation Measure M-BI-1 (Protection Measures for Nesting Birds)***

The following protection measures would be applied before construction to protect nesting birds :

- If construction is scheduled to begin between March and July, a preconstruction survey for nesting birds would be conducted by a qualified biologist at the trees on or near the five AWSS sites to determine whether any birds are nesting in trees or shrubs at or near the project sites. If any nests are found, the California Department of Fish and Game would be contacted for advice on how to protect the nesting birds until the fledglings have left the nest.
- A worker awareness program would be developed and implemented to inform project workers of their responsibilities regarding nesting birds.

***Mitigation Measure M-BI-2 (Tree Removal)***

For the tree to be removed at Ashbury Tank, the following measures would be implemented to reduce impacts on nesting birds:

- The SFFD would remove the tree before the nesting season to discourage its use for nesting.

***Mitigation Measure M-HZ-1 (Site Health and Safety Plan)***

For all project sites requiring excavation, the SFFD would prepare a site health and safety plan identifying the chemicals present, potential health and safety hazards, monitoring to be performed during site activities, soils handling methods required to minimize the potential for exposure to harmful levels of any chemicals identified in the soil, appropriate personal protective equipment, and emergency response procedures.

***Mitigation Measure M-HZ-2 (Materials Disposal Plan)***

The SFFD would require the contractor to prepare a materials disposal plan that specifies the disposal method and the approved disposal site for the soil. In addition, the SFFD would provide written documentation that the disposal site would accept the waste.

***Mitigation Measure M-HZ-3 (Hazardous Building Materials Surveys and Abatement)***

For the project activities involving demolition or renovation of existing structures at the five AWSS sites, the SFFD would retain a registered environmental assessor or a registered engineer to perform a hazardous building materials survey for each structure before demolition or renovation activities. If any friable asbestos-containing materials, lead-containing materials, or hazardous sites of building materials are identified, abatement practices, as required by California Air Resources Board and California Health and Safety Code, Section 19827.5, and Title 8 of the California Code of Regulations, Sections 341.6 through 341.14 and 1529., such as containment and/or removal, would be implemented before and during demolition or renovation.

***Mitigation Measure M-HZ-4 (Database Search)***

A qualified environmental professional would conduct any necessary site assessment. The site assessment would include a regulatory database review to identify permitted hazardous materials and environmental cases in the vicinity of each project no more than three months before construction, and a review of appropriate standard information sources to determine the potential for soil or groundwater contamination to occur. Follow-up sampling would be conducted as necessary to characterize soil and groundwater quality before construction and, if needed, site investigations or remedial activities would be performed in accordance with applicable laws. The environmental professional would prepare a report documenting the activities performed, summarize the results and make recommendations for appropriate handling of any contaminated materials during construction.

***Mitigation Measure M-HZ-5 (Contingency Plan)***

A contingency plan would be prepared identifying measures to be taken should unanticipated contamination be identified during construction. The SFFD would conduct asbestos and lead abatement in accordance with established regulations.

***Mitigation Measure M-HZ-6 (Coordination with Property Owners and Regulatory Agencies)***

Based on regulatory agency file reviews, the SFFD would assess the potential to encounter unacceptable levels of hazardous materials, for construction activities to cause groundwater plume migration or interfere with ongoing remediation. Should the review indicate that the project could encounter unacceptable levels of hazardous materials or interfere with remediation, the SFFD would

contact the responsible regulatory agency to determine appropriate construction modifications or remediation necessary to avoid adverse impacts during construction and operation of the project. Construction modifications would be designed to reduce groundwater plume migration or interference with the remediation; alternatively, modifications would be made to the remediation activities during construction to reduce interference with remediation activities to avoid encountering unacceptable levels of hazardous materials. The SFFD would implement the requirements of the responsible regulatory agency.

***Mitigation Measure M-HZ-7 (Neighborhood Notice)***

The SFFD would provide reasonable advance notification to the businesses, owners and residents of adjacent areas, and schools within one-quarter mile of each of the five AWSS sites that could be affected by the proposed project, about the nature, extent and duration of construction activities. Interim updates should be provided to such neighbors to inform them of the status of the construction.

I agree to implement the above mitigation measure(s) as a condition of project approval.



Project Sponsor Signature



Date

**RESOLUTION NO. 199-2000**

**Adoped October 10, 2000**

**ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE BLOCK 41, 42, 43, AND 45 MAJOR PHASE SUBMISSION IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA PURSUANT TO AN OWNER PARTICIPATION AGREEMENT WITH CATELLUS DEVELOPMENT CORPORATION, A DELWARE CORPORATION; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

**BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved a proposed Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation ("Catellus") and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."

2. The Agency and the Planning Department, together acting as co-lead agencies for conducting environmental review for the Plan, the South OPA and other permits, approvals and related and collateral actions ("Project"), prepared and certified a Final Subsequent Environmental Impact Report ("FSEIR"). On September 17, 1998, the Agency adopted Resolution No. 182-98 which certified the FSEIR for the Project, and adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), pursuant to the California Environmental Quality Act ("CEQA") and State Guidelines in connection with the approval of the Plan, the South OPA and other Project approvals. The San Francisco Planning Commission certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting environmental findings (and a statement of overriding considerations).

3. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, Attachment G to the South OPA ("DRDAP"), provide that development proposals in the Mission Bay South will be reviewed and processed in certain development phrases defined as "Major Phases," consistent with the Plan and the Plan Documents. The DRDAP sets forth the review and approval process for Major Phases.

4. Pursuant to the Plan and Plan Documents, including the DRDAP, Catellus submitted a Major Phase application for the development of Blocks 41, 42, 43, and 45, which was deemed complete on July 3, 2000, and which, as revised to incorporate minor changes, is dated October 10, 2000 ("Major Phase Submission").

5. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Major Phase Submission is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 ("Implementing Action").

6. In accordance with the Plan and Plan Documents, Agency staff has reviewed the Block 41, 42, 43, and 45 Major Phase Submission and found it acceptable.

### FINDINGS

The Agency finds and determines that the implementing Action is within the scope of the Project analyzed in the FSEIR and no new environmental documentation is required for the following reasons:

1. The Implementing Action does not incorporate modifications into the Project analyzed in the FSEIR, and will not require important revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects.

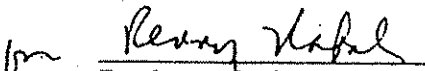
2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken which would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.

3. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

### RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Blocks 41, 42, 43, and 45 Major Phase Submission is hereby approved.

APPROVED AS TO FORM:

  
Bertha A. Ontiveros  
Agency General Counsel

## RESOLUTION NO. 163-2005

Adopted October 18, 2005

### **ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING AMENDMENTS TO THE MAJOR PHASE FOR BLOCKS 41 - 43 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

#### **BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the South OPA ("DRDAP"), provide that development proposals in Mission Bay South will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.
3. On October 10, 2000, the Agency Commission adopted Resolution No. 199-2000, which found that the potential environmental impacts of the Major Phase Application for Blocks 41 - 43 and 45 were within the scope of impacts discussed in the Final Subsequent Environmental Impact Report (including addenda thereto, collectively referred to as the "FSEIR") certified on September 17, 1998, by the Agency (Resolution No. 182-98) and the San Francisco Planning Commission (San Francisco Planning Commission Resolution No. 14696) and approved the Major Phase Application for Blocks 41 - 43 and 45.
4. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Owner Participation Agreement for Mission Bay North (together the "OPAs") as well as all responsibilities under

the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.

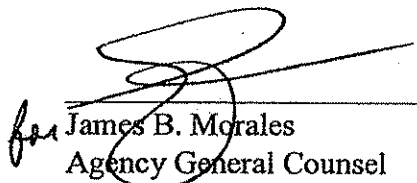
5. As permitted under the South OPA, FOCIL-MB, sold all of Blocks 41, 42 and 43, except for Parcel 4 ("Blocks 41 - 43") to another developer, Alexandria Real Estate Equities ("Developer"), which will develop the blocks. The Developer will be bound by all relevant terms of the South OPA and related agreements, including the requirements of the equal opportunity program and design review process.
6. Pursuant to the Plan and Plan Documents, including the DRDAP, the Developer has submitted a revised major phase application for Blocks 41 - 43 on August 26, 2005 and an edited major phase submittal on September 16, 2005 (together the "Amended Major Phase"). Block 45 is not included in this Amended Major Phase.
7. The Agency Commission previously adopted on October 4, 2005 by Resolution No. 154-2005, findings pursuant to California Environmental Quality Act ("CEQA") and the CEQA Guidelines, which findings are hereby incorporated herein by this reference as if fully set forth.
8. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Amended Major Phase is an undertaking pursuant to and in furtherance of the Plan in conformance with Section 15180 (the "Action").
9. In accordance with the Plan and Plan Documents, including the DRDAP, Agency staff has reviewed and considered the Amended Major Phase as well as the FSEIR, and other information contained in the Agency's files, finds them to be acceptable and recommends approval of the Amended Major Phase for Blocks 41 - 43.

#### RESOLUTION

---

**ACCORDINGLY, IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR and hereby adopts the Findings set forth in Resolution No. 154-2005; and (2) that the Amended Major Phase is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, LLC, a Delaware limited liability company.

**APPROVED AS TO FORM:**

  
James B. Morales  
Agency General Counsel



## RESOLUTION NO. 149-2006

*Adopted November 7, 2006*

### **CONDITIONALLY APPROVING THE COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR A COMMERCIAL BUILDING ON PARCEL 4 OF BLOCKS 41-43 IN THE MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, PURSUANT TO THE OWNER PARTICIPATION AGREEMENT WITH FOCIL-MB, LLC AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

#### **BASIS FOR RESOLUTION**

1. On September 17, 1998, by Resolution No. 190-98, the Commission of the Redevelopment Agency of the City and County of San Francisco ("Agency Commission") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan"). On the same date, the Agency Commission adopted related documents, including Resolution No. 193-98 authorizing execution of an Owner Participation Agreement ("South OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. On November 2, 1998, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance 335-98, adopted the Plan. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the South OPA ("DRDAP"), provide that development proposals in Mission Bay South will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.
3. On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report as a program EIR for Mission Bay North and South pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines Section 15180. On the same date, the Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Plan and other Mission Bay project approvals. The San Francisco Planning Commission ("Planning Commission") certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting

environmental findings and a statement of overriding considerations. Hereinafter, the Final Subsequent Environmental Impact Report, including any addenda thereto, shall be collectively referred to as the "FSEIR."

4. On October 10, 2000, the Agency Commission adopted Resolution No. 199-2000, which found that the potential environmental impacts of the Blocks 41-43 Major Phase were within the scope of impacts discussed in the FSEIR and approved the Blocks 41-43 Major Phase submission. On October 18, 2005, by Resolution No. 163-2005, the Agency Commission approved a revised Major Phase submission for Blocks 41-43 and reconfirmed the previously made environmental findings.
5. Catellus, the original master developer of the Mission Bay North and South Redevelopment Project Areas, has sold most of its remaining undeveloped land in Mission Bay to FOCIL-MB, LLC, ("FOCIL-MB"), a subsidiary of Farallon Capital Management, LLC, a large investment management firm. The sale encompasses approximately 71 acres of land in Mission Bay, and the remaining undeveloped residential parcels in Mission Bay South. FOCIL-MB has assumed all of Catellus's obligations under the South OPA and the Agency's Owner Participation Agreement for Mission Bay North (collectively, the "OPAs"), as well as all responsibilities under the related public improvement agreements and land transfer agreements with the City and County of San Francisco. FOCIL-MB will be bound by all terms of the OPAs and related agreements, including the requirements of the affordable housing program, equal opportunity program, and design review process.
6. As permitted under the South OPA, Alexandria Real Estate Equities ("Developer") purchased a large number of parcels in Mission Bay South, including Blocks 41-43. Developer will be bound by all relevant terms of the South OPA and related agreements, including the requirements of the equal opportunity program and design review process.
7. Pursuant to the Plan and Plan Documents, including the DRDAP, the Developer has submitted a Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 dated October 17, 2006 ("Schematic Design").
8. Agency staff has reviewed the Schematic Design submitted by Developer, finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions.
9. The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 ("Implementing Action").
10. Agency staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FSEIR and has made documents related to the Implementing Action and the FSEIR files available for review by the

Agency Commission and the public, and these files are part of the record before the Agency Commission.

11. The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Agency Commission by Resolution Nos. 183-98 dated September 17, 1998, 199-2000 dated October 10, 2000, and 163-2005 dated October 18, 2005, were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action.

## FINDINGS

The Agency finds and determines that the Schematic Design submission is an Implementing Action within the scope of the Project analyzed in the FSEIR and requires no additional environmental review pursuant to State CEQA Guidelines Sections 15180, 15162 and 15163 for the following reasons:

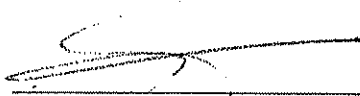
1. The Implementing Action is within the scope of the Project analyzed in the FSEIR and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes have occurred with respect to the circumstances under which the Project analyzed in the FSEIR was undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.
3. No new information of substantial importance to the Project analyzed in the FSEIR has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the FSEIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

## RESOLUTION

**ACCORDINGLY, IT IS RESOLVED** by the Redevelopment Agency of the City and County of San Francisco (1) that it has reviewed and considered the FSEIR findings and statement of overriding considerations and hereby adopts the CEQA Findings set forth in Resolution Nos. 183-98, 199-2000, and 163-2005 incorporated herein and those set forth above; and (2) that the Combined Basic Concept and Schematic Design for Parcel 4 of Blocks 41-43 is hereby approved pursuant to the Mission Bay South Owner Participation Agreement with FOCIL-MB, subject to the following condition:

1. The building materials, landscape design and additional finishes and architectural detailing are subject to further review and approval by Agency staff during Design Development and/or in field mock-ups prior to construction.

**APPROVED AS TO FORM:**

  
James B. Morales  
Agency General Counsel



# SAN FRANCISCO PLANNING DEPARTMENT

---

January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: General Plan Referrals for the Earthquake Safety and Emergency Response Bond for the June 2010 Ballot**

Dear Mr. Higuera:

The Planning Department received your requests for General Plan referrals, pursuant to Section 4.105 of the San Francisco Charter and Section 2A.52 of the Administrative Code, relating to the "Earthquake Safety and Emergency Response Bond" (ESER Bond), to be placed on the June 2010 ballot.

We have prepared General Plan Referral letters and consistency findings for the ESER Bond and three specific projects identified in the proposed bond measure. Attached referrals include:

- o Case No. 2009.1152R: Earthquake Safety and Emergency Response Bond
- o Case No. 2009.0568R: Auxiliary Water Supply System (AWSS) seismic upgrades
- o Case No. 2009.1136R: Public Safety Building
- o Case No. 2010.0001R: Forensic Science Center

All projects were found to be in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require additional project-level General Plan referrals and Environmental Review as they are identified.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Stephen Shotland of my staff at 558-6308. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rahaim", with a long horizontal flourish extending to the right.

John Rahaim  
Director of Planning

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

Attachments

1. Case No. 2009.1152R: Earthquake Safety and Emergency Response Bond
2. Case No. 2009.0568R: Auxiliary Water Supply System (AWSS) seismic upgrades
3. Case No. 2009.1136R: Public Safety Building
4. Case No. 2010.0001R: Forensic Science Center



# SAN FRANCISCO PLANNING DEPARTMENT

---

December 29, 2009

Mr. Frank Filice  
Manager of Capital Planning  
San Francisco Department of Public Works  
30 Van Ness, 5<sup>th</sup> Floor  
San Francisco, CA 94102

Re: Case No. 2009.0568R  
Auxiliary Water Supply System ("AWSS") Seismic Upgrade

Dear Mr. Filice,

On August 20, 2009, the Department received your request for a General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code of the City and County of San Francisco. The Department finds that the proposed Auxiliary Water Supply System ("AWSS") Seismic Upgrade ("Project") is, on balance, *in conformity* with the General Plan, as described in the attached staff report.

The Project proposes to make seismic upgrades and operational improvements to the following five AWSS components to preserve capacity and to assure reliable service after an earthquake:

1. Twin Peaks Reservoir. Rebuild the reservoir divider wall, repair the reservoir liner, replace key mechanical equipment, and repair and restore walls and fences surrounding the reservoir;
2. Ashbury Tank. Replace the water tank, remove an existing tree in the back of the property and repair an existing retaining wall damaged by that tree, and repair or restore specific mechanical equipment;
3. Jones Street Tank. Seismically retrofit the existing concrete tank, repair the roof of the valve house, and repair or replace specific piping and mechanical systems;
4. Pump Station No. 1. Improve the ventilation system, flooring, and specific mechanical systems;
5. Pump Station No. 2. Rebuild the pump station into a modern, state-of-the-art facility within the existing building shell.

With the exception of Pump Station No. 2, the proposed projects are on existing City Rights of Way and City owned property. A 1911 agreement between the US Army and the City and County of San Francisco authorized the construction of the Pump Station No. 2 water supply tunnel. All historic preservation issues and required mitigations relating to the above five projects were analyzed and documented in the CEQA Negative Declaration, case number 2009.0568E.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

The Planning Department issued a Negative Declaration, case number 2009.0568E, on December 10, 2009, in accordance with the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.).

As described above, the project is on balance **in conformity** with the San Francisco General Plan, as detailed in the attached Case Report (Attachment 1). The Project is also consistent with Planning Code Section 101.1(b) General Plan Priority Policies, included as Attachment 2.

Sincerely,



John Rahaim  
Planning Director

Attachments:

1. Case Report
2. Planning Code Section 101.1 Policies

cc: A. Power, PD

*I:\Citywide\General Plan\General Plan Referrals\REFERRAL\Andres\2009.0568R AWSS Seismic & System Upgrades.doc*



**Attachment 1  
General Plan Case Report**

Case No. 2009.0568R

**Auxiliary Water Supply System ("AWSS") Seismic Upgrade**

Staff Reviewer: Andres Power

Note: **General Plan Objectives and Policies** are in bold font; **General Plan text** is in regular font, and staff comments are in *italic font*.

**COMMUNITY SAFETY ELEMENT**

**OBJECTIVE 2**

**REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.**

**Policy 2.1**

**Assure that new construction meets current structural and life safety standards.**

*The AWSS upgrades will be constructed to current applicable codes and standards.*

**Policy 2.7**

**Abate structural and non-structural hazards in City-owned structures.**

**Policy 2.10**

**Identify and replace vulnerable and critical lifelines in high-risk areas.**

*The AWSS improvements will ensure a secondary water supply in the event of an emergency.*

**Policy 3.6**

**Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.**

*The AWSS improvements will ensure a secondary water supply in the event of an emergency.*

**ENVIRONMENTAL PROTECTION ELEMENT**

**OBJECTIVE 5**

**ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**

**Policy 5.1**

**Maintain an adequate water distribution system within San Francisco.**

*The AWSS improvements will help maintain adequate water supply in the event of an emergency.*

**Policy 5.5**

**Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.**

*The proposed project improves the functionality of the AWSS system.*

**Attachment 2**  
**Planning Code Sec. 101.1(b) Priority Policies**

Case No. 2009.0568R  
Auxiliary Water Supply System Seismic Upgrade

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. The project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.
2. The project would have no adverse effect on the City's housing stock or on neighborhood character.
3. The project would have no adverse effect on the City's supply of affordable housing.
4. The project would not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking.
5. The project would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.
6. The project would improve the facility's preparedness against injury and loss of life in an earthquake.
7. The project would have no adverse effect on landmarks or historic buildings.
8. The project would have no adverse effect on parks and open space or their access to sunlight and vistas.

*I:\Citywide\General Plan\General Plan Referrals\REFERRAL\Andres\2009.0568R AWSS Seismic & System Upgrades.doc*





# SAN FRANCISCO PLANNING DEPARTMENT

January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

Re: Case No. 2009.1152R  
Earthquake Safety and Emergency Response Bond for the June 2010 Ballot

Dear Mr. Higuera:

This is in response to a request for a General Plan Referral you submitted to the Department on behalf of the Department of Public Works on December 28, 2009 pursuant to Section 4.105 of the San Francisco Charter and Section 2A.52 of the Administrative Code. The requested referral is in regards to the proposed "Earthquake Safety and Emergency Response Bond," (ESER Bond) to be placed on the June 2010 ballot.

If authorized by the Board of Supervisors to be placed on the June 2010 ballot and approved by the voters, the proposed ESER Bond would establish a funding mechanism for certain types of future projects and would allow development of three specific projects:

1. **Auxiliary Water Supply System (AWSS) seismic upgrades:** This project would improve and seismically upgrade two pump stations, two storage tanks, and the reservoir of the AWSS. The AWSS is used throughout the year for the suppression of multiple-alarm fires. It provides an additional layer of fire protection for the domestic water system in the event of a major earthquake.
2. **Critical Facilities and Infrastructure:** The bond would provide a funding mechanism for new and improved critical facilities and infrastructure for earthquake safety throughout the city including but not be limited to neighborhood fire and police stations, and cisterns, pipes and tunnels for the water systems for firefighting. Actual projects to be constructed with these bond funds would be identified at a later time.
3. **Public Safety Building:** This project would construct an approximately 320,200 square foot new building that would include a police station, a police command center headquarters, a fire station, and parking to support all three uses and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.
4. **Forensic Science Center:** This project would include acquisition (lease with an option to purchase the property) and the construction of a new facility of approximately 260,000 square feet, sufficient to co-locate the Office of Chief Medical Examiner and the police

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

The three specific projects identified above and proposed to be funded with the bond funds are not analyzed in this Referral. Project-level General Plan Referral applications have been separately submitted to the Planning Department regarding the Auxiliary Water Supply System (AWSS) seismic upgrades (Case No. 2009.0568R), the Public Safety Building (Case No. 2009.1136R); and the Forensic Science Center (Case No. 2010.0001R). The Planning Department has found these projects to be in conformity with the General Plan. This referral addresses the remaining funding of the ESER Bond (Critical Facilities and Infrastructure). Future identified projects that are developed with these bond funds will require individual project-level General Plan Referrals as appropriate per Section 4.105 of the San Francisco Charter and Section 2A.53 of the Administrative Code. Future identified projects may also require Environmental Review and other discretionary actions by the Planning Department.

When specific project(s) are designed for the Critical Facilities and Infrastructure portion of the bond, the Department of Public Works (or other sponsoring Department) should submit a General Plan Referral application on the specific project(s) to the Planning Department, prior to consideration of and approval of individual projects. We request that the sponsoring City Departments confer with the Planning Department to determine whether individual projects funded by the G.O. Bond are subject to a General Plan Referral, Environmental Review, or other discretionary action by the Planning Department. Any required General Plan Referral applications should be submitted early in the approval process, providing adequate time for Department review, consistent with Section 2A.53 of the Administrative Code.

### Environmental Review

The Major Environmental Analysis Division of the Planning Department has determined that the Critical Facilities and Infrastructure portion of the bond measure is Not a Project according to CEQA Section 21065 and CEQA Guidelines Sections 15060(c)(3) and 15378(b). This is because this component does not involve any sufficiently specific activity that would result in a physical change to the environment but instead involves the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." The use of these ESER Bond proceeds in the future to finance any individual projects or portion of any project will be subject to CEQA review prior to City approval of such projects.

### Planning Code Section 101.1 Policies

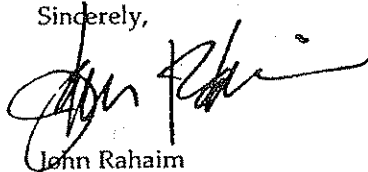
The proposed ESER Bond has been reviewed for consistency with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are included as Attachment 2.

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

The proposed ESER Bond is, on balance, in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require additional project-level General Plan referrals and Environmental Review.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Adam Varat of my staff at 558-6405. Thank you.

Sincerely,



John Rahaim  
Director of Planning

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

Attachments

1. Earthquake Safety and Emergency Response Bond Project Description
2. Eight Priority Policies Findings- Planning Code Section 101.1
3. General Plan case report

## Attachment 2

### Planning Code Section 101.1(b) Findings

Planning Code Section 101.1(b) establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this General Plan Referral application are consistent / inconsistent with each of these policies as follows:

1. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced

*This project does not affect existing neighborhood-serving retail uses or future opportunities for resident employment in and ownership of such businesses.*

2. That Existing Housing And Neighborhood Character Be Conserved And Protected In Order To Preserve The Cultural And Economic Diversity Of Our Neighborhoods

*This project does not affect existing housing or neighborhood character*

3. That The City's Supply Of Affordable Housing Be Preserved And Enhanced

*This project does not affect the city's supply of affordable housing.*

4. That Commuter Traffic Not Impede Muni Transit Service Or Overburden Our Streets Or Neighborhood Parking

*This project would have a minimal effect on Muni transit service due to increased ridership from people using the new public buildings.*

5. That A Diverse Economic Base Be Maintained By Protecting Our Industrial And Service Sectors From Displacement Due To Commercial Office Development, and That Future Opportunities for Resident Employment and Ownership in These Sectors Be Enhanced

*This project does not affect industrial and service sector employment. The project would likely result in new jobs in the construction and building sectors.*

6. That The City Achieve the Greatest Possible Preparedness to Protect Against Injury And Loss of Life in an Earthquake



Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

*This project would make seismic improvements to existing infrastructure and would create new public safety buildings in accordance with applicable building codes; hence, the project would improve preparedness for earthquakes.*

7. That Landmarks And Historic Buildings Be Preserved

*This project does not affect landmarks and historic buildings..*

8. That Our Parks And Open Space And Their Access To Sunlight And Vistas Be Protected From Development

*This project does not affect parks and open space.*

### Attachment 3

## GENERAL PLAN REFERRAL - Case Report

Case Number: 2009.1152 R  
Earthquake Safety and Emergency Response Bond

**Location, Description:** This General Plan Referral regards a proposal by the Department of Public Works to place a bond measure on the June 2010 ballot to enhance earthquake safety and emergency response. The bond measure would provide funding for projects including Auxiliary Water Supply System (AWSS) seismic upgrades, Critical Facilities and Infrastructure, a Public Safety Building, and a Forensic Science Center.

Staff Reviewer: Adam Varat

Date: January 7, 2010

General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

### *Community Safety Element*

#### OBJECTIVE 1

**IMPROVE THE COORDINATION OF CITY PROGRAMS THAT MITIGATE PHYSICAL HAZARDS, HELP INDIVIDUALS AND ORGANIZATIONS PREPARE FOR AND RESPOND TO DISASTERS, AND RECOVER FROM THE IMPACTS OF DISASTERS**

#### POLICY 1.1

**Improve the coordination of disaster-related programs within City departments.**

*Discussion: The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, which would enable greater coordination of the City's emergency services.*

#### OBJECTIVE 2

**REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.**

#### POLICY 2.1

*Assure that new construction meets current structural and life safety standards.*

#### POLICY 2.7

*Abate structural and non-structural hazards in City-owned structures.*

#### POLICY 2.10

*Identify and replace vulnerable and critical lifelines in high-risk areas.*

The Water Department and the Department of Public Works have ongoing programs to replace vulnerable water mains and sewers and to improve performance of the systems during earthquakes by including system segmentation, safety shut-off systems and redundant back-up systems or other methods of reducing damage and providing alternative sources of service. Pacific Gas and Electricity has an ongoing program, with the goal of reducing the vulnerability of the regional gas and electric networks to earthquakes by the year 2000. Caltrans has bridge and highway retrofit programs underway. Lifeline work may present opportunities to coordinate construction activities. If coordination is possible, it should be vigorously pursued.

*Discussion: The proposed bond measure would provide funding for seismic upgrades to the City's critical water infrastructure.*

### OBJECTIVE 3

**ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM DISASTERS THROUGH EFFECTIVE EMERGENCY RESPONSE. PROVIDE PUBLIC EDUCATION AND TRAINING ABOUT EARTHQUAKES AND OTHER NATURAL DISASTERS AND HOW INDIVIDUALS, BUSINESSES AND COMMUNITIES CAN REDUCE THE IMPACTS OF DISASTERS.**

### POLICY 3.6

*Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.*

*Discussion: The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, thereby improving the City's fire prevention and fire fighting capability and assuring an adequate water supply to fight fires.*

## ***Environmental Protection Element***

### OBJECTIVE 5

**ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**

### POLICY 5.5

*Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.*

The Fire Department maintains and operates the Auxiliary Water Supply System (AWSS), a water storage and distribution network that supplements the hydrants connected to the regular water distribution lines. The AWSS presently serves those areas of San Francisco most intensively developed. A recent public referendum authorized a bond issue to extend this system to the remainder of the city, and to modernize certain of its components. Recommendations to remedy system deficiencies should be implemented as soon as is feasible.

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

It is incumbent upon the City and County of San Francisco to undertake long-term planning for emergency preparedness. Planned expansions and improvements to the AWSS would improve the City's preparedness to meet potential fire disasters.

*Discussion:* The proposed bond measure would provide funding for seismic upgrades to the City's Auxiliary Water Supply System (AWSS).

## ***Community Facilities Element***

### **OBJECTIVE 1**

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

#### ***POLICY 1.1***

*Locate police functions that are best conducted on a centralized basis in a police headquarters building.*

#### ***POLICY 1.3***

*Enhance closer police/community interaction through the decentralization of police services that need not be centralized.*

#### ***POLICY 1.7***

*Combine police facilities with other public uses whenever multi-use facilities support planning goals, fulfill neighborhood needs, and meet police service needs.*

*Discussion:* The proposed bond measure would provide funding seismic upgrades and new infrastructure for public safety and emergency services, which would enhance the performance and efficiency of public safety agencies.

In summary, the proposed ESER Bond is, on balance, in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require project-level General Plan referrals and Environmental Review.

## Project Description for The Earthquake Safety and Emergency Response Bond

The Earthquake Safety and Emergency Response Bond will provide funding to construct, improve and rehabilitate facilities in San Francisco that provide for public safety and emergency response.

"SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND, 2010. To safeguard and enhance San Francisco's earthquake safety and emergency responsiveness by constructing, acquiring, improving and retrofitting critical San Francisco facilities and infrastructure, including but not limited to the water system for firefighting, neighborhood fire and police stations, police command center, Crime Lab, and Medical Examiner and to pay related costs necessary or convenient for the foregoing purposes."

**The proposed program can be summarized as follows:**

A. **AUXILIARY WATER SUPPLY SYSTEM.** A portion of the Bond shall be allocated to the renovation and seismic upgrading of Auxiliary Water Supply System (the "AWSS"). The proposed project is to improve and seismically upgrade two pump stations, two storage tanks, and the reservoir of the AWSS. The AWSS is dedicated to the suppression of multiple-alarm fires. It provides an additional water supply for the city, exclusively for firefighting and critical to the suppression of large fires occurring as a result of a major earthquake.

The project objectives are to make seismic and operational improvements to the following five AWSS components to preserve capacity and to assure a reliable service life of at least 50 years, unless otherwise noted:

- 1- Twin Peaks Reservoir: Rebuild the reservoir divider wall, repair the reservoir liner, and replace key mechanical equipment;
- 2- Ashbury Tank: Replace the tank and specific mechanical equipment;
- 3- Jones Street Tank: Seismically retrofit the existing concrete tank and replace all piping and mechanical systems;
- 4- Pump Station No.1: Improve the operation and extend the life of the existing pump station; and
- 5- Pump Station No.2: Rebuild the pump station into a modern, state-of-the-art facility within the existing building shell.

CEQA Determination - Negative Declaration 2009.0568E and General Plan Referral 2009.0568R have been issued for this project

B. **CRITICAL FIREFIGHTING FACILITIES AND INFRASTRUCTURE.** A portion of the Bond shall be allocated to the construction, acquisition, improvement, retrofitting and completion of critical facilities and infrastructure for earthquake safety not

otherwise specifically enumerated (in the bond ordinance) including without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels for the water system for firefighting. No specific facilities have been identified and the bond is a financing mechanism for such improvements.

**C. PUBLIC SAFETY BUILDING** A portion of the Bond shall be allocated to construct in Mission Bay (1) a Public Safety Building consisting of a new police department command center, a southern district police station, and a neighborhood fire station in a seismically secure facility to serve Mission Bay to accommodate safety needs in a growing community. The proposed project of approximately 320,200 square feet would include, a police station, a police command center headquarters, a fire station, and parking to support all three and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

**D. FORENSIC SCIENCES CENTER.** A portion of the Bond shall be allocated to acquire the property and the development rights to construct a new seismically secure Forensic Sciences Center in Mission Bay to consolidate the Office of the Chief Medical Examiner and the Police Department's Forensic Services Division. The proposed project is to build a new facility of approximately 260,000 square feet and improve an appropriate area sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

<u>Budget For ESER Bond Elements</u>	
Forensic Sciences Center	238,600,000
Public Safety Building*	236,100,000
Critical Facilities and Infrastructure	130,000,000
<b>AWSS Total</b>	<b>36,400,000</b>
ESER Capital Improvements Total	641,100,000
Bond Oversight	652,070
Bond Financing Costs	10,317,930
<b>BOND TOTAL</b>	<b>652,070,000</b>
* Includes Mission Bay Fire Station	

1/6/2010

Page 2 of 2



# SAN FRANCISCO PLANNING DEPARTMENT

January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

Re: Case No. 2010.0001R  
1600-1670 Owens Street (AB 8709 lot 020)  
Proposed purchase the property at 1600 -1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

Dear Mr. Higuera,

The Department received your request on 10/23/2008 for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The Project is the proposed purchase the property at 1600-1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

## Project Description

The project is pursuant to the Medical Examiner achieving accreditation by the American Board of Forensic Toxicology, as required by California Senate Bill 1623; and the necessity of the San Francisco Police Department's Forensic Science Division to vacate the portion of its operations now located at Building 606 in the Hunters Point Naval Shipyard and the efficiency of consolidating its operations in a single location. The property at 1600-70 Owens Street provides the opportunity to consolidate the Forensic Science Division's operations – now housed both at Building 606 in Hunters Point and at the Hall of Justice – in a single location.

This project would include acquisition and the construction of a new facility of approximately 260,000 square feet, sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

Together, the Medical Examiner and the Forensic Science Division would occupy floors 1 through 6 – approximately 150,000 s.f. – of the 10-story building under a purchase agreement.

[www.sfplanning.org](http://www.sfplanning.org)

G:\DOCUMENTS\Gen Plan referrals\Earthquake Bond\2001.0001R Forensic Science Center +EW FF  
edits doc

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

The proposed purchase action would be, on balance, in conformity with the General Plan, as described in a Case Report (Attachment 1).

The project is located in Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. San Francisco Planning Commission by Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.

The Redevelopment Agency Commission by Resolution No. 199-2000, Resolution No. 163-2005 and Resolution No. 149-2006 approved a Major Phase, Revised Major Phase and Basic Concept and Schematic Design, respectively, for development of Blocks 43-44 in Mission Bay, which area includes 1600 and 1670 Owens Street. The Redevelopment Agency has determined that the proposed Forensic Science Center at 1600-1670 Owens Street is a permitted use at this location in the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

### **Environmental Review**

The Department has determined that the Forensic Sciences Center proposed at 1600 -1670 Owens Street, also known as Parcel 3 and 4 of Blocks 41-43 in the Mission Bay South Redevelopment Plan Area is consistent with previous CEQA Actions. Namely, the Redevelopment Agency Commission by Resolution No. 199-2000 and Resolution No. 163-2005, adopted CEQA Findings and approved a Major Phase and a Revised Major Phase submission for Blocks 41-43, finding the proposed Major Phase development and Revised Major Phase development as within the scope of impacts analyzed in the FSEIR. The Redevelopment Agency Commission by Resolution No. 149-2006 approved a combined basic concept and schematic design for a proposed project containing laboratory, office, retail and ancillary uses, finding the basic concept and schematic design within the scope of the project analyzed in the FSEIR. The Planning Department by this reference incorporates these prior findings and adopts these findings as its own.



Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

**Planning Code Section 101.1 Policies**

The proposed purchase action for the Forensic Science Center has been reviewed for consistency with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are included as Attachment 2.

The proposed ESER Bond is, on balance, in conformity with the General Plan.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Adam Varat of my staff at 558-6405. Thank you.

Sincerely,



John Rahaim

Director of Planning

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

**Attachments:**

1. General Plan Case Report
2. Eight Priority Policies Findings – Planning Code Section 101.1
3. Mission Bay consistency findings

*I:\Citywide\General Plan\General Plan Referrals\2008\2008.1214R 1600 Owens Street Purchase.doc*

Case No. 2008.1214R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

**Attachment 1  
Case Report**

Case No. 2010.0001R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

Staff reviewer: Adam Varat  
Date: 1/07/2010

**General Plan Policy Findings**

Note: General Plan Objectives are in **BOLD CAPS**, and Policies are in **bold font**,  
General Plan text is in regular font, and staff comments are in *italic font*.

**COMMUNITY FACILITIES ELEMENT**

**OBJECTIVE 9**

**ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL  
ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.**

*California Senate Bill 1623 requires that the Medical Examiner achieve accreditation by the American Board of Forensic Toxicology. A move from its current location at the Hall of Justice to a site with the physical amenities of 1600 Owens Street is necessary to receive such accreditation. The San Francisco Police Department's Forensic Science Division must vacate the portion of its operation that is now housed in Building 606 in the Hunters Point Naval Shipyard. The property at 1600 Owens Street accommodates this necessary relocation and allows Forensic Science Division to consolidate its operations at both Building 606 and at the Hall of Justice into a single location.*

The Project is XX in conformity \_\_\_\_\_ not in conformity with the General Plan

Case No. 2008.1214R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

**Attachment 2**  
**Planning Code Section 101.1(b) Priority Policies Findings**

Case No. 2010.0001R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;  
*The Project is not in conflict with this policy.*
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;  
*The Project is not in conflict with this policy.*
3. That the City's supply of affordable housing be preserved and enhanced;  
*The Project is not in conflict with this policy.*
4. That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;  
*The Project is not in conflict with this policy.*
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;  
*The Project is not in conflict with this policy.*
6. That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake.  
*The Project is not in conflict with this policy.*
7. That landmarks and historic buildings be preserved; and  
*The Project is not in conflict with this policy.*
8. That our parks and open space and their access to sunlight and vistas be protected from development.

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

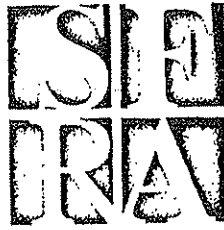
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

*The Project is not in conflict with this policy.*

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Ramon E. Romero, President  
Rick Swig, Vice President  
London Breed  
Linda A. Cheu  
Francee Covington  
Leroy King  
Darshan Singh

Fred Blackwell, Executive Director

December 22, 2009

126-66.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: REVISED Consistency Findings for the acquisition of the property and the developments rights to construct a new facility at 1600 Owens in Mission Bay South Redevelopment Area (Parcel 4 of Blocks 41-43), and the purchase of a tenancy-in-common interest in the 1670 Owens parking garage (Parcel 3 of Blocks 41-43), to allow for the relocation of the Office of Chief Medical Examiner and the Forensic Sciences Division of the San Francisco Police Department

This letter replaces the original consistency findings prepared for this project, dated December 16, 2009.

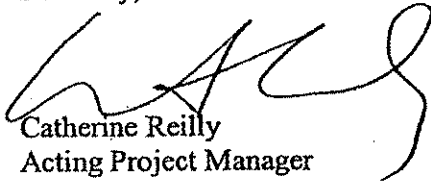
The City and County of San Francisco is proposing to acquire the property and the developments rights to construct a new facility at Parcel 4 of Blocks 41-43 in Mission Bay South to allow for the relocation of the Office of Chief Medical Examiner and Forensic Sciences Division of the San Francisco Police Department to the site. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases. Parking spaces for the building would be located in the existing parking garage located on Parcel 3 of Blocks 41-43 through the purchase of a tenancy-in-common interest in the garage.

The development of Parcel 4 of Blocks 41-43 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Parcel 4 of Blocks 41-43 is within the Commercial Industrial land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "manufacturing" uses, including "medical research and biotechnical research facilities" and "experimental laboratories" are permitted as a principle use, as listed under Section 302.3(A). Based on the description of the proposed uses related to the Office of Chief Medical Examiner and the Forensic Sciences Division, the uses are consistent with a "manufacturing" use and are an allowable use under the Mission Bay South Redevelopment Plan.

In addition, the Option Term Sheet, dated December 11, 2009, for the purchase of 1600 Owens and a portion of 1670 Owens by the City and County of San Francisco specifically states that: the "City acknowledges that among the other items, the Mission Bay Restrictions require payment of ad valorem taxes, potential Community Facility District ("CFD") and other taxes and fees as if the City were an entity not exempt from such taxation." Since the City has agreed to pay taxes as though it were not a tax exempt entity, the purchase of the property by the City would not affect the ability of the San Francisco Redevelopment Agency or the Master Developer, FOCIL-MB, LLC, to implement the Redevelopment Plan, including construction of affordable housing and infrastructure, through the use of funds collected from property and special taxes.

Sincerely,



Catherine Reilly  
Acting Project Manager



# SAN FRANCISCO PLANNING DEPARTMENT

---

January 7, 2010

Mr. John Updike  
Assistant Director of Real Estate  
25 Van Ness Avenue Suite 400  
San Francisco, CA 94102

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Dear Mr. Updike,

We are in receipt of your letter dated December 7<sup>th</sup>, 2009, as revised on December 15, 2009, requesting that the Planning Department consider a General Plan Referral application for a Public Safety Building, proposed for a site located at Third Street and Mission Rock Street (former AB 8720, lot 002, AB 8719, lot 002 (portion) and a portion of the 4<sup>th</sup> Street right-of-way (now vacated). The site is also known as Block 8 of the Mission Bay South Redevelopment Area. The submittal is pursuant to Section 4.105 of the Charter of the City and County of San Francisco and Section 2A.53 of the Administrative code establish requirements for General Plan Referrals to the Planning Department. Use of the site for construction of a Public Safety Building, is, on balance, **in conformity** with the General Plan, as described in the Case Report, included as **Attachment 1**. The Project is also consistent with Planning Code Section 101.1(b) General Plan Priority Policies, included as **Attachment 2**.

The property, approximately 66,000 square feet in size, is owned by the City and County of San Francisco. The proposed Public Safety Building will include a new Police Department (SFPD) Headquarters facility, a District Police Station a Fire Station, parking and other accessory uses. When constructed, the Police Department Headquarters and District Police Station uses will be relocated to the site from the Hall of Justice (HOJ) at 850 Bryant Street. The Mission Bay Land Use Plan, designates the land use for the subject property as "Public Facilities (School, Police & Fire). The proposed Public Safety Building containing Police and Fire Department facilities would be a permitted use at the subject site.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## PREVIOUS ACTIONS RELATED TO THIS PROJECT

The project site is located in the Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. The Planning Commission certified the Final Environmental Impact Report for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR by Planning Commission Res. 14696 on 9/17/1998.
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.
5. The Mission Bay Land Use Plan, as set forth in the Mission Bay South Redevelopment Plan, designates the referenced project site for Public Land Uses, including Schools, Police and Fire facilities land uses.
6. The Redevelopment Agency has determined that the police and fire station uses and accessory uses are permitted uses at the Block 8 of the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

## ENVIRONMENTAL REVIEW

The Major Environmental Analysis section of the Planning Department completed Environmental Review of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR). The review included analysis of regulatory and physical aspects of the Plan, including: the vacation of public rights-of-way, property acquisition, acceptance of



offers of dedication of land for road rights-of-way, and acceptance of offers of Dedication of horizontal improvements (street and public rights-of-way), among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the FSEIR (Planning Case No. 1996.771E);
- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.

On October 19, 1998, the Board of Supervisors, by Resolution No. 854-98, adopted CEQA findings, including a statement of overriding considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay MMRP") in support of various approval actions taken by the Board to implement the Mission Bay Redevelopment Plans.

The Redevelopment Agency has issued several addenda to the FSEIR to address various issues and most recently issued Addendum No. 7 to address the location of the Public Safety Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is within the scope of the project analyzed in the FSEIR and will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the Mission Bay

The Planning Department has reviewed and considered the CEQA Findings and statement of overriding considerations previously adopted by the Planning Commission, and the Board of Supervisors, and reviewed and considered the above-referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA Findings contained in Addendum No. 7 and hereby adopts the CEQA Findings as its own. The Planning Department additionally finds that implementation of the Public Safety Building in Mission Bay (1) does not require major revisions in the FSEIR 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 analyzed in the FSEIR will be undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no new information of substantial importance to the project analyzed in the FSEIR has become available which would indicate that (i) the Public Safety Building will have significant effects not discussed in

the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

#### GENERAL PLAN REFERRAL FINDINGS SUMMARY

In summary, the program for a Public Safety Building at the subject site is, on balance, in conformity with the General Plan, as described in the attached Case Report, included as Attachment 1. The project is also consistent with Planning Code Section 101.1 policies, included as Attachment 2.

Sincerely,



John Rahaim  
Director of Planning

Attachments –

1. Case Report
2. Planning Code Section 101(b) Priority Policies
3. SFRA letter regarding project consistency with the Mission Bay Redevelopment Plan

cc Ed Reiskin, Director, DPW  
Charles Higuera, DPW  
S. Shotland, PD  
Elaine Warren, City Attorney

I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock Street - Miss Bay 12\_29\_09.doc

## CASE REPORT

Attachment 1

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Staff Review: Stephen Shotland

DATE: January 7, 2010

Note: General Plan OBJECTIVES in **Bold CAPS**, General Plan Policies and text are in **bold font**;  
text is in regular font; Staff Comments in *italic font*

### COMMUNITY FACILITIES ELEMENT

#### OBJECTIVE 1

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

##### POLICY 1.1

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

##### POLICY 1.2

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**

##### POLICY 1.6

DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT.



**POLICE FACILITIES PLAN**

**Map 1**

- General Grouping Of Related Neighborhoods
- ⋯ Neighborhood Edges And Barriers To Movement
- Major Arterials That Define Neighborhoods
- ▨ Recommended 9 District Grouping Of Related Neighborhoods

**POLICY 1.1**

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as

administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

**POLICY 1.2**

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**

**POLICY 1.6**

**DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT**

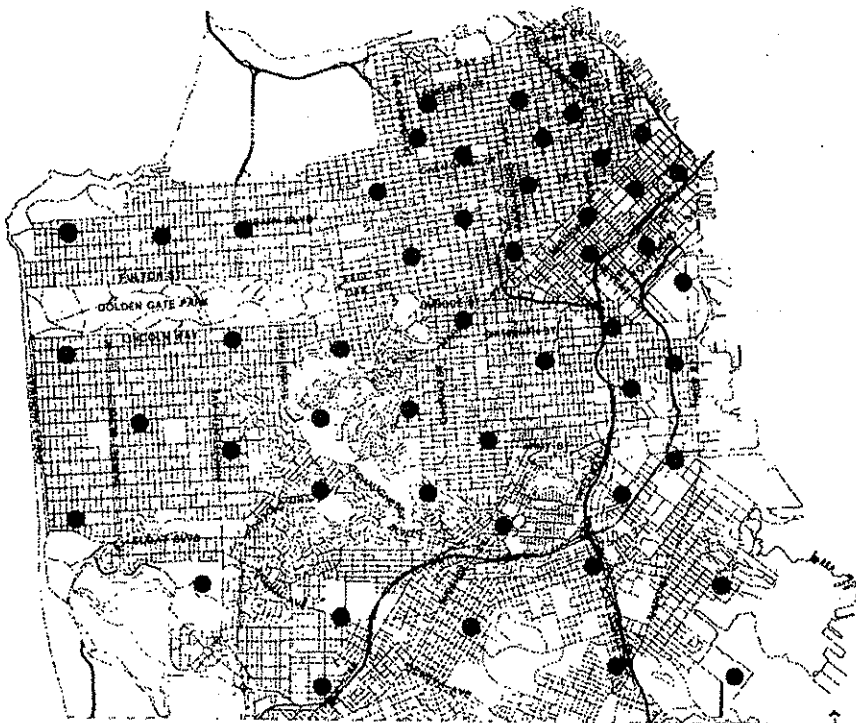
**POLICY 1.7**

**COMBINE POLICE FACILITIES WITH OTHER PUBLIC USES WHENEVER MULTIPLE-USE FACILITIES SUPPORT PLANNING GOALS, FULFILL NEIGHBORHOOD NEEDS, AND MEET POLICE SERVICE NEEDS.**

*Comment: The Public Safety Building will be designed to incorporate the new SFPD Headquarters Facility and new District Police Station, which will replace facilities currently located at the Hall of Justice. The site will also house a new Fire Station. The new facility will serve the newly developing Mission Bay District, as well as other neighborhoods.*

**OBJECTIVE 5**

**DEVELOPMENT OF A SYSTEM OF FIREHOUSES WHICH WILL MEET THE OPERATING REQUIREMENTS OF THE FIRE DEPARTMENT IN PROVIDING FIRE PROTECTION SERVICES AND WHICH WILL BE IN HARMONY WITH RELATED PUBLIC SERVICE FACILITIES AND WITH ALL OTHER FEATURES AND FACILITIES OF LAND DEVELOPMENT AND TRANSPORTATION PROVIDED FOR OTHER SECTIONS OF THE GENERAL PLAN.**



**FIRE FACILITIES PLAN**

Map 2

● Fire Facilities

## HOUSING ELEMENT

### Objective 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

### Policy 11.2

Ensure housing is provided with adequate public improvements, services and amenities.

*Comment: The Project calls for funding and future construction of a Public Services Building, which will include space for the San Francisco Police Department Headquarters Facility, a District Police Station and a Fire Station. The proposed project will provide necessary public services to protect residents in Mission Bay South Redevelopment Area and other City. Funding the project and the proposed land use are consistent with the Land Use Plan contained in the Mission Bay South Redevelopment Plan as revised, a mixed-use development that incorporates housing commercial and institutional uses, among other uses. Plans for the new facility will be subject to review and approval by City Departments which will include the Planning Department and the Redevelopment Agency.*

**Note:** This General Plan Referral finding is limited to the location and land use for the proposed Public Safety Building; the project's design has not been reviewed. Prior to implementing the project, the facility design may be subject to other City review and approvals.

On balance, the Project is, on balance,  X  in conformity \_\_\_\_\_ not in conformity with the General Plan.

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third Street and Mission Rock Street, Former AB 8720, lot 002, AB 8719, lot 002 portion and portion of (vacated) 4<sup>th</sup> Street right-of-way, also known as Block 8 of the Mission Bay South Redevelopment Area

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would implement policies and plans contained in the Mission Bay South Redevelopment Plan, which was found consistent with the General Plan. The project would not affect the level of neighborhood serving retail.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project considered would have no adverse effect on existing housing and neighborhood character.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The Project in itself would have no adverse effect on the City's supply of affordable housing.*

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.*

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not adversely affect a diverse economic base.*



(6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project, would not adversely affect City preparedness against injury or loss of life in an earthquake. The proposed facility would be constructed meeting all applicable building and safety codes.*

(7) That landmarks and historic buildings be preserved.

*The project proposes the adaptive reuse of a historic resource, Fire Station #30. The project sponsor would be required to implement mitigation measures relating to the reuse of Fire Station #30, including hiring an architect that meets the Secretary of the Interior's Professional Qualification Standards, and review and approval by San Francisco Planning Department preservation staff for concurrence that the project conforms to the Secretary of the Interior's guidelines for rehabilitation. As a result, the project would not negatively affect landmarks and historic buildings. Once project designs are developed, they would require additional review and approvals.*

(8) That our parks and open space and their access to sunlight and vistas be protected from development.

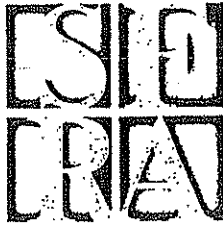
*The Project would not adversely affect parks and open space and their access to sunlight and vistas.*

*I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock Street - Miss Bay 12\_29\_09.doc*

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, Acting President  
London Breed  
Frances Covington  
Leroy King  
Darshan Singh

Fred Blackwell, Executive Director

December 16, 2009

126-061.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: Consistency Findings for the Location of the Headquarters of the San Francisco Police Department on Block 8 in Mission Bay South Redevelopment Area

Block 8, as identified in the Mission Bay South Redevelopment Plan, has been identified as the future site for a new police and fire station. In addition to the police and fire station, the City of San Francisco is proposing to relocate the Headquarters of the San Francisco Police Department to Block 8.

The proposed project would consist of approximately 265,000 square feet, plus the option of an additional underground parking level, and would include, a police station, a police command center headquarters, a fire station, and parking to support all three uses and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

The development of Block 8 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Block 8 is within the Mission Bay South Public Facility land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "fire/police station" uses and "other public structure or uses" are permitted as a principle use, as listed under Section 302.6. Based on the description of the proposed use, the use is consistent with the Mission Bay South Public Facility land use district and is an allowable use under the Mission Bay South Redevelopment Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reilly', is written over a large, faint, stylized signature that is mostly illegible.

Catherine Reilly  
Acting Project Manager

### Attachment 3

## GENERAL PLAN REFERRAL - Case Report

Case Number: 2009.1152 R  
Earthquake Safety and Emergency Response Bond

**Location, Description:** This General Plan Referral regards a proposal by the Department of Public Works to place a bond measure on the June 2010 ballot to enhance earthquake safety and emergency response. The bond measure would provide funding for projects including Auxiliary Water Supply System (AWSS) seismic upgrades, Critical Facilities and Infrastructure, a Public Safety Building, and a Forensic Science Center.

Staff Reviewer: Adam Varat

Date: January 7, 2010

General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

### *Community Safety Element*

#### OBJECTIVE 1

**IMPROVE THE COORDINATION OF CITY PROGRAMS THAT MITIGATE PHYSICAL HAZARDS, HELP INDIVIDUALS AND ORGANIZATIONS PREPARE FOR AND RESPOND TO DISASTERS, AND RECOVER FROM THE IMPACTS OF DISASTERS**

#### POLICY 1.1

**Improve the coordination of disaster-related programs within City departments.**

*Discussion: The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, which would enable greater coordination of the City's emergency services.*

#### OBJECTIVE 2

**REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.**

#### POLICY 2.1

*Assure that new construction meets current structural and life safety standards.*

#### POLICY 2.7

*Abate structural and non-structural hazards in City-owned structures.*

#### POLICY 2.10

*Identify and replace vulnerable and critical lifelines in high-risk areas.*

The Water Department and the Department of Public Works have ongoing programs to replace vulnerable water mains and sewers and to improve performance of the systems during earthquakes by including system segmentation, safety shut-off systems and redundant back-up systems or other methods of reducing damage and providing alternative sources of service. Pacific Gas and Electricity has an ongoing program, with the goal of reducing the vulnerability of the regional gas and electric networks to earthquakes by the year 2000. Caltrans has bridge and highway retrofit programs underway. Lifeline work may present opportunities to coordinate construction activities. If coordination is possible, it should be vigorously pursued.

*Discussion:* The proposed bond measure would provide funding for seismic upgrades to the City's critical water infrastructure.

### OBJECTIVE 3

**ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM DISASTERS THROUGH EFFECTIVE EMERGENCY RESPONSE. PROVIDE PUBLIC EDUCATION AND TRAINING ABOUT EARTHQUAKES AND OTHER NATURAL DISASTERS AND HOW INDIVIDUALS, BUSINESSES AND COMMUNITIES CAN REDUCE THE IMPACTS OF DISASTERS.**

#### POLICY 3.6

*Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.*

*Discussion:* The proposed bond measure would provide funding for seismic upgrades and new infrastructure for public safety and emergency services, thereby improving the City's fire prevention and fire fighting capability and assuring an adequate water supply to fight fires.

## ***Environmental Protection Element***

### OBJECTIVE 5

**ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**

#### POLICY 5.5

*Improve and extend the Auxiliary Water Supply system of the Fire Department for more effective fire fighting.*

The Fire Department maintains and operates the Auxiliary Water Supply System (AWSS), a water storage and distribution network that supplements the hydrants connected to the regular water distribution lines. The AWSS presently serves those areas of San Francisco most intensively developed. A recent public referendum authorized a bond issue to extend this system to the remainder of the city, and to modernize certain of its components. Recommendations to remedy system deficiencies should be implemented as soon as is feasible.

Mr. Charles Higuera  
Case No. 2009.1152R  
Earthquake Safety and Emergency Repair Bond

It is incumbent upon the City and County of San Francisco to undertake long-term planning for emergency preparedness. Planned expansions and improvements to the AWSS would improve the City's preparedness to meet potential fire disasters.

*Discussion:* The proposed bond measure would provide funding for seismic upgrades to the City's Auxiliary Water Supply System (AWSS).

## ***Community Facilities Element***

### **OBJECTIVE 1**

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

#### **POLICY 1.1**

*Locate police functions that are best conducted on a centralized basis in a police headquarters building.*

#### **POLICY 1.3**

*Enhance closer police/community interaction through the decentralization of police services that need not be centralized.*

#### **POLICY 1.7**

*Combine police facilities with other public uses whenever multi-use facilities support planning goals, fulfill neighborhood needs, and meet police service needs.*

*Discussion:* The proposed bond measure would provide funding seismic upgrades and new infrastructure for public safety and emergency services, which would enhance the performance and efficiency of public safety agencies.

In summary, the proposed ESER Bond is, on balance, in conformity with the General Plan. However, individual projects for the Critical Facilities and Infrastructure portion of the bond will require project-level General Plan referrals and Environmental Review.

## Project Description for The Earthquake Safety and Emergency Response Bond

The Earthquake Safety and Emergency Response Bond will provide funding to construct, improve and rehabilitate facilities in San Francisco that provide for public safety and emergency response.

"SAN FRANCISCO EARTHQUAKE SAFETY AND EMERGENCY RESPONSE BOND, 2010. To safeguard and enhance San Francisco's earthquake safety and emergency responsiveness by constructing, acquiring, improving and retrofitting critical San Francisco facilities and infrastructure, including but not limited to the water system for firefighting, neighborhood fire and police stations, police command center, Crime Lab, and Medical Examiner and to pay related costs necessary or convenient for the foregoing purposes."

**The proposed program can be summarized as follows:**

A. **AUXILIARY WATER SUPPLY SYSTEM.** A portion of the Bond shall be allocated to the renovation and seismic upgrading of Auxiliary Water Supply System (the "AWSS"). The proposed project is to improve and seismically upgrade two pump stations, two storage tanks, and the reservoir of the AWSS. The AWSS is dedicated to the suppression of multiple-alarm fires. It provides an additional water supply for the city, exclusively for firefighting and critical to the suppression of large fires occurring as a result of a major earthquake.

The project objectives are to make seismic and operational improvements to the following five AWSS components to preserve capacity and to assure a reliable service life of at least 50 years, unless otherwise noted:

- 1- Twin Peaks Reservoir: Rebuild the reservoir divider wall, repair the reservoir liner, and replace key mechanical equipment;
- 2- Ashbury Tank: Replace the tank and specific mechanical equipment;
- 3- Jones Street Tank: Seismically retrofit the existing concrete tank and replace all piping and mechanical systems;
- 4- Pump Station No.1: Improve the operation and extend the life of the existing pump station; and
- 5- Pump Station No.2: Rebuild the pump station into a modern, state-of-the-art facility within the existing building shell.

CEQA Determination - Negative Declaration 2009.0568E and General Plan Referral 2009.0568R have been issued for this project

B. **CRITICAL FIREFIGHTING FACILITIES AND INFRASTRUCTURE.** A portion of the Bond shall be allocated to the construction, acquisition, improvement, retrofitting and completion of critical facilities and infrastructure for earthquake safety not

otherwise specifically enumerated (in the bond ordinance) including without limitation, neighborhood fire stations, and such facilities as cisterns, pipes and tunnels for the water system for firefighting. No specific facilities have been identified and the bond is a financing mechanism for such improvements.

**C. PUBLIC SAFETY BUILDING** A portion of the Bond shall be allocated to construct in Mission Bay (1) a Public Safety Building consisting of a new police department command center, a southern district police station, and a neighborhood fire station in a seismically secure facility to serve Mission Bay to accommodate safety needs in a growing community. The proposed project of approximately 320,200 square feet would include, a police station, a police command center headquarters, a fire station, and parking to support all three and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

**D. FORENSIC SCIENCES CENTER.** A portion of the Bond shall be allocated to acquire the property and the development rights to construct a new seismically secure Forensic Sciences Center in Mission Bay to consolidate the Office of the Chief Medical Examiner and the Police Department's Forensic Services Division. The proposed project is to build a new facility of approximately 260,000 square feet and improve an appropriate area sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

<u>Budget For ESER Bond Elements</u>	
Forensic Sciences Center	238,600,000
Public Safety Building*	236,100,000
Critical Facilities and Infrastructure	130,000,000
<b>AWSS Total</b>	<b>36,400,000</b>
ESER Capital Improvements Total	641,100,000
Bond Oversight	652,070
Bond Financing Costs	10,317,930
<b>BOND TOTAL</b>	<b>652,070,000</b>
* Includes Mission Bay Fire Station	





# SAN FRANCISCO PLANNING DEPARTMENT

January 7, 2010

Mr. Charles Higuera  
Department of Public Works  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102

Re: **Case No. 2010.0001R**  
1600-1670 Owens Street (AB 8709 lot 020)  
Proposed purchase the property at 1600 -1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

Dear Mr. Higuera,

The Department received your request on 10/23/2008 for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The Project is the proposed purchase the property at 1600-1670 Owens Street in Mission Bay for use by the Office of the Chief Medical Examiner and the Forensic Science Division of the San Francisco Police Department.

## Project Description

The project is pursuant to the Medical Examiner achieving accreditation by the American Board of Forensic Toxicology, as required by California Senate Bill 1623; and the necessity of the San Francisco Police Department's Forensic Science Division to vacate the portion of its operations now located at Building 606 in the Hunters Point Naval Shipyard and the efficiency of consolidating its operations in a single location. The property at 1600-70 Owens Street provides the opportunity to consolidate the Forensic Science Division's operations – now housed both at Building 606 in Hunters Point and at the Hall of Justice – in a single location.

This project would include acquisition and the construction of a new facility of approximately 260,000 square feet, sufficient to co-locate the Office of Chief Medical Examiner and the police Forensic Services Division. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases.

Together, the Medical Examiner and the Forensic Science Division would occupy floors 1 through 6 – approximately 150,000 s.f. – of the 10-story building under a purchase agreement.

[www.sfplanning.org](http://www.sfplanning.org)

G:\DOCUMENTS\Gen Plan referrals\Earthquake Bond\2001.0001R Forensic Science Center +EW FF  
edlits doc

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

The proposed purchase action would be, on balance, in conformity with the General Plan, as described in a Case Report (Attachment 1).

The project is located in Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. San Francisco Planning Commission by Resolution No. 14696 certified the Final Subsequent Environmental Impact Report for the Mission Bay North and South Redevelopment Plans ("FSEIR"). On October 19, 1998
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.

The Redevelopment Agency Commission by Resolution No. 199-2000, Resolution No. 163-2005 and Resolution No. 149-2006 approved a Major Phase, Revised Major Phase and Basic Concept and Schematic Design, respectively, for development of Blocks 43-44 in Mission Bay, which area includes 1600 and 1670 Owens Street. The Redevelopment Agency has determined that the proposed Forensic Science Center at 1600-1670 Owens Street is a permitted use at this location in the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

### **Environmental Review**

The Department has determined that the Forensic Sciences Center proposed at 1600-1670 Owens Street, also known as Parcel 3 and 4 of Blocks 41-43 in the Mission Bay South Redevelopment Plan Area is consistent with previous CEQA Actions. Namely, the Redevelopment Agency Commission by Resolution No. 199-2000 and Resolution No. 163-2005, adopted CEQA Findings and approved a Major Phase and a Revised Major Phase submission for Blocks 41-43, finding the proposed Major Phase development and Revised Major Phase development as within the scope of impacts analyzed in the FSEIR. The Redevelopment Agency Commission by Resolution No. 149-2006 approved a combined basic concept and schematic design for a proposed project containing laboratory, office, retail and ancillary uses, finding the basic concept and schematic design within the scope of the project analyzed in the FSEIR. The Planning Department by this reference incorporates these prior findings and adopts these findings as its own.

Case No. 2008.1214R  
1600 Owens Street (AB 8709 Lot 020)  
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science  
Division

**Planning Code Section 101.1 Policies**

The proposed purchase action for the Forensic Science Center has been reviewed for consistency with the Eight Priority Policies of the Planning Code Section 101.1 and the findings are included as Attachment 2.

The proposed ESER Bond is, on balance, in conformity with the General Plan.

If you have any questions, please feel to contact me at 558-6411, or have your staff call Adam Varat of my staff at 558-6405. Thank you.

Sincerely,



John Rahaim  
Director of Planning

cc: Charles Higuera, Department of Public Works  
Elaine Warren, City Attorney  
Stephen Shotland, Planning Department  
Adam Varat, Planning Department

**Attachments:**

1. General Plan Case Report
2. Eight Priority Policies Findings – Planning Code Section 101.1
3. Mission Bay consistency findings

*I:\Citywide\General Plan\General Plan Referrals\2008\2008.1214R 1600 Owens Street Purchase.doc*

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

**Attachment 1**

**Case Report**

Case No. 2010.0001R

1600 Owens Street (AB 8709 Lot 020)

Proposed Purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

Staff reviewer: Adam Varat

Date: 1/07/2010

**General Plan Policy Findings**

Note: General Plan Objectives are in **BOLD CAPS**, and Policies are in **bold font**, General Plan text is in regular font, and staff comments are in *italic font*.

**COMMUNITY FACILITIES ELEMENT**

**OBJECTIVE 9**

**ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.**

*California Senate Bill 1623 requires that the Medical Examiner achieve accreditation by the American Board of Forensic Toxicology. A move from its current location at the Hall of Justice to a site with the physical amenities of 1600 Owens Street is necessary to receive such accreditation. The San Francisco Police Department's Forensic Science Division must vacate the portion of its operation that is now housed in Building 606 in the Hunters Point Naval Shipyard. The property at 1600 Owens Street accommodates this necessary relocation and allows Forensic Science Division to consolidate its operations at both Building 606 and at the Hall of Justice into a single location.*

The Project is XX in conformity \_\_\_\_\_ not in conformity with the General Plan

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

**Attachment 2**

**Planning Code Section 101.1(b) Priority Policies Findings**

**Case No. 2010.0001R**

1600 Owens Street (AB 8709 Lot 020)

Proposed purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;  
*The Project is not in conflict with this policy.*
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;  
*The Project is not in conflict with this policy.*
3. That the City's supply of affordable housing be preserved and enhanced;  
*The Project is not in conflict with this policy.*
4. That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;  
*The Project is not in conflict with this policy.*
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;  
*The Project is not in conflict with this policy.*
6. That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake.  
*The Project is not in conflict with this policy.*
7. That landmarks and historic buildings be preserved; and  
*The Project is not in conflict with this policy.*
8. That our parks and open space and their access to sunlight and vistas be protected from development.

Case No. 2008.1214R

1600 Owens Street (AB 8709 Lot 020)

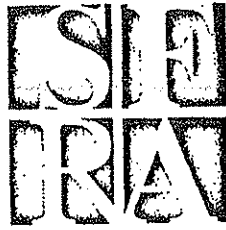
Proposed Lease to purchase of Property for Office of the Medical Examiner and the SFPD Forensic Science Division

*The Project is not in conflict with this policy.*

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Ramon E. Romero, President  
Rick Swig, Vice President  
London Breed  
Linda A. Cheu  
Francee Covington  
Leroy King  
Darshan Singh

Fred Blackwell, Executive Director

December 22, 2009

126-66.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: REVISED Consistency Findings for the acquisition of the property and the developments rights to construct a new facility at 1600 Owens in Mission Bay South Redevelopment Area (Parcel 4 of Blocks 41-43), and the purchase of a tenancy-in-common interest in the 1670 Owens parking garage (Parcel 3 of Blocks 41-43), to allow for the relocation of the Office of Chief Medical Examiner and the Forensic Sciences Division of the San Francisco Police Department

This letter replaces the original consistency findings prepared for this project, dated December 16, 2009.

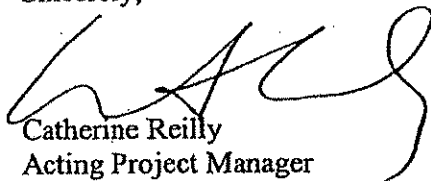
The City and County of San Francisco is proposing to acquire the property and the developments rights to construct a new facility at Parcel 4 of Blocks 41-43 in Mission Bay South to allow for the relocation of the Office of Chief Medical Examiner and Forensic Sciences Division of the San Francisco Police Department to the site. These city agencies are respectively involved with the investigation of deaths and crime incidents, and frequently coordinate and collaborate on cross-over cases. Parking spaces for the building would be located in the existing parking garage located on Parcel 3 of Blocks 41-43 through the purchase of a tenancy-in-common interest in the garage.

The development of Parcel 4 of Blocks 41-43 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Parcel 4 of Blocks 41-43 is within the Commercial Industrial land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "manufacturing" uses, including "medical research and biotechnical research facilities" and "experimental laboratories" are permitted as a principle use, as listed under Section 302.3(A). Based on the description of the proposed uses related to the Office of Chief Medical Examiner and the Forensic Sciences Division, the uses are consistent with a "manufacturing" use and are an allowable use under the Mission Bay South Redevelopment Plan.

In addition, the Option Term Sheet, dated December 11, 2009, for the purchase of 1600 Owens and a portion of 1670 Owens by the City and County of San Francisco specifically states that: the "City acknowledges that among the other items, the Mission Bay Restrictions require payment of ad valorem taxes, potential Community Facility District ("CFD") and other taxes and fees as if the City were an entity not exempt from such taxation." Since the City has agreed to pay taxes as though it were not a tax exempt entity, the purchase of the property by the City would not affect the ability of the San Francisco Redevelopment Agency or the Master Developer, FOCIL-MB, LLC, to implement the Redevelopment Plan, including construction of affordable housing and infrastructure, through the use of funds collected from property and special taxes.

Sincerely,



Catherine Reilly  
Acting Project Manager





# SAN FRANCISCO PLANNING DEPARTMENT

---

January 7, 2010

Mr. John Updike  
Assistant Director of Real Estate  
25 Van Ness Avenue Suite 400  
San Francisco, CA 94102

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Dear Mr. Updike,

We are in receipt of your letter dated December 7<sup>th</sup>, 2009, as revised on December 15, 2009, requesting that the Planning Department consider a General Plan Referral application for a Public Safety Building, proposed for a site located at Third Street and Mission Rock Street (former AB 8720, lot 002, AB 8719, lot 002 (portion) and a portion of the 4<sup>th</sup> Street right-of-way (now vacated). The site is also known as Block 8 of the Mission Bay South Redevelopment Area. The submittal is pursuant to Section 4.105 of the Charter of the City and County of San Francisco and Section 2A.53 of the Administrative code establish requirements for General Plan Referrals to the Planning Department. Use of the site for construction of a Public Safety Building, is, on balance, in conformity with the General Plan, as described in the Case Report, included as Attachment 1. The Project is also consistent with Planning Code Section 101.1(b) General Plan Priority Policies, included as Attachment 2.

The property, approximately 66,000 square feet in size, is owned by the City and County of San Francisco. The proposed Public Safety Building will include a new Police Department (SFPD) Headquarters facility, a District Police Station a Fire Station, parking and other accessory uses. When constructed, the Police Department Headquarters and District Police Station uses will be relocated to the site from the Hall of Justice (HOJ) at 850 Bryant Street. The Mission Bay Land Use Plan, designates the land use for the subject property as "Public Facilities (School, Police & Fire). The proposed Public Safety Building containing Police and Fire Department facilities would be a permitted use at the subject site.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## PREVIOUS ACTIONS RELATED TO THIS PROJECT

The project site is located in the Mission Bay South Redevelopment Area. Prior to this action, the City and County of San Francisco took several actions related to the Redevelopment Area. They include:

1. The Planning Commission certified the Final Environmental Impact Report for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR by Planning Commission Res. 14696 on 9/17/1998.
2. The Planning Commission Adopted CEQA Findings for the Mission Bay North and South Redevelopment Plans in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14697 on 9/17/1998.
3. The Planning Commission found the Redevelopment Plan for the Mission Bay North and South Redevelopment Plans in conformity with the General Plan, as revised, and consistent with Planning Code Section 101.1, in Planning Case No. 1996.771EMTZR, by Planning Commission Res. 14699 and Res. 14702 on 9/17/1998.
4. The Board of Supervisors approved and adopted the Redevelopment Plan for the Mission Bay South Redevelopment Project on November 2, 1998 by Ordinance No. 335-98.
5. The Mission Bay Land Use Plan, as set forth in the Mission Bay South Redevelopment Plan, designates the referenced project site for Public Land Uses, including Schools, Police and Fire facilities land uses.
6. The Redevelopment Agency has determined that the police and fire station uses and accessory uses are permitted uses at the Block 8 of the Mission Bay South Redevelopment Area. See SFRA letter, Attachment 3.

## ENVIRONMENTAL REVIEW

The Major Environmental Analysis section of the Planning Department completed Environmental Review of the Mission Bay Final Subsequent Environmental Impact Report (FSEIR). The review included analysis of regulatory and physical aspects of the Plan, including: the vacation of public rights-of-way, property acquisition, acceptance of

offers of dedication of land for road rights-of-way, and acceptance of offers of Dedication of horizontal improvements (street and public rights-of-way), among other actions.

The Final Subsequent Environmental Impact Report for Mission Bay (FSEIR) was prepared pursuant to the California Environmental Quality Act and was certified as adequate, accurate and objective in the following actions:

- Redevelopment Commission Resolution No. 182-98 on September 17, 1998;
- Planning Commission Resolution No. 14696 on September 17, 1998, certifying the FSEIR (Planning Case No. 1996.771E);
- Board of Supervisors affirming the Planning Commission's certification by Resolution No. 854-98 on October 19, 1998.

On October 19, 1998, the Board of Supervisors, by Resolution No. 854-98, adopted CEQA findings, including a statement of overriding considerations and a Mission Bay mitigation monitoring and reporting program ("Mission Bay MMRP") in support of various approval actions taken by the Board to implement the Mission Bay Redevelopment Plans.

The Redevelopment Agency has issued several addenda to the FSEIR to address various issues and most recently issued Addendum No. 7 to address the location of the Public Safety Building at Parcel 8; Addendum No. 7 concludes that the proposed Public Safety Building is within the scope of the project analyzed in the FSEIR and will not result in any new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the Mission Bay

The Planning Department has reviewed and considered the CEQA Findings and statement of overriding considerations previously adopted by the Planning Commission, and the Board of Supervisors, and reviewed and considered the above-referenced CEQA Findings of the Redevelopment Agency Commission and the CEQA Findings contained in Addendum No. 7 and hereby adopts the CEQA Findings as its own. The Planning Department additionally finds that implementation of the Public Safety Building in Mission Bay (1) does not require major revisions in the FSEIR 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 analyzed in the FSEIR will be undertaken that would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR, and (3) no new information of substantial importance to the project analyzed in the FSEIR has become available which would indicate that (i) the Public Safety Building will have significant effects not discussed in

the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

#### GENERAL PLAN REFERRAL FINDINGS SUMMARY

In summary, the program for a Public Safety Building at the subject site is, on balance, in conformity with the General Plan, as described in the attached Case Report, included as **Attachment 1**. The project is also consistent with Planning Code Section 101.1 policies, included as **Attachment 2**.

Sincerely,



John Bahaim  
Director of Planning

#### Attachments -

1. Case Report
2. Planning Code Section 101(b) Priority Policies
3. SFRA letter regarding project consistency with the Mission Bay  
Redevelopment Plan

cc Ed Reiskin, Director, DPW  
Charles Higuera, DPW  
S. Shotland, PD  
Elaine Warren, City Attorney

I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock  
Street - Miss Bay 12\_29\_09.doc

## CASE REPORT

Attachment 1

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
Lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Staff Review: Stephen Shotland

DATE: January 7, 2010

Note: General Plan OBJECTIVES in Bold CAPS, General Plan Policies and text are in bold font;  
text is in regular font; Staff Comments in *italic font*

### COMMUNITY FACILITIES ELEMENT

#### OBJECTIVE 1

**DISTRIBUTE, LOCATE, AND DESIGN POLICE FACILITIES IN A MANNER THAT WILL ENHANCE THE EFFECTIVE, EFFICIENT AND RESPONSIVE PERFORMANCE OF POLICE FUNCTIONS.**

#### POLICY 1.1

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

#### POLICY 1.2

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**





#### POLICY 1.6

DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT.



**POLICE FACILITIES PLAN**

**Map 1**

-  General Grouping Of Related Neighborhoods
-  Neighborhood Edges And Barriers To Movement
-  Major Arterials That Define Neighborhoods
-  Recommended 9 District Grouping Of Related Neighborhoods

**POLICY 1.1**

**LOCATE POLICE FUNCTIONS THAT ARE BEST CONDUCTED ON A CENTRALIZED BASIS IN A POLICE HEADQUARTERS BUILDING.**

Effective police service and management require the overall coordination of departmental activities and programs so that all citizens are assured of an equitable level of police service. Such coordination can best be achieved through the centralization of certain key activities. Such as

administration, departmental policy formulation, program planning, manpower and resource allocation, information management, citywide operations and communications control and dispatch, and centralization of police records. Centralization of these functions minimizes administrative activities at the district station level, while maximizing effectiveness by freeing police officers for patrol work and by supporting them with a comprehensive communications and information network.

**POLICY 1.2**

**PROVIDE THE NUMBER OF DISTRICT STATIONS THAT BALANCE SERVICE EFFECTIVENESS WITH COMMUNITY DESIRES FOR NEIGHBORHOOD POLICE FACILITIES.**

**POLICY 1.6**

**DESIGN FACILITIES TO ALLOW FOR FLEXIBILITY, FUTURE EXPANSION, FULL OPERATION IN THE EVENT OF A SEISMIC EMERGENCY AND SECURITY AND SAFETY FOR PERSONNEL, WHILE STILL MAINTAINING AN INVITING APPEARANCE THAT IS IN SCALE WITH NEIGHBORHOOD DEVELOPMENT**

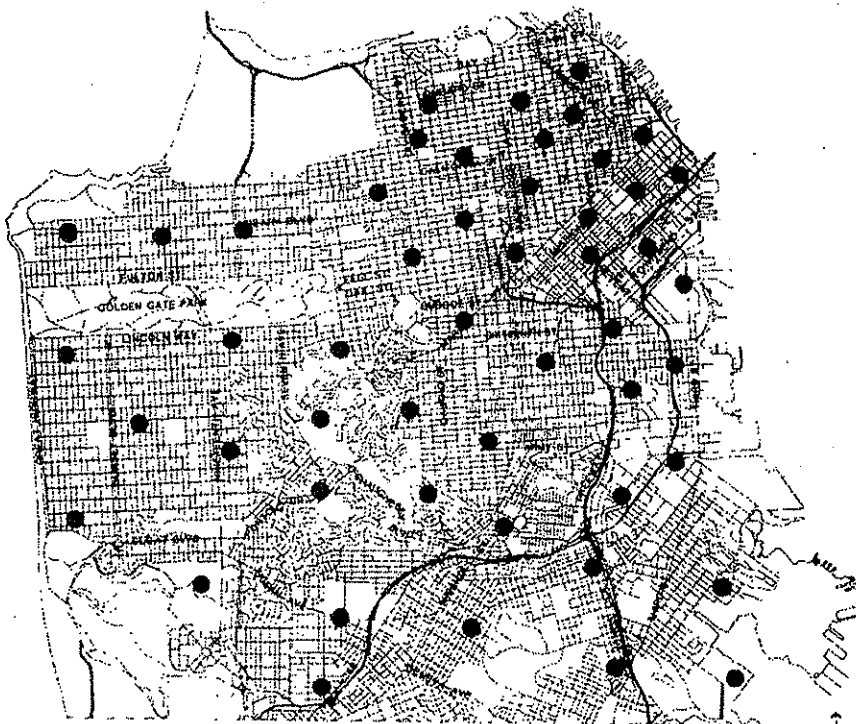
**POLICY 1.7**

**COMBINE POLICE FACILITIES WITH OTHER PUBLIC USES WHENEVER MULTIPLE-USE FACILITIES SUPPORT PLANNING GOALS, FULFILL NEIGHBORHOOD NEEDS, AND MEET POLICE SERVICE NEEDS.**

*Comment: The Public Safety Building will be designed to incorporate the new SFPD Headquarters Facility and new District Police Station, which will replace facilities currently located at the Hall of Justice. The site will also house a new Fire Station. The new facility will serve the newly developing Mission Bay District, as well as other neighborhoods.*

**OBJECTIVE 5**

**DEVELOPMENT OF A SYSTEM OF FIREHOUSES WHICH WILL MEET THE OPERATING REQUIREMENTS OF THE FIRE DEPARTMENT IN PROVIDING FIRE PROTECTION SERVICES AND WHICH WILL BE IN HARMONY WITH RELATED PUBLIC SERVICE FACILITIES AND WITH ALL OTHER FEATURES AND FACILITIES OF LAND DEVELOPMENT AND TRANSPORTATION PROVIDED FOR OTHER SECTIONS OF THE GENERAL PLAN.**



**FIRE FACILITIES PLAN**

1:50000  
**Map 2**

● Fire Facilities



## HOUSING ELEMENT

### Objective 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

### Policy 11.2

Ensure housing is provided with adequate public improvements, services and amenities.

*Comment: The Project calls for funding and future construction of a Public Services Building, which will include space for the San Francisco Police Department Headquarters Facility, a District Police Station and a Fire Station. The proposed project will provide necessary public services to protect residents in Mission Bay South Redevelopment Area and other City. Funding the project and the proposed land use are consistent with the Land Use Plan contained in the Mission Bay South Redevelopment Plan as revised, a mixed-use development that incorporates housing commercial and institutional uses, among other uses. Plans for the new facility will be subject to review and approval by City Departments which will include the Planning Department and the Redevelopment Agency.*

**Note:** This General Plan Referral finding is limited to the location and land use for the proposed Public Safety Building; the project's design has not been reviewed. Prior to implementing the project, the facility design may be subject to other City review and approvals.

On balance, the Project is, on balance,  X  in conformity \_\_\_\_\_ not in conformity with the General Plan.

Re: Case No. 2009.1136R  
Proposed Public Safety Building located at Third  
Street and Mission Rock Street, Former AB 8720,  
lot 002, AB 8719, lot 002 portion and portion of  
(vacated) 4<sup>th</sup> Street right-of-way, also known as  
Block 8 of the Mission Bay South Redevelopment Area

Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of projects for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses. The Project actions considered in this case would implement policies and plans contained in the Mission Bay South Redevelopment Plan, which was found consistent with the General Plan. The project would not affect the level of neighborhood serving retail.*

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project considered would have no adverse effect on existing housing and neighborhood character.*

- (3) That the City's supply of affordable housing be preserved and enhanced.

*The Project in itself would have no adverse effect on the City's supply of affordable housing.*

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not adversely impede MUNI transit service or overburden city streets and neighborhood parking.*

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not adversely affect a diverse economic base.*

(6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project, would not adversely affect City preparedness against injury or loss of life in an earthquake. The proposed facility would be constructed meeting all applicable building and safety codes.*

(7) That landmarks and historic buildings be preserved.

*The project proposes the adaptive reuse of a historic resource, Fire Station #30. The project sponsor would be required to implement mitigation measures relating to the reuse of Fire Station #30, including hiring an architect that meets the Secretary of the Interior's Professional Qualification Standards, and review and approval by San Francisco Planning Department preservation staff for concurrence that the project conforms to the Secretary of the Interior's guidelines for rehabilitation. As a result, the project would not negatively affect landmarks and historic buildings. Once project designs are developed, they would require additional review and approvals.*

(8) That our parks and open space and their access to sunlight and vistas be protected from development.

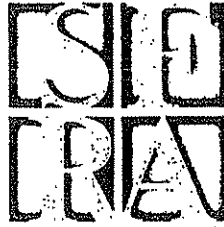
*The Project would not adversely affect parks and open space and their access to sunlight and vistas.*

I:\Citywide\General Plan\General Plan Referrals\2009\2009.1136R Public Safety Building Third and Mission Rock Street - Miss Bay 12\_29\_09.doc

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400



GAVIN NEWSOM, Mayor

Rick Swig, Acting Resident  
London Breed  
Frances Covington  
Leroy King  
Darsan Singh

Fred Blackwell, Executive Director

December 16, 2009

126-061.09-150

Charles A. Higuera, AIA, Project Manager  
DPW/PMB  
30 Van Ness Street, 4th Floor  
San Francisco, CA 94102

Re: Consistency Findings for the Location of the Headquarters of the San Francisco  
Police Department on Block 8 in Mission Bay South Redevelopment Area

Block 8, as identified in the Mission Bay South Redevelopment Plan, has been identified as the future site for a new police and fire station. In addition to the police and fire station, the City of San Francisco is proposing to relocate the Headquarters of the San Francisco Police Department to Block 8.

The proposed project would consist of approximately 265,000 square feet, plus the option of an additional underground parking level, and would include, a police station, a police command center headquarters, a fire station, and parking to support all three uses and an adaptive reuse of Fire House #30 to provide for multi-use by the fire and police departments and the community.

The development of Block 8 would be subject to the Mission Bay South Redevelopment Plan, the Mission Bay South Design for Development, and all other supporting documents, and would have to comply with the mitigation measures contained in the 1998 Mission Bay Subsequent Environmental Impact Report.

Block 8 is within the Mission Bay South Public Facility land use district of the Redevelopment Area, as described in the Mission Bay South Redevelopment Plan. In this land use category, "fire/police station" uses and "other public structure or uses" are permitted as a principle use, as listed under Section 302.6. Based on the description of the proposed use, the use is consistent with the Mission Bay South Public Facility land use district and is an allowable use under the Mission Bay South Redevelopment Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reilly', is written over a large, light-colored scribble or watermark.

Catherine Reilly  
Acting Project Manager





# SAN FRANCISCO PLANNING DEPARTMENT

## Mitigated Negative Declaration

**PMND Date:** October 28, 2009  
**Case No.:** 2009.0568E  
**Project Title:** City and County of San Francisco Auxiliary Water Supply System Seismic Upgrade  
**Zoning:** Twin Peaks Reservoir: P (Public)/Reservoir maintenance tunnels: RH-1 (Residential, House, One-Family)  
Ashbury Tank: RH-2 (Residential, House, Two-Family)  
Jones Street Tank: 1239 Jones St.: RM-4 (Residential, Mixed, High Density) and 122-126 Leroy St.: RM-3 (Residential, Mixed, Medium Density)  
Pump Station No. 1: East SoMa (South of Market) Mixed-Use Office District  
Pump Station No. 2: P (Public) District  
**Block/Lot:** Twin Peaks Reservoir: 2719C/011, and associated maintenance tunnels within an easement on 2721/011  
Ashbury Tank site: 2655/026  
Jones Street Tank site: 0220/004 and 013  
Pump Station No. 1: 3788/006  
Pump Station No. 2: 0409/002  
**Lot Size:** Twin Peaks Reservoir site: 877,995 square feet (sq. ft.)  
Reservoir maintenance tunnels: 5,047 sq. ft.  
Ashbury Tank site: 7,810 sq. ft.  
Jones Street Tank site: Lot 004 is 3,380 sq. ft., and Lot 013 is 4,791 sq. ft.  
Pump Station No. 1: 15,753 sq. ft.  
Fort Mason property, Pump Station No. 2: 2,906,691 sq. ft.  
**Project Sponsor:** City and County of San Francisco Fire Department  
Michael I. Thompson - (415)558-3251.  
**Lead Agency:** San Francisco Planning Department  
**Staff Contact:** Irene Nishimura - (415) 575-9041  
[irene.nishimura@sfgov.org](mailto:irene.nishimura@sfgov.org)

### Project Description

The proposed project would involve seismic retrofit and upgrade construction work to ensure seismic safety of the City's supplementary fire-fighting water resource and pumping capabilities; removal and replacement of old pipes, machinery and equipment; and installation of modern equipment and machinery related to the operation of the existing City and County of San Francisco (CCSF) Auxiliary Water Supply System (AWSS). Seismic upgrade, repair and modernization work would involve all the five existing water

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

✱

**ADDENDUM TO SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

---

**Date of Publication of Addendum:** January 7, 2010

---

**Date of Certification of Final Subsequent EIR:** September 17, 1998

---

**Lead Agency:** San Francisco Redevelopment Agency  
1 South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103

**Agency Contact:** Stanley Muraoka **Telephone:** (415) 749-2577

---

**Project Title:** Redevelopment Agency Case No. ER 919-97 Addendum #7  
Mission Bay Public Safety Building

**Project Sponsor/Contact:** Charles Higuera, San Francisco Department of Public Works  
**Telephone:** (415) 557-4646

**Project Address:** Block 8 in the Mission Bay South Redevelopment Area. Approximately 1.5 acres, located south of Mission Rock, east of Third Street, and north of China Basin Street within the Mission Bay South Plan area. Mission Bay South is south of China Basin Channel.

---

**City and County:** San Francisco

---

**Determination:**  
Based on the analysis described in this addendum, the proposed Mission Bay Public Safety Building does not entail any substantial changes that would require major revisions to the *1998 Mission Bay Subsequent Final Environmental Impact Report* (Mission Bay), nor would there be new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Since certification, no changes have occurred in the circumstances under which the *Mission Bay South Redevelopment Plan* would be undertaken, and no new information has emerged that would materially change any of the analyses or conclusions of the Mission Bay SFEIR; therefore, no additional environmental review is necessary beyond this addendum.

*(The basis for this determination is provided on the following pages.)*

---

I do hereby certify that the above determination has been made pursuant to state and local requirements.

  
\_\_\_\_\_  
Stanley Muraoka  
San Francisco Redevelopment Agency

  
\_\_\_\_\_  
Date of Determination