

1 [Disapproving the categorical exemption issued for SFPUC Bay Division Pipeline
2 (BDPL) 3 & 4 Seismic Upgrade at Hayward Fault Project.]

3 **Motion disapproving the determination by the Planning Department that the SFPUC**
4 **Bay Division Pipeline (BDPL) 3 & 4 Seismic Upgrade at Hayward Fault Project is**
5 **categorically exempt from environmental review under the California Environmental**
6 **Quality Act.**

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8 WHEREAS, the Planning Department determined that a proposal to seismically
9 upgrade the existing Bay Division Pipelines (BDPL) Nos. 3 & 4, consisting of constructing a
10 new vault where each of the pipelines cross the Hayward Fault, the installation of shutoff
11 valves in each vault, and the construction of a control building on top of each of the vaults to
12 contain electrical and standby generator back-up power ("Project") was categorically exempt
13 from the California Environmental Quality Act ("CEQA") on or around May 16, 2005
14 ("determination"). A copy of the Planning Department determination that the Project was
15 exempt from environmental review is on file with the Clerk of the Board of Supervisors in File
16 No. 050952, and is incorporated by reference herein; and,

17 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 23, 2005, Lijia
18 Chen on behalf of Cayuga Network ("Appellants") filed an appeal of the determination to the
19 Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May
20 23, 2005; and,

21 WHEREAS, On June 28, 2005, this Board held a duly noticed public hearing to
22 consider the appeal of the determination; and,

23 WHEREAS, This Board has reviewed and considered the determination, the appeal
24 letter, the responses to concerns document that the Planning Department prepared, and
25 public testimony; and,

1 WHEREAS, The determination files and all correspondence and other documents have
2 been made available for review by this Board and the public. These files are available for
3 public review by appointment at the Planning Department offices at 1660 Mission Street, and
4 are part of the record before this Board by reference herein; now, therefore, be it

5 MOVED, That this Board of Supervisors disapproves the determination by the Planning
6 Department that the Project is exempt from environmental review.

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