

1 [Resolution adopting Findings related to San Francisco Public Utilities Commission Bay
2 Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties.]

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4 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**
5 **CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the**
6 **adoption of mitigation monitoring and reporting program related to the funding of the Bay**
7 **Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San**
8 **Mateo and Santa Clara County, and directing the Clerk of the Board of Supervisors to**
9 **notify the Controller of this action.**

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11 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) developed
12 project descriptions for water infrastructure improvements as part of the SFPUC's Water
13 System Improvement Program (WSIP) for Bay Division Pipelines 3 and 4 Crossover Facilities
14 Project s (WSIP-funded Project No. CUW38001), (the "Project"), and

15 WHEREAS, The objectives of the Project are to reduce the vulnerability of the system
16 to earthquakes and other seismic hazards, improve transmission reliability and operational
17 flexibility by improvements to already existing uses at three sites: the Guadalupe River site
18 (Santa Clara County), the Bear Gulch site (San Mateo County) and the Barron Creek site
19 (Santa Clara County); and

20 WHEREAS, A Draft Initial Study/Preliminary Mitigated Negative Declaration (Draft
21 IS/PMND) for the Project was prepared and published for public review on August 12, 2008;
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23 WHEREAS, Public comments on the Draft IS/PMND were received between August
24 12, 2008 and September 11, 2008; and

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1 WHEREAS, On October 23, 2008, the Planning Department reviewed and considered
2 the IS/Final MND (IS/FMND) and found that the contents of said report and the procedures
3 through which the IS/FMND was prepared, publicized and reviewed complied with the
4 California Environmental Quality Act (California Public Resources Code Sections 21000 et
5 seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA
6 Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

7 WHEREAS, The Planning Department found the IS/FMND was adequate, accurate
8 and objective, reflected the independent analysis and judgment of the Department, and that
9 the summary of comments and responses contained no significant revisions to the Draft
10 IS/PMND, and approved the IS/FMND for the Project in compliance with CEQA and Chapter
11 31; and

12 WHEREAS, No appeals were filed with the City and County of San Francisco regarding
13 the Project's MND; the October 23, 2008 MND is final, complete, and in accordance with
14 CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code
15 (Final MND); and

16 WHEREAS, The SFPUC reviewed and considered the information contained in the
17 Final MND, all written and oral information provided by the Planning Department, the public,
18 relevant public agencies, SFPUC and other experts and the administrative files for the WSIP
19 and the Final MND; and

20 WHEREAS, On December 9, 2008, at a public meeting of the SFPUC, the Commission
21 adopted Resolution No. 08- 0225, in which the SFPUC: (1) adopted CEQA Findings
22 (Attachment A), adopted the Mitigation Monitoring and Reporting Program (MMRP),
23 (Attachment B), and the Standard Construction Measures and Greenhouse Gas Reduction
24 Actions (Attachment C), which SFPUC Resolution and Attachments are incorporated herein
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1 as part of this Resolution by this reference thereto, and (2) authorized a request to the Board
2 of Supervisors to adopt the same CEQA Findings and MMRP (collectively referred to herein
3 as "SFPUC CEQA Findings"); and (3) approved the Project and authorized staff to proceed
4 with actions necessary to implement the Project; and

5 WHEREAS, The SFPUC CEQA Findings reflected the SFPUC's independent review
6 and consideration of the relevant environmental information contained in the Final MND and
7 the administrative record; and

8 WHEREAS, The SFPUC CEQA Findings are on file with the Clerk of the Board of
9 Supervisors in File No. _____ and are incorporated herein by reference. The Board
10 of Supervisors has had the opportunity to review and consider the Final MND and the
11 administrative record, which is located at the Planning Department at 1650 Mission Street,
12 Suite 400, in Case No. 2006.1304E. The Board of Supervisors has reviewed and considered
13 the SFPUC CEQA Findings made with respect to the approval of the Project, and the record
14 as a whole in exercising its independent analysis and judgment with respect to the use of
15 appropriated funds for this Project; and

16 WHEREAS, The Board finds that there are no changed circumstances or other factors
17 present that would trigger the need or requirement for additional environmental review for this
18 action; and

19 WHEREAS, The SFPUC has adopted the mitigation measures identified in the SFPUC
20 CEQA Findings, including implementation and monitoring thereof; and

21 WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08, approving a
22 supplemental appropriation of \$1,923,629,194 for the WSIP, and adopting related CEQA
23 Findings based on 1) the Water System Improvement Program Final Environmental Impact
24 Report (WSIP Final EIR), certified by Planning Commission by its Motion No. 17734, and 2)

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1 SFPUC Resolution Nos. 08-0200 and 08-0202 in which the SFPUC: (A) approved the Phased
2 Water System Improvement Program (Phased WSIP) and (B) authorized the request for the
3 Supplemental Appropriation; and

4 WHEREAS, Ordinance No. 311-08 placed the appropriated funds on Controller's
5 Appropriation Reserve, by project, making release of appropriation reserves by the Controller
6 subject to the prior occurrence of: 1) the SFPUC's and the Board's discretionary adoption of
7 CEQA Findings for projects, following review and consideration of completed project-related
8 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of
9 the San Francisco Administrative Code, where required, and 2) the Controller's certification of
10 funds availability, including proceeds of indebtedness. The associated costs covered for this
11 Project under that Ordinance are less than the \$100 million threshold that requires
12 subsequent release of reserves directly by the Board of Supervisors; now, therefore, be it

13 RESOLVED, That the Board of Supervisors hereby adopts the Final MND and SFPUC
14 CEQA Findings as its own with respect to the Project, including the MMRP, and directs the
15 Clerk of the Board to forward this Resolution to the Controller.

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