

File No. 170895

Committee Item No. \_\_\_\_\_

Board Item No. 28

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 5, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input 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"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                          |       |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Lisa Lew

Date: August 31, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Conditionally Reversing Final Environmental Impact Report Certification - Alameda Creek  
2 Recapture Project]

3 **Motion conditionally reversing the Planning Commission's certification of the Final**  
4 **Environmental Impact Report for the San Francisco Public Utilities Commission's**  
5 **proposed Alameda Creek Recapture Project, subject to the adoption of written findings**  
6 **of the Board in support of this determination.**

7  
8 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) approved the  
9 Alameda Creek Recapture Project (the Project) by Resolution No. 17-0146 on June 23, 2017;  
10 and

11 WHEREAS, The Project proposes to recapture water that will be released from  
12 Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD)  
13 when the SFPUC implements the instream flow schedules required as part of the regulatory  
14 permits for future operations of Calaveras Reservoir; and

15 WHEREAS, Released and bypassed water will flow naturally down Alameda Creek  
16 through the Sunol Valley and will percolate into and collect in a quarry pit referred to as Pit F2  
17 that is currently leased to Mission Valley Rock Company for water management activities  
18 related to aggregate mining activities; and

19 WHEREAS, The SFPUC would recapture water collected in Pit F2 by pumping it to  
20 existing SFPUC water supply facilities in the Sunol Valley for treatment and eventual  
21 distribution to its water supply customers in the Bay Area; and

22 WHEREAS, The Planning Department determined that an Environmental Impact  
23 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of  
24 that determination by publication in a newspaper of general circulation on June 24, 2015; and  
25

1           WHEREAS, The Planning Department published a Draft EIR for the proposed Project  
2 on November 30, 2016, and circulated to local, state, and federal agencies and to interested  
3 organizations and individuals for a 45-day public review period that was later extended for two  
4 weeks by the Planning Department, resulting in a 62-day public review period that ended on  
5 January 30, 2017; and

6           WHEREAS, The Planning Commission held a public hearing on the Draft EIR on  
7 January 5, 2017; and

8           WHEREAS, The Planning Department prepared a Responses to Comments document  
9 (RTC), responding to all comments received orally at the public hearings and in writing, and  
10 published the RTC on June 7, 2017; and

11           WHEREAS, On June 22, 2017, the Planning Commission, by Motion No. 19952,  
12 certified a Final Environmental Impact Report (Final EIR) for the proposed Project under the  
13 California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.,  
14 the CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., and San  
15 Francisco Administrative Code Chapter 31, finding that the Final EIR reflects the independent  
16 judgment and analysis of the City and County of San Francisco, that it is adequate, accurate  
17 and objective, and contains no significant revisions to the Draft EIR; and

18           WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July  
19 24, 2017, Robert Shaver, General Manager, on behalf of the Alameda County Water District,  
20 appealed the Final EIR certification ( "Appellant"); and

21           WHEREAS, The Planning Department's Environmental Review Officer, by  
22 memorandum to the Clerk of the Board dated July 26, 2017, determined that the appeal had  
23 been timely filed; and

24           WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to  
25 consider the appeal of the Final EIR certification filed by Appellant and, following the public



1 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written  
2 findings in support of such determination; and

3 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed  
4 and considered the Final EIR, including the Draft EIR and the RTC, the appeal letters, the  
5 responses to the appeal documents that the Planning Department prepared, the other written  
6 records before the Board of Supervisors and all of the public testimony made in support of  
7 and opposed to the appeal; and

8 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
9 conditionally reversed the Planning Commission's certification of the Final EIR, subject to the  
10 adoption of written findings of the Board in support of such determination, based on the  
11 written record before the Board of Supervisors as well as all of the testimony at the public  
12 hearing in support of and opposed to the appeal; and

13 WHEREAS, The written record and oral testimony in support of and opposed to the  
14 appeal and deliberation of the oral and written testimony at the public hearing before the  
15 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
16 the Infill Determination is in the Clerk of the Board of Supervisors File No. 170893 and is  
17 incorporated in this motion as though set forth in its entirety; now, therefore, be it

18 MOVED, That this Board of Supervisors conditionally reverses the certification of the  
19 Final EIR by the Planning Commission, subject to the adoption of written findings of the Board  
20 in support of this determination.

21

22 n:\land\as2017\0400241\01213540.docx

23

24

25

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Conditionally Reversing the Final Environmental Impact Report Certification - Alameda Creek Recapture Project

The text is listed:

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project, subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor:

*Alia Jomea*  
for

For Clerk's Use Only