

1 [Disapprove certification of SFPUC New Crystal Springs Bypass Tunnel Project FEIR]

2 **Motion disapproving the certification by the Planning Commission of the Final**  
3 **Environmental Impact Report for SFPUC New Crystal Springs Bypass Tunnel Project.**  
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5 WHEREAS, The San Francisco Public Utilities Commission (the "SFPUC" or "Project  
6 Sponsor") is proposing to construct in the SFPUC right-of-way along and near Polhemus and  
7 Crystal Springs Roads in San Mateo County, a 4,200 feet-long tunnel with a 96-inch diameter  
8 pipeline in the tunnel for conveyance of drinking water to the SFPUC's regional water delivery  
9 system (the "Project"); and

10 WHEREAS, The Project Sponsor applied for environmental review of the Project (File  
11 No. 2003.0655E) with the Planning Department of the City and County of San Francisco (the  
12 "Department"); and

13 WHEREAS, The Department determined that an Environmental Impact Report ("EIR")  
14 was required and provided public notice of that determination by publication in two  
15 newspapers of general circulation, the San Francisco Chronicle and the San Mateo County  
16 Times, on November 13, 2006; and

17 WHEREAS, On August 7, 2007, the Planning Department published the Draft  
18 Environmental Impact Report ("DEIR") on the Project, and provided public notice in a  
19 newspaper of general circulation of the availability of the DEIR for public review and comment,  
20 and of the date and time of the Planning Commission public hearing on the DEIR; and

21 WHEREAS, Notices of Availability of the DEIR and of the date and time of the public  
22 hearing were posted near the project site on or about August 7, 2007, and on the  
23 Department's website; and  
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1           WHEREAS, On August 7, 2007, copies of the DEIR were mailed or otherwise delivered  
2 to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent  
3 property owners, and to government agencies, the latter both directly and through the State  
4 Clearinghouse; and

5           WHEREAS, On August 7, 2007, a Notice of Completion was filed with the State  
6 Secretary of Resources via the State Clearinghouse (State Clearinghouse No. 2006112077);  
7 and

8           WHEREAS, The Planning Commission held a duly advertised public hearing on said  
9 DEIR on October 4, 2007, at which time opportunity for public comment was given, and public  
10 comment was received on the DEIR and written comments were accepted for a period of 63  
11 days through October 9, 2007; and

12           WHEREAS, The Department prepared responses to comments on environmental  
13 issues received at the public hearing and public meeting and those submitted in writing during  
14 the 63-day public review period for the DEIR, prepared revisions to the text of the DEIR in  
15 response to comments received or based on additional information that became available  
16 during the public review period, corrected errors in the DEIR and presented this material to  
17 the public in the "SFPUC New Crystal Springs Bypass Tunnel Project Environmental Impact  
18 Report Comments and Responses" document ("Comments and Responses"), published on  
19 May 15, 2008, and distributed to the Planning Commission, all parties who commented on the  
20 DEIR, and others upon request; and

21           WHEREAS, The Department prepared a Final Environmental Impact Report ("FEIR")  
22 for the Project, consisting of the DEIR, any consultations and comments received during the  
23 review process, any additional information that became available and the Comments and  
24 Responses, all as required by law; and

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1           WHEREAS, On June 5, 2008, the Commission reviewed and considered the FEIR and  
2 by Motion No. 17612, certified that the contents of said report and the procedures through  
3 which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA,  
4 the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

5           WHEREAS, By Motion No. 17612, the Planning Commission found that the FEIR  
6 concerning File No. 2003.0655E: SFPUC New Crystal Springs Bypass Tunnel Project to be  
7 adequate, accurate and objective, reflected the independent judgment and analysis of the City  
8 and County of San Francisco and that the Comments and Responses contained no significant  
9 revisions to the DEIR, adopted findings relating to significant impacts associated with the  
10 Project and certified the completion of the FEIR in compliance with CEQA, the State CEQA  
11 Guidelines and San Francisco Administrative Code Chapter 31; and

12           WHEREAS, On June 25, 2008, on behalf of San Mateo Homeowners Association,  
13 Todd Aanenson of McCracken & Byers, LLP filed an appeal of the FEIR with the Clerk of the  
14 Board of Supervisors; and

15           WHEREAS, The Board of Supervisors held a public hearing on July 15, 2008, to review  
16 the decision by the Planning Commission to certify the FEIR; and

17           WHEREAS, The FEIR files and all correspondence and other documents have been  
18 made available for review by the Board of Supervisors, the Planning Commission and the  
19 public; these files are available for public review by appointment at the Planning Department  
20 offices at 1650 Mission Street, Suite 400, and are part of the record before the Board of  
21 Supervisors; and

22           WHEREAS, This Board has reviewed and considered the FEIR and heard testimony  
23 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

24           MOVED, That this Board of Supervisors disapproves the certification of the FEIR by  
25 the Planning Commission.

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