

1 [Appropriating \$86,367,000 of Bond revenue and adopting environmental findings for Crystal
2 Springs Bypass Tunnel at the Public Utilities Commission for Fiscal Year 2008-2009.]

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4 **Ordinance appropriating \$86,367,000 of Proceeds from Sale of Bonds for the Water**
5 **System Improvement Program’s (WSIP) construction of the Crystal Springs Bypass**
6 **Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-**
7 **2009, placing the entire appropriation on Controller’s reserve pending the sale of**
8 **bonds, and adopting environmental findings and findings of consistency with the**
9 **General Plan and the Priority Policies of Planning Code Section 101.1.**

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11 Be it ordained by the People of the City and County of San Francisco:

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13 Section 1. The sources of funding outlined below are herein appropriated to reflect the
14 funding available for Fiscal Year 2008-2009.

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16 **SOURCES Appropriation**

Fund	Index Code	Subobject	Description	Amount
5W CPF 02A –	*WTR5WCPF02A –	80111 – Proceeds	Revenue for the	\$86,367,000
2002 Prop A Bond	2002 Prop A Bond	from Sale of Bonds	sale of bonds	
Fund	Fund		authorized in 2002	
Total SOURCES Appropriation				\$86,367,000

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1 Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700
 2 – Buildings, Structures and Improvements, and 081C4 – City Services Auditor and reflects the
 3 projected uses of funding to support the Crystal Springs Bypass Tunnel Project at the Public
 4 Utilities Commission for Fiscal Year 2008-2009.

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6 **USES Appropriation**

7 Fund	8 Index Code / Project Code	9 Subobject	10 Description	11 Amount
12 5W CPF 02A – 13 2002 Prop A 14 Bond Fund	15 735600BUD / CUW3560100 – New Crystal Springs	16 06700 - Buildings Structures and Improvements	17 WSIP's Crystal Springs Bypass Tunnel Project	18 \$86,194,266
19 5W CPF 02A – 20 2002 Prop A 21 Bond Fund	22 735600BUD / CUW3560100 – New Crystal Springs	23 081C4 - Buildings Structures and Improvements	24 WSIP's Crystal Springs Bypass Tunnel Project	25 \$172,734
26 Total USES Appropriation				27 <u>\$86,367,000</u>

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18 Section 3: The total appropriation of \$86,367,000 is placed on Controller's Reserve pending
 19 sale of the bonds.

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21 Section 4: Findings.

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(a) This Board of Supervisors, having reviewed the proposed legislation after public
 testimony, finds and declares that this ordinance is in conformity with the General Plan and
 with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in the
 Planning Department's General Plan Referral Report dated July 15, 2008, a copy of which is

1 on file with the Clerk of the Board in File No. _____, and incorporates such findings
2 by reference;

3 (b) The Board of Supervisors makes the following findings in compliance with the
4 California Environmental Quality Act ("CEQA"), California Public Resources Code Section
5 21000 et seq., the CEQA Guidelines, 14 Cal. Code of Regulations Sections 15000 et seq.
6 ("CEQA Guidelines"), and San Francisco Administrative Code Chapter 31 ("Chapter 31").

7 (i) On June 5, 2008, the Planning Commission reviewed and considered the
8 Project Final Environmental Impact Report ("Final EIR") by Motion No. 17612, and found that
9 the contents of said report and the procedures through which the Final EIR was prepared,
10 publicized, and reviewed, complied with CEQA and Chapter 31; a copy of the motion is on file
11 with the Clerk of the Board in File No. _____ and is incorporated into this resolution
12 by this reference;

13 (ii) On July 22, 2008, the San Francisco Public Utilities Commission ("SFPUC")
14 passed Resolution No. 08-0134, in which the SFPUC: (1) approved the Project and
15 authorized staff to proceed with actions necessary to implement the Project; (2) authorized the
16 SFPUC General Manager to request that the Mayor recommend approval of a supplemental
17 appropriation to the Board of Supervisors in the amount of \$86,367,000 to fund the New
18 Crystal Springs Bypass Tunnel Project construction; (3) authorized and directed the General
19 Manager of the SFPUC to work with the Director of Real Estate to seek San Francisco Board
20 of Supervisors' approval of the Easement Deed, and to accept and/or execute said Easement
21 Deed from San Mateo County, upon its approval; and (4) authorized the General Manager of
22 the SFPUC and the Director of Real Estate to enter into any amendments or modifications to
23 the Easement Deed are acceptable, necessary or advisable to effectuate the purposes and
24 intent of the Easement Deed or this resolution.

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1 (iii) SFPUC Resolution No. 08-134 contained environmental findings and adopted a
2 mitigation monitoring and reporting plan ("MMRP") (the MMRP and environmental findings,
3 including exhibits, are collectively referred to herein as "SFPUC CEQA Findings") for the
4 construction and implementation of the Project and Easement Deed, as required by CEQA.
5 SFPUC CEQA Findings included extensive findings regarding the Project's potential
6 environmental impacts, the sufficiency of mitigation measures, responsibility for
7 implementation of mitigation measures including a mitigation and monitoring report, and a
8 statement of overriding circumstances regarding potentially significant and unavoidable
9 aesthetic and noise impacts. The SFPUC CEQA Findings reflected the SFPUC's
10 independent review and consideration of the relevant environmental information contained in
11 the Final EIR and the administrative record. The SFPUC CEQA Findings are on file with the
12 Clerk of the Board of Supervisors in File No. _____ and are incorporated herein by
13 reference.

14 (iv) The Board of Supervisors has had the opportunity to review and consider the
15 Final EIR and the administrative record, which are located at the Planning Department at
16 1650 Mission Street, Suite 400, in file no. 2003.0655E. The Board of Supervisors has
17 reviewed and considered the Final EIR and the SFPUC Environmental Findings with respect
18 to this Ordinance, including the MMRP and Statement of Overriding Considerations adopted
19 by the SFPUC on such date, and determined that said findings remain valid for the actions
20 contemplated in this Ordinance; there are no changed circumstances or other factors present
21 that would trigger the need or requirement for additional environmental review for this
22 Ordinance.

23 (v) The Board hereby adopts as its own and incorporates the SFPUC CEQA
24 Findings contained in SFPUC Resolution No. 08-134 by reference as though such findings
25 were fully set forth in this Ordinance.

1 (vi) The Board of Supervisors endorses the implementation of the mitigation
2 measures identified in the SFPUC CEQA Findings recommends for adoption any mitigation
3 measures that are enforceable by agencies other than City agencies, all as set forth in the
4 SFPUC CEQA Findings, including the MMRP contained in the referenced SFPUC CEQA
5 Findings.

6 (viii) The Board of Supervisors finds on the basis of substantial evidence in light of
7 the whole record that: (1) the Project reflected in this Ordinance before the Board of
8 Supervisors will not require revisions to the Final EIR due to the involvement of new
9 significant environmental effects or substantial increase in the severity of previously identified
10 significant effects; (2) no substantial changes have occurred with respect to the circumstances
11 under which the Project will be undertaken which would require major revisions to the Final
12 EIR due to the involvement of new significant environmental effects, or a substantial increase
13 in the severity of effects identified in the Final EIR; and (3) no new information of substantial
14 importance to the Project has become available which would indicate (a) the Project will have
15 significant effects not discussed in the FEIR; (b) significant environmental effects will be
16 substantially more severe; (c) mitigation measures or alternatives found not feasible which
17 would reduce one or more significant effects have become feasible; or (d) mitigation
18 measures or alternatives which are considerably different from those in the FEIR would
19 substantially reduce one or more significant effects on the environment.

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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

FUNDS AVAILABLE
BEN ROSENFELD, Controller

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5 By: _____

By: _____

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7 Date: 8/28/2008

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