

1 [Preparation of findings to disapprove certification of SFPUC New Crystal Springs Bypass
2 Tunnel Project FEIR]

3 **Motion directing the Clerk of the Board to prepare findings disapproving the**
4 **certification by the Planning Commission of the Final Environmental Impact Report for**
5 **the SFPUC New Crystal Springs Bypass Tunnel Project.**

6
7 WHEREAS, The San Francisco Public Utilities Commission (the "SFPUC" or "Project
8 Sponsor") is proposing to construct in the SFPUC right-of-way along and near Polhemus and
9 Crystal Springs Roads in San Mateo County, a 4,200 feet-long tunnel with a 96-inch diameter
10 pipeline in the tunnel for conveyance of drinking water to the SFPUC's regional water delivery
11 system (the "Project"); and

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

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

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

23 WHEREAS, Notices of Availability of the DEIR and of the date and time of the public
24 hearing were posted near the project site on or about August 7, 2007, and on the
25 Department's website; and

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

25

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 directs the Clerk of the Board to prepare findings specifying
25 the basis for its disapproval of the certification of the FEIR by the Planning Commission.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25