

1 [Adopting California Environmental Quality Act Findings and Authorizing Grant Expenditure for
2 Cesar Chavez Sewer System Improvement Project]

3 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**
4 **CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the**
5 **adoption of a mitigation monitoring and reporting program, related to the funding of**
6 **Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, directing the**
7 **Clerk of the Board of Supervisors to notify the Controller of this action, and authorizing**
8 **the San Francisco Public Utilities Commission to expend a grant in the amount of**
9 **\$477,900 from the U.S. Environmental Protection Agency through the Department of**
10 **the Interior, Environment, and Related Agencies Appropriation Act of 2006.**

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12 WHEREAS, the San Francisco Public Utilities Commission (SFPUC) developed a
13 project description for Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement,
14 (the "Project"), and

15 WHEREAS, The United States Government, acting by and through EPA, is authorized
16 to award Federal Grant Funds under the Department of the Interior, Environment, and Related
17 Agencies Appropriations Act of 2006; and

18 WHEREAS, The FY 2006 United States Environmental Protection Agency (EPA)
19 Appropriation included \$500,000 of Federal Grant Funds to the San Francisco Public Utilities
20 Commission (SFPUC) for water and wastewater infrastructure improvement projects in
21 California; and,

22 WHEREAS, The final amount of Federal Grant Funds available to the SFPUC was
23 \$477,900, after reduction for administrative cost of managing the grant and for
24 Congressionally mandated cut to EPA budget; and

1 WHEREAS, The SFPUC requested \$477,900 in Federal Grant Funds to support
2 construction of a combined sewer/stormwater system along Cesar Chavez Street, as part of
3 the Cesar Chavez Sewer System Improvement Project; and

4 WHEREAS, EPA notified the SFPUC on August 9, 2006 that it had approved a grant
5 award of \$477,000 in Federal Funds; and

6 WHEREAS, Matching funds of 45% of the total project costs (or \$391,009) are required
7 according to the Appropriations Act which authorized the project; and

8 WHEREAS, Funding for the required project is available from SFPUC Wastewater
9 Enterprise Capital Improvement Program (CIP); and

10 WHEREAS, The Board of Supervisors on December 18, 2006 adopted Resolution no.
11 711-06 authorizing the General Manager of the SFPUC to accept \$477,900 in grant funds
12 through the Department of the Interior, Environment, and Related Agencies Appropriations
13 Act of 2006, as administered by the EPA; and

14 WHEREAS, The grant budget does not allow for indirect costs; and

15 WHEREAS, The grant does not require an Annual Salary Ordinance (ASO)
16 Amendment; and

17 WHEREAS, Resolution 711-06 required completion of environmental review prior to
18 authorizing the expenditure of grant funds; and

19 WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Cesar
20 Chavez Street Sewer System Improvement Project was prepared and published for public
21 review on December 2, 2009; and

22 WHEREAS, the Draft IS/MND was available for public comment until January 4, 2010;
23 and

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1 WHEREAS, on January 13, 2010, the Environmental Review Officer (ERO), San
2 Francisco Planning Department, Major Environmental Analysis Division, reviewed and
3 considered the Final Mitigated Negative Declaration (FMND) and found that the contents of
4 said report and the procedures through which the FMND was prepared, publicized, and
5 reviewed complied with the California Environmental Quality Act (California Public Resources
6 Code Sections 21000 et seq.) (“CEQA”), 14 California Code of Regulations Sections 15000 et
7 seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code
8 (“Chapter 31”); and

9 WHEREAS, the ERO, San Francisco Planning Department, found the FMND was
10 adequate, accurate and objective, and reflected the independent analysis and judgment of the
11 San Francisco Planning Department, and approved the FMND for the Project in compliance
12 with CEQA, the CEQA Guidelines and Chapter 31; and

13 WHEREAS, the San Francisco Planning Department, is the custodian of records,
14 located in File No.2009.0276E, at 1650 Mission Street, Fourth Floor, San Francisco,
15 California; and

16 WHEREAS, No appeals were filed with the City and County of San Francisco regarding
17 the Project’s MND; the January 13, 2010, MND is final, complete, and in accordance with
18 CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code
19 (Final IS/MND); and

20 WHEREAS, The SFPUC reviewed and considered the information contained in the
21 Final IS/MND, all written and oral information provided by the Planning Department, the
22 public, relevant public agencies, SFPUC and other experts and the administrative files for the
23 Project and the Final IS/MND; and

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1 WHEREAS, On February 23, 2010, the SFPUC (1) adopted Resolution No. 10-0034,
2 approving Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, adopting
3 the FMND, the CEQA Findings, and a Mitigation Monitoring and Reporting Program (MMRP),
4 which SFPUC Resolution and Attachments are incorporated herein as part of this Resolution
5 by this reference thereto, and (2) approved the Project and authorized staff to proceed with
6 actions necessary to implement the Project. SFPUC Resolution No. 10-0034, which is on file
7 with the Clerk of the Board of Supervisors in File No. 270630, including its findings, is
8 incorporated herein by reference as though fully set forth; and

9 WHEREAS, The SFPUC CEQA Findings reflected the SFPUC's independent review
10 and consideration of the relevant environmental information contained in the Final IS/MND,
11 and the administrative record; and

12 WHEREAS, In August 2009, this Board of Supervisors adopted Ordinance No. 201-09,
13 approving a supplemental appropriation of \$119,800,000, including funds for the Project,
14 subject to Controller's reserve; and

15 WHEREAS, On June 8, 2010, the SFPUC adopted Resolution No. 10-0093,
16 authorizing the General Manager of the SFPUC to request permission from the Board of
17 Supervisors to expend the grant funds; now, therefore, be it

18 RESOLVED, That the Board of Supervisors makes and adopts the findings set forth in
19 San Francisco Public Utilities Commission's Resolution No. 10-0034 for the Project which
20 reflects this Board's independent review and consideration of the relevant environmental
21 information contained in the Final IS/MND, and the administrative record; and be it

22 FURTHER RESOLVED, That the Board of Supervisors adopts the Final IS/MND.
23 including the Mitigation Monitoring and Reporting Program; and be it

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1 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
2 to forward this Resolution to the Controller; and be it

3 FURTHER RESOLVED, That the General Manager of the San Francisco Public
4 Utilities Commission is authorized to expend \$477,900 in grant funds through the Department
5 of the Interior, Environment, and Related Agencies Appropriations Act of 2006, as
6 administered by the EPA, for the aforementioned project; and be it

7 FURTHER RESOLVED, That this Board hereby waives inclusion of indirect costs in the
8 grant budget.

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11 Recommended: _____ Approved: _____
12 General Manager, Mayor
13 SFPUC

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15 Approved: _____
16 Controller

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