

1 [Easement Deed and findings related to the SFPUC's New Crystal Springs Bypass Tunnel
2 water infrastructure project.]

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4 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**
5 **CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the**
6 **adoption of a mitigation monitoring and reporting program and a statement of overriding**
7 **considerations related to the New Crystal Springs Bypass Tunnel Project; making**
8 **findings of consistency with the General Plan and priority policies of Planning Code**
9 **Section 101.1; and authorizing and approving the execution, delivery and acceptance of**
10 **an Easement Deed from the County of San Mateo granting to City certain easement rights**
11 **in real property located beneath and adjacent to portions of Polhemus Road in San Mateo**
12 **County.**

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14 WHEREAS, The San Francisco Public Utilities Commission staff has developed a
15 project description for the New Crystal Springs Bypass Tunnel, WSIP Project No. CUW35601,
16 (the "Project"), a water infrastructure project included as part of the Water System
17 Improvement Program authorized by the 2002 voter-approved bond measure (Assembly Bill
18 1823); and

19 WHEREAS, The objectives of the Project are to improve the seismic reliability of the
20 existing Crystal Springs Bypass System, reduce vulnerability to slope stability hazards and
21 seismic hazards, and provide operational flexibility allowing continuous and reliable water
22 delivery through the Crystal Springs Bypass System ("CSBS") during planned and unplanned
23 shutdowns; and

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1 WHEREAS, The Project will include a tunnel along Polhemus Road requiring an
2 Easement Deed from San Mateo County ("Easement Deed"), a copy of which is on file with
3 the Clerk of the Board of Supervisors in File No. _____, and which is incorporated
4 by reference as though fully set forth herein; and

5 WHEREAS, The Board of Supervisors desires to take action to approve the Easement
6 Deed and, by separate resolution and concurrent action, to authorize appropriations to the
7 SFPUC of funding for the Project (collectively referred to herein as the "Approval Actions");
8 and

9 WHEREAS, A Draft Environmental Impact Report on the Project was published for
10 public review on August 7, 2007 pursuant to the California Environmental Quality Act
11 ("CEQA"), California Public Resources Code §§ 21000 et seq.; and

12 WHEREAS, Public comments on the Draft EIR were received between August 7, 2007
13 and October 9, 2007, and responses to those comments were prepared and published; and

14 WHEREAS, At a public hearing on June 5, 2008, the Planning Commission reviewed
15 and considered the Project Final Environmental Impact Report ("Final EIR") by Motion No.
16 _____, and found that the contents of said report and the procedures through which
17 the Final EIR was prepared, publicized, and reviewed, complied with CEQA and the CEQA
18 Guidelines in Chapter 31 of the San Francisco Administrative Code; a copy of the motion is on
19 file with the Clerk of the Board in File No. _____ and is incorporated into this resolution
20 by this reference; and

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

10 WHEREAS, Resolution No. 08-134 contained environmental findings and adopted a
11 mitigation monitoring and reporting plan for the construction and implementation of the Project
12 and Easement Deed, as required by CEQA; and

13 WHEREAS, The CEQA Findings set forth in Resolution 08-0134, including attachments
14 and exhibits (including the Mitigation Monitoring and Reporting Plan, collectively referred to
15 herein as "SFPUC CEQA Findings"), include extensive findings regarding the Project's
16 potential environmental impacts, the sufficiency of mitigation measures, responsibility for
17 implementation of mitigation measures including a mitigation and monitoring report, and a
18 statement of overriding circumstances regarding potentially significant and unavoidable
19 aesthetic and noise impacts. The SFPUC CEQA Findings are on file with the Clerk of the
20 Board of Supervisors in File No. _____ and are incorporated herein by reference; and

21 WHEREAS, The SFPUC CEQA Findings reflected the SFPUC's independent review
22 and consideration of the relevant environmental information contained in the Final EIR and the
23 administrative record; and

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1 WHEREAS, Notices of Determination were issued by the Planning Department for the
2 Project on July 29, 2008; and

3 WHEREAS, The Board of Supervisors has had the opportunity to review and consider
4 the Final EIR and the administrative record, which are located at the Planning Department at
5 1650 Mission Street, Suite 400, in file no. 2003.0655E. The Board of Supervisors has
6 reviewed and considered the SFPUC CEQA Findings made with respect to the construction
7 and implementation of the Project, including the related Easement Deed, and finds that there
8 are no changed circumstances or other factors present that would trigger the need or
9 requirement for additional environmental review for this action or for the Board's concurrent
10 Project appropriations authorization action; and

11 WHEREAS, The Board of Supervisors finds that social, economic, technological and
12 other benefits warrant approval of the Project notwithstanding the unavoidable significant
13 aesthetic and noise impacts identified in the FEIR, as described in the SFPUC CEQA
14 Findings (see, e.g., Article VII); now, therefore, be it

15 RESOLVED, That this Board of Supervisors finds on the basis of substantial evidence
16 in light of the whole record that: (1) the Project reflected in the Approval Actions before the
17 Board of Supervisors will not require revisions to the Final EIR due to the involvement of new
18 significant environmental effects or substantial increase in the severity of previously identified
19 significant effects; (2) no substantial changes have occurred with respect to the circumstances
20 under which the Project will be undertaken which would require major revisions to the Final
21 EIR due to the involvement of new significant environmental effects, or a substantial increase
22 in the severity of effects identified in the Final EIR; and (3) no new information of substantial
23 importance to the Project has become available which would indicate (a) the Project will have
24 significant effects not discussed in the FEIR; (b) significant environmental effects will be

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1 substantially more severe; (c) mitigation measures or alternatives found not feasible which
2 would reduce one or more significant effects have become feasible; or (d) mitigation
3 measures or alternatives which are considerably different from those in the FEIR would
4 substantially reduce one or more significant effects on the environment; and, be it

5 RESOLVED, That the Board of Supervisors has reviewed and considered SFPUC
6 Resolution No. 08-0134 authorizing the Project, including the Easement Deed, and the
7 SFPUC CEQA Findings attached thereto as Exhibits A and B, and hereby incorporates by
8 reference the SFPUC CEQA Findings (including the MMRP) and adopts said findings as its
9 own with respect to the Project and related Approval Actions; and, be it

10 RESOLVED, That the Board finds and declares that the Project is in accordance with
11 Section 4.105 of the San Francisco Charter consistent with the City's General Plan and
12 priority policies of Planning Code Section 101.1, and adopts the findings of the City Planning
13 Department, as set forth in the General Plan Referral Report dated July 15, 2008, a copy of
14 which is on file with the Clerk of the Board in File No. _____, and incorporates such
15 findings by reference; and be it

16 RESOLVED, That the Board of Supervisors hereby approves the Easement Deed in
17 substantially the form presented to this Board, and authorizes the Director of Property to
18 accept and/or execute said Easement Deed upon approval by San Mateo County; and be it

19 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the General
20 Manager of the SFPUC and/or the Director of Real Estate to enter into any amendments or
21 modifications to the Easement Deed, including without limitation, the exhibits, and any other
22 related documents or memorandum, and to take any and all other steps that the General
23 Manager determines, in consultation with the City Attorney, are in the best interest of the City,
24 do not otherwise materially increase the obligations or liabilities of the City, are acceptable,

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1 necessary or advisable to effectuate the purposes and intent of the Easement Deed or this
2 resolution; and are in compliance with all applicable laws, including the City Charter.

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