



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: September 20, 2012

DEIR and C&R can be found at <http://tinyurl.com/puccases>

Hearing Date: September 20, 2012
Case No.: **2007.0039E**
Project: **San Antonio Backup Pipeline Project**
Project Location: **Unincorporated Area of Alameda County**
Project Sponsor: San Francisco Public Utilities Commission
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SAN ANTONIO BACKUP PIPELINE PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2007.0039E, San Antonio Backup Pipeline Project and Project Variants (hereinafter, "Project"), located in the unincorporated area of Alameda County, based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on October 5, 2007. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and in accordance with 15082 of the CEQA Guidelines, the Department prepared a Notice of Preparation (NOP) of an EIR and conducted a scoping meeting (see Draft EIR, Appendix A). The NOP was circulated to local, state, and federal agencies and to other interested parties on October 5, 2007, initiating a public comment period that extended through November 5, 2007. Pursuant to CEQA Guidelines Section 15083, the Department held one public scoping meeting in Sunol on October 25, 2007. The purpose of the meeting was to present the proposed Project to the public and receive public input regarding the

proposed scope of the EIR analysis. A scoping report was prepared to summarize the public scoping process and the comments received in response to the NOP, and the report is included in Appendix A of the Draft EIR.

- B. On January 25, 2012, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice and other interested parties.
 - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on January 25, 2012. The Notice of Availability was also made available at public libraries in San Francisco and Alameda Counties.
 - D. On January 25, 2012, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse. The DEIR was posted on the Department's website.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 25, 2012.
2. Two duly-advertised public hearings on the DEIR to accept written or oral comments were held; one hearing was held in Sunol on February 22, 2012 and a second hearing was held in San Francisco on February 23, 2012. The Planning Commission acknowledges and endorses the supplemental public hearing that the Environmental Review Officer's delegate conducted in Sunol in order to allow potentially affected members of the public to present oral comments at a convenient location. The public hearing transcripts are in the Project record. The period for acceptance of written comments ended on March 12, 2012.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document (hereinafter "C&R"), published on September 6, 2012, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department and on the Department's website.
 4. A Final Environmental Impact Report (FEIR) has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the C&R document all as required by law.

5. The San Francisco Public Utilities Commission, the Project Sponsor, has indicated that the presently preferred project is Pumping Variant 1, which is described and analyzed in the FEIR.
6. This FEIR tiers from the Water System Improvement Program (hereinafter "WSIP") Program Environmental Impact Report (hereinafter "PEIR") and incorporates by reference the relevant analysis of the PEIR with respect to the WSIP's impacts and mitigation measures as applicable to this Project. The Commission certified the PEIR on October 30, 2008 and the SFPUC approved the WSIP on the same day. The State Clearinghouse number for the PEIR is 2005092026.
7. Project files on the FEIR have been made available for review by the Commission and the public. These files, as well as files for the PEIR, are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission. Linda Avery is the custodian of the records. Copies of the PEIR, DEIR, and associated reference materials, as well as the C&R document are also available for review at public libraries in San Francisco and Alameda Counties as well as on the Department's website.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the Project described in the EIR, will have project-specific significant effects on the environment that could not be mitigated to a less than significant level with implementation of mitigation measures:
 - Significant and unavoidable air quality impacts would result from construction-related emissions of nitrogen oxides (NO_x) from engine exhaust.
 - Significant and unavoidable cumulative air quality impacts during construction, including emissions of NO_x and health risks.

In addition, because the project is a component of the WSIP, the project would contribute to the following significant and unavoidable effect on the environment identified in the WSIP PEIR:

- The Program would indirectly contribute to potentially significant and unavoidable impacts caused by growth in the San Francisco Public Utilities Commission service area, as identified in the planning documents and associated environmental documents for the affected jurisdictions.

In addition, based on the best available information at the time, the WSIP PEIR made a conservative determination that the proposed water supply and system operations would result in a potentially significant and unavoidable impact in the Peninsula watershed on fishery resources in the Crystal Spring Reservoir in San Mateo County. The project specific analysis in the Project FEIR included updated and site-specific information that was developed following certification of the PEIR, and concluded the impact to be less than significant. Similarly, the WSIP PEIR conservatively determined that WSIP water supply and system operations would result in a significant unavoidable impact on stream flow in

Alameda Creek. However, analysis conducted in the Calaveras Dam Replacement Project FEIR updated that conclusion with project-specific analysis and determined that the impact on stream flow in Alameda Creek would be less than significant.

9. On September 20, 2012, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
10. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2007.0039E, San Antonio Backup Pipeline Project, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of September 20, 2012.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: [Date]