Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

WHEREAS, San Francisco Public Utilities Commission (the "SFPUC") is proposing to rebuild the Calaveras Dam, located in Alameda and Santa Clara Counties, in order to eliminate seismic safety concerns associated with the original dam (the "Project"); and

WHEREAS, the Project is one of the water infrastructure projects included in the SFPUC's Water System Improvement Program ("WSIP"), for which the Planning Commission certified a program-level environmental impact report ("PEIR") on October 30, 2008 by Motion No. 17734, and the SFPUC approved on October 30, 2008, by Resolution No. 08-200; and

WHEREAS, the Planning Department determined that a project-level environmental impact report was required for the Project and provided public notice of that determination by publication in a newspaper of general circulation on October 26, 2005, and held scoping meetings in Fremont on November 14, 2005, and in San Francisco on November 15, 2005; and

WHEREAS, On October 6, 2009, the Department published the Draft Environmental Impact Report ("DEIR") for the Project (City Planning File No.2005.0161E), which tiers off of the PEIR; and

WHEREAS, The Planning Department held three public hearings on the DEIR, on November 10, 2009, in Fremont; November 12, 2009, in San Francisco; and December 14, 2009, in Sunol, at which time opportunity for public comment was received on the DEIR, and written comments were received through December 21, 2009; and
WHEREAS, The Department prepared responses to comments received at the public hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text of the DEIR and published a Summary of Comments and Responses on January 5, 2011; and

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available and the Summary of Comments and Responses, all as required by law; and

WHEREAS, On January 27, 2011, the Planning Commission reviewed and considered the FEIR and, by Motion No. 18261, found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, By Motion No. 18261, the Commission found the FEIR to be adequate, accurate and objective, reflected the independent judgment and analysis of the Department and the Commission and that the Summary of Comments and Responses contained no significant revisions to the DEIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the FEIR in compliance with CEQA and the State CEQA Guidelines; and

WHEREAS, On January 27, 2011, by Resolution No. 11-0015, the SFPUC adopted CEQA Findings, including a statement of overriding considerations and a Mitigation Monitoring and Reporting Program, and approved the Project; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 14, 2011, Gregory W. Stepanicich, of Richards/Watson/Gershon, on behalf of the East Bay Regional Park District, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around February 14, 2011; and
WHEREAS, On March 15, 2011, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification filed by Appellant; and

WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the responses to concerns document that the Planning Department prepared, the other written records before the Board of Supervisors, and heard testimony and received public comment regarding the adequacy of the FEIR; and

WHEREAS, the FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this motion; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 18261 to certify the FEIR and finds the FEIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines.
Motion: M11-40

File Number: 110203  Date Passed: March 15, 2011

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

March 15, 2011 Board of Supervisors - APPROVED
Ayes: 8 - Avalos, Chu, Chu, Elsbernd, Farrell, Kim, Mar and Wiener
Excused: 3 - Campos, Cohen and Mirkarimi

File No. 110203

I hereby certify that the foregoing Motion was APPROVED on 3/15/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board