Motion conditionally reversing the Planning Commission’s certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission’s proposed Alameda Creek Recapture Project, subject to the adoption of written findings of the Board in support of this determination.

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) approved the Alameda Creek Recapture Project (the Project) by Resolution No. 17-0146 on June 23, 2017; and

WHEREAS, The Project proposes to recapture water that will be released from Calaveras Reservoir and/or bypassed around the Alameda Creek Diversion Dam (ACDD) when the SFPUC implements the instream flow schedules required as part of the regulatory permits for future operations of Calaveras Reservoir; and

WHEREAS, Released and bypassed water will flow naturally down Alameda Creek through the Sunol Valley and will percolate into and collect in a quarry pit referred to as Pit F2 that is currently leased to Mission Valley Rock Company for water management activities related to aggregate mining activities; and

WHEREAS, The SFPUC would recapture water collected in Pit F2 by pumping it to existing SFPUC water supply facilities in the Sunol Valley for treatment and eventual distribution to its water supply customers in the Bay Area; and

WHEREAS, The Planning Department determined that an Environmental Impact Report (hereinafter "EIR") was required for the proposed Project and provided public notice of that determination by publication in a newspaper of general circulation on June 24, 2015; and
WHEREAS, The Planning Department published a Draft EIR for the proposed Project on November 30, 2016, and circulated to local, state, and federal agencies and to interested organizations and individuals for a 45-day public review period that was later extended for two weeks by the Planning Department, resulting in a 62-day public review period that ended on January 30, 2017; and

WHEREAS, The Planning Commission held a public hearing on the Draft EIR on January 5, 2017; and

WHEREAS, The Planning Department prepared a Responses to Comments document (RTC), responding to all comments received orally at the public hearings and in writing, and published the RTC on June 7, 2017; and

WHEREAS, On June 22, 2017, the Planning Commission, by Motion No. 19952, certified a Final Environmental Impact Report (Final EIR) for the proposed Project under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., and San Francisco Administrative Code Chapter 31, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, that it is adequate, accurate and objective, and contains no significant revisions to the Draft EIR; and

WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July 24, 2017, Robert Shaver, General Manager, on behalf of the Alameda County Water District, appealed the Final EIR certification ("Appellant"); and

WHEREAS, The Planning Department’s Environmental Review Officer, by memorandum to the Clerk of the Board dated July 26, 2017, determined that the appeal had been timely filed; and

WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to consider the appeal of the Final EIR certification filed by Appellant and, following the public
hearing, conditionally reversed the Final EIR certification, subject to the adoption of written findings in support of such determination; and

WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed and considered the Final EIR, including the Draft EIR and the RTC, the appeal letters, the responses to the appeal documents that the Planning Department prepared, the other written records before the Board of Supervisors and all of the public testimony made in support of and opposed to the appeal; and

WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors conditionally reversed the Planning Commission’s certification of the Final EIR, subject to the adoption of written findings of the Board in support of such determination, based on the written record before the Board of Supervisors as well as all of the testimony at the public hearing in support of and opposed to the appeal; and

WHEREAS, The written record and oral testimony in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the Infill Determination is in the Clerk of the Board of Supervisors File No. 170893 and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

MOVED, That this Board of Supervisors conditionally reverses the certification of the Final EIR by the Planning Commission, subject to the adoption of written findings of the Board in support of this determination.
Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project, subject to the adoption of written findings of the Board in support of this determination.

September 05, 2017 Board of Supervisors - APPROVED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170895

I hereby certify that the foregoing Motion was APPROVED on 9/5/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board