

1 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification -  
2 Alameda Creek Recapture Project]

3 **Motion directing the Clerk of the Board to prepare findings related to reversing the**  
4 **Planning Commission's certification of the Final Environmental Impact Report for the**  
5 **San Francisco Public Utilities Commission's proposed Alameda Creek Recapture**  
6 **Project.**

7  
8 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) approved the  
9 Alameda Creek Recapture Project (the Project) by Resolution No. 17-0146 on June 23, 2017;  
10 and

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

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

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

22 WHEREAS, The Planning Department determined that an Environmental Impact  
23 Report (hereinafter "EIR") was required for the proposed Project and provided public notice of  
24 that determination by publication in a newspaper of general circulation on June 24, 2015; and  
25

1           WHEREAS, The Planning Department published a Draft EIR for the proposed Project  
2 on November 30, 2016, and circulated to local, state, and federal agencies and to interested  
3 organizations and individuals for a 45-day public review period that was later extended for two  
4 weeks by the Planning Department, resulting in a 62-day public review period that ended on  
5 January 30, 2017; and

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

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

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

18           WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on July  
19 24, 2017, Robert Shaver, General Manager, on behalf of the Alameda County Water District,  
20 appealed the Final EIR certification ( "Appellant"); and

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

24           WHEREAS, On September 5, 2017, this Board held a duly noticed public hearing to  
25 consider the appeal of the Final EIR certification filed by Appellant and, following the public

1 hearing, conditionally reversed the Final EIR certification, subject to the adoption of written  
2 findings in support of such determination; and

3 WHEREAS, In reviewing the appeal of the Final EIR certification, this Board reviewed  
4 and considered the determination, the appeal letters, the responses to the appeal documents  
5 that the Planning Department prepared, the other written records before the Board of  
6 Supervisors and all of the public testimony made in support of and opposed to the Infill  
7 Determination appeal; and

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

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

18 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
19 findings specifying the basis for its decision on the appeal of the Planning Commission's  
20 certification of the Final EIR for the project.

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**City and County of San Francisco**

**Tails**

**Motion: M17-121**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 170896

**Date Passed:** September 05, 2017

Motion directing the Clerk of the Board to prepare findings related to 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.

September 05, 2017 Board of Supervisors - APPROVED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy,  
Tang and Yee

File No. 170896

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.

  
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Angela Calvillo  
Clerk of the Board