

1 [CEQA Findings for SFPUC New Irvington Tunnel Project in Alameda County and Fremont.]

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3 **Resolution adopting findings under the California Environmental Quality Act ("CEQA"),**  
4 **including the adoption of a mitigation monitoring and reporting program and a statement**  
5 **of overriding considerations related to the New Irvington Tunnel Project, CUW 35901;**  
6 **and directing the Clerk of the Board of Supervisors to notify the Controller of this action.**  
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8 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a  
9 project description for the New Irvington Tunnel Project, a water infrastructure project included  
10 as part of the Water System Improvement Program (also commonly referred to as the NIT  
11 Project and herein as the "Project"). The Project is located in Alameda County and City of  
12 Fremont, beginning at the Alameda West Portal near Calaveras Road in Alameda County and  
13 ending in Fremont near Mission Boulevard. The Project includes, among other related  
14 features, the installation of a 3.5-mile-long tunnel, with a finished internal diameter between  
15 8.5 to 10.5 feet, 30 feet to 700 feet underground, reinforced concrete lining, buried portal  
16 structures, large diameter pipe lining reinforcement, manifold pipe connections, a 120 feet  
17 deep temporary access shaft, temporary and permanent bridge crossing of Alameda Creek,  
18 access road and other site improvements, acquisition of necessary temporary and permanent  
19 property interests, and environmental mitigation work; and

20 WHEREAS, The objectives of the Project are to improve seismic and delivery reliability  
21 of the water system, and provide operational flexibility to allow for planned shutdowns of the  
22 existing Irvington Tunnel for inspection and maintenance; and

23 WHEREAS, An environmental impact report ("EIR") as required by the California  
24 Environmental Quality Act ("CEQA") was prepared for the Project; and  
25

1           WHEREAS, The Final EIR ("FEIR") was certified by the San Francisco Planning  
2 Commission on November 5, 2009 by Motion No. M-17972; and

3           WHEREAS, The FEIR prepared for the Project is tiered from the Water System  
4 Improvement Program Environmental Impact Report ("PEIR") adopted by the San Francisco  
5 Public Utilities Commission in Resolution No. 08-200 dated October 30, 2008, as authorized  
6 by and in accordance with CEQA and the CEQA Guidelines; and

7           WHEREAS, On November 10, 2009, the San Francisco Public Utilities Commission  
8 (SFPUC), by Resolution No. 09-190, a copy of which is included in Board of Supervisors File  
9 No. 091326 and which is incorporated herein by this reference: (1) approved the Project;  
10 and (2) adopted findings (CEQA Findings), including a statement of overriding considerations,  
11 and a Mitigation Monitoring and Reporting Program (MMRP) required by CEQA; and

12           WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No. 09-  
13 190 have been made available for review by the Board and the public, and those files are  
14 considered part of the record before this Board; and

15           WHEREAS, The Board of Supervisors has reviewed and considered the information  
16 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-190, and all written  
17 and oral information provided by the Planning Department, the public, relevant public  
18 agencies, SFPUC and other experts and the administrative files for the Project; and

19           WHEREAS, This Board of Supervisors adopted Ordinance No. 311-08 that placed  
20 Water System Improvement Program appropriated funds on Controller's Appropriation  
21 Reserve, by project, making release of appropriation reserves by the Controller subject to the  
22 prior occurrence of: (1) the SFPUC's and the Board's discretionary adoption of CEQA  
23 Findings for each project, following review and consideration of completed project-related  
24 environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of  
25 the San Francisco Administrative Code, where required, and (2) the Controller's certification

1 of funds availability, including proceeds of indebtedness. The ordinance also placed any  
2 project with costs in excess of \$100 million on Budget and Finance Committee reserve  
3 pending review and reserve release by that Committee. Therefore, the SFPUC has sent a  
4 letter to the Budget and Finance Committee requesting review and release of the portion of  
5 those funds necessary for the New Irvington Tunnel Project; now, therefore, be it

6 RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR  
7 and record as a whole, finds that the FEIR is adequate for its use as the decision-making  
8 body for the action taken herein including, but not limited to, approval of the Project and  
9 adopts and incorporates by reference as though fully set forth herein the CEQA Findings,  
10 including the statement of overriding considerations, and the MMRP contained in Resolution  
11 No. 09-190; and be it

12 FURTHER RESOLVED, That the Board finds that the Project mitigation measures set  
13 forth in the FEIR and the MMRP and adopted by the SFPUC and herein by this Board will be  
14 implemented as reflected in and in accordance with the MMRP; and be it

15 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there have  
16 been no substantial project changes and no substantial changes in Project circumstances that  
17 would require major revisions to the FEIR due to the involvement of new significant  
18 environmental effects or an increase in the severity of previously identified significant impacts,  
19 and there is no new information of substantial importance that would change the conclusions  
20 set forth in the FEIR; and be it

21 FURTHER RESOLVED, That the Board directs the Clerk of the Board to forward this  
22 Resolution to the Controller.



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 091326

**Date Passed:** December 15, 2009

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.


December 15, 2009 Board of Supervisors - ADOPTED

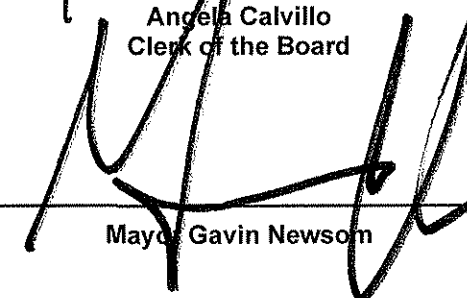
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 091326

I hereby certify that the foregoing  
Resolution was ADOPTED on 12/15/2009 by  
the Board of Supervisors of the City and  
County of San Francisco.

18 December 2009  
Date Approved

  
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Angela Calvillo  
Clerk of the Board

  
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Mayor Gavin Newsom