



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: October 17, 2013

DEIR and RTC can be found at <http://www.sf-planning.org/index.aspx?page=1829>

Hearing Date: October 17, 2013
Case No.: 2011.0123E
Project: **Peninsula Pipelines Seismic Upgrade Project**
Project Location: **Various Locations in San Mateo 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 PENINSULA PIPELINES SEISMIC UPGRADE PROJECT.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2011.0123E, Peninsula Pipelines Seismic Upgrade Project (hereinafter, "Project"), located San Mateo 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 November 9, 2011. The Department determined that an 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 November 9, 2011, initiating a public comment period that extended through December 9, 2011. Pursuant to CEQA Guidelines Section 15083, the Department held one public scoping meeting in San Bruno on November 30, 2011. 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 B of the Draft EIR.

- B. On March 13, 2013, 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 March 13, 2013. The Notice of Availability was also made available at public libraries in San Francisco and San Mateo Counties.
 - D. On March 13, 2013, 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 March 13, 2013.
2. Two duly-advertised public hearings on the DEIR to accept written or oral comments were held; one hearing was held in San Bruno on April 16, 2013 and a second hearing was held in San Francisco on April 18, 2013. The Planning Commission acknowledges and endorses the supplemental public hearing that the Environmental Review Officer's delegate conducted in San Bruno 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 April 29, 2013.
 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 Responses to Comments document (hereinafter "RTC"), published on September 27, 2013, 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 RTC document, all as required by law.

5. Project files on the FEIR have been made available for review by the Commission and the public. These files, are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission. Jonas Ionin is the custodian of the records. Copies of the DEIR and associated reference materials, as well as the RTC document, are also available for review at public libraries in San Francisco and San Mateo Counties as well as on the Department's website.
6. 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 daytime construction noise impacts would result from heavy equipment use (Impact NO-1).
 - Significant and unavoidable nighttime construction noise impacts would result from heavy equipment use (Impact NO-2).
 - Generation of noise levels during construction in excess of standards established in the local general or noise ordinance (Impact NO-3).
 - Generation of excessive groundborne vibration during construction from use of heavy equipment (Impact NO-4).
7. On October 17, 2013, 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.
8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2011.0123E, Peninsula Pipelines Seismic Upgrade Project, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments 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 October 17, 2013.

Jonas Ionin
Commission Secretary

Motion No. XXXXXX
Hearing Date: October 17, 2013

Case No. 2011.0123E
Peninsula Pipelines Seismic Upgrade Project

AYES:

NOES:

ABSENT:

ADOPTED: [Date]