



CITY OF DALY CITY

Department of Water and Wastewater Resources
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Joshua Cosgrove, Acting Director

MEMORANDUM REAFFIRMING THE EIR PREPARED FOR THE VISTA GRANDE DRAINAGE BASIN IMPROVEMENT PROJECT

Introduction

This memorandum has been prepared to support the Daly City Joint Powers Financing Authority's application for funding under the Clean Water State Revolving Fund (CWSRF) Program to finance the Vista Grande Drainage Basin Improvement Project ("Project"). The CWSRF Program, Environmental Review Unit (ERU) requires that, if a CEQA document is older than five years, the applicant prepare an updated CEQA document or submit a letter that describes the current status of the environmental conditions for the project location. The City Council of the City of Daly City certified the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) for the Project in December 2017 and the five-year anniversary of certification will be December 2022. This memorandum affirms that since the Final EIR was certified in December 2017, no significant changes in the project, regulatory requirements, or environmental conditions have occurred. The Final EIR remains valid and meets current state, federal, and CWSRF environmental requirements and regulations

Project Overview

The Vista Grade Drainage Basin Improvement Project is a groundwater storage and recovery project to improve stormwater drainage and reduce flooding risk, provide a water source for Lake Merced, and improve recreational access and reduce litter deposition at the beach below Fort Funston.

The Vista Grande Drainage Basin is the watershed that drains an approximately 2.5 square mile area, which includes Daly City and unincorporated Broadmoor Village in northwestern San Mateo County, via an underground collection system that conveys flows to the Vista Grande Canal and Tunnel, and ultimately discharges into the Pacific Ocean. When large rainstorms occur, flows back up in the Canal, causing flooding in local neighborhoods and water flowing across John Muir Drive into Lake Merced. Such flooding and Canal overtopping events cause property damage, bank erosion, traffic nuisances, public safety issues, and may have adverse impacts to Lake Merced water quality. Daly City developed the Project to address these deficiencies of the basin. The Project will consist of the following:

- Partial replacement of the existing Vista Grande Canal to incorporate a gross solid screening device, a constructed treatment wetland, and diversion and discharge structures to route some stormwater (and authorized non-stormwater) flows from the Vista Grande Canal to Lake Merced and to allow lake water to be used for summer treatment wetland maintenance;
- Modification of the existing effluent gravity pipeline so that it may be used year-round to convey treated effluent from the nearby North San Mateo County Sanitation District WWTP to the existing outlet and diffuser by gravity, and abandoning the force main pipeline;
- Modification of the existing lake overflow structure to include an adjustable weir and siphon that allows water from the lake to flow into the Canal and Tunnel;



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- Replacement of the existing Vista Grande Tunnel to expand its hydraulic capacity and extend its operating lifetime and replacement of the Lake Merced Portal to the Tunnel;
- Replacement of the existing Ocean Outlet structure and a portion of the existing 33-inch submarine outfall pipeline that crosses the beach at Fort Funston; and
- A prioritized suite of best management practices that may be implemented within the Vista Grande Basin storm drain system upstream of the Vista Grande Canal and/or within the Lake Merced watershed.

CEQA Compliance

The Project has undergone extensive environmental analysis and public review under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). The City of Daly City, as the Lead Agency under CEQA, and the U.S. National Park Service (NPS) as the Lead Agency under NEPA prepared a Joint EIR/EIS. Daly City and NPS released a Notice of Preparation for public and public agency review and comment on February 28, 2013 and the Lead Agencies held public scoping meetings on March 19 and 28, 2013. Subsequently, Daly City, on April 29, 2016, distributed a Notice of Availability for the Draft EIR. The Draft EIR was also submitted to the State Clearinghouse for state agency review. The Final EIR was released for agency review on September 8, 2017. And the City Council of the City of Daly City held a public hearing on December 11, 2017 to review the Final EIR/EIS for certification. On December 11, 2017, the City Council approved the Project, certified the Final EIR, and adopted Findings of Fact, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program (MMRP) with Resolution No. 17-200.

Reaffirmation

The 2017 EIR/EIS was prepared in accordance with the requirements of CEQA and its Guidelines. The EIR/EIS examined the potential environmental effects of the proposed Project. The City expressly identified and evaluated environmental impacts and adopted mitigation measures as part of its approval of the Project in 2017. Once an EIR for a particular project has been certified, that EIR is conclusively presumed valid unless a lawsuit to challenge the EIR is timely filed. (Pub. Res. Code, § 21167.2.) Since the EIR/EIS was certified in 2017, no project or regulatory changes have occurred, and no new project impacts have been identified since the EIR/EIS was certified. The Final EIR/EIS remains relevant and valid.

Further, the Project does not require subsequent or supplemental environmental review under Public Resources Code section 21166 and CEQA Guidelines section 15162. Once an EIR has been certified for a project, no subsequent EIR is required unless, “on the basis of substantial evidence in the light of the whole record,” the agency determines one or more of the following: (1) substantial changes are proposed in the project that will require major revisions of the EIR; (2) substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or (4) new information of substantial importance to the project that was not known and could not have



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been known at the time the EIR was certified as complete becomes available. (Pub. Res. Code, § 21166; CEQA Guidelines § 15162.) Agencies are prohibited from undertaking additional CEQA review in connection with a further discretionary approval unless at least one of the exceptions specified in the statute is met. (*Melom v. City of Madera* (2010) 183 Cal.App.4th 41; Pub. Res. Code, § 21166.) Here, none of the conditions in Public Resources Code section 21166 and CEQA Guidelines section 15162 have been met and no subsequent or supplemental review is required.

Conclusion

The Project has undergone extensive environmental analysis and public review under CEQA and NEPA. As certified by the state Lead Agency in December 2017, the EIR/EIS was prepared in accordance with the requirements of CEQA and the CEQA Guidelines and since then, there have been no changes to the Project or the circumstances of the Project necessitating subsequent or supplemental review. The 2017 EIR/EIS remains relevant and valid.

Respectfully Submitted,

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