

File No. 111360

Committee Item No. \_\_\_\_\_

Board Item No. 38

## COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting

Date January 10, 2011

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
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OTHER

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Completed by: Andrea Ausberry Date January 5, 2012

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

\*An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Reversing Certification of Final Environmental Impact Report - 34<sup>th</sup> America's Cup Project  
2 and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

3 **Motion reversing the certification by the Planning Commission of the Final**  
4 **Environmental Impact Report for the 34<sup>th</sup> America's Cup Project and James R. Herman**  
5 **Cruise Terminal and Northeast Wharf Plaza at Piers 27-29.**  
6

7 WHEREAS, The proposed Projects include the 34th America's Cup Project (AC34 or  
8 AC34 Project) and the James R. Herman Cruise Terminal/Northeast Wharf Plaza Project  
9 (Cruise Terminal Project)—two related but independent projects with overlapping locations  
10 and construction activities and interrelated operational schedules; and

11 WHEREAS, The proposed AC34 Project is a series of international sailing races and  
12 related events to be hosted by the City in summer/fall 2012 and in summer/fall 2013 and held  
13 in central San Francisco Bay. The proposed AC34 Project includes construction of both  
14 temporary and permanent facilities at a number of project sites to accommodate all aspects of  
15 AC34 facilities and services supporting the events, including team bases and operations,  
16 support space, media operations, hospitality services, sponsored commercial space, and  
17 entertainment and spectator areas. Temporary and permanent improvements (including  
18 seismic upgrades, fire, safety, and access improvements; roof, deck, and wall repairs; and  
19 dredging) would be constructed at sites managed by the Port of San Francisco (including Pier  
20 29½, Piers 27-29, Pier 23, Pier 19½, Pier 19, Pier 9, Pier 26, Pier 28, Piers 30-32, and Pier  
21 80; water basins/water areas at Piers 29 31 water area, Northeast Wharf Open Water Basin  
22 between Piers 19 and 27, Pier 9 water area, portion of Rincon Point Open Water Basin south  
23 of Pier 14 and water area north of Pier 14, Piers 26-28 water area, Piers 28-30 water area,  
24 and the Brannan Street Wharf Open Water Basin from Pier 32 to Pier 36; and Seawall Lot  
25

1 330), as well as at venues under the jurisdiction of other city, state, or federal agencies,  
2 including Crissy Field, Crissy Field East/Marina Green West, Marina Green, Fort Mason,  
3 Aquatic Park, Alcatraz Island, Fort Baker Pier at Cavallo Point (near Sausalito in Marin  
4 County), San Francisco Civic Center, Union Square, and Justin Herman Plaza. A proposed  
5 America's Cup Village would be located at Marina Green in 2012 and at Piers 27-29 in 2013.  
6 A helipad located on the southeast corner of Treasure Island would be used to serve as a  
7 temporary staging location for broadcasting and media operations. Under the proposed  
8 Project, most existing tenants currently leasing and occupying Port facilities to be used for  
9 AC34 venues would be displaced prior to the AC34 2012 event. The proposed Project  
10 includes the development of a number of event-related implementation plans addressing  
11 transportation management, waste management, parks event operations, sustainability,  
12 environmental and safety requirements, water and air traffic management, public safety, youth  
13 involvement and workforce development. The proposed AC34 Project includes temporary  
14 public access improvements along The Embarcadero Promenade and at the Pier 43  
15 Promenade, as well as permanent public access improvements at Pier 19, Pier 23, and in the  
16 open space at the intersection of Third Street and Cargo Way in the southern waterfront. The  
17 proposed Project includes a request to amend the San Francisco Bay Conservation and  
18 Development Commission San Francisco Waterfront Special Area Plan ("SAP") to permit  
19 temporary berthing at Brannan Street Wharf, Rincon Point, Broadway, and Northeast Wharf  
20 Open Water Basins during the AC34 events. The SAP amendments would also include a  
21 determination of public benefits that could trigger fill removal at a number of sites along the  
22 Port's waterfront properties. The Project also includes certain conditional long-term  
23 development rights at selected Port facilities, including potential development of permanent  
24 marinas; and  
25

1           WHEREAS, The Cruise Terminal Project proposes to develop a new passenger cruise  
2 terminal at Piers 27-29 designed to meet modern ship and operational requirements of the  
3 cruise industry, consisting of two stories approximately 91,200 square feet in size; occupying  
4 a footprint of approximately 46,100 square feet; and containing a large baggage claim area,  
5 check-in and waiting/seating areas, Customs and Border Protection and other security offices,  
6 processing and screening facilities, storage, utilities, and other facilities. Under the proposed  
7 Project, the Port would demolish the existing Pier 27 shed and construct a new facility which  
8 would become the primary cruise terminal; Pier 35 would be retained as a secondary terminal.  
9 An approximately 3-acre ground transportation area would provide space for access, dropoff,  
10 and exiting by trucks, taxis, buses, and passenger vehicles. As part of the proposed Project,  
11 the Port also proposes to construct the Northeast Wharf Plaza—an approximately 2½-acre  
12 public open space along the west end of Pier 27 designed for passive recreation and  
13 integrating the historic Pier 29 Belt Line office building and proposed landscaping and  
14 restroom facilities. The proposed Project also includes an application for an amendment to the  
15 SAP to build the proposed James R. Herman Cruise Terminal and the Northeast Wharf Plaza  
16 and to allow berthing of cruise vessels in the Northeast Wharf Open Water Basin; and

17           WHEREAS, Construction of the two Projects would be carried out in two phases:  
18 construction of Phase 1 would be timed to accommodate the AC34 Project, and would include  
19 demolition of the existing Pier 27 shed, a portion of the Pier 29 shed, and the Pier 27 annex  
20 building and construction of the cruise terminal core building and shell to be used for the  
21 AC34 events at Piers 27-29 during 2013; Phase 2 of the construction would include further  
22 construction and improvements to complete the Cruise Terminal Project, including completion  
23 of certain interior space and facilities within the cruise terminal building, installation of exterior  
24 maritime equipment, finishing of the ground transportation area, and construction of the  
25 Northeast Wharf Plaza; and

1           WHEREAS, The Planning Department determined that an environmental impact report  
2 was required for the Project and prepared a Notice of Preparation ("NOP") of an  
3 Environmental Impact Report and an Initial Study on February 9, 2011, analyzing the potential  
4 environmental impacts of the proposed project. The NOP/Initial Study was circulated for 30  
5 days for public comment and review; and

6           WHEREAS, On July 11, 2011, the Department published the Draft Environmental  
7 Impact Report ("DEIR") for the Project (Planning Department Case No. 2010.0493E); and

8           WHEREAS, The Planning Commission held a duly advertised public hearing on the  
9 DEIR, on August 11, 2011, at which time opportunity for public comment was provided on the  
10 DEIR, and written comments were received through August 25, 2011; and

11           WHEREAS, The Department prepared responses to comments received at the public  
12 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text  
13 of the DEIR and published a Comments and Responses Document; and

14           WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was  
15 prepared by the Department, consisting of the DEIR, any consultations and comments  
16 received during the review process, any additional information that became available and the  
17 Comments and Responses document, all as required by law; and

18           WHEREAS, On December 15, 2011, the Planning Commission reviewed and  
19 considered the FEIR and, by Motion No. 18514 found that the contents of said report and the  
20 procedures through which the FEIR was prepared, publicized and reviewed complied with the  
21 provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines  
22 and Chapter 31 of the San Francisco Administrative Code; and

23           WHEREAS, By Motion No. 18514 the Commission found the FEIR to be adequate,  
24 accurate and objective, reflected the independent judgment and analysis of the Department  
25 and the Commission and that the Comments and Responses document contained no

1 significant revisions to the DEIR, adopted findings relating to significant impacts associated  
2 with the Project and certified the completion of the FEIR in compliance with CEQA and the  
3 State CEQA Guidelines; and

4 WHEREAS, On December 16, the San Francisco Port Commission adopted CEQA  
5 Approval Findings, including a statement of overriding considerations and a Mitigation  
6 Monitoring and Reporting Program, and approved the Project; and

7 WHEREAS, By letter to the Clerk of the Board of Supervisors dated December 16,  
8 2011, Keith G. Wagner of Lippe Gaffney Wagner LLP, on behalf of San Francisco Tomorrow,  
9 Golden Gate Audubon Society, Waterfront Watch, and Telegraph Hill Dwellers, filed an  
10 appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors  
11 received on or around December 19, 2011; and

12 WHEREAS, On January 10, 2011, this Board held a duly noticed public hearing to  
13 consider the appeal of the FEIR certification filed by Appellants; and

14 WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the  
15 responses to concerns document that the Planning Department prepared, the other written  
16 records before the Board of Supervisors, and heard testimony and received public comment  
17 regarding the adequacy of the FEIR; and

18 WHEREAS, The FEIR files and all correspondence and other documents have been  
19 made available for review by this Board and the public. These files are available for public  
20 review by appointment at the Planning Department offices at 1650 Mission Street, and are  
21 part of the record before this Board by reference in this motion; now, therefore, be it

22 MOVED, That this Board of Supervisors reverses the certification of the FEIR by the  
23 Planning Commission.  
24  
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