

1 [Preparation of findings to disapprove certification of Wharf J-10 FEIR]

2 **Motion directing the Clerk of the Board to prepare findings disapproving the**  
3 **certification by the Planning Commission of the Final Environmental Impact Report for**  
4 **the Wharf J-10 FEIR.**

5  
6 WHEREAS, the San Francisco Port Commission (the "Project Sponsor") is proposing  
7 to demolish the structurally unsafe existing Wharf J-10 substructure and fish processing  
8 building and strengthen the shoreline with new riprap; in the future, new wharf and fish  
9 processing facilities may be constructed by Port tenants, the Port, or other entities (the  
10 "Project"); and

11 WHEREAS, the Planning Department for the City and County of San Francisco (the  
12 "Department") determined that an Environmental Impact Report ("EIR") was required  
13 (Planning Department File No. 2001.0636E) and provided public notice of that determination  
14 by publication in a newspaper of general circulation on July 17, 2004; and

15 WHEREAS, On October 15, 2005, the Department published the Draft Environmental  
16 Impact Report ("DEIR") for the Project; and

17 WHEREAS, On November 17, 2005, the Commission held a duly noticed public  
18 hearing on the DEIR, at which time opportunity for public comment was received on the DEIR,  
19 and written comments were received through November 29, 2005; and

20 WHEREAS, The Department prepared responses to comments received at the public  
21 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text  
22 of the DEIR and published a Draft Summary of Comments and Responses on June 5, 2006;  
23 and

1           WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was  
2 prepared by the Department, consisting of the DEIR, any consultations and comments  
3 received during the review process, any additional information that became available and the  
4 Draft Summary of Comments and Responses, all as required by law; and

5           WHEREAS, On June 22, 2006, the Commission reviewed and considered the FEIR  
6 and, by Motion No. 17274, found that the contents of said report and the procedures through  
7 which the FEIR was prepared, publicized and reviewed complied with the provisions of the  
8 California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of  
9 the San Francisco Administrative Code; and

10           WHEREAS, By Motion No. 17274, the Commission found the FEIR to be adequate,  
11 accurate and objective, reflected the independent judgment and analysis of the Department  
12 and the Commission and that the Summary of Comments and Responses contained no  
13 significant revisions to the DEIR, adopted findings relating to significant impacts associated  
14 with the Project and certified the completion of the FEIR in compliance with CEQA and the  
15 State CEQA Guidelines; and

16           WHEREAS, On July 6, 2006, on behalf of F. Alioto Fish Company, David Cincotta filed  
17 an appeal of the FEIR with the Clerk of the Board of Supervisors; and

18           WHEREAS, The Board of Supervisors held a public hearing on August 1, 2006, to  
19 review the decision by the Planning Commission to certify the FEIR; and

20           WHEREAS, the FEIR files and all correspondence and other documents have been  
21 made available for review by the Board of Supervisors, the Planning Commission and the  
22 public; these files are available for public review by appointment at the Planning Department  
23 offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

24           WHEREAS, this Board has reviewed and considered the FEIR and heard testimony  
25 and received public comment regarding the adequacy of the FEIR; now, therefore, be it

1            MOVED, That this Board directs the Clerk of the Board to prepare findings specifying  
2 the basis for its disapproval of the certification of the FEIR by the Planning Commission.

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