

1 [Affirming certification of The 34th America's Cup & James R. Herman Cruise Terminal and  
2 Northeast Wharf Plaza Projects FEIR]

3 **Motion affirming the certification by the Planning Commission of the Final**  
4 **Environmental Impact Report for the 34th America's Cup & James R. Herman Cruise**  
5 **Terminal and Northeast Wharf Plaza Projects.**  
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  
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12 WHEREAS, The proposed AC34 Project is a series of international sailing races and  
13 related events to be hosted by the City in summer/fall 2012 and in summer/fall 2013 and held  
14 in central San Francisco Bay. The proposed AC34 Project includes construction of both  
15 temporary and permanent facilities at a number of project sites to accommodate all aspects of  
16 AC34 facilities and services supporting the events, including team bases and operations,  
17 support space, media operations, hospitality services, sponsored commercial space, and  
18 entertainment and spectator areas. Temporary and permanent improvements (including  
19 seismic upgrades, fire, safety, and access improvements; roof, deck, and wall repairs; and  
20 dredging) would be constructed at sites managed by the Port of San Francisco (including Pier  
21 29½, Piers 27-29, Pier 23, Pier 19½, Pier 19, Pier 9, Pier 26, Pier 28, Piers 30-32, and Pier  
22 80; water basins/water areas at Piers 29 31 water area, Northeast Wharf Open Water Basin  
23 between Piers 19 and 27, Pier 9 water area, portion of Rincon Point Open Water Basin south  
24 of Pier 14 and water area north of Pier 14, Piers 26-28 water area, Piers 28-30 water area,  
25 and the Brannan Street Wharf Open Water Basin from Pier 32 to Pier 36; and Seawall Lot

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, which development rights were analyzed at a general level with the expectation that  
25

1 additional environmental review would be conducted when one or more specific proposals for  
2 development on the individual sites are submitted to the City; and

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

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

1 maritime equipment, finishing of the ground transportation area, and construction of the  
2 Northeast Wharf Plaza; and

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

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

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

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

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

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

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1           WHEREAS, By Motion No. 18514 the Commission found the FEIR to be adequate,  
2 accurate and objective, reflected the independent judgment and analysis of the Department  
3 and the Commission and that the Comments and Responses document contained no  
4 significant revisions to the DEIR, adopted findings relating to significant impacts associated  
5 with the Project and certified the completion of the FEIR in compliance with CEQA and the  
6 State CEQA Guidelines; and

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

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

15           WHEREAS, By letter to the Clerk of the Board of Supervisors dated January 4, 2012,  
16 Rebecca Evans, on behalf of the Sierra Club, San Francisco Group, filed an appeal of the  
17 FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or  
18 around January 4, 2012; and

19           WHEREAS, Chapter 31 of the Administrative Code requires the Board of Supervisors  
20 to consolidate multiple appeals of the same project or projects and to hold one hearing on all  
21 appeals received; and

22           WHEREAS, On January 24, 2011, this Board held a duly noticed public hearing to  
23 consider the appeal of the FEIR certification filed by all Appellants; and

24           WHEREAS, This Board has reviewed and considered the FEIR, the appeal letters,  
25 subsequent written correspondence, the responses to concerns documents; that the Planning

1 Department prepared, all other written records before the Board of Supervisors, and heard  
2 testimony and received public comment regarding the adequacy of the FEIR; and

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

7 MOVED, That this Board of Supervisors hereby affirms the decision of the Planning  
8 Commission in its Motion No. 18514 to certify the FEIR and finds the FEIR to be complete,  
9 adequate and objective and reflecting the independent judgment of the City and in compliance  
10 with CEQA and the State CEQA Guidelines; and be it further

11 MOVED, That this Board of Supervisors expects that further environmental review,  
12 which may include one or more EIRs, will be prepared for the specific long-term development  
13 proposals that the America's Cup Event Authority or its assignee(s) may submit to the City as  
14 contemplated in the 34<sup>th</sup> America's Cup Host and Venue Agreement, and that such  
15 environmental review will analyze the specific characteristics of the development proposal(s)  
16 and take into account the specific characteristics of the proposal(s) and the surrounding  
17 circumstances at the time the individual development proposals are submitted to the City for  
18 review.