

1 [Disapprove certification of San Francisco Cruise Terminal Mixed Use Project and Brannan
2 Street Wharf Project FSEIR]

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5 **Motion disapproving the certification by the Planning Commission of the Final**
6 **Supplemental Environmental Impact Report for the San Francisco Cruise Terminal**
7 **Mixed Use Project and Brannan Street Wharf Project located at Pier 30-32, Seawall Lot**
8 **330, and in the location of Piers 34 and 36, in the Port of San Francisco; requesting that**
9 **seven addition issues be addressed in a revised FSEIR.**

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11 WHEREAS, The San Francisco Cruise Terminal Mixed Use Project and Brannan
12 Street Wharf Project (collectively the "Projects") are proposed to be constructed at Piers 30-
13 32, on Seawall Lot 330, and in the location of Piers 34 and 36 and consist of three principal
14 components: a mixed-use/cruise terminal component proposed for Pier 30-32, a residential
15 component proposed for Seawall Lot 330 (collectively "The Cruise Terminal Mixed Use
16 Project"); and a public open space proposed for the locations of Piers 34 and 36 (the
17 "Brannan Street Wharf Project"). The projects are situated just south of the Bay Bridge along
18 The Embarcadero between Bryant and Townsend Streets; and

19 WHEREAS, The Port of San Francisco and San Francisco Cruise Terminal, LLC
20 (collectively "the project sponsor") submitted an application for environmental review of the
21 Projects on November 29, 2000 (City Planning File No. 2000.1229E); and

22 WHEREAS, The Planning Department for the City and County of San Francisco (the
23 "Department") determined that a Supplemental Environmental Impact Report ("SEIR") was
24 required to supplement the Waterfront Land Use Plan Final EIR (City Planning File No.
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1 94.115E, certified on January 9, 1997), and provided public notice of that determination by
2 publication in a newspaper of general circulation on June 9, 2001; and

3 WHEREAS, On November 17, 2001, the Department published the Draft Supplemental
4 Environmental Impact Report ("DSEIR") for the Projects; and

5 WHEREAS, On December 20, 2001, the Commission held a duly noticed public
6 hearing on the DSEIR, at which time opportunity for public comment was received on the
7 DSEIR, and written comments were received through January 16, 2002; and

8 WHEREAS, The Department prepared responses to comments on environmental
9 issues received at the public hearing on the DSEIR and submitted in writing to the
10 Department, prepared revisions to the text of the DSEIR, and corrected errors in the DSEIR,
11 and published a Draft Summary of Comments and Responses on April 30, 2002; and

12 WHEREAS, A Final Supplemental Environmental Impact Report ("FSEIR") for the
13 Projects was prepared by the Department, consisting of the DSEIR, all supporting studies and
14 materials, any consultations and comments received during the review process, any additional
15 information that became available and the Draft Summary of Comments and Responses, and
16 an errata thereto, all as required by law; and

17 WHEREAS, On May 9, 2002, the Commission reviewed and considered the FSEIR
18 and, by Motion No. 16404, found that the contents of said report and the procedures through
19 which the FSEIR was prepared, publicized and reviewed complied with the provisions of the
20 California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of
21 the San Francisco Administrative Code; and

22 WHEREAS, By Motion No. 16404, the Commission found (1) that the FSEIR is
23 adequate, accurate and objective, and reflects the independent judgment and analysis of the
24 Department and the Commission and that the Summary of Comments and Responses
25 contained no significant revisions to the DSEIR; (2) adopted findings relating to significant

1 impacts associated with the Projects; and (3) certified the completion of the FSEIR in
2 compliance with CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco
3 Administrative Code; and

4 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 28, 2002,
5 Bluewater Network filed a timely appeal of the FSEIR certification to the Board of Supervisors
6 pursuant to Administrative Code Section 31.16(a); and

7 WHEREAS, The Board of Supervisors held a duly-noticed public hearing on June 24,
8 2002 to consider the appeal of the FSEIR; and

9 WHEREAS, The FSEIR files and all correspondence and other documents have been
10 made available for review by the Board of Supervisors, the Planning Commission and the
11 public; these files are available for public review by appointment at the Planning Department
12 offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

13 WHEREAS, This Board has reviewed and considered the FSEIR and the FSEIR files,
14 and heard testimony and received public comment and written correspondence from the
15 public and public agencies regarding the adequacy of the FSEIR; now, therefore, be it

16 MOVED, That this Board of Supervisors disapproves and reverses the certification of
17 the FSEIR by the Planning Commission; and, be it

18 FURTHER MOVED, That the Board of Supervisors request that following issues be
19 addressed in a revised FSEIR:

- 20 1. Respond to the comments of the State Lands Commission in its May 9th 2002 letter
21 to the Planning Commission, and incorporate text corrections in the EIR where
22 appropriate;
23 2. Strengthen the mitigation measure addressing ballast water impacts by having the
24 project sponsor initiate and maintain a program to prohibit cruise ships from
25 releasing unauthorized ballast water discharges into San Francisco Bay under

1 requirements that are at least as protective as the requirements of California Public
2 Resources Code Section 71200 et seq. (AB 703) and subsequent regulations
3 applicable to cruise ships that pertain to the management of ballast water for the
4 control of non-indigenous species. Expand the role of the working group identified
5 in Mitigation Measure D.@ to review and evaluate new technologies for treating
6 ballast water, if and when approved by federal and state agencies, and to make
7 recommendations to the project sponsor for incorporation of and to make
8 recommendations to the project sponsor for incorporation of such technologies into
9 the project or imposition of requirements on cruise vessels in the future:

10 3. Include an improved explanation of the feasibility of the air quality mitigation
11 measure suggested by commentors, including the Bay Area Air Quality
12 Management District and Portside Neighborhood Committee:

13 4. Strengthen the air quality mitigations by expanding the role of the working group to
14 establish specific criteria for adoption by the project sponsor, aimed at reducing the
15 air quality impacts of cruise ships using the project. The role of the working group
16 should also encompass review and recommendation to the project sponsor for
17 adoption of expanded potential mitigation measures, and recommendation for
18 adoption of fee incentive programs to reward cruise lines that meet or exceeds
19 emissions reduction criteria. Such potential mitigation measures to be evaluated by
20 the working group for adoption include (a) requiring ships to use low-sulfur diesel
21 fuel while in port, (b) using technologies and fuels that reduce nitrogen oxide and
22 PM emissions, (c) operational controls such as reduced speed on approach, and (d)
23 requiring the project sponsor to contribute to programs that will result in the
24 reduction of pollutants in the area:

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- 5. Strengthen the mitigation for ship-related water quality to prohibit cruise ships from releasing any gray water, wastewater, or other hazardous material into San Francisco Bay:
- 6. Strengthen the discussion of TBT and its impacts in the EIR, using additional sources to illustrate the problem:
- 7. Strengthen the discussion of Whale strikes in the EIR, using additional sources such as National Marine Fisheries Services.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Motion

File Number: 020948

Date Passed: June 24, 2002

Motion disapproving the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the San Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project located at Pier 30-32, Seawall Lot 330, and in the location of Piers 34 and 36, in the Port of San Francisco; requesting that seven addition issues be addressed in a revised FSEIR.

June 24, 2002 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

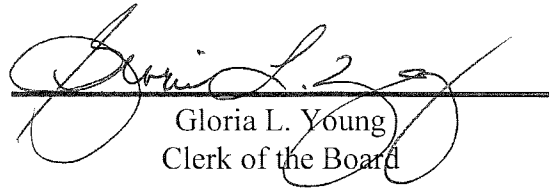
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

June 24, 2002 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

File No. 020948

I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on June 24,
2002 by the Board of Supervisors of the City
and County of San Francisco.



Gloria L. Young
Clerk of the Board