

1 [Adopting findings related to the appeal of the Planning Commission's certification of the San
2 Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project FSEIR.]

3 **Motion adopting findings related to the disapproval of the certification by the Planning**
4 **Commission of the Final Supplemental Environmental Impact Report for the San**
5 **Francisco Cruise Terminal Mixed Use Project and Brannan Street Wharf Project located**
6 **at Pier 30-32, Seawall Lot 330, and in the location of Piers 34 and 36, in the Port of San**
7 **Francisco.**

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9 The Board of Supervisors held a duly-noticed public hearing on June 24, 2002 to
10 consider the appeal of the certification of the Final Supplemental Environmental Impact
11 Report ("FSEIR") for the San Francisco Cruise Terminal Mixed Use Project and Brannan
12 Street Wharf Project ("Project"); and

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

17 This Board has reviewed and considered the FSEIR and the FSEIR files, and heard
18 testimony and received public comment and written correspondence from the public and
19 public agencies regarding the adequacy of the FSEIR; and

20 This Board adopted Motion No. _____ disapproving certification of San Francisco
21 Cruise Terminal Mixed Use Project and Brannan Street Wharf Project FSEIR, and Motion No.
22 _____ directing the Clerk to make findings disapproving certification, both now on file with the
23 Clerk of the Board of Supervisors in File No. 020946, which are hereby declared to be a part
24 of this motion as if set forth fully herein; and, now, therefore, be it

1 MOVED, That this Board of Supervisors remands the FSEIR to the Planning
2 Commission and the Planning Department for further action consistent with the Board's
3 findings and;

4 MOVED, That the Board of Supervisors finds that the FSEIR for the Project is not
5 adequate, accurate and objective in all portions, that its conclusions are not correct in all
6 portions, and that the findings contained in the Planning Commission's certification are not
7 correct in all portions. The Board of Supervisors hereby directs the Planning Commission and
8 Planning Department, to revise the FSEIR, as may be appropriate under CEQA, as follows:

9 1. Respond to the comments of the State Lands Commission in its May 9th 2002 letter
10 to the Planning Commission, and incorporate text corrections in the SEIR where appropriate.

11 2. (a) Strengthen the mitigation measure addressing ballast water impacts by having
12 the project sponsor initiate and maintain a program to prohibit cruise ships from releasing
13 unauthorized ballast water discharges into San Francisco Bay under requirements that are at
14 least as protective as the requirements of California Public Resources Code Section 71200 et
15 seq. (AB 703) and subsequent regulations applicable to cruise ships that pertain to the
16 management of ballast water for the control of non-indigenous species.

17 (b) Expand the role of the working group identified in Mitigation Measure D.2 to review
18 and evaluate new technologies for treating ballast water, if and when approved by federal and
19 state agencies, and to make recommendations to the project sponsor for incorporation of such
20 technologies into the project or imposition of requirements on cruise vessels in the future.

21 3. Include an improved explanation of the feasibility of air quality mitigation measures
22 suggested by commentors, including the Bay Area Air Quality Management District
23 ("BAAQMD") and Portside Neighborhood Committee.

24 4. Strengthen the air quality mitigations by expanding the role of the working group to
25 establish specific criteria for adoption by the project sponsor, aimed at reducing the air quality

1 impacts of cruise ships using the project. The role of the working group should also
2 encompass review and recommendation to the project sponsor for adoption of expanded
3 potential mitigation measures, and recommendation for adoption of fee incentive programs to
4 reward cruise lines that meet or exceed emissions reduction criteria. Such potential mitigation
5 measures to be evaluated by the working group for adoption include (a) requiring ships to use
6 low-sulfur diesel fuel while in port, (b) using technologies and fuels that reduce nitrogen oxide
7 and PM emissions, (c) operational controls such as reduced speed on approach, and (d)
8 requiring the project sponsor to contribute to programs that will result in the reduction of
9 pollutants in the area.

10 5. Strengthen the mitigation for ship-related water quality to prohibit cruise ships from
11 releasing any gray water, wastewater, or other hazardous material into San Francisco Bay,
12 and the Farallons and Monterey Bay Marine Estuary.

13 6. Strengthen the discussion of TBT and its impacts in the EIR, using additional
14 sources to illustrate the problem.

15 7. Strengthen the discussion of Whale strikes in the SEIR, using additional sources
16 such as National Marine Fisheries Service and Water Transit Authority.

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