

1 [Disapprove certification of Wharf J-10 FEIR]

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3 **Motion disapproving the certification by the Planning Commission of the Final**
4 **Environmental Impact Report for the Wharf J-10 Project.**

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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

24 WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was
25 prepared by the Department, consisting of the DEIR, any consultations and comments

1 received during the review process, any additional information that became available and the
2 Draft Summary of Comments and Responses, all as required by law; and

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

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

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

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

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

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

24 MOVED, That this Board of Supervisors disapproves the certification of the FEIR by
25 the Planning Commission.