

FILE NO. 021164

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.**

8
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. ^{M02-99} _____ disapproving certification of San Francisco
21 Cruise Terminal Mixed Use Project and Brannan Street Wharf Project FSEIR, and Motion No.
22 ^{M02-94} _____ 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
25

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

10 1. More fully respond ~~Incorporate~~ to the comments of the State Lands Commission in
11 its May 9th 2002 letter to the Planning Commission, and incorporate text corrections in the
12 SEIR ~~where appropriate as requested by State Lands Commission~~.

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

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

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

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

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

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

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



City and County of San Francisco

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

Tails Motion

File Number: 021164

Date Passed: July 1, 2002

Motion adopting findings related to the disapproval of 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.

June 26, 2002 Board of Supervisors — REFERRED: Board of Supervisors

July 1, 2002 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee

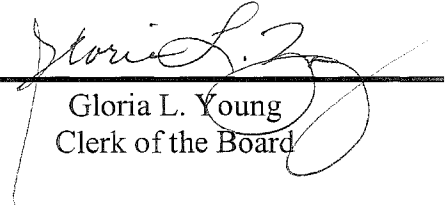
Noes: 3 - Daly, Gonzalez, Sandoval

July 1, 2002 Board of Supervisors — APPROVED AS AMENDED

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

File No. 021164

I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on July 1,
2002 by the Board of Supervisors of the City
and County of San Francisco.



Gloria L. Young
Clerk of the Board