Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup & James R. Herman Cruise Terminal and Northeast Wharf Plaza Projects.

WHEREAS, The proposed Projects include the 34th America's Cup Project (AC34 or AC34 Project) and the James R. Herman Cruise Terminal/Northeast Wharf Plaza Project (Cruise Terminal Project)—two related but independent projects with overlapping locations and construction activities and interrelated operational schedules; and

WHEREAS, The proposed AC34 Project is a series of international sailing races and related events to be hosted by the City in summer/fall 2012 and in summer/fall 2013 and held in central San Francisco Bay. The proposed AC34 Project includes construction of both temporary and permanent facilities at a number of project sites to accommodate all aspects of AC34 facilities and services supporting the events, including team bases and operations, support space, media operations, hospitality services, sponsored commercial space, and entertainment and spectator areas. Temporary and permanent improvements (including seismic upgrades, fire, safety, and access improvements; roof, deck, and wall repairs; and dredging) would be constructed at sites managed by the Port of San Francisco (including Pier 29½, Piers 27-29, Pier 23, Pier 19½, Pier 19, Pier 9, Pier 26, Pier 28, Piers 30-32, and Pier 80; water basins/water areas at Piers 29 31 water area, Northeast Wharf Open Water Basin between Piers 19 and 27, Pier 9 water area, portion of Rincon Point Open Water Basin south of Pier 14 and water area north of Pier 14, Piers 26-28 water area, Piers 28-30 water area, and the Brannan Street Wharf Open Water Basin from Pier 32 to Pier 36; and Seawall Lot 330), as well as at venues under the jurisdiction of other city, state, or federal agencies.
including Crissy Field, Crissy Field East/Marina Green West, Marina Green, Fort Mason, Aquatic Park, Alcatraz Island, Fort Baker Pier at Cavallo Point (near Sausalito in Marin County), San Francisco Civic Center, Union Square, and Justin Herman Plaza. A proposed America’s Cup Village would be located at Marina Green in 2012 and at Piers 27-29 in 2013. A helipad located on the southeast corner of Treasure Island would be used to serve as a temporary staging location for broadcasting and media operations. Under the proposed Project, most existing tenants currently leasing and occupying Port facilities to be used for AC34 venues would be displaced prior to the AC34 2012 event. The proposed Project includes the development of a number of event-related implementation plans addressing transportation management, waste management, parks event operations, sustainability, environmental and safety requirements, water and air traffic management, public safety, youth involvement and workforce development. The proposed AC34 Project includes temporary public access improvements along The Embarcadero Promenade and at the Pier 43 Promenade, as well as permanent public access improvements at Pier 19, Pier 23, and in the open space at the intersection of Third Street and Cargo Way in the southern waterfront. The proposed Project includes a request to amend the San Francisco Bay Conservation and Development Commission San Francisco Waterfront Special Area Plan ("SAP") to permit temporary berthing at Brannan Street Wharf, Rincon Point, Broadway, and Northeast Wharf Open Water Basins during the AC34 events. The SAP amendments would also include a determination of public benefits that could trigger fill removal at a number of sites along the Port's waterfront properties. The Project also includes certain conditional long-term development rights at selected Port facilities, including potential development of permanent marinas, which development rights were analyzed at a general level with the expectation that additional environmental review would be conducted when one or more specific proposals for development on the individual sites are submitted to the City; and

Clerk of the Board

BOARD OF SUPERVISORS

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

WHEREAS, Construction of the two Projects would be carried out in two phases: construction of Phase 1 would be timed to accommodate the AC34 Project, and would include demolition of the existing Pier 27 shed, a portion of the Pier 29 shed, and the Pier 27 annex building and construction of the cruise terminal core building and shell to be used for the AC34 events at Piers 27-29 during 2013; Phase 2 of the construction would include further construction and improvements to complete the Cruise Terminal Project, including completion of certain interior space and facilities within the cruise terminal building, installation of exterior maritime equipment, finishing of the ground transportation area, and construction of the Northeast Wharf Plaza; and
WHEREAS, The Planning Department determined that an environmental impact report was required for the Project and prepared a Notice of Preparation ("NOP") of an Environmental Impact Report and an Initial Study on February 9, 2011, analyzing the potential environmental impacts of the proposed project. The NOP/Initial Study was circulated for 30 days for public comment and review; and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, This Board has reviewed and considered the FEIR, the appeal letters,
subsequent written correspondence, the responses to concerns documents that the Planning
Department prepared, all other written records before the Board of Supervisors, and heard
testimony and received public comment regarding the adequacy of the FEIR; and
WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this motion; now, therefore, be it

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

MOVED, That this Board of Supervisors expects that further environmental review, which may include one or more EIRs, will be prepared for the specific long-term development proposals that the America's Cup Event Authority or its assignee(s) may submit to the City as contemplated in the 34th America's Cup Host and Venue Agreement, and that such environmental review will analyze the specific characteristics of the development proposal(s) and take into account the specific characteristics of the proposal(s) and the surrounding circumstances at the time the individual development proposals are submitted to the City for review.
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29.

January 10, 2012 Board of Supervisors - CONTINUED
  Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Ologue and Wiener

January 24, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
  Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener
  Excused: 1 - Ologue

January 24, 2012 Board of Supervisors - APPROVED AS AMENDED
  Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener
  Excused: 1 - Ologue

File No. 111359

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 1/24/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board