



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: December 15, 2011

<http://tinyurl.com/meacases>

Hearing Date: December 15, 2011
Case No.: **2010.0493E**
Project Address: **various**
Zoning: various
Block/Lot: various
Project Sponsors: San Francisco Office of Economic and Workforce Development
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

Port of San Francisco
Pier 1
San Francisco, CA 94111

34th America's Cup Event Authority
160 Pacific Avenue
San Francisco, CA 94111

Staff Contact: Joy Navarrete – (415) 575-9040
Joy.Navarrete@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR (1) A PROPOSED PROJECT INVOLVING AMERICA'S CUP SAILING RACES IN THE SUMMER / FALL OF 2012 AND 2013, INCLUDING VARIOUS WATERFRONT VENUES, AND (2) A PROPOSED PROJECT INVOLVING CONSTRUCTION OF THE JAMES R. HERMAN CRUISE TERMINAL AND NORTHEAST WHARF PLAZA AT PIERS 27-29.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2010.0493E, (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

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- A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on February 9, 2011.
 - B. On July 11, 2011, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on July 11, 2011.
 - D. On July 11, 2011, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on July 11, 2011.
2. The Commission held a duly advertised public hearing on said DEIR on August 11, 2011, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on August 25, 2011.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on December 1, 2011, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
 4. A Final Environmental Impact Report (hereinafter "FEIR") has been 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.
 5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
 6. On December 15, 2011, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The Planning Commission hereby does find that the FEIR concerning File No. 2010.0493E, the 34th America's Cup & James R Herman Cruise Terminal & Northeast Wharf Plaza reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the 34th America's Cup project described in the EIR:
 - A. Will have a significant project-specific effect on the environment by:
 - a. reducing levels of service at 18 signalized and unsignalized intersections;
 - b. impacting other signalized and unsignalized intersections;
 - c. resulting in a significant impact on traffic operations;
 - d. exceeding available transit capacity of Muni lines, PresidiGo shuttle service, AC Transit lines, BART lines, WETA lines, Golden Gate Transit bus and ferry lines, Blue & Gold ferry lines, Caltrain service, and SamTrans lines;
 - e. impacting transit operations related to additional congestion resulting from the project;
 - f. disrupting regular scheduled ferry operations;
 - g. resulting in potentially significant impacts to the transportation network in combination with other special events occurring simultaneously in San Francisco;
 - h. resulting in exposure of persons to or generation of noise levels in excess of standards established in the *San Francisco General Plan* or San Francisco Noise Ordinance;
 - i. resulting in a temporary and periodic increase in ambient noise levels in the project vicinity above levels existing without the project associated with increased traffic levels on weekends;
 - j. resulting in construction emission of criteria pollutants and precursors that would violate an air quality standard or contribute substantially to an existing or projected air quality violation;
 - k. resulting in exposure of sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5) associated with construction;

- I. violating an air quality standard or contribute substantially to an existing or projected air quality violation associated with operations;
 - m. exposing sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5) associated with operations.
 - B. Potential long-term development as a result of the AC34 project will have a significant conceptual effect on the environment, to be further analyzed at a project-specific level when proposed, by:
 - a. conflicting with BCDC policies adopted for the purpose of mitigating environmental effects;
 - b. resulting in redevelopment of existing Port properties at Piers 30-32, which could result in a significant impact to cultural resources;
 - c. resulting in significant traffic and transit impacts;
 - d. resulting in construction and operational air pollutant emissions;
 - C. Will have a significant cumulative effect on the environment in that it would result in significant adverse cumulative impacts on air quality.
 9. The Commission, in certifying the completion of said FEIR, hereby does find that the James R. Herman Cruise Terminal and Northeast Wharf Plaza project described in the EIR.
 - A. Will have a significant project-specific effect on the environment by:
 - a. contributing to existing exceedance of capacity utilization standard on the F-Market & Wharves historic streetcar line;
 - b. resulting in emission of criteria pollutants and precursors associated with construction that would violate an air quality standard or contribute substantially to an existing or projected air quality violation
 - B. Will have a significant cumulative effect on the environment in that it would:
 - a. result in significant project and cumulative impacts at the intersections of The Embarcadero/ Broadway, The Embarcadero/ Washington, The Embarcadero/ Mission, The Embarcadero/ Howard;
 - b. result in significant project and cumulative impacts on the F-Market & Wharves historic streetcar;
 - c. result in significant and unavoidable adverse cumulative noise impacts;

d. result in significant adverse cumulative impacts on air quality

10. All included Variants would result in the same significant environmental impacts at the proposed projects.

11. The Planning Commission reviewed and considered the information contained in the FEIR.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 15, 2011.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 15, 2011