

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Adopting findings under the California Environmental Quality Act (CEQA) to support the 34th America's Cup (Project), including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and consenting to continued planning coordination between the SFMTA, the Office of Economic and Workforce Development (OEWD), and the America's Cup Event Authority (ACEA).

SUMMARY:

- San Francisco plans to host the 34th America's Cup sailing races in the summers of 2012 and 2013. The America's Cup ranks third among international sporting events in terms of draw, with hundreds of thousands of spectators expected to come to San Francisco. To accommodate the transportation needs of these events, the SFMTA and OEWD led the development of the 34th America's Cup People Plan (People Plan), as stipulated by the Host and Venue Agreement between the City of San Francisco and ACEA.
- The Plan outlines transportation programs and policies designed for safety, efficiency, sustainability, flexibility and the prospect of leaving a positive transportation legacy for San Francisco and the region. The Plan reflects the technical analysis that identifies potential environmental impacts, and input from over 200 public meetings between February and September 2011 from SFMTA, from other key Bay Area transportation agencies, and from community groups and advocates. The Plan also contains a fiscal analysis of estimated costs to SFMTA of providing the transportation services proposed in the Plan.
- On September 30, 2011, ACEA accepted the final draft of the Plan, with the understanding that the City of San Francisco will likely revise and refine elements within the Plan following the certification process of the Project's Environmental Impact Report (EIR) by the San Francisco Planning Commission.
- On December 15, 2011, the Planning Commission adopted California Environmental Quality Act (CEQA) findings and certified the Project's EIR. The EIR includes transportation-related mitigation measures to address potential traffic and transportation impacts. These measures are referenced in the Plan and include augmented local and regional transit service, temporary bicycle lanes and pedestrian zones.
- The SFMTA Board is being asked to adopt the CEQA findings to support the Project.

ENCLOSURES:

1. SFMTAB Resolution
2. Attachment A – CEQA Findings and Mitigation Monitoring Reporting Program
3. Attachment B – 34th America's Cup People Plan

APPROVALS:

DATE

DIRECTOR _____

1/30/12

SECRETARY _____

1/30/12

ASSIGNED SFMTAB CALENDAR DATE: February 7, 2012

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PURPOSE

Adopting findings from the EIR certification process, including a Statement of Overriding Considerations and a Mitigation Monitoring Reporting Program.

GOAL

Making supporting CEQA findings that are consistent with all goals and objectives of the SFMTA Strategic Plan, especially:

Goal 2: System Performance – To get customers where they want to go, when they want to get there.

Objective 2.2: Ensure efficient transit connectivity and span of service.

Objective 2.3: Ensure bicycle and pedestrian network connectivity.

Objective 2.4: Reduce congestion through major corridors.

Goal 3: External Affairs – Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA as well as to ensure the SFMTA is a leader in the industry.

Objective 3.1: Improve economic value by growing relationships with businesses, community and stakeholder groups.

Goal 4: Financial Capacity – To ensure financial stability and effective resource utilization.

Objective 4.2: Ensure efficient and effective use of resources.

DESCRIPTION

In the summers of 2012 and 2013, San Francisco proposes to host the sailing races of the 34th America's Cup: the third largest international sporting event in terms of spectator draw. The SFMTA led the development of the 34th America's Cup "People Plan" (Plan), which outlines, prioritizes and programs transportation strategies to meet the needs of spectators, residents and workers alike during the event. The America's Cup "World Series" races will occur in summer 2012 and are expected to draw smaller numbers of viewers than the Louis Vuitton Challenger Series and the America's Cup Finals of summer 2013. This sequence provides the City, the region and the ACEA with an opportunity to test and monitor the Plan policies and programs during the 2012 races and to review and refine the Plan afterward in anticipation of the larger crowds of 2013.

The Plan reflects the priorities of the City and the SFMTA in proposing a transit-oriented event with strong emphasis on safe, convenient bicycle and pedestrian access. The Plan also coordinates regional and local transportation services to facilitate travel throughout the Bay Area, and includes measures designed to reduce potential negative impacts of hosting the races. Over 200 Plan development meetings were held between February and September 2011 with local and regional service providers, technical expert committees of agency boards and commissions, elected officials, community members, neighborhood associations and advocacy groups. The Plan was accepted by ACEA on September 30, 2011.

Plan Goals

Five key principles have guided the Plan development and public participation process: Safety, Resource Efficiency (utilizing existing resources and services economically), Environmental Sustainability, Strategic Adaptability (responding to differing levels of attendance and race conditions), and Positive Legacy.

In addition, the Plan is designed to accommodate the needs of at least four groups of people: those who engage in the races themselves, the spectators drawn to the events, people who may not have an interest in the races but live and work within close proximity of the main race view sites, and the balance of Bay Area residents and workers who depend on the sustained operation of the region's transportation network away from the race and view sites.

Multi-Modal Transportation Strategies

To accomplish these goals, the Plan proposes augmentation of select local and regional transit lines that link regional hubs and visitor/hospitality centers to the main view sites along the northeast waterfront: Fort Mason, Crissy Field, Aquatic Park, the Marina Green, and the Embarcadero north of the Ferry Building. Unique, expanded service cooperation between Muni and regional bus services such as Golden Gate Transit and AC Transit is proposed to allow travelers on major corridors that viewers are likely to use these lines interchangeably to reach view sites, such as Van Ness Avenue between the Civic Center and Fort Mason, the Bay Bridge to Treasure Island, and the Embarcadero. The Plan contains maps and service plan summaries detailing these proposals.

Temporary closures of selected travel lanes to automobiles will allow an increase in bicycle and pedestrian traffic to circulate safely and freely along the northern waterfront. The bicycle sharing program, bicycle rental operations and secure bicycle parking facilities will be expanded during peak race periods to give local residents and visitors spectators multiple options for bicycling to the events. Certain capital investments in the pedestrian network are proposed to be expedited and completed in advance of either the 2012 or the 2013 races, primarily including projects already conceptually developed by City agencies such as the Fisherman's Wharf "Public Realm," the Marina Green-Fort Mason trail, and the Embarcadero/Green intersection where the Exploratorium will open in 2013. The Plan contains detailed graphics and descriptions of these proposals.

The Plan also outlines strategic traffic and parking management, featuring the extensive use of Parking Control Officers and abetted by such technological innovations as SFpark and SFgo, and proposes a well-publicized approach to restricting and prioritizing automobile parking. Property in the vicinity of major viewing sites currently used as parking facilities for automobiles will be prioritized during the peak race days for bicycle parking, parking for the disabled coordinated through reservation programs, high-occupancy vehicle (for vans, tour buses, shuttles) parking and the unique and urgent parking and access needs of the America's Cup management team.

Universal Access

The Plan also outlines transportation management programs that promote the use of alternative transportation for visitors, commuters and residents during the race days. The Clipper Card is proposed for expanded application to service providers and for pre-loading with cash value and distribution in advance of the events. Transportation information services, such as the SF Travel and the 511 and 311 phone lines and on-line information transportation updates, will be coordinated and expanded for multiple languages and customer abilities.

Mitigating Potential Negative Impacts

The Plan's transportation policies, programs and strategies were developed concurrently with the Project EIR and reflect the sharing of data and analysis key to the development of both documents. The Plan serves as an inventory of transportation mitigation measures addressing the potential negative impacts identified in the Project EIR, which was certified by the City Planning Commission on December 15, 2011. Attachment A (CEQA Findings and Mitigation Monitoring Reporting Program) provides a summary of the mitigation measures referenced in the EIR, including those contained in the Plan.

Plan Funding

ACEA and the City are coordinating with the Metropolitan Transportation Commission (MTC) and the America's Cup Organizing Committee (ACOC) to develop cost estimates of both the operational and capital investment needs and strategies outlined in the Plan, prepared by and/or vetted by the responsible transportation agencies. The MTC and ACOC are also assisting the City and ACEA to sustain a fundraising effort that sets a three-year goal of \$32 million, with interim goals of \$12 million by early 2012 and \$10 million each year the races are held. The estimated costs of the Plan proposals are summarized in Attachment C (Fiscal Analysis Overview), and include SFMTA service and capital costs as well as those for other regional transportation operators and related service providers.

NEXT STEPS

The SFMTA Board's decision to adopt the CEQA findings will inform future Board of Supervisor's actions regarding both the Project EIR and possible Plan revisions in anticipation of the Project events of 2012 and 2013.

ALTERNATIVES CONSIDERED

Because the roles and responsibilities the SFMTA assumes in the People Plan are also referenced in the Mitigation Monitoring and Reporting Program and support the certification of the environmental review for the Project, declining to adopt the CEQA findings would interfere with advancement and final approval of the Project.

FUNDING IMPACT

The CEQA Findings and Mitigation Monitoring Reporting Program do not require the SFMTA to implement the Plan's transit operating proposals, fund the purchase of additional rolling stock, construct facilities for operation, maintenance and storage of vehicles, nor provide a specific level of transit service in support of the Project. However, the Plan outlines and recommends augmented transit and transportation service levels supported by select capital improvements to sustain the Project during the two summers of race events. These recommendations were made by SFMTA staff, supported by similar recommended service levels and improvements contributed to the Plan by major regional transit and transportation safety service providers. The capital and operating costs that would be borne by the SFMTA estimated in Attachment C are projected to be partially or fully reimbursed by a combination of revenues generated directly by the events themselves, fundraising managed by the ACOC, and MTC commitments to sustain augmented local and regional transportation services throughout the events.

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OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are needed from SFMTA at this time.

The City Attorney's Office has reviewed this report.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize and direct the Director of Transportation to adopt the CEQA findings on behalf of the SFMTA.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. _____

WHEREAS, The 34th America's Cup (AC34) sailing regattas are proposed to be held in San Francisco in a series of events, including the World Series races of summer 2012, the Louis Vuitton Challenger Series in July and August of 2013 and the America's Cup finals in September 2013; and,

WHEREAS, The America's Cup ranks third among international sporting events in terms of global spectator interest, and will likely bring hundreds of thousands of visitors and sailing enthusiasts to the San Francisco waterfront over the course of the AC34 events; and,

WHEREAS, In partnership with the America's Cup Event Authority (ACEA) and the America's Cup Organizing Committee, the City and County of San Francisco has signed a host and venue agreement that guides the relationships between these entities and sets expectations and obligations for hosting the AC34 events in a manner that upholds San Francisco priorities such as environmental sustainability, public safety and equitable economic opportunity, supports and promotes the races, generates revenues for both the ACEA and the City and County of San Francisco, and leaves a positive legacy for the city when the events are over; and,

WHEREAS, The host and venue agreement calls for a number of implementation plans to be prepared by certain milestones to oversee and guide the conducting of the events, including the People Plan, which addresses transportation, promotes San Francisco's "Transit First" principle along with an emphasis on walking, bicycling and other transportation modes that are alternative to the single-occupant vehicle, and which was led in development by the SFMTA; and,

WHEREAS, The People Plan was completed by the September 2011 deadline set in the host and venue agreement and accepted by the ACEA after dozens of public meetings held in the spring and summer of 2011, receiving extensive feedback and guidance from SFMTA staff, staff from regional transit and transportation agencies, community groups, business organizations, advocates and elected officials; and,

WHEREAS, The Planning Commission reviewed and considered the Final Environmental Impact Report for the Project (EIR) for AC34 in Planning Department File No.2010.0493E, consisting of the Draft EIR and the Comments and Responses document, and the Planning Commission by Motion (1) found that the contents of the EIR and the procedures through which the EIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code (Chapter 31), (2) found that the EIR reflects the independent judgment and analysis of the City and is adequate, accurate, and objective and that the Comments and Responses document contains no significant revisions to the Draft EIR, and (3) certified the completion of the EIR in compliance with CEQA, the CEQA Guidelines and Chapter 31, a copy of which Motion is on file with the Planning Department; and,

WHEREAS, The People Plan contains several transportation polices, plans and programs that are designed to mitigate potentially significant transportation impacts resulting from hosting the AC34 events that had been identified by the Planning Department in their analysis and development of the EIR; and,

WHEREAS, The EIR files available from the Planning Department have been made available to this Board and the public, and this Board has reviewed and considered the information in the EIR and the proposed CEQA Findings, including a statement of overriding considerations, and the proposed mitigation, monitoring and reporting program, (attached to this Calendar Item as Attachment A) in furtherance of the actions contemplated by this Resolution; and,

WHEREAS, The Planning Commission determined by Motion that the Project, and the various actions being taken by the City and the Agency to approve and implement the Project, are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and made findings in connection therewith (the General Plan Consistency Determination), a copy of which is on file with the Planning Department and is incorporated into this Resolution by reference; and,

WHEREAS, The Board of Supervisors is considering a series of actions and approvals in furtherance of the hosting of the AC34 events, including actions that advance and are supported by the policies and programs of the People Plan and the specific contributions therein provided by the SFMTA. Now therefore be it

RESOLVED, That in order to effectuate the development of the Project Site, the SFMTA Board of Directors does hereby adopt California Environmental Quality Act Findings to support the 34th America's Cup events attached to this Calendar Item as Attachment A, and the People Plan, attached to this Calendar Item as Attachment B, including the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, which are incorporated into this Resolution by this reference; and be it

FURTHER RESOLVED, That, by adopting the CEQA Findings to support the AC34 events, the SFMTA Board does not intend to in any way limit, waive or delegate the exclusive authority of the SFMTA as set forth in Article VIIIA of the City's Charter; and, be it

FURTHER RESOLVED, That SFMTA staff is hereby directed to take all steps as necessary to effectuate the provisions of this Resolution, including the undertaking of further work to implement the People Plan to the extent feasible, in a cost-effective manner, through the refinement of operational strategies, cooperation and collaboration with other transportation agencies, and identification and pursuit of appropriate leverage funding opportunities.

I hereby certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting on February 7, 2012.

Secretary, Municipal Transportation Authority Board

ATTACHMENT A

34th AMERICA'S CUP PROJECT

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PORT COMMISSION

In determining to approve the 34th America's Cup Project described in Section I, Project Description below, (referred to here as the "Project") the San Francisco Port Commission ("Port Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 *et seq.*, particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 *et seq.*, particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code. These findings comprise **Attachment A** to Port Resolution No. 11-79 ("Port Approval Resolution"), dated December 16, 2011. The Port Commission adopts these findings as part of the Port Approval Resolution and has incorporated these findings therein by reference.

This document is organized as follows:

Section I provides a description of the Project proposed for adoption, the environmental review process for the Project, the approval actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

Section V evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives or elements of the alternatives analyzed; and

Section VI presents a statement of overriding considerations setting forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the Project.

The Project has evolved throughout the environmental review process and this Project was essentially analyzed as the "Reduced Intensity AC34 and Long Term Development Sub-Alternative"

in the 34th America's Cup & James R. Herman Cruise Terminal and Northeast Wharf Final Environmental Impact Report, Case No. 2010.0493E, certified by the San Francisco Planning Commission on December 15, 2011 ("Final EIR"). The Project includes elements of the Project Variant, the Sub-Alternative and Alternative 4, the Reduced Spectator Berthing Alternative, as set forth in the Final EIR. A Mitigation Monitoring and Reporting Program ("MMRP") containing the Final EIR mitigation measures that have been proposed for adoption is attached as **Attachments B-1 to B-3** to Port Resolution 11-79. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final EIR that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in the MMRP.

These findings are based upon substantial evidence in the entire record before the Port Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR"), the Comments and Responses document, and the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. The Draft EIR and the Comments and Responses document, together with any Errata Sheets, comprise the Final EIR.

I. APPROVAL OF THE PROJECT

A. *Project Description*

By this action, the Port Commission approves the Project, which comprises physical improvements, entertainment and spectator programming, and event operations planned for the 34th America's Cup ("AC34"), affecting various sites along the San Francisco Bay waterfront on properties under the jurisdiction of the Port Commission, the City and County of San Francisco, and the National Park Service, as described in further detail below. The improvements and activities that constitute the Project are fully addressed in the Final EIR, including updates and refinements essentially defined as the "Reduced Intensity AC34 and Long Term Development Sub-Alternative" described in Chapter 11 of the Final EIR. The Project includes elements of the Project Variant, the Sub-Alternative and Alternative 4, as discussed in the Final EIR and was identified as the environmentally superior alternative in the Final EIR.

The following discussion starts with a brief overview of the AC34 events, and the AC34 Host and Venue Agreement, which establishes the basis for AC34 venue site improvements and long-term development rights, obligations and responsibilities. Following that discussion, a description of the Project elements is presented.

AC34 Race Events

A series of AC34-related yacht races will be held in San Francisco Bay in summer-fall 2012 (America's Cup World Series) and in summer-fall 2013 (Louis Vuitton Cup, America's Cup Challenger Series; potential America's Cup Defender Selection Series; and the Match). In addition, a Youth America's Cup series will be concurrently held in 2012 and 2013. As described in detail in the Final EIR, the number and level of facilities required to accommodate 2012 activities will be less than that planned to accommodate 2013 because the number of races, duration of events, and spectator levels in 2012 will be less than in 2013. These venues would encompass all aspects of AC34 facilities and services needed to support the events; the venues would include team bases and operations, support space, media operations, hospitality services, sponsored commercial space, and entertainment and spectator areas.

Two World Series events will occur in the San Francisco Bay in August and September 2012. Each World Series will run approximately 9 days, with 6 race days in each series, along with other activity days (i.e., test and media days), and rest days. AC34 2013 will include the Louis Vuitton Cup, America's Cup Challenger Series (ACCS); potential America's Cup Defender Series (ACDS); and the Match. Racing will culminate with the Match series between the Defender and the Challenger (winner of the ACCS), a best of nine matches. The races will start on July 4, 2013 and run through September 24, 2013. The total number of race days is dependent on the number of teams competing, and if an ACDS is held, it is expected there would be a total of approximately 45 race days and 40 non-racing days during that 3-month period.

The primary race area, within which race courses would be set, is generally defined along San Francisco's northern waterfront, based on discussions between the ACRM and U.S. Coast Guard, and ongoing outreach conducted by the Coast Guard. In 2012, the race area will be generally between Pier 27-29 and the Golden Gate Bridge, south of Alcatraz Island. In 2013, the race area will be slightly larger, extending a short distance under Golden Gate Bridge, and including waters north of Alcatraz Island. The size of the primary race area is substantially smaller than that described in the Draft EIR, and is subject to further refinement by the Coast Guard.

34th America's Cup Host and Venue Agreement (Host Agreement)

On December 14, 2010, the Board of Supervisors for the City and County of San Francisco (City) endorsed a 34th America's Cup Host and Venue Agreement (Host Agreement)¹ with the America's Cup Event Authority, LLC (Event Authority)² and America's Cup Organizing Committee (ACOC),³ as the City's formal bid to host AC34. On December 31, 2010, the Golden Gate Yacht Club (GGYC) selected San Francisco as the host city for AC34. Hereafter, the City and Event Authority are referred to collectively as the "Project Sponsors" for AC34. The Project Sponsors for AC34 propose improvements and services at several facilities and locations, to support AC34.

In addition to the provisions for AC34, the Host Agreement provides the Event Authority with certain long-term development rights as a means for recovering the investment in infrastructure work (Authority Infrastructure Work) to improve the AC34 venue sites. Subject to various contingencies, the Host Agreement states that if the Event Authority invests at least \$55 million in venue infrastructure before the Match race, the City will enter into Disposition and Development Agreements (DDAs) with the Event Authority, under which the City will agree to lease to the Authority Piers 30-32 for a term of 66 years, and Seawall Lot 330 for a term of 75 years and, if the public trust is lifted, transfer to the Event Authority fee title to Seawall Lot 330 under a separate purchase and sale agreement (Transfer Agreement). The Host Agreement includes a balancing process under which the Event Authority may obtain additional long-term leases for one or more of the short-term venues if the cost of the pre-Match Authority Infrastructure Work exceeds \$55 million. If the Event Authority invests in repair work on Piers 26 and 28 specified in the Host Agreement (Additional Work), the Event Authority would enter into DDAs with the Port Commission, and would lease to the Event Authority Piers 26 and 28 for 66-year terms. The Host Agreement also includes provisions that could lead to long-term use of Piers 19, 23, and 29 and the Open Water Basins at Piers 32-36 and/or Piers 14-22½ after conclusion of the AC34 race events, if the Event Authority undertakes further infrastructure investment. Under the Host Agreement, those sites that are leased for long-term development would be made available rent-free, to reimburse the Event Authority for its capital costs, plus a return of 11 percent. Any DDA or long-term lease would first require approval by the Port Commission, and review and approval by the City through the Board of Supervisors.

1 34th America's Cup Host and Venue Agreement among the City and County of San Francisco, the America's Cup Event Authority, LLC, and the San Francisco America's Cup Organizing Committee. For a copy, please go to: http://www.oewd.org/Development_Projects-Americas_Cup.aspx. The Golden Gate Yacht Club, which holds the America's Cup, delegated to the Event Authority the right to select the venue for AC34. Certain capitalized, event-related terms used in this document are defined in the Host Agreement.

2 The Event Authority is responsible for organizing and managing AC34, as well as marketing AC34 and identifying potential partners.

3 The ACOC is a nonprofit volunteer group of local civic leaders who are responsible for certain obligations under the Host Agreement, including assisting the Event Authority in selling event sponsorships.

The Host Agreement directs that any such future long-term development plans are required to undergo separate environmental review to comply with CEQA, when site-specific development program details are proposed. The completion of such future CEQA review will be required to support any permits and regulatory approvals associated with the long-term development improvements. There are no specific long-term development proposals under consideration at this time. In the absence of such information, the Final EIR includes a conceptual analysis of potential development of all of the above-noted sites taking into consideration: (1) the Port of San Francisco Waterfront Land Use Plan; (2) public trust considerations including public access standards; (3) the San Francisco Planning Code and Zoning Map; and (4) consistency with the Secretary of Interior's Standards for Historic Rehabilitation.

AC34 Venues and Long-term Development Sites Included in the Project

The Project that is approved is described in the Final EIR as the Reduced Intensity AC34 and Long Term Development Sub-Alternative, which incorporates updates and refinements to the Draft EIR project description, and includes the long term development scenario for the piers contemplated in the "Reduced Intensity AC34 and Long Term Development Sub-Alternative" (referred to herein as the "Sub-Alternative"). The Project that is approved also incorporates the changes to the long-term marina development described as part of the Sub-Alternative. The Project includes elements of the Project Variant, the Sub-Alternative and Alternative 4, as discussed in the Final EIR. Several of the venues consist of areas and facilities managed by the Port, including certain piers (Pier 19, Pier 19½, Pier 23, Piers 27-29½, Pier 26, Pier 28, Piers 30-32, and Pier 80), water basins/water areas [Piers 19-23, Piers 23-27 (Northeast Wharf Open Water Basin), Piers 29-31, and Piers 14-22-1/2 (Rincon Point Open Water Basin), Piers 26-28, Piers 28-30, and Piers 32-36 (Brannan Street Wharf Open Water Basin)], and Seawall Lot 330.4,5 Various other venues are proposed for spectator- and/or sponsor-related activities under the jurisdiction of the City, and the National Park Service, through the Golden Gate National Recreation Area ('GGNRA'), San Francisco Maritime National Historical Park ('SAFR') and the Presidio Trust. The affected City properties include Marina Green, San Francisco Civic Center, Union Square, and Justin Herman Plaza and the Port properties listed above. Affected GGNRA properties include Crissy Field, Fort Mason, Alcatraz Island, and Fort Baker Pier at Cavallo Point (near Sausalito). Portions of Crissy Field fall on lands managed by the Presidio Trust. San Francisco Maritime National Historical Park properties affected include Aquatic Park, and Municipal Pier.

4 The Bay Conservation and Development Commissions (BCDC)'s San Francisco Waterfront Special Area Plan (Special Area Plan or SAP) designates a number of water areas within its jurisdiction as "Open Water Basins," which have defined permitted uses and are subject to specific requirements for maintaining these areas as focal points along the waterfront.

5 The "seawall" refers to the foundation upon which the waterfront was constructed and consists of a linear embankment of stone, concrete, and wood. The "bulkhead wharf" consists of the pile-supported platform that runs parallel to the seawall between piers and upon which bulkhead buildings, pier entrances and other supporting structures are constructed. The seawall is integrated with the bulkhead wharf to form a continuous, unifying structure. Seawall lots are parcels that are landward of the city's historic seawall, west of the Embarcadero.

Piers 27-29 will be the site of one of the primary AC34 venues in 2013 - the America's Cup Village ("AC Village"). Pier 27 also is the site for development by the Port of the James R. Herman Cruise Terminal and Northeast Wharf Project ("Cruise Terminal Project"). The Cruise Terminal Project will be coordinated with the AC34 Project to allow the initial phase of the cruise terminal building to be constructed and used as part of the AC Village for the 2013 America's Cup race events. If separately approved by the Port Commission, the remainder of the cruise terminal improvements will be built out after the conclusion of AC34.

The Project encompasses all aspects of AC34 facilities and services needed to support the events, which are incorporated as part of the Project. The venues include team bases and operations, support space, media operations, hospitality services, sponsored commercial space, and entertainment and spectator areas. The number and/or use of venues planned for AC34 events in 2012 are different from that proposed in 2013. In addition, a number of temporary improvements and certain permanent seismic and infrastructure upgrades will be required at the proposed venue sites to accommodate the AC34 events in 2012 and 2013. The specific improvements included at each of the venue sites included in the Project are presented in Chapter 11, Table 11-2 of the Final EIR. Below is a summary list of the uses by site included in the Project:

AC34 – 2012 Venues

- Crissy Field & Crissy Field East (GGNRA/NPS and Presidio Trust) – Spectator Viewing and Media Center
- Marina Green (SFRPD) – Spectator Viewing and AC Village
- Marina Green West (SFRPD) – Spectator Viewing and Media Center
- Fort Mason (GGNRA/NPS) – Spectator Viewing
- San Francisco Maritime National Historical Park, including Aquatic Park (SAFR/NPS) – Video Screen Barge, Spectator Viewing
- Fort Baker Pier at Cavallo Point & Alcatraz Island (GGNRA/NPS) – Private Event Special Use
- Piers 19 and 19-1/2 (Port) - AC34 Operations Support
- Piers 26 and 28 (Port) – Team Base Support Facilities
- Pier 80 (Port) – Team Bases
- Treasure Island (Treasure Island Development Authority) – Temporary Helipad
- Justin Herman Plaza, Union Square, San Francisco Civic Center Plaza (City and SFRPD) – Live Sites with Outdoor Television Screens

AC34 2013 Venues

- Crissy Field & Crissy Field East (GGNRA/NPS and Presidio Trust) – Spectator Viewing
- Marina Green (San Francisco Recreation and Parks Department, "SFRPD") – Spectator Viewing
- Marina Green West (SFRPD) – Spectator Viewing
- Fort Mason (GGNRA/NPS) – Media Center, San Francisco Maritime Historical Park, including Aquatic Park (SAFR/NPS) – Video Screen Barge, Spectator Viewing
- Fort Baker Pier at Cavallo Point & Alcatraz Island (GGNRA/NPS) – Private Event Special Use
- Pier 27-29 and Northeast Wharf Open Water Basin (Port) – AC Village and Vessel Berthing
- Pier 19, 19-1/2, 23 and 29-1/2 (Port) – AC34 Operations, Media Center, Berthing
- Pier 9 and Broadway Open Water Basin (Port) – AC34 Boat Berthing

- Pier 14 North and Portion of Rincon Point Open Water Basin (Port) – AC34 Boat Berthing
- Piers 26 and 28 (Port) – Team Base Support Facilities
- Pier 30-32 and Brannan Street Wharf Open Water Basin (Port) – Team Bases and Berthing
- Seawall Lot 330 (Port) – AC34 Parking
- Pier 80 (Port) – Ancillary Team Bases
- Treasure Island (Treasure Island Development Authority) – Temporary Helipad
- Justin Herman Plaza, Union Square, San Francisco Civic Center Plaza (City and SFRPD) – Live Sites with Outdoor Television Screens

The long-term development rights associated with capital improvements of the AC34 venue sites are described in the Sub-Alternative and are the same as the Draft EIR project, except that development at Piers 19, 19-1/2 and 23 would not occur. Overall, proposed landside development would be 20 percent less than that proposed under the Draft EIR AC34 project, but it would be about 60 percent more development than that proposed under the Draft EIR Reduced Intensity Alternative. The Project includes approval of DDAs that set forth the terms for the long-term development of Piers 30-32, Pier 26, Pier 28, Piers 29, and Seawall Lot 330. The Project also includes a Transfer Agreement that provides for the eventual sale of Seawall Lot 330 to the Event Authority.

In addition, the Project includes long-term marina development. This development would direct the locations of future long-term marina uses to be located in different locations than those proposed for the original Draft EIR Project, to be more compatible with the BCDC San Francisco Bay Plan and the BCDC SAP. A large vessel marina, serving up to 30 vessels from 50 – 200 feet in length, could be permitted in the water area around Piers 30-32, using the water basin between Piers 28-30 and a portion of the Brannan Street Wharf Open Water Basin, preserving views from the Brannan Street Wharf. A small craft marina that could accommodate up to 425 berths ranging between 25 – 50 feet in length could be permitted at Pier 54 and the surrounding water area to the north and east. As described above, there are no specific proposals for long-term development at this time, including the long-term marinas, and such future proposals will require project-specific CEQA environmental review.

The Project incorporates new information that updates or supplements certain aspects of the environmental setting, environmental analysis or mitigation measures previously presented in the Draft EIR project description. They include the following:

- Updated information on AC34 Implementation Plans – A summary of the Implementation Plans is provided below, which reflects refinements, and updated information that has been incorporated;
- Updates to potential fill removal sites associated with amendments to the BCDC San Francisco Waterfront Special Area Plan (SAP) for the AC34;
- Updated spectator and support boat estimates for AC34;
- Updated and augmented air quality analyses and mitigation measures for AC34;
- Certain AC34 operational modifications for the AC34 race events, including primary location of AC34 race area, and race schedule refinements;

- Certain AC34 project venue design modifications or reduced construction requirements at certain Port facilities, including Pier 80, Piers 30-32, Brannan Street Wharf Open Water Basin (OWB), Pier 26, Pier 28, Rincon Point OWB, Pier 14 North, Pier 9 South, Pier 19, Pier 19½, Pier 23, and Piers 27-29; and at other proposed spectator venues, including Marina Green, Fort Mason and Aquatic Park;
- Certain temporary public access improvements at Port facilities for the AC34 2013 events; and certain permanent post-AC34 event public access improvements on City and Port properties; and
- Certain changes in proposed amendments to the BCDC SAP for the AC34 project to increase public access and provide for additional public benefits such as fill removal.

Implementation Plans

The Project includes approval of various Implementation Plans developed by the City, in consultation with the Event Authority. These Implementation Plans describe how specific aspects of the race events will be managed in 2012 and 2013. The services and operational strategies contained in the Implementation Plans will be implemented for the 2012 events and, based on experiences gained, may be refined and updated to incorporate lessons learned and improved practices for 2013 events. The following Implementation Plans, summarized below, have been informed by, and coordinated with, environmental impact and mitigation measures in the Final EIR, and are approved as part of the Project.

People Plan – *The People Plan describes a safe, reliable and efficient traffic and transportation strategy to facilitate the movement of thousands of visitors on any day to and from the America's Cup events. It is oriented to minimize private automobile use and plans for expanded transportation access by multiple modes that connect visitors to AC34 events, as well as serve residents and workers in the affected areas who may not attend AC34 events. The People Plan includes provisions for temporary transit enhancements along the Embarcadero corridor, temporary transit service to certain AC34 venues, enhancements to regional transit systems, partial street closures and support facilities to encourage pedestrian and bicycle access, and satellite parking locations with connections to public transit.*

Parks Event Operations Plan - *The Host Agreement states that as a further element of the People Plan, the City shall work with the Event Authority "to develop and implement a plan to secure certain of the on-shore spectator areas and the on-the-water spectator areas." The Parks Event Operations Plan focuses on the on-shore spectator venue sites, developed in consultation with the Event Authority and responsible jurisdictional authorities, including the NPS, California Department of Parks and Recreation, Presidio Trust, and San Francisco Recreation and Parks Department. Key considerations to be addressed in the Plan are crowd management, resource protection, safety, visitor comfort, visitor experience and post-event restoration. The Plan will direct cost-effective solutions and management functions address these issues, including description of roles and responsibilities of implementing entities. Certain aspects of the Parks Event Operations Plan are subject to further planning and environmental review under federal law in conjunction with the applicable federal land management agencies, and the plan will be updated accordingly when those reviews are complete.*

Water and Air Traffic Plan - *Consistent with the Host Agreement, the City developed a Water and Air Traffic Plan in consultation with the Event Authority and America's Cup Race*

Management and in cooperation with members of the Intergovernmental Task Force and/or other governmental authorities having relevant jurisdiction, particularly the United States Coast Guard and Federal Aviation Administration. The purpose of the Water and Air Traffic Plan is to provide guidelines for adequate and safe access to the race course area and provisions for use of the race course area by AC34-related water transportation, and boater information targeting boating operations that protect environmental and water quality of San Francisco Bay. The Water and Air Traffic Plan would include Special Local Regulations established by the U.S. Coast Guard to manage with on-going commercial operations on the Bay, including, but not limited to: cargo transport, commercial fishing, maintenance dredging, ferry boats, and cruise ships. The U. S. Coast Guard is currently developing those regulations, and the plan will be updated to reflect those regulations upon final adoption.

Zero Waste Plan - *Consistent with the provisions of the Host Agreement, the Department of the Environment, in consultation with the Event Authority, the Port, GGNRA, and SAFR have developed a Zero Waste Plan (also referred to as the "Waste Management Plan") that sets forth recycling, composting and waste reduction measures to be implemented during the AC34 events, to meet or exceed the City's goals for landfill diversion. The Plan includes requirements for food and beverage vendors to use compostable and/or recyclable to-go food utensils and packaging, requirements for vendors to maintain adequate composting and recycling receptacles and service levels to meet demand for expected crowds, coordination with local recycling and composting collection firms to ensure adequate collection service, and prohibitions on the use of non-recyclable or non-compostable food service materials in event areas. In addition, the Zero Waste Plan includes procedures and specifications for portable restrooms and washing stations in public park and spectator areas.*

Sustainability Plan: *The Event Authority has developed an event Sustainability Plan, in consultation with the San Francisco Department of the Environment and other involved organizations. The Sustainability Plan is an overarching document covering event sustainability activities implemented by various organizations, including sustainability-related regulations required by the City and County of San Francisco, and onshore and offshore event sustainability activities, such as local employment, carbon emissions, waste, water, food, habitat protection and transport.*

Team Base Operations Manual: *The Event Authority, in consultation with the Port, will develop a Team Base Operations Manual that identifies all environmental and safety requirements, standards and best management practices that would be applicable to all proposed industrial-related practices at the team bases, including but not limited to boat fabrication and assembly, equipment and materials use and storage, and maintenance and cleaning activities. The Team Base Operations Manual would also contain a list of all applicable environmental and safety permits for AC34, including, but not limited to, those that may be required by the Regional Water Quality Control Board, Bay Area Air Quality Management District, and other jurisdictional agencies.*

Public Safety Plan: *The City has developed, in consultation with the Event Authority, a Public Safety Plan to address all reasonable safety and security measures (including emergency and rescue services) to protect the public, media, event related staff and competitors. The Public Safety Plan would include specific measures to ensure a high level of security within and around all elements of the event venues and within and around sensitive locations such as airports, rail, BART, and metro and bus stations.*

Workforce Development Plan: *As indicated in the Host Agreement, the Event Authority, in consultation with the City's Office of Economic and Workforce Development, has developed a local hiring plan consistent with Chapter 6.22 and Chapter 83 of the San Francisco Administrative Code. The Workforce Development Plan would include local hiring opportunities for San Francisco residents in certain required AC34-related infrastructure improvements, AC34 event staging, and other AC34 event-related activities.*

Youth Involvement Plan: *As indicated in the Host Agreement, the Event Authority has developed a Youth Involvement Plan in consultation with the Department of Children, Youth and Families. The plan would set forth the approach by which the Event Authority would incorporate and support sailing-related programs and activities, outreach, event internships, and other activities related to the event.*

Port Tenant Relocation

The Project requires the relocation of existing tenants currently leasing and occupying Port facilities that will be used for AC34 venues at Piers 30-32, Seawall Lot 330, Pier 26, Pier 28, Pier 19, Pier 19½, Pier 23, Piers 27-29 and Pier 29½, prior to the AC2012 event. Specific details regarding affected tenants and uses are described on pages 3-85 and 86 of the Final EIR. In support of these actions, the Port Commission approves a Tenant Relocation Plan, as required by state law, which sets forth relocation benefits available to those vacating facilities. The Port Commission will also be considering approval of specific leases for individual tenants, like the leases for Teatro Zinzanni and Bauer Intelligent Transportation.

BCDC Plan Amendments

As part of the proposed AC34 project, the Port or the Event Authority has proposed amendments to the San Francisco Bay Conservation and Development Commission ("BCDC") Special Area Plan ("SAP", an element of the San Francisco Bay Plan). Any such revisions to the Special Area Plan also will involve amendments to the Port's WLUP to maintain consistent policies of the two agencies. The proposed amendments are required to permit berthing on a temporary basis for AC34 events of large spectator yachts, race support vessels and smaller recreational boats within the following locations: 1) within the northern portion of the Rincon Point Open Water Basin (Piers 14- 22½); 2) Brannan Street Wharf Open Water Basin (Piers 32-36; 3) Broadway Open Water Basin (Piers 3-9); and 4) Northeast Wharf Open Water Basin (Piers 19-27). The proposed SAP amendments do not provide for any long-term berthing of large spectator yachts, or other vessels. The SAP amendments will include requirements to remove bay fill to compensate for the use of these Open Water Basins for berthing of AC34 boats, vessels and large spectator yachts. The Final EIR analyzes the following fill removal sites which are under review by BCDC: Pier ½, Pier 64, Islais Creek, Pier 98 Lash Terminal pier, Carmen's on China Basin Channel/Mission Creek.

B. *Project Objectives*

The Project objectives are to:

- Establish San Francisco and San Francisco Bay's identity as a world-class venue for the sport of sailing and generate interest in the sport by hosting America's Cup World Series events in 2012 followed by successful America's Cup events in 2013
- Provide public viewing opportunities of the America's Cup and the America's Cup World Series live racing events at close range from various locations on the waterfront around Central San Francisco Bay to increase the general public's access to the event and expand the appeal of the sport of sailing to the general public
- Create a center of activity for the America's Cup and the America's Cup World Series by improving the existing resources of The Embarcadero and the San Francisco waterfront to establish a cohesive sense of place and identity for the AC34 participants (i.e., teams, event guests and staff, media personnel), visitors, and spectators of the events that enhance the landside viewing opportunities and provide adequate facilities for spectator vessels
- Provide infrastructure upgrades and other installations to improve existing facilities in consolidated areas for team base activities, spectator viewing, and entertainment venues, including the public piers along San Francisco's waterfront, for use during the America's Cup in 2013 and the America's Cup World Series in 2012, consistent with Port of San Francisco building code requirements and the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)
- Facilitate access to and from desired destinations based on smart transportation strategies presented in the America's Cup People Plan for the racing teams, event personnel, event sponsors, members of the media, and spectators, while satisfying the access needs of residents, workers, and visitors not associated with the races

- Emphasize natural resource stewardship by incorporating sustainability principles in the planning and management of all race events and operations, including zero waste strategies identified in the America's Cup Waste Management Plan
- Implement navigational and operational safety guidelines for race team, support, and spectator boat activities associated with the America's Cup and the America's Cup World Series that meet United States Coast Guard regulations, the America's Cup Protocol, and the safe limits of event boats and equipment; minimize conflicts with existing commercial maritime activities; and establish sustainable environmental practices and standards to help protect the ecological health of San Francisco Bay
- Encourage investment in infrastructure upgrades on Port property required to stage the America's Cup and the America's Cup World Series, for which the City would provide commensurate future long-term development rights on Port of San Francisco properties as contemplated under the Host Agreement

C. *Environmental Review*

Project Final EIR

Pursuant to and in accordance with the requirements of Section 21094 of the Public Resources Code and Section 15152 of the CEQA Guidelines, the San Francisco Planning Department prepared a Final EIR for 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Projects.

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department, as lead agency, published a Notice of Preparation ("NOP") on February 9, 2011, and conducted scoping meetings for the EIR on February 23 and 24, 2011. The NOP was circulated to local, state, and federal agencies and to other interested parties on February 9, 2011, initiating a public comment period that extended through March 11, 2011.

As indicated in the NOP, the EIR addressed the full range of environmental impacts of the Project. The NOP included a preliminary list of the potential environmental impacts. The NOP provided a general description of the Project, locations, and objectives (see Appendix NOP-1 in Volume 4 of the Final EIR for a copy of the NOP).

Pursuant to CEQA Guidelines Section 15083, the San Francisco Planning Department held two public scoping meetings on February 23, 2011 at the Port of San Francisco office at Pier 1, and on February 24, 2011 at San Francisco City Hall, both located in San Francisco. The purpose of the meetings was to present the proposed Project to the public and receive public input regarding the scope of the EIR analysis. Attendees were provided an opportunity to voice comments or concerns regarding potential effects of the Project.

The public scoping process and the comments received in response to the NOP yielded both written and oral comments. The comment letters, transcript of the scoping meeting, and reproductions of the comment cards are available for public review at the Environmental Planning Division of the San Francisco Planning Department, 1650 Mission Street, San Francisco, CA. The comments issued during the scoping meeting addressed concerns regarding land use, plans and policies, aesthetics, air quality, long term development, transportation, biological resources, cultural resources, hydrology and water quality, and cumulative impacts.

The San Francisco Planning Department then prepared the Draft EIR, which describes the Project and the environmental setting, identifies potential impacts, presents mitigation measures for impacts found to be significant or potentially significant, and evaluates Project alternatives. The Draft EIR analyzes the impacts associated with the Project, and identifies mitigation measures applicable to reduce impacts found to be significant or potentially significant. It also includes an analysis of four alternatives to the Project, including the No Project Alternative, a Reduced Berthing Alternative, an Open Ocean Alternative, and a Reduced Intensity Alternative. In assessing construction and operational impacts of the Project, the EIR also considers the combined effects of the Project with the James R. Herman Cruise Terminal and Northeast Wharf Project, and the contribution of Project impacts to cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources.

Each environmental issue presented in the Draft EIR is analyzed with respect to significance criteria that are based on the San Francisco Planning Department Environmental Planning Division ("EP") guidance regarding the environmental effects to be considered significant. EP guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

On July 11, 2011, the Draft EIR was circulated to local, state, and federal agencies and to interested organizations and individuals for review and comment during a 45-day public review period, which closed on August 25, 2011. A public hearing was held by the Planning Commission on the Draft EIR to accept written or oral comments on August 11, 2011. During the public review period, the San Francisco Planning Department received 235 sent through the mail or email and 45 oral comments from speakers at the public hearings. A court reporter was present at the public hearing, transcribed the oral comments verbatim, and prepared a written transcript, which is provided in the Comments and Responses document, described below.

The Comments and Responses document was published on December 1, 2011, and it included copies of all of the comments received on the Draft EIR as well as responses to those comments. The Comments and Responses document provided additional, updated information, and clarification on issues raised by commenters. In addition, Chapter 11 of the Comments and Responses document included the description and analysis of an AC34 Project Variant, and a Reduced Intensity Sub-Alternative. The Project as defined herein incorporates all of the race venue elements of the AC 34 Project Variant and the long-term landside development scenario for the piers contemplated in the "Reduced Intensity AC34 and Long-Term Development Sub-Alternative."

The Project to be approved incorporates minor project modifications to AC34 venue sites compared to the Draft EIR project. The Project includes reductions in the amount of construction; updated, reduced estimates of spectator boats associated with AC34 events; and additional air quality mitigation measures that reduce but do not eliminate the extent of significant air quality impacts described in the Draft EIR. The Project includes all the race venue elements of the Variant, as well as the long term landside development scenario for the piers contemplated in the "Reduced Intensity AC34 and Long-Term Development Sub-Alternative." Both the Reduced Intensity Alternative and the Reduced Intensity Sub-Alternative would reduce significant impacts identified for the Draft EIR project, including avoiding the significant and unavoidable land use impact associated with long-term development of a marina at the Rincon Point Open Water Basin. The Final EIR concluded that either the Reduced Intensity Alternative or the Reduced Intensity Sub-Alternative would be considered the environmentally superior alternative.

The Planning Commission reviewed and considered the Final EIR, which includes the Draft EIR, the Comments and Responses document, and all of the supporting information. The Final EIR also analyzed the potential effects of the Project on achieving the 34th America's Cup objectives specified in the Final EIR. In certifying the Final EIR, the Planning Commission determined that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA because the Final EIR contains no information revealing: (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented; (2) any substantial increase in the severity of a previously identified environmental impact; (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents; or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. This Commission concurs with the determination of the Planning Commission. The Final EIR fully analyzed the Project proposed for approval by the Port Commission as essentially the Reduced Intensity Sub-Alternative. No new impacts have been identified that have not been analyzed in the Final EIR.

D. Environmental Analysis of the Reduced Intensity AC 34 and Long Term Development Sub-Alternative

As discussed, the Final EIR included a description and analysis of the Project in the Comments and Responses document, Chapter 11, (referred to there as the "Reduced Intensity AC 34 and Long Term Development Sub-Alternative") including a detailed description of the Sub-Alternative in Chapters 11.3 and 11.5 and analysis of impacts in Chapters 11.3.2 and 11.5.2. The Comments and Responses document analysis concluded that the potential environmental effects of the Project are similar to or less than the environmental effects of the Draft EIR AC34 Project. The differences in the project elements and the impacts and mitigation measures between the Project and the Draft EIR AC34 Project are summarized below.

The Project elements that differ from those in the Draft EIR AC34 project would either result in the same impacts as for the Draft EIR AC34 Project or would reduce impacts as compared to the Draft EIR project. The Comments and Responses document, Chapter 11, Section 11.3.2, Environmental Effects of the AC34 Project Variant, Section 11.5.2, Environmental Effects of the Reduced Intensity AC 34 and Long Term Development Sub-Alternative, Table 11-8, Comparison of the Significant

Environmental Impacts of the Draft EIR AC34 Project and the Reduced Intensity AC 34 and Long Term Development Sub-Alternative, provide a summary of how the impacts and mitigation measures of the Project compare to the Draft EIR AC34 Project. In addition, Chapter 12.13 presents an updated air quality impact analysis that includes address of new air quality mitigation measures that will reduce the severity of significant effects by reducing Project emissions, although not to a less than significant effect. The impacts associated with the Draft EIR project that would be reduced under the Project are:

- The effect of the Project in reducing the scope of the proposed repairs to the bulkhead wharf and substructure at historic piers such that impacts on historic resources would be less than significant and Mitigation Measure M-CP-1a would not be required. Mitigation Measure M-CP-1a, Bulkhead Wharf Substructure Review Process, would not be required, due to the reduced level of infrastructure improvements associated with strengthening or seismic upgrade to the Pier 29 superstructure that would be required compared to the Draft EIR AC34 project.
- Reduced impacts associated with long-term development rights due to reduction in overall development rights, including avoidance of all impacts at Piers 19, 19-1/2 and 23 and the Rincon Point Open Water Basin.
- There would be no impact associated with long-term development of a marina at the Rincon Point Open Water Basin because no marina is proposed there.
- There would still be a significant and unavoidable impact associated with long-term development of a marina at the Brannan Street Wharf Open Water Basin.

In sum, the Project would have the same impacts as the Draft EIR Project except that it would reduce impacts on Cultural Resources and would not require implementation of Mitigation Measure M-CP-1a, and it would reduce impacts associated with long term development rights, including avoidance of all impacts at Piers 19, 19-1/2 and 23 and the Rincon Point Open Water Basin.

E. Approval Actions

San Francisco Planning Commission

- Certification of the Final EIR
- Determination of consistency with the San Francisco General Plan for the transfer of Seawall Lot 330 and any other aspects of the projects, if required

San Francisco Port Commission

- Approval of the AC34 project, Disposition and Development Agreement for AC34 venues, including improvements to Port property, and venue leases on Port property; transfer of Seawall Lot 330; adoption of CEQA findings and a Mitigation Monitoring and Reporting Program for each project

San Francisco Recreation and Park Commission

- Approval of special use permit for San Francisco Marina and Marina Green, Justin Herman Plaza, Union Square and Civic Center Plaza

San Francisco Redevelopment Agency

- Approval of any potential AC34-related temporary or permanent activities or facilities within the Rincon Point South Beach Redevelopment Area

San Francisco Board of Supervisors

- Consideration of any appeals of the Planning Commission's certification of the Final EIR
- Adoption of CEQA findings and a Mitigation Monitoring and Reporting Program
- Approval of agreements, if any, between CCSF and Event Authority regarding responsibilities for implementing actions to stage the AC34 events
- Approval of the AC34 project, including the-Disposition and Development Agreement for AC34 venues, transfer of Seawall Lot 330, and the 34th America's Cup Host and Venue Agreement
- Formation of Infrastructure Financing District

United States Coast Guard

- Issue a Marine Event Permit. Captain of the Port (COTP) issues marine event permits for activities including regattas, fireworks displays, and other events held on the navigable waters of the United States. AC34 marine events, including sailing races and fireworks displays, will require a marine event permit from the COTP.
- Issue Special Local Regulation (SLR). The COTP is authorized to establish regulations in conjunction with the AC34 race area that are deemed necessary to ensure safety of life on the navigable waters. Such regulations will aim to facilitate public safety, vessel traffic safety, and protection of the environment on waters of the Bay. The SLR will be incorporated into the Code of Federal Regulations and would apply to the AC34 events.

Federal Aviation Administration

- Determination of flight area requirements

United States Army Corps of Engineers

- Rivers and Harbors Act, Section 10 permit to authorize structures in navigable waters of the U.S.
- Marine Protection, Research and Sanctuaries Act of 1972, Section 103

United States Fish and Wildlife Service

- Consultation under Section 7 of the Federal Endangered Species Act, in conjunction with the federal permits above and the National Park Service permit and the U.S. Army Corps of Engineers Section 10 permit

National Marine Fisheries Service

- Consultation under Section 7 of the Federal Endangered Species Act, in conjunction with federal permits
- Incidental Harassment Authorization under the Marine Mammal Protection Act (MMPA)

National Historic Preservation Act Section 106 Compliance

- State Historic Preservation Officer consultation, in conjunction with federal permits

National Park Service

- Permits to use GGNRA and SAFR lands, including Crissy Field, Fort Mason, Aquatic Park, Fort Baker Pier at Cavallo Point, and Alcatraz
- Historic preservation consultation with the National Park Service, Golden Gate National Recreation Area in accordance with its Programmatic Agreement with the State Historic Preservation Office

Presidio Trust

- Any permits that may be required for necessary area closures within its jurisdiction in the Presidio

San Francisco Bay Conservation and Development Commission

- Approval of *San Francisco Bay Plan*, *San Francisco Waterfront Special Area Plan* amendments
- Approval of one or more Administrative and Major Permits for fill and uses in San Francisco Bay and the Bay shoreline

California State Lands Commission

- Consultation regarding use plan, dredging lease, and Public Trust determination

California Regional Water Quality Control Board, San Francisco Bay Region

- Section 401 Water Quality Certification and any associated Waste Discharge Requirements; Construction General Permit coverage and Industrial Stormwater Permit Coverage, as applicable

California Department of Fish and Game

- California Endangered Species Act Take Assessment and possible 2081 Incidental Take Permit

Bay Area Air Quality Management District

- Authority to Construct and Permit to Operate applicable facilities

F. Content and Location of Record

The record upon which all findings and determinations related to the Project are based includes the following:

- The Draft EIR and all documents referenced in or relied upon by the Final EIR (The references in these findings to the EIR or Final EIR include both the Draft EIR and the Comments and Responses document and any Errata Sheets.)
- All information (including written evidence and testimony) provided by City staff before the Planning Commission and the Port Commission relating to the Final EIR, the Project, and the alternatives set forth in the Final EIR.
- All information (including written evidence and testimony) presented to the Port Commission and the Planning Commission by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Commission.
- All information presented at any public hearing or workshop related to the Project and the EIR.
- The Mitigation Monitoring and Reporting Program.
- All other documents available to the Port Commission, the Planning Commission, and the Planning Department and the public, comprising the administrative record pursuant to Public Resources Code Section 21167.6(e).

The Port Commission has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Commission. A copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR are available at the San Francisco Planning Department, 1650 Mission Street, San Francisco. **Linda Avery** is the Custodian of Records for the Planning Department. Materials concerning approval of the Project and adoption of these findings are maintained at the Port of San Francisco, Pier 1, San Francisco. The Custodian of Records for the Port of San Francisco is Amy Quesada. All files have been available to the Port Commission and the public for review in considering these findings and whether to approve the Project.

G. Findings about Significant Environmental Impacts and Mitigation Measures

The following Sections II, III and IV set forth the Port Commission's findings about the Final EIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the Port Commission as part of the Project. To avoid duplication and

redundancy, and because the Port Commission agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporate them by reference in these findings and rely upon them as substantial evidence supporting these findings.

In making these findings, the Port Commission has considered the opinions of City staff and experts, other agencies, and members of the public. The Port Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the Port and the City and County of San Francisco; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and Port and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Port Commission is not bound by the significance determinations in the EIR (see Public Resources Code, Section 21082.2(e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. In making these findings, the Port Commission ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the Port Commission adopts and incorporates all of the mitigation measures set forth in the Final EIR for the Project and the attached MMRP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The Commission intends to adopt each of the mitigation measures proposed in the Final EIR for the AC34 Project Variant to reduce or eliminate significant impacts resulting from the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR for the AC34 Project Variant has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the Final EIR for the Project due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the Final EIR.

In the Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the Final EIR or the mitigation measures recommended in the Final EIR for the Project.

II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Public Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4 (a)(3), 15091). The Final EIR identified impact areas found not to be significant for the entire AC34 Project and/or certain major Project components as well as areas for which the Project had no impact or beneficial effects.

Based on the evidence in the whole record of this proceeding, the Port Commission finds that the implementation of the AC34 Project will result in less-than-significant impacts (or, where indicated, no impact) in the following areas and that these impact areas, therefore, do not require mitigation.

Project-Level Impacts

Land Use

- **Impact LU-1:** Construction and operation of the America's Cup facilities and events in 2012 and 2013 would not physically divide an established community.
- **Impact LU-2:** Construction and operation of the America's Cup facilities and events would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- **Impact LU-3:** Construction and operation of the America's Cup facilities and events would not have a substantial adverse effect on the existing character of the project sites and vicinities.

Aesthetics

- **Impact AE-1:** Construction and operation of the AC34 facilities and events would not have a substantial adverse effect on a scenic vista
- **Impact AE-2:** Construction and operation of the America's Cup facilities and events would not affect scenic resources (vistas, roadways, and designated scenic areas) or the visual character of the project sites and surroundings
- **Impact AE-3:** Construction and operation of the America's Cup facilities and events would not substantially damage scenic resources or other features of the built environment that contribute to a scenic public setting.
- **Impact AE-4:** Construction and operation of the America's Cup facilities and events would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.
- **Impact LT-AE:** Long-term development on Port properties would not result in impacts on visual quality.

Population and Housing

- **Impact PH-1:** Construction and operation of the America's Cup facilities and events would not induce substantial population growth in the area, either directly (for example, by constructing new homes) or indirectly (for example, by establishing substantial new employment opportunities that attract employees to an area or through extension of roads or other infrastructure).

- **Impact PH-2:** Construction and operation of the America's Cup facilities and events would not displace existing housing units or create substantial demand for additional housing.
- **Impact LT-PH:** Future long-term development under the Host Agreement would not result in significant adverse population and housing impacts.

Cultural and Paleontological Resources

- **Impact CP-3:** Construction and operation of the proposed AC34 project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Transportation and Circulation

- **Impact TR-13:** Implementation of the AC34 2012 events would have less than significant impacts at the signalized intersection of King/Fourth that would operate at LOS E under Existing plus AC34 2012 conditions, and unsignalized intersections of Jackson/Arguello and Pacific/Presidio where the worst approach would operate at LOS E or LOS F under Existing plus AC34 2012 conditions.
- **Impact TR-14:** Implementation of the AC34 2012 events would have less than significant impacts at 29 study intersections that would operate at LOS D or better under Existing plus AC34 2012 conditions.
- **Impact TR-28:** Implementation of the AC34 2012 events would have less than significant impacts on transit operations at secondary viewing areas.
- **Impact TR-29:** Implementation of the AC34 2012 events would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the project sites and adjoining areas.
- **Impact TR-30:** Implementation of the AC34 2012 events would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility at secondary viewing areas.
- **Impact TR-31:**
 - Implementation of the AC34 2012 events would not result in substantial overcrowding on public sidewalks, create hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the project site or adjoining areas.
- **Impact TR-32:** Implementation of the AC34 2012 events would not result in substantial overcrowding on public sidewalks, create hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility at secondary viewing areas and Vicinity.
- **Impact TR-33:** Implementation of the AC34 2012 events would not result in a loading demand during the peak hour of loading activities that could not be accommodated within the proposed loading supply or within on-street loading zones.
- **Impact TR-34:** Implementation of the AC34 2012 events would not result in a significant emergency vehicle access impact.
- **Impact TR-35:** Implementation of the AC34 2012 events would not result in construction-related transportation impacts because of their temporary and limited duration.
- **Impact TR-36:** The AC34 2012 events would not result in significant transportation impacts in combination with ongoing and upcoming construction projects in the City and its vicinity.
- **Impact TR-56:** Implementation of the AC34 2013 events would have less than significant impacts at the two unsignalized intersections of Jackson/Arguello and Pacific/Presidio where the worst approach would operate at LOS E or LOS F under Existing plus AC34 2013 conditions.

- **Impact TR-57:** Implementation of the AC34 2013 events would have less than significant impacts at 24 study intersections that would operate at LOS D or better under Existing plus AC34 2013 conditions.
- **Impact TR-71:** Implementation of the AC34 2013 events would have less than significant impacts on transit operations at secondary viewing areas.
- **Impact TR-72:** Implementation of the AC34 2013 events would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the project site and adjoining areas.
- **Impact TR-73:** Implementation of the AC34 2013 events would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility at secondary viewing areas.
- **Impact TR-74:** Implementation of the AC34 2013 events would not result in substantial overcrowding on public sidewalks, create hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the project site or adjoining areas.
- **Impact TR-75:** Implementation of the AC34 2013 events would not result in substantial overcrowding on public sidewalks, create hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility at secondary viewing areas.
- **Impact TR-76:** Implementation of the AC34 2013 events would not result in a loading demand during the peak hour of loading activities that could not be accommodated within the proposed loading supply or within on-street loading zones.
- **Impact TR-77:** Implementation of the AC34 2013 events would not result in a significant emergency vehicle access impact.
- **Impact TR-78:** Implementation of the AC34 2013 events would not result in construction-related transportation impacts because of their temporary and limited duration.
- **Impact TR-79:** The AC34 2013 events would not result in significant transportation impacts in combination with ongoing and upcoming construction projects in the City and its vicinity

Air Quality

- **Impact AQ-1:** Construction of the America's Cup facilities would not result in localized construction dust-related air quality impacts.
- **Impact AQ-6:** Construction and operation of the America's Cup facilities would not conflict with or obstruct implementation of applicable air quality plans.
- **Impact AQ-7:** Construction and operation of the America's Cup facilities would not create objectionable odors affecting a substantial number of people.
- **Impact AQ-8:** Operation of the America's Cup facilities would not result in an increase in localized carbon monoxide concentrations in excess of state or federal standards.

Greenhouse Gas Emissions

- **Impact LT-GG:** Long-term development on Port properties under the Host Agreement would not result in greenhouse gas emissions at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

Wind

- **Impact LT-WI:** Long-term development under the Host Agreement could alter wind in a manner that substantially affects public areas.

Shadow

- **Impact SH-1:** Construction and operation of the AC34 facilities would not create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas.
- **Impact LT-SH:** Long-term development under the Host Agreement would not result in new structures with the potential to cast shadows on existing or proposed parks and open space in a manner that would have an adverse effect on the use of the open space.

Recreation

- **Impact LT-RE:** Future long-term development under the Host Agreement would not result in potential recreation impacts.

Utilities and Service Systems

- **Impact UT-1:** Construction and operation of the America's Cup facilities and events would not increase wastewater generation to the extent that would exceed the treatment requirements of the Regional Water Quality Control Board.
- **Impact UT-2:** The America's Cup facilities and events would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.
- **Impact UT-3:** The America's Cup facilities and events would require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would not cause significant environmental effects.
- **Impact UT-4:** The City and County of San Francisco would have sufficient water supply available to serve the America's Cup facilities and events from existing entitlements and resources and would not require new or expanded water supply resources or entitlements.
- **Impact UT-5:** The America's Cup facilities and events would not result in a determination by the wastewater treatment providers that would serve the project that they have inadequate capacity to serve the project's projected demand in addition to the providers' existing commitments.
- **Impact UT-6:** The America's Cup facilities and events would be served by landfills with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- **Impact UT-7:** The America's Cup facilities and events would comply with federal, state, and local statutes and regulations related to solid waste.
- **Impact LT-UT:** Future long-term development under the Host Agreement would not result in substantial increased demand for utility services.

Public Services

- **Impact PS-1:** Construction and operation of the America's Cup facilities and events would not result in substantial adverse physical impacts associated with the provision of or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for emergency medical services.
- **Impact PS-2:** Construction and operation of the America's Cup facilities and events would not result in substantial adverse physical impacts associated with the provision of or the need for new or physically altered governmental facilities, the construction of which could

cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.

- **Impact PS-3:** Construction and operation of the America's Cup facilities and events would not result in substantial adverse physical impacts associated with the provision of or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services.
- **Impact LT-PS:** Future long-term development under the Host Agreement would not result in impacts on public services.

Biological Resources - Upland Biological Resources

- **Impact BI-5:** The America's Cup facilities and events would not conflict with any applicable local policies or ordinances protecting upland biological resources.

Geology and Soils

- **Impact GE-1:** Construction and operation of the AC34 facilities and events would not expose people or structures to substantial adverse effects related to fault rupture.
- **Impact GE-4:** Construction and operation of the AC34 facilities would not result in substantial slope instability or expose people or structures to substantial adverse effects related to earthquake-induced landslides.
- **Impact GE-5:** Construction and operation of the AC34 facilities would not result in substantial erosion or loss of topsoil.

Hydrology and Water Quality

- **Impact HY-2:** Operation of the America's Cup facilities would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- **Impact HY-3:** The America's Cup events and facilities would not place structures within a 100-year flood hazard area that would impede or redirect flood flows, and would not expose people to a significant risk involving flooding.
- **Impact HY-4:** The America's Cup events and facilities would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche or tsunami.

Hazards and Hazardous Materials

- **Impact HZ-2:** Construction and operation of the America's Cup facilities and events would not create a significant hazard to the public or the environment as a result of a release of hazardous materials in soil, or location of project activities on a government list of hazardous materials sites.
- **Impact HZ-4:** The America's Cup events and facilities would not expose people or structures to a significant risk of loss, injury, or death involving fires, nor would it impair implementation of or physically interfere with and adopted emergency response plan or emergency evacuation plan.

Minerals and Energy Resources

- **Impact ME-1:** The America's Cup facilities and events would not encourage activities that would result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.
- **Impact LT-ME:** Future long-term development under the Host Agreement would not result in adverse impacts on mineral or energy resources.

Agriculture and Forest Resources

- **Impact AG-1:** Construction and operation of AC34 facilities and events would not (a) convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; (b) conflict with existing zoning for agricultural use, or a Williamson Act contract; (c) conflict with existing zoning for or cause rezoning of forest land or timberland; (d) result in the loss of forest land or conversion of forest land to non-forest use; or (e) involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use.
- **Impact LT-AG:** Long-term development would not result in impacts on agricultural or forest resources.

Cumulative Impacts

The Project would result in a less than considerable contribution to cumulative impacts for the following impacts:

Land Use

- **Impact C-LU:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative land use impacts.

Aesthetics

- **Impact C-AE:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on visual quality.

Population and Housing

- **Impact C-PH:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on population and housing.

Green House Gas

- **Impact C-GG:** The proposed projects would not generate greenhouse gas emissions at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

Wind

- **Impact C-WI:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative wind impacts.

Shadow

- **Impact C-SH:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative shadow impacts.

Recreation

- **Impact C-RE:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative recreation impacts.

Utilities and Service Systems

- **Impact C-UT:** The proposed projects, combined with past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on utilities or service systems.

Public Services

- **Impact C-PS:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on public services.

Biological Resources - Upland Biological Resources

- **Impact C-BIa:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on upland biological resources.

Geology and Soils

- **Impact C-GE:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts related to geology and soils.

Minerals and Energy Resources

- **Impact C-ME:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on mineral or energy resources.

Agriculture and Forest Resources

- **Impact C-AG:** The projects, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on agricultural or forest resources.

III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern impacts and mitigation measures set forth in the EIR. These findings discuss mitigation measures as proposed in the EIR and recommended for adoption by the Port Commission that can be implemented by the Project Sponsors. The mitigation measures proposed for adoption in this section are the same as the mitigation measures identified in the Final EIR for the Sub-Alternative. The full explanation of the potentially significant environmental impacts is contained in Chapters 5 and 6 of the Final EIR, (and in text changes to Chapter 5 found in Chapter 13 of the Final EIR). The full text of the mitigation measures is contained in the Final EIR in Chapter 13 and in **Attachments B-1, B-2, B-3 to Port Resolution 11-79, the Mitigation Monitoring and Reporting Program (MMRP)**. The MMRP also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

This Port Commission recognizes that some of the mitigation measures as explained below are partially within the jurisdiction of other agencies, including the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board, Bay Area Air Quality Management District, Marin County, and San Francisco Planning Department. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

For purposes of these findings, significant project impacts have been organized into two categories: project impacts and cumulative impacts. The Port Commission adopts all of the mitigation measures proposed for the Project in the Final EIR. The Port Commission finds that all of the mitigation measures are appropriate and feasible and that changes or alterations will be required in, or incorporated into, the AC34 Project that mitigate or avoid the significant environmental effects as identified in the Final EIR. Based on the analysis contained in the Final EIR, other considerations in the record, and the standards of significance, the Port Commission finds that implementation of all of the proposed mitigation measures will reduce the potentially significant impacts discussed in this Section III to a *less-than-significant* level.

Project-Level Impacts

Cultural and Paleontological Resources

- **Impact CP-1:** Construction and operation of the proposed AC34 project could cause a substantial adverse change in the significance of a historic resource.
 - *Mitigation Measure M-CP-1b: Protection of Historic Resources due to Indirect Damage*
 - *Mitigation Measure M-CP-1c: Protection of Historic Resources due to Direct Damage*

- *Mitigation Measure M-CP-1d: Protection of the Northeast Waterfront Historic District from Teatro Zinzanni Relocation*
- *Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*
- **Impact CP-2:** Construction and operation of the proposed AC34 project could cause a substantial adverse change in the significance of an archeological resource, including shipwrecks.
 - *Mitigation Measure M-CP-2: Inadvertent Discovery of Archeological Resources or Shipwrecks*
- **Impact CP-4:** Construction and operation of the proposed AC34 project could disturb any human remains, including those interred outside of formal cemeteries.
 - *Mitigation Measure M-CP-4: Inadvertent Discovery of Human Remains*
- **Impact LT-CP-2:** Long-term development could result in redevelopment of existing Port properties within the Embarcadero Historic District, which could result in a significant impact to cultural resources.
 - *Mitigation Measure M-LT-CP: Cultural Resources Mitigation Measures for Long-Term Development;*
 - *Mitigation Measure M-LT-CP (b) Performance Criteria for Long-Term Development on Historic Piers*

Noise

- **Impact NO-1:** Construction of the America's Cup facilities could result 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 or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
 - *Mitigation Measure M-NO-1a: Noise Controls During Construction*
 - *Mitigation Measure M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices*
 - *Mitigation Measure M_BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*
- **Impact NO-3:** Construction and operation of the America's Cup facilities could result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
 - *Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*
 - *Mitigation Measure M_BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*

- **Impact LT-NO:** Long-term development on Port properties could result in impacts on noise.
 - *Mitigation Measure M-NO-1a: Noise Controls During Construction*
 - *Mitigation Measure M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices*
 - *Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*
 - *Mitigation Measure M-LT-NOa: Mitigation of Noise from Long-Term Development on Port Properties*
 - *Mitigation Measure M-LT-NOb: Mitigation of Interior and Exterior Noise from New Residential Development of Seawall Lot 330*

Wind

- **Impact WI-1:** Construction and operation of the AC34 facilities and events could alter wind in a manner that substantially affects public areas.
 - *Mitigation Measure M-WI-1: Warning Signs and/or Limiting Access on the Eastern Aprons of Piers 27-29 During Hazardous Wind Events.*

Recreation

- **Impact RE-1:** The America's Cup facilities and events could increase the use of parks and recreational facilities such that substantial physical deterioration of the facilities could occur or otherwise result in physical degradation of existing recreational resources.
 - *Mitigation Measure M-RE-1: Protection of Recreational Resources.*

Biological Resources – Upland Biological Resources

- **Impact BI-1:** The America's Cup facilities and events could have a substantial adverse effect, either directly or through habitat modifications, on upland species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
 - *Mitigation Measure M-BI-1a: Protecting Sensitive Areas for Mission Blue Butterfly*
 - *Mitigation Measure M-BI-1b: Protecting Listed and Other Special Status Plant Areas*
 - *Mitigation Measure M-BI-1c: Protecting the Crissy Beach Wildlife Protection Area (WPA)*
 - *Mitigation Measure M-BI-1d: Protecting Offshore Portion of the Wildlife Protection Area (WPA)*
 - *Mitigation Measure M-BI-1e: Restrictions on Fireworks and Night Lighting*
- **Impact BI-2:** The America's Cup facilities and events could have a substantial adverse effect on riparian habitat or other sensitive natural upland community identified in local or regional plans, policies, or regulations.
 - *Mitigation Measure M-BI-2: Signage at Sensitive Natural Community Areas; "No Spectator" Zone on Yerba Buena Island*

- *Mitigation Measure M-BI-1b: Protecting Listed and Other Special Status Plant Areas*
- *Mitigation Measure M-BI-1c: Protecting the Crissy Beach Wildlife Protection Area (WPA)*
- **Impact BI-3:** The America's Cup facilities and events could have a substantial adverse effect on federally protected wetlands or navigable waters.
 - *Mitigation Measure M-BI-3: Signage at Wetland Sites*
- **Impact BI-4:** The America's Cup facilities and events could interfere with the movement of native upland wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
 - *Mitigation Measure M-BI-4a: Restrictions on Spectator Craft within Race Course Boundaries*
 - *Mitigation Measure M-BI-4b: Offshore Buffers for Breeding Birds and Snowy Plover*
 - *Mitigation Measure M-BI-4c: Protection for Breeding Birds on Piers and Associated Structures*
 - *Mitigation Measure M-BI-4d: Protection for Bat Roosts on Piers and Associated Structures*
 - *Mitigation Measure M-BI-4e: Protection for Colonial Breeding Birds on Alcatraz*
- **Impact LT-BIa:** Long-term development could result in impacts on upland biological resources.
 - *Mitigation Measure M-LT-BIa: Long-Term Development Mitigation for Upland Biological Resources*

Biological Resources – Marine Resources

- **Impact BI-11:** The America's Cup facilities and events could have a substantial adverse effect, either directly or through habitat modifications, on marine or estuarine species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service.
 - *Mitigation Measure M-BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*
 - *Mitigation Measure M-BI-11b: Pile Driving Noise Reduction for Protection of Marine Mammals*
 - *Mitigation Measure M-BI-11c: Floating Dock Night Lighting*
- **Impact BI-12:** The America's Cup facilities and events could have a substantial adverse effect on sensitive marine or estuarine natural communities identified in local or regional plans, policies, or regulations.
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
- **Impact BI-13:** The America's Cup facilities and events could have a substantial adverse effect on eelgrass beds, federally protected wetlands as defined by Section 404 of the Clean

Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

- *Mitigation Measure M-BI-12: Visiting Mariners Information*
- **Impact BI-14:** The America's Cup facilities and events could interfere with the movement of native marine or estuarine wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
 - *Mitigation Measure M-BI-14: Restrictions on Low-Flying Aircraft*
 - *Mitigation Measure M-BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*
 - *Mitigation Measure M-BI-11b: Pile Driving Noise Reduction for Protection of Marine Mammals*
 - *Mitigation Measure M-BI-11c: Floating Dock Night Lighting*
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
- **Impact BI-15:** The America's Cup facilities and events could conflict with applicable local policies or ordinances protecting marine or estuarine biological resources.
 - *Mitigation Measure M-BI-11a: Floating Dock Night Lighting*
 - *Mitigation Measure M-BI-11b: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*
 - *Mitigation Measure M-BI-11c: Pile Driving Noise Reduction for Protection of Marine Mammals*
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
 - *Mitigation Measure M-BI-14: Restrictions on Low-Flying Aircraft*
- **Impact BI-16:** The America's Cup facilities and events could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan for marine or estuarine resources.
 - *Mitigation Measure M-BI-16: Invasive Marine Species Control*
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
- **Impact LT-BIb:** Long-term development could result in impacts on marine biological resources.
 - *Mitigation Measure M-LT-BIb: Long-Term Development Mitigation for Marine Biological Resources*

Geology and Soils

- **Impact GE-2:** Construction and operation of the AC34 facilities and events could expose people or structures to substantial adverse effects related to groundshaking.
 - *Mitigation Measure M-GE-2: Site-Specific Geotechnical Investigation*
- **Impact GE-3:** Construction and operation of the AC34 facilities and events could expose people or structures to substantial adverse effects related to liquefaction, lateral displacement, or earthquake-induced settlement.
 - *Mitigation Measure M-GE-2: Site-Specific Geotechnical Investigation*

- **Impact GE-6:** The AC34 activities could occur on structures that are unstable, or that could become unstable as a result of the project.
 - *Mitigation Measure M-GE-6: Signage and Restricted Access at Structurally Unsound Viewing Locations*
- **Impact LT-GE:** Future long-term development under the Host Agreement could result in adverse geology and soils impacts.
 - *Mitigation Measure M-GE-2: Site-Specific Geotechnical Investigation*
 - *Mitigation Measure M-LT-GE: Mitigation of Geology and Soils Impacts from Long-Term Development on Port Properties*

Hydrology and Water Quality

- **Impact HY-1:** Construction and operation of the America's Cup (2012 and 2013) facilities and events could violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality.
 - *Mitigation Measure M-HY-1: Water Quality Best Management Practices*
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
 - *Mitigation Measure M-BI-16: Invasive Marine Species Control at Port Facilities*
- **Impact LT-HY:** Future long-term development under the Host Agreement could result in hydrology and water quality impacts.
 - *Mitigation Measure M-LT-HY – Water Quality Best Management Practices*

Hazards and Hazardous Materials

- **Impact HZ-1:** Construction and operation of the America's Cup facilities and events could have a substantial adverse effect related to the routine transport, use, or disposal of hazardous materials.
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
- **Impact HZ-3:** Construction and operation of the America's Cup facilities and events could create a significant hazard to the public or the environment as a result of a release of hazardous building materials in structures that would be demolished and creosote-treated pilings and structures that would be removed.
 - *Mitigation Measure M-HZ-3: Removal of Hazardous Building Materials*
- **Impact LT-HZ:** Future long-term development under the Host Agreement could result in potential hazards and hazardous materials impacts.
 - *Mitigation Measure M-LT-HZ: Mitigation of Hazards and Hazardous Materials Impacts from Long-Term Development on Port Properties*

Cumulative Impacts

The Project would make a considerable contribution to cumulative impacts, which could be reduced to a *less-than-significant* level with the implementation of Project mitigation measures for the following impacts.

Cultural and Paleontological Resources

- **Impact C-CP:** The AC34 and Cruise Terminal projects, in combination with other past, present and foreseeable future projects, could have a cumulatively considerable effect on cultural resources.
 - *Mitigation Measure M-CP-1b: Protection of Historical Resources due to Indirect Damage*
 - *Mitigation Measure M-CP-1c: Protection of Historical Resources due to Direct Damage*
 - *Mitigation Measure M-CP-1d: Protection of the Northeast Waterfront Historic District from Teatro Zinzanni Relocation*
 - *Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*
 - *Mitigation Measure M-CP-2: Inadvertent Discovery of Archeological Resources or Shipwrecks*
 - *Mitigation Measure M-CP-4: Inadvertent Discovery of Human Remains*
 - *Mitigation Measure M-LT-CPa: Cultural Resources Mitigation Measures for Long-Term Development: Piers 30-32 Performance Criteria*
 - *Mitigation Measure M-LT-CPb: Cultural Resources Mitigation Measures for Long-Term Development: Performance Criteria for Long-Term Development on Historic Piers*

Noise

- **Impact C-NO:** The AC34 project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant adverse cumulative impacts on noise.
 - *Mitigation Measure M-NO-1a: Noise Controls During Construction*
 - *Mitigation Measure M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices*
 - *Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*

Biological Resources – Marine Resources

- **Impact C-BIb:** The project, in combination with other past, present, and reasonably foreseeable future projects, could result in significant adverse cumulative impacts on marine and estuarine biological resources.
 - *Mitigation Measure M-BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish*
 - *Mitigation Measure M-BI-11b: Pile Driving Noise Reduction for Protection of Marine Mammals*
 - *Mitigation Measure M-BI-11c: Floating Dock Night Lighting*
 - *Mitigation Measure M-BI-12: Visiting Mariners Information*
 - *Mitigation Measure M-BI-14: Restrictions on Low-Flying Aircraft*
 - *Mitigation Measure M-BI-16: Invasive Marine Species Control*

Hydrology and Water Quality

- **Impact C-HY:** The project, in combination with other past, present, and reasonably foreseeable future projects, could result in significant adverse cumulative hydrology or water quality impacts
 - *Mitigation Measure M-HY-1: Water Quality Best Management Practices*

Hazards and Hazardous Materials

- **Impact C-HZ:** The project, in combination with other past, present, and reasonably foreseeable future projects, could result in significant adverse cumulative hazards and hazardous materials impacts.
 - *Mitigation Measure M-HZ-3: Removal of Hazardous Building Materials Practices*

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Port Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the Final EIR. The Port Commission finds that the mitigation measures in the Final EIR for the Project and described below are appropriate, and that changes have been required in, or incorporated into, the Project that, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, may substantially lessen, but do not avoid (i.e., reduce to less than significant levels), the potentially significant environmental effect associated with implementation of the Project. The Port Commission adopts all of the mitigation measures proposed in the Final EIR that are relevant to the Project (described as the "Reduced Intensity AC 34 and Long Term Development Sub-Alternative" in the Final EIR) and set forth in the **MMRP**, attached hereto as **Attachments B-1, B-2, and B-3 to Port Resolution 11-79**. The Commission further finds, however, for the impacts listed below, despite the implementation of all identified feasible mitigation measures, the effects remain significant and unavoidable. Based on the analysis contained within the Final EIR, other considerations in the record, and the standards of significance, the Port Commission finds that because some aspects of the AC34 Project could cause potentially significant impacts for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, the impacts are **significant and unavoidable**. For a detailed explanation of the lack of feasible mitigation measures for the following impacts and of the reasons why certain mitigation measures, although technologically feasible, may be subject to uncertainty, including funding-related uncertainty, please see the relevant discussion within the Final EIR.

The Port Commission determines that the following significant impacts on the environment, as reflected in the Final EIR, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Port Commission determines that the impacts are acceptable due to the overriding considerations described in Section VII below. This finding is supported by substantial evidence in the record of this proceeding.

Project-Level Impacts

Land Use

- **Impact LT-LU:** Long-term development under the Host Agreement would not physically divide an established community or result in incompatible changes to land use character. However, long-term marina development in the Brannan Street Wharf Open Water Basin would result in significant impact on the ecological health of the Bay, in conflict with BCDC policies.
 - *Mitigation Measure: None feasible*

Cultural and Paleontological Resources

- **Impact LT-CP-1:** Long-term development could result in redevelopment of existing Port properties at Piers 30-32, which could result in a significant impact to cultural resources.
 - *Mitigation Measure: M-LT-CP-a: Piers 30-32 Performance Criteria*

Because no specific design proposal is before the Port Commission and none has yet been formulated, this impact remains potentially significant and unavoidable even with implementation of the mitigation measure.

Transportation and Circulation

- **Impact TR-1 through Impact TR-12:** Implementation of the AC34 2012 events would result in significant impacts at 12 signalized and unsignalized intersections that would operate at LOS E or LOS F under Existing plus AC34 2012 conditions. Intersections include:
 - Embarcadero/Beach
 - Embarcadero/Howard
 - King/Third
 - Lombard/Divisadero
 - Lombard/Fillmore
 - Bay/Laguna
 - Bay/Van Ness
 - Bush/Van Ness
 - Pine/Van Ness
 - Lombard/Van Ness
 - Lincoln/25th
 - Lombard/Lyon
 - *Mitigation Measure M-TR-1a -d: People Plan Specific Provisions*
- **Impact TR-15:** Implementation of the AC34 2012 events would result in significant impacts at other signalized and unsignalized intersections in the project area within San Francisco in addition to impacts identified at the study intersections.
 - *Mitigation Measure M-TR-1a-d: People Plan Specific Provisions*
- **Impact TR-16:** Implementation of the AC34 2012 events would result in significant impacts on traffic operations at secondary viewing areas outside of San Francisco.
 - *Mitigation Measure M-TR-1a-d: People Plan Specific Provisions*

- **Impact TR-17:** Implementation of the AC34 2012 events would exceed the available transit capacity of Muni lines.
 - *Mitigation Measure M-TR-17: Additional Muni Transit Service*
 - *Mitigation Measure M-TR-1b: Transit Operating Plan*

Because these mitigation measures would require additional transit capacity and funding for these mitigation measures has not been identified, implementation remains uncertain and thus this impact remains significant and unavoidable.

- **Impact TR-18:** Implementation of the AC34 2012 events would exceed the available transit capacity of PresidiGo shuttle service.
 - *Mitigation Measure M-TR-18: Additional PresidiGo Shuttle Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-19:** Implementation of the AC34 2012 events would exceed the available transit capacity of AC Transit lines.
 - *Mitigation Measure M-TR-19: Additional AC Transit Capacity*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-20:** Implementation of the AC34 2012 events would exceed the available transit capacity of BART lines.
 - *Mitigation Measure M-TR-20: Additional BART Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-21:** Implementation of the AC34 2012 events would exceed the available transit capacity of WETA ferry lines.
 - *Mitigation Measure M-TR-21: Additional WETA Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-22:** Implementation of the AC34 2012 events would exceed the available transit capacity of Golden Gate Transit bus and ferry lines.
 - *Mitigation Measure M-TR-22: Additional Golden Gate Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-23:** Implementation of the AC34 2012 events would exceed the available transit capacity of Blue & Gold ferry lines.
 - *Mitigation Measure M-TR-23: Additional Blue & Gold Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-24:** Implementation of the AC34 2012 events would exceed the available transit capacity of Caltrain service.
 - *Mitigation Measure M-TR-24: Additional Caltrain Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-25:** Implementation of the AC34 2012 events would exceed the available transit capacity of SamTrans lines.
 - *Mitigation Measure M-TR-25: Additional SamTrans Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-26:** Implementation of the AC34 2012 events would have a potentially significant impact on transit operations related to additional congestion resulting from the project.
 - *Mitigation Measure M-TR-26a: Barricade to Protect Transit Lanes*
 - *Mitigation Measure M-TR-26b: Traffic Control Officers at Key Intersections*
- **Impact TR-27:** Implementation of the AC34 2012 events would disrupt regular scheduled ferry operations.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- **Impact TR-37:** The AC34 2012 events would result in potentially significant impacts to the transportation network in combination with other special events occurring simultaneously in San Francisco.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- **Impact TR-38 – Impact TR-55:** Implementation of the AC34 2013 events would result in significant impacts at 18 individual signalized and unsignalized intersections that would operate at LOS E or LOS F under Existing plus AC34 2013 conditions. Intersections include:
 - Embarcadero/Beach
 - Embarcadero/Broadway
 - Embarcadero/Howard
 - Embarcadero/Folsom
 - Embarcadero/Harrison
 - Embarcadero/ Bryant
 - Fremont/Folsom
 - King/Third
 - King/Fourth
 - Lombard/Divisadero
 - Lombard/ Fillmore
 - Bay/Laguna
 - Bay/Van Ness
 - Bush/Van Ness
 - Pine/Van Ness
 - Lombard/Van Ness
 - Lincoln/25th
 - Lombard/Lyon
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- **Impact TR-58:** Implementation of the AC34 2013 events would result in significant impacts at other signalized and unsignalized intersections in the project area within San Francisco in addition to impacts identified at the 44 study intersections.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- **Impact TR-59:** Implementation of the AC34 2013 events would result in significant impacts on traffic operations at secondary viewing areas outside of San Francisco.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*

- **Impact TR-60:** Implementation of the AC34 2013 events would exceed the available transit capacity of Muni lines.
 - *Mitigation Measure M-TR-1b: Transit Operating Plan*
 - *Mitigation Measure M-TR-17: Additional Muni Transit Service*

Because these mitigation measures would require additional transit capacity and funding for these mitigation measures has not been identified, implementation remains uncertain and thus this impact remains significant and unavoidable.

- **Impact TR-61:** Implementation of the AC34 2013 events would exceed the available transit capacity of PresidiGo.
 - *Mitigation Measure M-TR-18: Additional PresidiGo Capacity*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-62:** Implementation of the AC34 2013 events would exceed the available transit capacity of AC Transit lines.
 - *Mitigation Measure M-TR-19: Additional AC Transit Capacity*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-63:** Implementation of the AC34 2013 events would exceed the available transit capacity of BART lines.
 - *Mitigation Measure M-TR-20: Additional BART Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-64:** Implementation of the AC34 2013 events would exceed the available transit capacity of WETA ferry lines.
 - *Mitigation Measure M-TR-21: Additional WETA Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The

Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-65:** Implementation of the AC34 2013 events would exceed the available transit capacity of Golden Gate Transit bus and ferry lines.
 - *Mitigation Measure M-TR-22: Additional Golden Gate Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-66:** Implementation of the AC34 2013 events would exceed the available transit capacity of Blue & Gold ferry lines
 - *Mitigation Measure M-TR-23: Additional Blue & Gold Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-67:** Implementation of the AC34 2013 events would exceed the available transit capacity of Caltrain service.
 - *Mitigation Measure M-TR-24: Additional Caltrain Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-68:** Implementation of the AC34 2013 events would exceed the available transit capacity of SamTrans lines.
 - *Mitigation Measure M-TR-25: Additional SamTrans Transit Service*

This mitigation measure would require additional transit capacity, which must be approved by a non-City entity, and funding for this mitigation measure has not been identified. Therefore, implementation remains uncertain and thus this impact remains significant and unavoidable. The Port Commission believes that the agency with responsibility for implementing this mitigation measure can and should implement this measure.

- **Impact TR-69:** Implementation of the AC34 2013 events would have a potentially significant impact on transit operations related to additional congestion generated by the project.

- *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- *Mitigation Measure M-TR-26a: Barricade to Protect Transit Lanes*
- *Mitigation Measure M-TR-26b: Traffic Control Officers at Key Intersections*
- **Impact TR-70:** Implementation of the AC34 2013 events would disrupt regular ferry operations.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
 - *Mitigation Measure M-TR-1d: Public Information Program*
- **Impact TR-80:** The AC34 2013 events would result in potentially significant impacts to the transportation network in combination with other special events occurring simultaneously in San Francisco.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*
- **Impact LT-TR:** Long-Term Development under the Host Agreement would result in significant traffic and transit impacts.
 - *Mitigation Measure M-LT-TR: Transportation Mitigation Measures for Long-Term Development*

Noise

- **Impact NO-2:** Operation of the America's Cup events and facilities would result 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*.
 - *Mitigation Measure M-NO-2a: Selection, Shielding or Acoustical Enclosures for Generators at Piers 27-29 and Marina Green and Use of Electrical Service at Piers 27-29*
 - *Mitigation Measure M-NO-2b: Noise Control Plan for Entertainment Venues*
- **Impact NO-4:** Operation of the America's Cup facilities would result 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.
 - *Mitigation Measure M-TR-1: People Plan Specific Provisions*

Air Quality

- **Impact AQ-2:** Construction of the America's Cup facilities would result in emission of criteria pollutants and precursors that would violate an air quality standard or contribute substantially to an existing or projected air quality violation.
 - *Mitigation Measure M-AQ-2a: Construction Vehicle Emissions Minimization*
 - *Mitigation Measure M-AQ-2b: Off-Road Construction Equipment*
 - *Mitigation Measure M-AQ-2c: Off-Road Construction Equipment - Electricity Use*
 - *Mitigation Measure M-AQ-2d: Off-Road Construction Equipment - Best Management Practices (BMPs)*
 - *Mitigation Measure M-AQ-2e: Off-Road Construction Equipment - Engine Standards for Harbor Craft Used in Construction*
 - *Mitigation Measure M-AQ-2f: Fuels for Off-Road Construction Equipment*

- **Impact AQ-3:** Construction of the America's Cup facilities would expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).
 - *Mitigation Measure M-AQ-2a: Construction Vehicle Emissions Minimization*
 - *Mitigation Measure M-AQ-2b: Off-Road Construction Equipment*
 - *Mitigation Measure M-AQ-2c: Off-Road Construction Equipment - Electricity Use*
 - *Mitigation Measure M-AQ-2d: Off-Road Construction Equipment - Best Management Practices (BMPs)*
 - *Mitigation Measure M-AQ-2e: Off-Road Construction Equipment - Engine Standards for Harbor Craft Used in Construction*
 - *Mitigation Measure M-AQ-2f: Fuels for Off-Road Construction Equipment*

- **Impact AQ-4:** Operations of the America's Cup facilities would violate an air quality standard or contribute substantially to an existing or projected air quality violation.
 - *Mitigation Measure M-AQ-4a: Emission Controls for Race-Sponsored Spectator and Support Vessels*
 - *Mitigation Measure M-AQ-4b: Temporary Shoreside Power for Large Private Yachts at Pier 27*
 - *Mitigation Measure M-AQ-4c: Alternative Low-Emissions Fuels for Large Private Yachts and Race-Sponsored Vessels*
 - *Mitigation Measure M-AQ-4d: Return Pier 27 to the Port Within One Month after Completion of the Match for Reconnection of Shoreside Power*
 - *Mitigation Measure 4e: Long-term Shoreside Power at Pier 70*

- **Impact AQ-5:** Operation of the America's Cup facilities would expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).
 - *Mitigation Measure M-AQ-4: Emission Controls for Race-Sponsored Spectator and Support Vessels*
 - *Mitigation Measure M-AQ-5: Clean Sources for Temporary Power at Venues*

- **Impact LT-AQ:** Long term development on Port properties under the Host Agreement could result in construction and operational air pollutant emissions.
 - *Mitigation Measure M-LT-AQ: Future Long-Term Development Air Quality Mitigation*

Cumulative Impacts

Air Quality

- **Impact C-AQ-1:** The proposed AC34 project, in combination with other past, present, and reasonably foreseeable future projects, would result in significant adverse cumulative impacts on air quality.
 - *Mitigation Measure M-AQ-2a: Construction Vehicle Emissions Minimization*
 - *Mitigation Measure M-AQ-2b: Off-Road Construction Equipment Mitigation*
 - *Mitigation Measure M-AQ-2c: Off-Road Construction Equipment - Electricity Use*
 - *Mitigation Measure M-AQ-2d: Off-Road Construction Equipment - Best Management Practices*

- *Mitigation Measure M-AQ-2e: Off-Road Construction Equipment - Engine Standards for Harbor Craft Used in Construction*
- *Mitigation Measure M-AQ-2f: Fuels for Off-Road Construction Equipment*
- *Mitigation Measure M-AQ-4a: Emission Controls for Race-Sponsored Spectator and Support Vessels*
- *Mitigation Measure M-AQ-4b: Temporary Shoreside Power for Large Private Yachts at Pier 27*
- *Mitigation Measure M-AQ-4c: Alternative Low-Emissions Fuels for Large, Private Yachts and Race-Sponsored Vessels*
- *Mitigation Measure M-AQ-4d: Return Pier 27 to the Port Within One Month after Completion of the Match for Reconnection of Shoreside Power*
- *Mitigation Measure M-AQ-4e: Long-term Shoreside Power at Pier 70*
- *Mitigation Measure M-AQ-5: Clean Sources for Temporary Power at Venues*

V. EVALUATION OF PROJECT ALTERNATIVES

This section describes alternatives to the Project and the reasons for approving the Project and for rejecting the alternatives. This section also outlines the Project's purposes and provides a context for understanding the reasons for selecting or rejecting alternatives. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Draft EIR project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project. As noted previously, the Project is analyzed as the Reduced Intensity AC34 and Long-Term Development Sub-Alternative in Chapter 11 of the Final EIR.

A. Reasons for Selection of the Project

The Project, consisting of the components as set forth and analyzed in the Final EIR as the Reduced Intensity AC34 and Long Term Development Sub-Alternative, directly contributes to achievement of the objectives for the 34th America's Cup as follows:

- Establish San Francisco and San Francisco Bay's identity as a world-class venue for the sport of sailing and generate interest in the sport by hosting America's Cup World Series events in 2012 followed by successful America's Cup events in 2013
- Provide public viewing opportunities of the America's Cup and the America's Cup World Series live racing events at close range from various locations on the waterfront around Central San Francisco Bay to increase the general public's access to the event and expand the appeal of the sport of sailing to the general public
- Create a center of activity for the America's Cup and the America's Cup World Series by improving the existing resources of The Embarcadero and the San Francisco waterfront to establish a cohesive sense of place and identity for the AC34 participants (i.e., teams, event guests and staff, media personnel), visitors, and spectators of the events that enhance the landside viewing opportunities and provide adequate facilities for spectator vessels

- Provide infrastructure upgrades and other installations to improve existing facilities in consolidated areas for team base activities, spectator viewing, and entertainment venues, including the public piers along San Francisco's waterfront, for use during the America's Cup in 2013 and the America's Cup World Series in 2012, consistent with Port of San Francisco Building Code requirements and the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)*
- Facilitate access to and from desired destinations based on smart transportation strategies presented in the America's Cup People Plan for the racing teams, event personnel, event sponsors, members of the media, and spectators, while satisfying the access needs of residents, workers, and visitors not associated with the races
- Emphasize natural resource stewardship by incorporating sustainability principles in the planning and management of all race events and operations, including zero waste strategies identified in the America's Cup Zero Waste Plan
- Implement navigational and operational safety guidelines for race team, support, and spectator boat activities associated with the America's Cup and the America's Cup World Series that meet United States Coast Guard regulations, the America's Cup Protocol, and the safe limits of event boats and equipment; minimize conflicts with existing commercial maritime activities; and establish sustainable environmental practices and standards to help protect the ecological health of San Francisco Bay
- Encourage investment in infrastructure upgrades on Port property required to stage the America's Cup and the America's Cup World Series, for which the City would provide commensurate future long-term development rights on Port of San Francisco properties.

Completion of the Project will enable the City and Port to achieve the benefits and objectives of hosting the America's Cup race events in San Francisco. The Project provides for a variety of waterfront locations that will support the full range of AC34 team needs, and programmed spectator, entertainment, hospitality and operations requirements of this major international competition, showcased on the San Francisco Bay. Conducting the races close to San Francisco's shoreline enables the general public the opportunity to directly experience the excitement of the races, and to learn about the sport of sailing. The site venues and operations have been planned to incorporate and advance sustainability, in the construction, operation, and education of the general public. For example, major capital improvements at Pier 27-29 and Pier 30-32 to support AC34 events would not be for a single purpose; they also would advance later planned improvements after the conclusion of AC34 for the James R. Herman Cruise Terminal and Northeast Wharf Plaza at Pier 27, if approved separately by the Port Commission, and the long-term development of Pier 30-32, a site designated for major development in the Port's Waterfront Land Use Plan. San Francisco venues are readily accessible by multiple transportation modes, which will be programmed and promoted through the People Plan, with an emphasis on use of alternative transportation modes to avoid private automobiles and their associated environmental effects. The Zero Waste Plan will not only organize and implement systems that maximize waste reduction and recycling, it will provide an important public education experience to set new environmental sustainability standards for other major sporting and entertainment attractions. San Francisco is fortunate to have a beautiful waterfront that is almost entirely under public ownership by City, State or Federal governments, and thus an extraordinary opportunity to host a truly water-oriented event that is open for the public to enjoy.

B. Alternatives Rejected and Reasons for Rejection

The Port Commission rejects the Alternatives set forth in the Final EIR and listed below because the Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section in addition to those described in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such Alternatives. In making these determinations, the Commission is aware that CEQA defines "feasibility" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The Commission is also aware that under CEQA case law the concept of "feasibility" encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project and (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Four alternatives are analyzed in the Final EIR: 1) No Project Alternative, 2) Open Ocean Alternative, 3) Reduced Intensity AC34 and Long-Term Development Alternative; and 4) Reduced Spectator Berthing Alternative. In addition, a Reduced Intensity Sub-Alternative was analyzed in Chapter 11 of the Final EIR. These are summarized below, along with the discussion of the reasons they are rejected.

Alternative 1: No Project Alternative

The AC34 No Project Alternative assumes that San Francisco would not serve as the host city for the AC34 events. There would be no viewing construction of temporary installations or permanent improvements at any of the project sites, no events in 2012 or 2013, no tenant displacement due to the AC34 events, no amendments to the BCDC *San Francisco Waterfront Special Area Plan*, and no future long-term development and associated landside and waterside improvements on Port properties as provided for under the Host Agreement. While this alternative would avoid all environmental impacts associated with construction and operation of the proposed AC34 project, relative to both the AC34 events and the future long-term development rights, it would meet none of the project objectives. Furthermore, the capital improvements that result at Pier 27-29 and Pier 30-32, and repairs of many of the Port's facilities required to host AC34 would aid in the maintenance and advancement of maritime uses, particularly those aged piers that are included in the Embarcadero Historic District. For these reasons, the No Project Alternative is rejected.

Alternative 2: Open Ocean Alternative

The Open Ocean Alternative assumes that San Francisco would host the AC34 events as it would for the Project, but with the AC34 race series held in the open waters of the Pacific Ocean instead of within San Francisco Bay. The Open Ocean Alternative would achieve some of the AC34 project objectives. San Francisco would be the America's Cup host city for the 2012 and 2013 race events; pier facilities would still be improved to support team bases, race support operations, the AC Village, and the AC34 Live Sites with large television screens. The construction and associated operation of these improvements would generate impacts that would be largely identical to those of the Project, and all associated mitigation measures identified would still be required. However, with races held away from the shore in the open ocean, there would be no spectator viewing from Crissy Field, Marina Green in 2013 (although it still would be the site of the AC Village in 2012), Fort Mason, SAFR/Aquatic Park, or secondary viewing sites analyzed in the Final EIR. Thus, the Open Ocean Alternative would avoid impacts at these primary and secondary viewing areas, including impacts on recreational resources, upland biological resources, historic resources, and transportation and circulation. However, because the race area would be located in the open ocean, this alternative could result in greater impacts on whales.

While the Open Ocean Alternative would enable San Francisco to function as the America's Cup Host City, the preclusion of public viewing of the races from the shoreline directly contradicts key project objectives that were determinants in the selection of San Francisco as the host city. The Event Authority has described San Francisco Bay as a natural amphitheater for the public to directly view and experience the races. Holding races in the open ocean means that only those with the means to access boats and vessels that can manage ocean currents and conditions would be able to directly view the races. The concept of holding the races in a location that affords land-based viewing for a broad-based spectator group is a defining characteristic of AC34 that departs from past America's Cup competitions.

This alternative also would create conflicts with the type of race boats proposed to be used in the races. Under the Deed of Trust, GGYC has established race boat specifications for the AC45 and AC72 catamaran race boats that are specifically designed for the wind conditions and currents of San Francisco Bay. The designs of these race boats are not suitable for racing in the open water of the Pacific Ocean. To address safety concerns under this alternative, teams would be required to completely redesign the race boats.

While the benefits of this alternative would avoid impacts on recreational resources, biological resources, historic resources, and transportation and circulation primarily associated with the elimination of primary and secondary viewing areas in San Francisco and southern Marin County, the Final EIR concludes that these AC34 impacts would not be significant with the implementation of mitigation measures and supporting AC34 Implementation Plans that will be required as part of the Project. San Francisco is considered the perfect setting to present the races for viewing and enjoyment of the general public and seasoned sailors alike. This is not only because of the Bay's natural beauty and allure, but because the City possesses an urbanized, public waterfront that is improved to accommodate high volumes of visitors. In light of the above considerations, the Open Ocean Alternative is rejected.

Alternative 3: Reduced Intensity AC34 and Long-Term Development Alternative

The Reduced Intensity AC34 and Long-Term Development Alternative would differ from the Project in that (1) it would include only the AC34 events in 2013, and (2) the magnitude of development under the long-term development rights would be reduced. It also proposed, like the Project, that long-term marina development would be relocated from the Rincon Point Open Water Basin to South Beach and/or Mission Bay. This alternative was included for analysis in the EIR because it would reduce environmental impacts from 2012 construction and operation as well as impacts associated with the long-term development rights. This alternative would partially achieve the project objectives but would not achieve any of the objectives related to the 2012 events. The alternative would only partially meet the objective to encourage investment in infrastructure upgrades required as part of the AC34 facilities. Overall impacts of this alternative would be similar to those of the Project, and nearly all the same mitigation measures would be required, although they would apply only to the 2013 events. All of the construction and operational impacts associated with the 2012 events would be completely avoided, but most of these same impacts would occur for the 2013 events. The severity of impacts identified for long-term development options on Port property under the Host Agreement would be avoided or reduced, but the level of reduction and specific nature and magnitude of such impacts would depend on future site-specific development proposals and many of the same mitigation measures could still be required.

The elimination of the 2012 World Series races is a major detriment to the objectives of AC34. While the race competitions in 2012 do not influence outcomes of the Louis Vuitton or Match Cup races in 2013, they are very important for the following key reasons. Given the race boat specifications of AC34 which establish a single, first-of-its-kind design for the AC45 race boats oriented to the sailing conditions of San Francisco Bay rather than open ocean, the AC34 2012 races provide an important testing ground for participating race teams. Their experience will affect their decisions as to whether they will compete for the America's Cup. The AC45's provide teams with a trial for racing catamaran-style race boats, to build and perfect team performance. This is important because the 2013 races will require a high level of experience to optimize the performance of a larger version of these race boats, the AC72. To not provide a means by which teams can practice and compete prior to the America's Cup qualifying and Match races would work against the core purpose of the America's Cup, to determine the fastest and most expert sailing team in the world. Additionally, the economic and social benefits of bringing visitors and City residents to a civic event along the waterfront in 2012 would be lost. While the 2012 events will be of limited duration, the ability for local residents, businesses and workers to connect with the America's Cup events will provide opportunities not only for direct benefits but also for a more durable set of economic benefits as the City and its partners build toward the main events in 2013.

In addition, the 2012 race events also provide City, Regional, State and Federal agencies and the Event Authority and AC Race Management the opportunity to conduct a “test-run” of the planned management strategies, Implementation Plans, and required mitigation measures. Based on the experience in 2012, it is their intention to incorporate refinements and updates, as necessary, to ensure the AC34 2013 race events are well-managed and supported by the various transportation, parks, waste management and other resource protections to produce enjoyable and successful events that also preserve quality of life and non-AC34 public enjoyment of the waterfront. As described in the Final EIR, all of the impacts of the 2012 race events would fall below significance levels, with implementation of the required mitigation measures, except for transportation impacts in the event that full funding for the services described in the 2012 transportation mitigation measures is not provided.

With respect to long-term development, this alternative is based on a simple assumption that the amount of development at each site would be reduced by one-half. Except for Pier 30-32 and Seawall Lot 330, all of the long-term development sites in this alternative are contributing resources in the Embarcadero Historic District. While it is possible to reduce the development program at each of the historic piers, this alternative does not readily allow for a reduction in the physical building structure; in fact, any new development in each of these facilities would have to be conducted as part of a historic rehabilitation proposal that must comply with the *Secretary's Standards*. As experienced in other Port development projects, including rehabilitation of the Ferry Building, Piers 1 -5, and most recently the Exploratorium at Piers 15 and 17, the cost of rehabilitation is high compared to new construction. The financial feasibility of such rehabilitation projects rely on maximizing leasable area, consistent with meeting the requirements of the *Secretary's Standards*. Thus, it is unlikely that long-term development proposals for Piers 19, 23, 26, 28 and 29 that involve only one-half the amount of development of the Draft EIR project would be economically feasible for a developer to undertake. The same is likely to be the case for Pier 30-32, even though this is not a contributing resource to the Embarcadero Historic District. The Port has had the experience of working with a seasoned developer to plan and fully entitle the Bryant Street Wharf Pier project at Pier 30-32, which then included the site previously proposed for the James R. Herman Cruise Terminal. Subsequent to securing all project approvals, the developer discovered substantially greater pier substructure repair requirements that undermined the economic feasibility of the project, and resulted in the developer abandoning the project. The development program for the Bryant Street Pier proposal was the basis for the conceptual long-term development assumed in the Draft EIR project. Generally reducing the amount of long term development by 50% at each site is potentially unrealistic given the substantial costs or repair and rehabilitation. For the reasons described above, the Reduced Intensity AC34 and Long-term Development Alternative is rejected. The proposed relocation of the long term marinas has been incorporated into the Project approved by the Port Commission.

Reduced Intensity AC34 and Long-Term Development Sub-Alternative

The EIR Comments and Responses included the addition of a “Reduced Intensity AC34 and Long-Term Development Sub-Alternative” (the “Sub-Alternative”), presented in Chapter 11 of the Final EIR. The AC34 Sub-Alternative refines the Reduced Intensity AC34 and Long-Term Development Alternative as originally described and analyzed the Draft EIR and addressed above.

The intent of the Draft EIR Reduced Intensity Alternative was to develop a different approach to a comprehensive reduction in impacts associated with the AC34 events and facilities as well as the long-term development rights. Under the AC34 Sub-Alternative, instead of proposing the elimination of the 2012 events, the scenario for the AC34 events and facilities would be the same as that described above for the AC34 Project Variant, which would reduce the severity of both construction and operational impacts identified for the Draft EIR AC34 project for the race events.

With respect to long-term development, the AC34 Sub-Alternative assumes the same theoretical development program for Piers 30-32, Seawall Lot 330, and Piers 26, 28 and Pier 29 as assumed for the Draft EIR project, but would eliminate all development at Piers 19, 19½, and 23. The Sub-Alternative would also direct the locations of future long-term marina uses to different areas than the Draft EIR project, to be more compatible with the BCDC San Francisco Bay Plan and the BCDC SAP. A large vessel marina, serving up to 30 vessels from 50 – 200 feet in length, could be permitted in the water area around Piers 30-32, using the water basin between Piers 28-30 and a portion of the Brannan Street Wharf Open Water Basin, preserving views from the Brannan Street Wharf. A small craft marina that could accommodate up to 425 berths ranging between 25 – 50 feet in length could be permitted at Pier 54 and the surrounding water area to the north and east. On balance, the impacts associated with the AC34 Sub-Alternative and the Draft EIR Reduced Intensity Alternative would be similar, and either would be considered the environmentally superior alternative.

The Port Commission adopts the Sub-Alternative, which would preserve the full program of sailing race events in 2012 and 2013, provide a reduced long term development program and reconfigure the long term marinas.

Alternative 4: Reduced Spectator Berthing Alternative

The Reduced Spectator Berthing Alternative would differ from the Draft EIR project in that the Rincon Point Open Water Basin (Piers 14-22½) would not be considered for use as a temporary berthing facility or for long-term development of a permanent marina. Instead, partial replacement berthing capacity for private spectator boats in 2013 would be provided at Pier 9 in the Broadway Open Water Basin (Piers 3 and 9) and at various other existing locations along Port properties. With respect to long-term marina development rights, pursuant to the Host Agreement, the Event Authority and City could negotiate a new location for this use, that has room for expanded marina capacity and that meet BCDC's Bay Plan recreation policies for marina siting. This alternative was selected for analysis because it would reduce environmental impacts identified at the Rincon Point Open Water Basin and because BCDC, a responsible and permitting agency for AC34, requested an alternative that would reduce conflicts with the *San Francisco Waterfront Special Area Plan*.

The Reduced Spectator Berthing Alternative would only partially meet the objective of providing adequate facilities for spectator vessels. The Reduced Spectator Berthing Alternative would avoid impacts associated with in-water construction at the Rincon Point Open Water Basin, although those same impacts, including impacts on marine biological resources, would occur at the Broadway Open Water Basin at a reduced scale. Impacts associated with long-term development rights under the Host Agreement would be the same as for the proposed project, except that significant, unavoidable land use impacts associated with construction and operation of a long-term marina at the Rincon Point Open Water Basin would either be avoided or relocated to the vicinity of an alternate marina, such as South Beach or Mission Bay.

This alternative is partially rejected. The Port Commission is approving a Project that does not include a long term marina in the Rincon Point Open Water Basin. The Project does include, however, temporary berthing in a portion of the Rincon Point Open Water Basin for the duration of the America's Cup in 2013. This Alternative is partially rejected because the elimination of the temporary berthing facilities for the America's Cup Event would diminish the success and excitement of the Event, because the concentration of boats in a location close to race events is an integral part of the America's Cup Event. Spectators come to see the boats as well as the race itself; the spectators on the boats themselves enjoy gathering together to experience Race events. The Project to be approved provides that the temporary berthing facilities in the Rincon Point Open Water Basin will be located in a portion of the open water basin north of the northern border of Rincon Park, thereby preserving Bay views from the park.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Port Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts, and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Port Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations. The Port Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures proposed in the EIR for the Project (described therein as the "AC34 Project Variant") are adopted as part of this approval action. Approval of the Project does not result in any new or more severe impacts than those that would result from adoption of the Draft EIR AC34 Project. Furthermore, the Port Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

- The Project will establish San Francisco Bay's identity as a world-class venue for the sport of sailing and generate interest in the sport in 2012 and 2013.
- The Project will increase permanent public access to the waterfront by providing public viewing opportunities of the America's Cup live racing events at close range from various locations on the waterfront around Central San Francisco Bay, some of which are not currently publicly-accessible.
- Under the Host and Venue Agreement, the Authority will provide infrastructure and structural upgrades to Port facilities consistent with Port of San Francisco Building Code requirements and the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.
- In hosting AC34, San Francisco can take advantage of an urban waterfront that is publicly-owned to provide planned programs and operations for a unique water-oriented attraction that can be directly experienced and enjoyed by the general public, and which showcases the Bay Area's greatest natural treasure, San Francisco Bay. Most of the waterfront is improved and oriented to accommodate high volumes of visitors.
- The inclusion of Live Sites in Justin Herman Plaza, Union Square and Civic Center Plaza, taking advantage of advances in media technology to experience the races through large screen televisions, provides upland spectator viewing benefits which help relieve demands that otherwise would concentrate along the waterfront.
- The international attraction of the races will generate major economic benefits to the San Francisco and Bay Area tourism and hospitality industry, which also will produce other secondary and multiplier effects that benefit the Bay Area economy.
- The AC34 Implementation Plans are the products of proactive, integrated planning and coordination through intergovernmental partnerships and with local, regional, state and federal regulatory agencies that have responsibility for implementing and/or managing aspects of AC34. The Implementation Plans also have been developed to complement the requirements and performance standards set forth in the Final EIR mitigation measures that are required to be implemented as part of carrying out the Project. As such, the Implementation Plans are essential for providing an organized focus on key components of AC34 programs and operations, which provide transparency, accountability and a new model for the City in managing complex, multi-faceted projects.
- One consistent theme of the Implementation Plans is environmental sustainability. Whether through provision of enhanced resources, targeted information and communication strategies, protection of specified resources, or tailored, integrated management strategies coordinated between multiple entities, the Implementation Plans have been developed to approach these tasks to minimize AC34's environmental impacts and carbon footprint. As reflected in the description of the Implementation Plan above in Section I, the Plans incorporate adaptive

management strategies intended to scale responses and resources to the demands of the event, to the maximum extent possible. In this way, the preparations for AC34 and its management under the Implementation Plans will showcase how major international sporting events can be proactively managed, and set a standard for environmental sustainability.

- The inclusion of the 2012 World Series races as a precursor to the 2013 races provide City, Regional, State and Federal agencies and the Event Authority and AC Race Management the opportunity to conduct a “test-run” of the planned management strategies, Implementation Plans, and required mitigation measures. Based on the experience in 2012, these strategies will be updated to incorporate refinements, as necessary, to further ensure the AC34 2013 race events are well-managed and create enjoyable and successful events that also preserve quality of life and non-AC34 public enjoyment of the waterfront.
- Environmental sustainability principles also apply to the planning and staging of major capital improvements to the Port's piers. The planned improvements for Pier 27 not only ready the site to support the AC Village in 2013, they also carry out an initial phase of construction that will advance development of the James R. Herman Cruise Terminal and Northeast Wharf Plaza, if separately approved by the Port Commission. Contrary to instances where major capital improvements have been made for past Olympics or other major events and expositions where there was not a clear purpose for use of facilities after the event, the City and Event Authority have coordinated an approach where one phased construction process can serve both AC34 and a core maritime function and public access policy objective of the Port. Similarly, for Pier 30-32, the substructure and deck repairs conducted by the Event Authority will improve a facility that is designated as a major development opportunity site in the Port's Waterfront Land Use Plan. The same holds true for repairs to be conducted by the Event Authority for Piers 19, 23, 26 and 28, which will be required to occur in compliance with Secretary Standards. This work helps relieve the Port of deferred maintenance needs of its facilities and to uphold the integrity of the Embarcadero Historic District.
- The Project includes many refinements and new mitigation measures added in the Final EIR that substantially reduce the amount and severity of construction and operational air emission impacts below those presented in the Draft EIR. As discussed in detailed in Chapter 12.13, Air Quality Responses to Comments in the Final EIR, the Event Authority and AC Race Management have agreed to purchase race support boats with the cleanest burning engines available; require several clean construction equipment and operations, and low-sulfur fuel mitigation measures; and utilize temporary shoreside power for large spectator yachts at Pier 27. Together, these would reduce three of the four criteria pollutants regulated by the Bay Area Air Quality Management District below significance thresholds and thus reflects a substantial reduction below levels presented in the Draft EIR. Furthermore, the Project includes approval of a new mitigation measure to install shoreside power capability at the Pier 70 drydock shipyard; and accelerate the return of Pier 27 to the Port after AC34 to enable completion of cruise terminal construction and reinstatement of Pier 27 shoreside power facility for the 2014 cruise season. The Pier 70 shoreside power facility would offset vessel emissions generated by AC34 and cruise ship calls to San Francisco during the period when the Pier 27 shoreside power facility is temporarily decommissioned, and reduce the severity of significant air quality impacts. The Pier 70 shoreside power facility will enable cruise

ships, cargo and maritime vessels to be powered by the City's power grid while being repaired at the Port's drydock.

- While projections of economic benefits may vary according to the ultimate profile of the events (e.g. number of racing teams, spectator volume) it is undeniable that the attraction of the events themselves and the contractual commitments of ACEA and ACOC under the Host Agreement and documents such as the Workforce Development Plan will result in economic and employment benefits for the City and the surrounding Bay area vicinity. These opportunities will occur in a variety of sectors, from construction to event management to other visitor-serving enterprises. Together this will represent a needed economic stimulus at a time when the local economy continues its effort to move past the effects of the recent downturn.

Having considered these benefits, including the benefits discussed in Section I above, the Port Commission finds that the benefits of the AC34 Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

**ATTACHMENT A-1:
AC34 PROJECT— MITIGATION MONITORING AND REPORTING PROGRAM**

(Including the Text of the Mitigation Measures Adopted as Conditions of Approval. See Exhibit 2 for Mitigation Measures Applicable to Long-Term Development)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
CULTURAL RESOURCES MITIGATION MEASURES				
<i>America's Cup</i>				
<p>Mitigation Measure M-CP-1b: Protection of Historic Resources due to Indirect Damage</p> <p>As described in the Project Description, the Parks Event Operations Plan will be prepared and implemented in support of the proposed project. This mitigation measure requires that this plan shall incorporate specific elements to protect cultural resources through the use of removable protective fencing, signage, area closures, pre- and post-event conditions assessments, and educational and awareness programs. Federal and state agencies would likely require these or similar measures pursuant to their mission and regulatory obligations under federal and state law. Implementation of this plan would protect historic resources due to indirect damage from event activities. The plan shall contain, at a minimum, the following measures to protect historic resources.</p>	ACEA and OEWD	<p>Parks Event Operations Plan shall be completed and approved by appropriate land authority (e.g., NPS and CDPR) prior to the 2012 AC34 events.</p> <p>A completed and approved copy shall be submitted to the ERO prior to the 2012 AC34 events.</p>	SF Planning Department and the ERO, and appropriate land authority, including NPS and CDPR	Considered complete upon verification by SF Planning Department and ERO, and appropriate land authority, including NPS and CDPR

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<p>• Fencing and Signage: The project sponsor shall protect the integrity of historic earthen fortifications and other fragile historic resources by the installation of fencing and signage. The fencing shall consist of, for example, filter fabric backed with welded mesh set into the ground. These fences should be light enough for removal between 2012 and 2013 race events, but would be obvious deterrents to visitors. The fencing shall also have signs announcing that these are sensitive historic areas and that entry is prohibited. Fencing location/length and signage type shall be determined in consultation with the appropriate land authority where indirect impacts are anticipated (e.g., National Park Service [NPS], the Presidio Trust, or California Department of Parks and Recreation [CDPR]).</p> <p>Area Closures: Access to certain historic sites that cannot be sufficiently protected through the use of fencing and signage shall be closed to the public during the duration of the AC34 events. The exact locations and timing of the closures are to be determined in consultation with the appropriate land authority where the indirect impacts are anticipated (e.g., NPS, the Presidio Trust, or CDPR).</p>		<p>Fencing and Signage and Area Closures: To be installed prior to 2012 AC34 events and removed after the 2012 AC34 events; then reinstalled prior to 2013 AC34 events and removed after the 2013 AC34 events.</p>		

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> <i>Pre- and Post-Event Conditions Assessment and Repair:</i> Prior to the 2012 AC34 events, the project sponsor shall ensure that qualified cultural resources personnel assess the existing condition of the historic earthen fortifications and other fragile historic resources that could be subject to erosion from increased visitation. Standardized site assessment forms, similar to those used by the National Park Service, shall be completed for all such affected historic resources. Forms include thorough photo documentation, description, and GIS location information. The exact number of resources to be recorded, and the exact methods of recordation, shall be determined in consultation with the appropriate land authority where the indirect impacts are anticipated (e.g., NPS, the Presidio Trust, or CDPR). Following the 2013 AC34 event, the project sponsor shall ensure that qualified cultural resources personnel reassess the condition of historic resources identified above. Any unintended damage to historic resources as a result of the AC34 event will be repaired by the project sponsor to its pre-event condition. 		<i>Pre- and Post-Event Conditions Assessment and Repair:</i> Pre-conditions assessment prior to 2012 AC34 events; post-events assessment following completion of 2013 AC34 events		

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • Educational and Awareness Programs: The project sponsor shall create an educational program that increases the public awareness of the sensitivity of historic resources during the AC34 events and encourages public participation in the protection of such resources. The exact nature of the program shall be determined in consultation with the appropriate land authority where the indirect impacts are anticipated (e.g., NPS, the Presidio Trust, or CDPR). 		Educational and Awareness Programs: Prior to 2012 AC34 events		
<ul style="list-style-type: none"> • Crowd Control: The project sponsor shall ensure that crowd control personnel and volunteers are posted at or near the historic areas susceptible to erosion in order to direct visitors away from those sensitive locations. The exact number, location, and timing of the crowd control volunteers shall be determined in consultation with the with the appropriate land authority where the indirect impacts are anticipated (e.g., NPS, the Presidio Trust, or CDPR). 		Crowd Control: During 2012 and 2013 AC34 events		

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<p>Mitigation Measure M-CP-1c: Protection of Historic Resources due to Direct Damage</p> <p>The project sponsors shall ensure that any plans which call for the attachment, anchoring, or bracing of temporary structural elements to existing historic buildings, structures, or objects (e.g., the stone façade of the historic Marina Seawall), are reviewed for compliance with the Secretary's Standards by a qualified architectural historian, or in the alternative, a qualified architectural historian shall develop a proposed plan for such attachments setting forth appropriate techniques to govern and guide such activities that are consistent with the Secretary's Standards (the "Temporary Structure Approach"), which plan will be reviewed by the Department of City Planning for consistency with the Secretary's Standards before implementation. Removal of any such attachments, anchors, or bracing shall be fully reversible and include post-removal stabilization of historic materials to prevent long-term degradation in condition. Any unintended damage to historic resources as a result of the AC34 event will be repaired by the project sponsors to its pre-event condition.</p>	<p>ACEA and architectural historian</p>	<p>Prior to issuance of permits</p>	<p>Planning Department and ERO, and appropriate land authority, including SFRPD</p>	<p>Considered complete upon verification by Planning Department and ERO and issuance of permits</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-CP-1d: Protection of the Northeast Waterfront Historic District from Teatro Zinzanni Relocation</p> <p>If Teatro Zinzanni opts to relocate to Seawall Lot 324 within the Northeast Waterfront Historic District, prior to the execution of any Port lease, Teatro Zinzanni shall present the proposed relocation project design to the Historic Preservation Commission (HPC), which shall review the proposed project and make findings that the proposed design complies with Article 10, Appendix D of the Planning Code and the Secretary's Standards. Specifically, the HPC shall make specific findings that the proposed project complies with Sections 6 and 7 of Article 10, Appendix D, incorporated here by reference, which provide additional requirements for Certificates of Appropriateness in the Northeast Waterfront Historic District. These additional requirements address the architectural and visual characteristics that define this district, including façade line continuity, fenestration and design elements for new construction, and appropriate roof treatments. If the HPC does not make these findings, the Port shall not approve the proposed lease on Seawall Lot 324.</p>	Teatro Zinzanni	Prior to the execution of Port lease for Seawall Lot 324	Port of San Francisco and Historic Preservation Commission	Considered complete upon issuance of findings by HPC and execution of lease

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<p>Mitigation Measure M-CP-2: Inadvertent Discovery of Archeological Resources or Shipwrecks</p> <p>The following measures shall be implemented should construction activities result in the inadvertent discovery of a cultural resource:</p> <p>To avoid any potential adverse effect from the proposed project on inadvertently discovered buried or submerged historic resources, as defined in CEQA Guidelines Section 15064.5(a)(c), the project sponsor will distribute the Planning Department's archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor firms (including demolition, excavation, grading, foundation, pile driving, etc.); and/or to utilities firms involved in soil- or Bay bottom-disturbing activities within the project site. Prior to any soil- or Bay bottom-disturbing activities being undertaken, each contractor is responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor will provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel have received copies of the ALERT sheet.</p>	ACEA	Prior to any soils-disturbing activity.	Distribution of "ALERT" sheet among contractors and crew; ACEA to provide ERO with a signed affidavit	<p>Prior to any soils-disturbing activity.</p> <p>Considered complete upon ERO receipt of affidavit</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>In the event that any indication of a potential cultural resource is encountered during soil- or Bay bottom-disturbing activities (such as in-water pile driving for temporary berths and seismic improvements to Piers 30-32), the head foreman and/or project sponsor shall immediately notify the ERO and shall suspend soil- or Bay bottom-disturbing activities within 50 feet of the find until the ERO has determined what additional measures should be undertaken. Abandoned shipwrecks, archeological sites and historic resources in submerged lands of California are under the jurisdiction of the California State Lands Commission (CSLC). In the case of an inadvertent discovery of a submerged archeological site, shipwreck or related artifacts, the ERO shall contact and initiate consultation with the CSLC staff within 2 business days of such discovery.</p>		<p>During any soils-disturbing activity</p>	<p>Notification of ERO if any archeological resources encountered</p>	<p>During any soils-disturbing activity. Considered complete upon notification of ERO</p>

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<p>If the ERO (in consultation with the CSLC staff, if applicable) determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archaeologist. In the event of a shipwreck a qualified maritime archeological consultant shall be retained. The archeological consultant will advise the ERO as to whether the discovery is an archeological resource that retains sufficient integrity and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant will identify and evaluate the archeological resource. The archeological consultant will make a recommendation as to what action, if any, is warranted. Based on this information, the ERO (in consultation with the CSLC, if applicable) may require, if warranted, specific additional measures to be implemented by the project sponsor no more than forty eight (48) hours from receipt of such recommendation.</p>	<p>ACEA and archeological consultant</p>	<p>Before resumption of any soils-disturbing activity (if suspended)</p>	<p>Archeological consultant shall advise the ERO and ERO may require additional measures, in consultation with CSLC if applicable</p>	<p>Prior to resumption of soils-disturbing activity. Considered complete upon ERO approval of archeological consultant's recommendations</p>

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<p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological evaluation program. If an archeological monitoring or evaluation program is required, it shall be consistent with the Environmental Planning (EP) division of the Planning Department guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>				
<p>The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO (and the CSLC staff, if applicable). This report shall include an evaluation of the historical significance of any discovered archeological resource, as well as a description of the archeological and historical research methods employed in any archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p>	<p>ACEA and archaeological consultant</p>	<p>Following completion of any required archaeological field program</p>	<p>Archeological consultant submits draft FARR to ERO for approval</p>	<p>Prior to issuance of final certificate of occupancy. Considered complete upon ERO approval of draft FARR</p>

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<p>Once approved by the ERO, copies of the FARR shall be distributed as follows: the relevant California Historical Resources Information System Information Center shall receive one (1) copy and the ERO shall receive a copy of the transmittal letter of the FARR to the Information Center. The EP and the CSLC staff (if applicable) shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. The project sponsor shall receive copies of the FARR in the number requested. In instances of high public interest in or the high interpretive value of the resource, the ERO or the CSLC staff may require a different final report content, format, and distribution than that presented above.</p>	<p>ACEA and archaeological consultant</p>	<p>Following completion of FARR</p>	<p>Distribute FARR. Submittal to ERO of affidavit of FARR distribution</p>	<p>Prior to resumption of soils-disturbing activities. Considered complete upon Planning Department receipt of FARR</p>
<p>Mitigation Measure M-CP-4: Inadvertent Discovery of Human Remains</p> <p>The following measures shall be implemented should construction activities result in the inadvertent discovery of human remains:</p>	<p>ACEA and archaeological consultant</p>	<p>During any soils-disturbing activity</p>	<p>Archeological consultant shall advise the County Coroner, MLD</p>	<p>Considered complete upon completion of soils-disturbing activities</p>

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<p>The treatment of any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities shall comply with applicable state laws. Such treatment would include immediate notification of the City and County of San Francisco Coroner. In the event of the coroner's determination that the human remains are Native American, the coroner shall notify of the Native American Heritage Commission, which would appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, the project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties could not agree on the reburial method, the project sponsor shall follow Section 5097.98(b) of the PRC, which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p>				

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Mitigation Measure M-LT-CP: Mitigation of Cultural Resources from Long-Term Development, General (see Exhibit 2)		See Exhibit 2		
Mitigation Measure M-LT-CP-a: Mitigation of Cultural Resources from Long-Term Development, Piers 30-32 Performance Criteria (see Exhibit 2)		See Exhibit 2		
Mitigation Measure M-LT-CP-b: Mitigation of Cultural Resources from Long-Term Development, Historic Piers Performance Criteria (see Exhibit 2)		See Exhibit 2		
TRANSPORTATION AND CIRCULATION MITIGATION MEASURES				
<i>America's Cup</i>				

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<p>Mitigation Measure M-TR-1: People Plan Specific Provisions</p> <p>As part of the proposed project, the City would develop and implement a People Plan consisting of a variety of interrelated programs to facilitate access by all modes to and from the AC34 event venues, while maintaining acceptable conditions for residents, commuters, businesses and visitors. To address specific impacts identified in this EIR, the programs in the People Plan shall be developed to accommodate weekday and weekend events at various levels of spectator attendance and shall include specific provisions described below. The People Plan shall include, but not be limited to, the following programs:</p>	<p>OEWD and SFMTA</p>	<p>People Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to the ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<p>M-TR-1a: Traffic Monitoring and Management Program</p> <p>As a means to reduce congestion in the vicinity of the venue sites and on access roadways to and from the sites, the City shall develop and implement a Traffic Monitoring and Management Program that could include the following measures:</p> <ul style="list-style-type: none"> • Preferred spectator routes; • Bus priority streets; • New bus lanes; • Extension of existing bus-only lanes; • Bicycle priority streets; • On-street parking restrictions; • Traffic control officer deployment; 				

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<ul style="list-style-type: none"> • Coordination with other events (e.g., ballgames; roadway construction projects); • Roadway closures; • Restricted access streets; • Diversion plans related to roadway closures; • Event signage including weekend detour signs; and • Media announcements of roadway closures and detour signs. 				

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<p>M-TR-1b: Transit Operating Plan</p> <p>As part of the People Plan, the City shall develop and implement a transit operating plan to provide additional transit service to accommodate peak transit demands during the AC34 project events. Elements of the plan (as developed to date) could include, but are not limited to:</p> <ul style="list-style-type: none"> • Increased service hours and frequency on 30X-Marina Express, which would run every 8 minutes on all event days, including weekends. • Supplemental 30L-Marina, which would run every 6 minutes in the peak direction of travel (e.g., towards the waterfront through the mid-afternoon, and from the waterfront through the evening). The service would run between the Caltrain terminal and the intersection of Beach/Broderick (via Third/Fourth, Stockton, Broadway, Van Ness, and Lombard). 	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<ul style="list-style-type: none"> • Supplemental 47L-Van Ness, which would run every 10 minutes in the peak direction of travel throughout the day. Service would be provided between the Civic Center BART/Muni station and North Point Street, via Van Ness Avenue. Providing the supplemental service within a temporary bus lane is currently being considered. • Increased frequencies on the 108-Treasure Island, which would run every 10 minutes on all event days, including weekends. • Increased frequencies on the F-Market & Wharves historic streetcar between the Ferry Building and Fisherman's Wharf (i.e., at Pier 39), which would run every 5 minutes throughout the day. • New E-Embarcadero historic streetcar service between Caltrain and Pier 39. This service would need to use the double-ended historic streetcars, and would run every 20 minutes throughout the day. • Supplemental Muni Metro Shuttle. This light rail vehicle service would run within the Market Street tunnel between the Embarcadero station and the West Portal station. Shuttle service would be provided every 20 minutes on weekends only. 				

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<p>M-TR-1c: Satellite Parking Facility Program</p> <p>As a means to reduce the number of vehicles traveling to and from the northern waterfront, the City shall implement satellite parking facilities and frequent transit or shuttle service between the satellite parking facilities and the various venues. Parking facilities could include existing public and private garages and lots, as well as other undeveloped parcels such as Mission Bay Lot A and Candlestick Park.</p>	<p>OEWD and SFMTA</p>	<p>Satellite Parking Facility Program shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<p>M-TR-1d: Public Information Program</p> <p>As a means to facilitate access to and from venues and spectator viewing areas by all modes, while encouraging the use of transit and alternate modes, the City shall develop and implement a Public Information Program. For event days that overlap with other special events, a coordinated public information program shall be developed and provided to the public. The program shall provide:</p> <ul style="list-style-type: none"> • Access information for all modes before, during and after the events; • Maps and guidelines; • Special signage; • Marketing campaign to encourage transit use and bicycle use to event sites; • Web-based event information; • Media and press releases to update information on a regular basis; and • Public information for commuters, businesses and deliveries. 	<p>OEWD and SFMTA</p>	<p>Public Information Program provisions shall be completed and submitted to ERO prior to the 2012 AC34 events. Program shall begin no less than one month prior to 2012 AC34 events and repeated no less than one month prior to 2013 AC34 events</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<p>Mitigation Measure M-TR-17: Additional Muni Transit Service</p> <p>As part of the People Plan, the City shall develop and implement a transit operating plan to provide additional transit service to and from the Presidio, Crissy Field, and Marina venues accommodate peak transit demands on weekdays and weekends, and to and from Fisherman's Wharf on weekends. This transit service would need to be in addition to that identified in Mitigation Measure M-TR-1b.</p>	OEWD and SFMTA	People Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.	Planning Department and ERO, and SFMTA	Considered complete upon verification by Planning Department and ERO
<p>Mitigation Measure M-TR-18: Additional PresidiGo Shuttle Service</p> <p>As part of the People Plan, the City shall work with the Presidio Trust, Golden Gate Transit, and SFMTA to develop and implement a transit operating plan to provide additional transit service linking Presidio destinations with Crissy Field and downtown regional service providers. Additional PresidiGo service could be provided by implementing PresidiGo on weekend days, and by providing an additional PresidiGo shuttle service between the Lombard Gate (near the terminus of the 41-Union and 45-Union-Stockton Muni bus lines) and Crissy Field on weekend days.</p>	OEWD and SFMTA	People Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.	Planning Department and ERO, and SFMTA	Considered complete upon verification by Planning Department and ERO

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<p>Mitigation Measure M-TR-19: Additional AC Transit Capacity</p> <p>As part of the People Plan, the City shall work with AC Transit and other regional transit providers (i.e., BART, WETA) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 project events to and from the East Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. The additional AC Transit service could be provided by, but not be limited to, the following supplemental lines.</p>	<p>OEWD and SFMTA</p>	<p>People Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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 AC34 PROJECT— MITIGATION MONITORING AND REPORTING PROGRAM**

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • <i>The Berkeley (F) Route:</i> This route provides service generally from UC Berkeley to the Temporary Transbay Terminal through Ashby BART and Emeryville. • <i>The Oakland (NL) Route:</i> This route provides service generally from Mills College to the Temporary Transbay Terminal through MacArthur Boulevard and West Grand Avenue. • <i>Alameda (O) Route:</i> This route provides service generally from Fruitvale to the Temporary Transbay Terminal through Alameda. • <i>Treasure Island Route:</i> This route would provide service generally from one of the BART Stations (MacArthur or West Oakland) to Treasure Island. • <i>Crissy Field Route:</i> This route would provide service generally from the East Bay to Crissy Field without requiring East Bay passengers to transfer at the Temporary Transbay Terminal to Muni. 				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>The supplemental routes described above are intended to illustrate the type and alignment of additional service that could be provided during the AC34 2012 events. However, the People Plan is expected to develop a transit operating plan that would formalize the details of the additional service (specific routes, span of service, days of service, headways, types of buses, etc.) and could include different routes, service providers, or service schedules than what is described above. This would allow for the flexibility to adjust service in response to demand during the AC34 2012 events and ultimately during the AC34 2013 events.</p>				

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<p>Mitigation Measure M-TR-20: Additional BART Transit Service</p> <p>As part of the People Plan, the City shall work with BART and other regional transit providers (i.e., AC Transit, WETA) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 events to and from the East Bay and South Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. The additional East Bay BART service could be provided by, but not limited to, executing weekday service during the weekends or by operating longer trains. The People Plan is expected to develop a transit operating plan that would formalize the details of the additional service (span of service, days of service, headways, etc.) and could include a different arrangement than providing weekday service on weekends.</p>	OEWD and SFMTA	Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.	Planning Department and ERO, and SFMTA	Considered complete upon verification by Planning Department and ERO

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<p>Mitigation Measure M-TR-21: Additional WETA Transit Service</p> <p>As part of the People Plan, the City shall work with WETA and other regional transit providers (i.e., BART, AC Transit) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 events to and from the East Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. The additional WETA ferry service could be provided by, but not be limited to, the following supplemental lines.</p> <ul style="list-style-type: none"> • <i>Vallejo Baylink Service:</i> This service operates from the terminal at the Vallejo waterfront west of downtown directly to the San Francisco Ferry Building and to Pier 41 in Fisherman's Wharf. One additional vessel with a capacity for 300 passengers could be added to the existing weekend service. 	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<ul style="list-style-type: none"> • <i>Alameda/Oakland Bay Service (AOFS)</i>: This service operates from Main Street in Alameda and from Clay Street in Oakland to the San Francisco Ferry Building and to Pier 41 in Fisherman's Wharf. One additional vessel with a capacity of approximately 325 to 375 passengers could be added to the existing weekend service. • Additional midday off-peak service could also be provided between the Ferry Building and/or Piers 39-41, if there is sufficient capacity to berth the ferries. • The supplemental routes described above are intended to illustrate the type and alignment of additional service that could be provided during the AC34 2012 events. However, the People Plan is expected to develop a transit operating plan that would formalize the details of the additional service (specific routes, span of service, days of service, headways, types of ferries, etc.) and could include different routes or service schedules than what is described above. This would allow for the flexibility to adjust service in response to demand during the AC34 2012 events and ultimately during the AC34 2013 events. 				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-TR-22: Additional Golden Gate Transit Service</p> <p>As part of the People Plan, the City shall work with Golden Gate Transit and other regional transit providers (i.e., WETA) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 events to and from the North Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. The additional Golden Gate Transit bus service may be able to pick up local passengers within San Francisco at existing Golden Gate Transit and Muni bus stops. The bus service could be provided by, but not be limited to, the following supplemental lines.</p>	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • <i>Route 93:</i> This route would begin at the Golden Gate Bridge Toll Plaza and continue to the San Francisco Civic Center area via Lombard, Van Ness, Golden Gate, Hyde, Eighth, and Mission Streets to Sixth and Howard Streets in the outbound direction, and via Seventh, McAllister, Van Ness, and Lombard to the Golden Gate Bridge Toll Plaza in the inbound direction. A variation of this route could terminate at the Richardson/Francisco transfer point rather than at the Golden Gate Bridge Toll Plaza, provided sufficient turn-around space is available. • <i>Route 4:</i> To supplement Route 93, a “short” Route 4 could operate between the Manzanita Park & Ride in Mill Valley to the Financial District. This route would travel on U.S. 101 through the Golden Gate Bridge Toll Plaza and continue to the San Francisco Financial District via Lombard, Van Ness, North Point, Polk, Beach, Embarcadero, and Battery, across Market Street to Howard, Eight and Harrison Streets in the inbound direction, and via Harrison, Ninth, Folsom, Fremont, Front, Pine, Sansome, The Embarcadero, North Point, Van Ness and Lombard to the Manzanita Park & Ride in the inbound direction. 				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-TR-23: Additional Blue & Gold Transit Service</p> <p>As part of the People Plan, the City shall work with Blue & Gold and other regional transit providers (i.e., Golden Gate Transit) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 events to and from the North Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided by Blue & Gold and/or Golden Gate Transit ferry and bus service throughout the day, as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. Blue & Gold currently provides additional ferry service during special events – for example, additional evening service from Tiburon to San Francisco for the Fourth of July fireworks show. Similar additional service could be provided during the AC34 2012 events.</p>	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-TR-24: Additional Caltrain Transit Service</p> <p>As part of the People Plan, the City shall work with Caltrain and other regional transit providers (i.e., BART, SamTrans) to develop and implement an operating plan that would accommodate peak transit demands during the AC34 events to and from the South Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. The People Plan is expected to develop a transit operating plan that would formalize the details of the additional service (span of service, days of service, headways, stop locations, etc.), if any. This would allow for the flexibility to adjust service in response to demand during the AC34 2012 events, and ultimately during the AC34 2013 events.</p>	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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<p>Mitigation Measure M-TR-25: Additional SamTrans Transit Service</p> <p>As part of the People Plan, the City shall work with SamTrans and other regional transit providers (i.e., BART, Caltrain) to develop an operating plan that would accommodate peak transit demands during the AC34 events to and from the South Bay.</p> <p>While the analysis above describes the capacity shortfall during the Saturday midday peak hour, additional capacity would need to be provided throughout the day as well as on Sundays. It is likely that the span of additional service would be from approximately 10:00 a.m. to 8:00 p.m. with varied levels of service throughout that time period. Whether the additional service could be provided by SamTrans is uncertain. However, additional service from and to the South Bay could be provided by, but not be limited to the following:</p> <ul style="list-style-type: none"> • <i>Supplemental BART Service:</i> BART could increase its service to and from the South Bay by providing service similar to that seen on weekdays or by operating longer trains (10 cars per train) to increase the capacity of the existing weekend service. 	<p>OEWD and SFMTA</p>	<p>Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.</p>	<p>Planning Department and ERO, and SFMTA</p>	<p>Considered complete upon verification by Planning Department and ERO</p>

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Mitigation Measure M-TR-26a: Barricade to Protect Transit Lanes The AC34 2012 events have the potential to adversely impact the operations of the F-Market & Wharves line in the Fisherman Wharf area, particularly on Jefferson Street. As part of the People Plan, the City shall create a strategy for protecting the F-Market & Wharves right-of-way for safety and operational efficiency (i.e., to ensure delay to streetcar service is minimized. The strategy could include, but not be limited to, erecting removable barricades along the F-Market & Wharves tracks in order to contain pedestrian overflow and direct crossings to existing crosswalks.	OEWD and SFMTA	Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.	Planning Department and ERO, and SFMTA	Considered complete upon verification by Planning Department and ERO

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<p>Mitigation Measure M-TR-26b: Traffic Control Officers at Key Intersections</p> <p>The AC34 2012 events have the potential to adversely impact the operations of Muni, Golden Gate Transit, and AC Transit service in downtown San Francisco. As part of the People Plan, the City shall develop a strategy for implementation of traffic control officers at intersections that key transit routes travel through.</p>	OEWD and SFMTA	Plan shall be completed and approved by appropriate transportation agencies, and a completed and approved copy shall be submitted to ERO prior to the 2012 AC34 events.	Planning Department and ERO, and SFMTA	Considered complete upon verification by Planning Department and ERO
<p>Mitigation Measure M-LT-TR: Transportation Mitigation Measures for Long-Term Development (see Exhibit 2)</p>	See Exhibit 2			
NOISE AND VIBRATION MITIGATION MEASURES				
<i>America's Cup</i>				

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<p>Mitigation Measure M-NO-1a: Noise Controls During Construction</p> <p>The following practices shall be incorporated into the construction contract agreement documents to be implemented by the construction contractor:</p> <ul style="list-style-type: none"> • Provide enclosures and mufflers for stationary equipment, shroud or shield impact tools, and install barriers around particularly noisy activities at the construction sites so that the line of sight between the construction activities and nearby sensitive receptor locations is blocked; • Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors; • Provide sound-control devices on equipment no less effective than those provided by the manufacturer; 	<p>ACEA and construction contractor</p>	<p>Construction specifications showing adherence to measure shall be submitted to ERO prior to commencement of activities. Measures shall be implemented during construction.</p>	<p>Port, Planning Department and ERO</p>	<p>Following completion of all construction activities</p>

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<ul style="list-style-type: none"> • Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptor locations; • Prohibit unnecessary idling of internal combustion engines; and <p>Require applicable construction-related vehicles and equipment to use designated truck routes to travel to and from the project sites.</p>				
<p>Mitigation Measure M-NO-1b: Pile Driving Noise-Reducing Techniques and Muffling Devices</p> <p>The AC34 project sponsors shall require the construction contractor to use noise-reducing pile-driving techniques if nearby structures are subject to pile-driving noise and vibration. These techniques shall include installing intake and exhaust mufflers on pile-driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible.</p> <p>Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. In addition, at least 48 hours prior to pile-driving activities, the project sponsors shall notify building owners and occupants within 500 feet of the project site of the dates, hours, and expected duration of such activities.</p>	ACEA and construction contractor	Construction specifications showing adherence to measure shall be submitted to ERO prior to commencement of activities. Measures shall be implemented during pile-driving.	Port, Planning Department and ERO	Following completion of all pile-driving activities

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<p>In addition, implementation of this measure shall be coordinated with Mitigation Measure M-BI-11a (Impact Hammer Pile Driving Noise Reduction for Protection of Fish) (see Section 5.14, Biological Resources), which requires the AC34 project sponsors to develop a sound attenuation monitoring plan to reduce noise impacts to aquatic wildlife. This plan shall incorporate best management practices to reduce noise, such as use of cushion blocks between the hammerhead and concrete piles to reduce vibration, use of vibratory drivers for the installation and removal of all steel pilings, and employment of a “soft start” technique to all pile driving to give fish and marine mammals an opportunity to vacate the area. Vibratory hammers shall be used to the maximum extent practicable.</p>				

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<p>Mitigation Measure M-NO-2a: Selection, Shielding or Acoustical Enclosures for Generators at Piers 27-29 and Marina Green and Use of Electrical Service at Piers 27-29</p> <p>At Piers 27-29, the AC34 project sponsor shall use utility electricity in lieu of generators, if available; if electricity requirements exceed available power, the AC34 project sponsor shall use generators. The AC34 project sponsor shall provide shielding or acoustical enclosures for generators at Piers 27-29 and the Marina Green. Specification sheets for generators indicate that Level 1 sound enclosures will dampen noise levels by 5 dBA for the size of generators proposed. Additionally, the project sponsor shall achieve a performance standard of 60 dBA at the Crissy Field Center when educational activities are in progress.</p>	ACEA and construction contractor	Generator specifications showing adherence to measure shall be submitted to ERO prior to commencement of activities.	Port, SFRPD, Planning Department and ERO	Following completion of all AC34 events

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<p>Mitigation Measure M-NO-2b: Noise Control Plan for Entertainment Venues</p> <p>The AC34 project sponsors shall develop and implement a Noise Control Plan for operations at the proposed entertainment venues to reduce the severity of potential noise impacts from public address and/or amplified music. This Noise Control Plan shall contain the following elements:</p> <ul style="list-style-type: none"> The project sponsor shall comply with noise controls and restrictions in applicable entertainment permit requirements for designated AC34 events. <p>Where not otherwise addressed in City permits, amplification levels generally shall be established commensurate with the City's fixed residential interior noise limits of 50 dBA daytime (7:00 a.m. to 10:00 p.m.) and 45 dBA nighttime (10:00 p.m. to 7:00 a.m.). Volume settings at each entertainment venue shall be identified during the first week of events using noise monitoring at the nearest residences of concern, performed by a qualified acoustical technician in association with the project sponsors. No building attenuation shall be assumed for residences that would not be expected to have mechanical ventilation systems.</p>	ACEA	Noise Control Plan should be approved by San Francisco Entertainment Commission and submitted to ERO by June 2012. Plan provisions shall be implemented during AC34 events.	Planning Department and ERO, and San Francisco Entertainment Commission, NPS, and SFRPD on lands within their respective jurisdictions	Following completion of all AC34 events

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<ul style="list-style-type: none"> • Speaker systems shall be directed toward the Bay, away from the nearest sensitive receptors to the degree feasible. • A point of contact shall be designated by the project sponsors to respond to noise complaints and to ensure compliance with the first two measures above. This person shall work with the San Francisco Entertainment Commission to establish set-up and operational conditions appropriate to each of the venues with regard to compliance with requirements of Section 47.2 of the San Francisco Police Code. 				

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<p>Mitigation Measure M-NO-3: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring</p> <p>The project sponsors shall engage a qualified geotechnical engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby historic structures subject to pile-driving activity in the vicinity of Piers 28, Piers 30-32, Red's Java House, and Bulkhead Wharf Section 10 before a Port Building Permit is issued. If recommended by the pre-construction assessment, for structures or facilities within 60 feet of pile-driving activities, the project sponsors shall require groundborne vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary.</p>	<p>ACEA and geotechnical engineer</p>	<p>Assessment shall be completed and submitted to Port Engineer and Planning Department ERO prior to pile-driving. Monitoring shall occur during pile-driving</p>	<p>Port of San Francisco Chief Harbor Engineer; Planning Department and ERO</p>	<p>Following completion of all pile-driving activities</p>

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The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities. Monitoring results shall be submitted to the Port's Chief Harbor Engineer. In the event of unacceptable ground movement with the potential to cause structural damage, as determined by the Chief Harbor Engineer, all impact work shall cease and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure.				
Mitigation Measure M-LT-NOa: Mitigation of Noise from Long-Term Development on Port Properties (see Exhibit 2)	See Exhibit 2			
Mitigation Measure M-LT-NOb: Mitigation of Interior and Exterior Noise from New Residential Developments of Seawall Lot 330 (see Exhibit 2)	See Exhibit 2			
AIR QUALITY				
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<p>Mitigation Measure M-AQ-2a: Construction Vehicle Emissions Minimization</p> <p>To reduce construction vehicle emissions, the project sponsor shall incorporate the following into construction specifications:</p> <ul style="list-style-type: none"> • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure, Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 	<p>ACEA and construction contractor</p>	<p>Manufacturing specifications shall be submitted to ERO prior to construction. Certified mechanic shall check equipment prior to, and during, demolition and construction activities and submit affidavit to ERO.</p>	<p>Planning Department and ERO; Port and SFRPD for properties within their respective jurisdictions</p>	<p>Following completion of all construction and demolition activities</p>

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<ul style="list-style-type: none"> The project sponsor shall ensure that construction contract specifications include a requirement that on-road diesel trucks used to transport spoils consist of 2007 or newer model-year trucks with factory-built engines. All on-road diesel trucks shall be required to have emission control labels as specified in 13 CCR 2183(c). The construction contract specifications shall require that the contractor submit to the Environmental Review Officer (ERO) a comprehensive inventory of all on-road trucks used to haul spoils. The inventory shall include each vehicle's license plate number, the engine production year, and a notation of whether the truck is in possession of an emission control label as defined in 13 CCR. The contractor shall update the inventory and submit it monthly to the ERO throughout the duration of the project. 				

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<p>Mitigation Measure M-AQ-2b: Off-Road Construction Equipment</p> <p>The project sponsors shall ensure that construction contract specifications include a requirement that all off-road construction equipment be equipped with diesel engines meeting USEPA Tier 3 standards for NOx and PM (Tier 2 standards if greater than 750 hp) or better. The following types of equipment were identified as available for rental in Tier 3 models, or are candidates for retrofitting with emissions control technology, due to their expected operating modes (i.e., fairly constant use at high revolution per minute):</p> <ul style="list-style-type: none"> • Excavators • Backhoes • Rubber-Tired Dozers • Concrete Boom Pumps • Concrete Trailer Pumps • Concrete Placing Booms 	<p>ACEA and construction contractor</p>	<p>Contract specifications shall be submitted to Planning Department and ERO prior to construction and demolition. Equipment shall be used during demolition and construction activities</p>	<p>Planning Department and ERO; Port and SFRPD for properties within their respective jurisdictions</p>	<p>Following completion of all construction and demolition activities</p>

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<ul style="list-style-type: none"> • Compressors • Soil Mix Drill Rigs • Soldier Pile Rigs • Shoring Drill Rigs <p>At construction locations where power demands allow it, propane generators shall be used in lieu of diesel powered generators. Diesel generators used for project construction shall meet Tier 4 emissions standards.</p> <p>In addition to the Tier 3 emissions standard requirement, all equipment must be equipped with a CARB Level 3 Verified Diesel Emission Control System (VDECS) for PM control, where feasible. The construction contractor shall provide proof in the form of a manufacturer's engineering evaluation or other proof to the satisfaction of the Environmental Review Officer that a CARB-verified Level 3 VDECS is not feasible for a particular equipment type.</p>				

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<ul style="list-style-type: none"> Should it be determined by the construction contractor or its subcontractors that compliance with the emissions control requirements of this mitigation measure is infeasible for any of the above-listed construction equipment, the construction contractor shall demonstrate an alternative method of compliance that achieves an equivalent reduction in the project's fleetwide NOx and PM emissions. If alternative means of compliance with the emissions exhaust requirements are further determined to be infeasible, the construction contractor shall document, measure, to the satisfaction of the Environmental Review Officer, that the contractor has complied with this mitigation measure. 				
<p>Mitigation Measure M-AQ-2c: Off-Road Construction Equipment - Electricity Use</p> <p>Hydropower electricity supplied by a public utility shall be used where available at pier construction sites in lieu of temporary diesel or gasoline-powered generators and compressors. Existing utility service or temporary new utility service shall be the preferred power alternative, unless proven infeasible at each location where generators are proposed.</p>	ACEA and construction contractor	Contract specifications shall be submitted to Planning Department and ERO prior to construction and demolition.	Port, Planning Department and ERO	Following completion of all construction and demolition activities

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<p>Mitigation Measure M-AQ-2d: Off-Road Construction Equipment - Best Management Practices (BMPs)</p> <p>The following types of measures are required on construction equipment:</p> <ol style="list-style-type: none"> 1. Use of CARB-verified diesel oxidation catalysts and catalyzed diesel particulate traps if not already included in the design of the equipment to meet Tier 3 standards, or not already required as part of Mitigation Measure M-AQ-2b above. 2. Install high-pressure fuel injectors on construction equipment vehicles. 3. Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc. <p>The Port shall implement a process by which to select additional BMPs to further reduce air emissions during construction. The Port shall determine the BMPs once the contractor identifies and secures a final equipment list.</p>	<p>ACEA, Port, and construction contractor</p>	<p>Contract specifications shall be submitted to Planning Department and ERO prior to construction and demolition. Equipment shall be used during demolition and construction activities</p>	<p>Planning Department and ERO</p>	<p>Following completion of all construction and demolition activities</p>

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<p>Mitigation Measure M-AQ-2e: Off-Road Construction Equipment - Engine Standards for Harbor Craft Used in Construction</p> <p>All harbor craft with C1 or C2 marine engines used in construction must utilize a USEPA Tier-3 engine, or cleaner, if feasible.</p> <p>Should it be determined by the construction contractor or its subcontractors that compliance with the emissions control requirements of this mitigation measure is infeasible for any of the harbor craft used in construction, the construction contractor shall demonstrate an alternative method of compliance that achieves an equivalent reduction in the project's fleetwide NOx emissions. If alternative means of compliance with the emissions exhaust requirements are further determined to be infeasible, the construction contractor shall document, to the satisfaction of the Environmental Review Officer, that the contractor has complied with this mitigation measure to the extent feasible and indicate why full compliance with the mitigation measure is infeasible.</p>	ACEA and construction contractor	Contract specifications shall be submitted to Planning Department and ERO prior to construction and demolition. Equipment shall be used during demolition and construction activities	Planning Department and ERO; Port and SFRPD for properties within their respective jurisdictions	Following completion of all construction and demolition activities

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<p>Mitigation Measure M-AQ-2f: Fuels for Off-Road Construction Equipment</p> <p>The project sponsors shall ensure that construction contract specifications include a requirement that all off-road construction equipment used be fueled with propane or biodiesel (B20 blended with California on-road diesel) unless precluded by engine type or warranty.</p>	ACEA and construction contractor	Contract specifications shall be submitted to Planning Department and ERO prior to construction and demolition.	Planning Department and ERO; Port and SFRPD for properties within their respective jurisdictions	Following completion of all construction and demolition activities

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<p>Mitigation Measure M-AQ-4a: Emission Controls for Race-Sponsored Spectator and Support Vessels</p> <p>The project sponsor shall require all contracts for race-sponsored spectator vessels and venue leases for race support vessels to meet U.S. EPA Tier 3 or better engine standards for marine diesel engines, as feasible. Tier 3 and Tier 4 engines would reduce ROG and NOx emissions by approximately 42 percent over Tier 1 engines and PM emissions by 78 percent over Tier 1 engine emissions.⁷</p> <p>Should it be determined by the project sponsor that availability of vessels with Tier 3 or Tier 4 engines for use as race-sponsored spectator vessels renders this mitigation measure infeasible, this lack of availability must be demonstrated, to the satisfaction of the Environmental Review Officer, indicating that the project sponsor has complied with this mitigation measure to the extent feasible and why full compliance with the mitigation measure is infeasible.</p>	<p>ACEA, ACRM, and spectator vessel contractors</p>	<p>Vessels specifications detailing adherence to measure shall be submitted to ERO prior to 2012 AC34 events. Vessels meeting these standards shall be used during spectator vessel activities</p>	<p>Planning Department and ERO; Port and SFRPD for properties within their respective jurisdictions</p>	<p>Following completion of all AC34 events</p>

7 California Air Resources Board, Airborne Toxic Control Measure for Diesel Engines on Commercial Harborcraft Operated within California Waters and 24 Nautical Miles of the California Baseline, <http://www.arb.ca.gov/regact/2007/chc07/rev93118.pdf>

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<p>Mitigation Measure M-AQ-4b: Temporary Shoreside Power for Large Private Yachts at Pier 27</p> <p>The project sponsor shall install shoreside electrical power at Pier 27 to serve large, private spectator vessels during the AC34 2013 events. Shoreside power shall be supplied by a publicly owned utility supplying hydropower, if available at rates and service levels equivalent to a private utility.</p> <p>If shoreside power is available at berths used by large, private spectator vessels, the project sponsor shall impose as a requirement in any berthing contract with large, private spectator vessels a requirement to use shoreside power, if such vessels are so equipped.</p>	ACEA	Shoreside power to serve large private yachts at Pier 27 shall be installed prior to the AC34 2013 events. Berthing contracts detailing adherence to measure shall be submitted to ERO prior to 2013 AC34 events.	Port, Planning Department and ERO	Following completion of all AC34 events

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<p>Mitigation Measure M-AQ-4c: Alternative Low-Emissions Fuels for Large Private Yachts and Race-Sponsored Vessels</p> <p>The project sponsor shall impose as a requirement in any berthing contract with large, private spectator vessels and in any contract with race-sponsored vessels, a requirement to use B20 biodiesel or higher, unless precluded by engine type or warranty, or availability. If biodiesel is precluded, such contracts shall require use of California on-road diesel.</p> <p>Should it be determined by the project sponsor that availability or compatibility of biodiesel with vessel engines or warranties renders this mitigation measure infeasible, this lack of availability or compatibility must be demonstrated, to the satisfaction of the Environmental Review Officer, indicating that the project sponsor has complied with this mitigation measure to the extent feasible and why full compliance with the mitigation measure is infeasible.</p>	ACEA	Berthing contracts detailing adherence to measure shall be submitted to ERO prior to 2013 AC34 events.	Port, Planning Department and ERO	Following completion of all AC34 events

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<p>Mitigation Measure M-AQ-4d: Return Pier 27 to the Port Within One Month after Completion of the Match for Reconnection of Shoreside Power</p> <p>The project sponsor shall reconnect shoreside power and complete Phase 2 construction of the James R. Herman Cruise Terminal and reconnection of shoreside power at Pier 27 not later than April 1, 2014, if feasible. To accommodate construction of Phase 2 improvements to the Cruise Terminal and reconnection of shoreside power, the Event Authority shall return Pier 27 to the Port within one month of the completion of the Match.</p> <p>Subsequently, the Port shall complete Phase 2 construction of the James R. Herman Cruise Terminal in 2013 to 2014 and reconnect shoreside power at Pier 27 no later than April 1, 2014, if feasible.</p> <p>Should it be determined by the project sponsor that Phase 2 construction of the James R. Herman Cruise Terminal and reconnection of shoreside power at Pier 27 by April 1, 2014 is infeasible, the project sponsor shall document, to the satisfaction of the Environmental Review Officer, that the project sponsor has complied with this mitigation measure to the extent feasible and indicate why full compliance with the mitigation measure is infeasible.</p>	ACEA and Port	Following completion of the America's Cup Events in 2013 and prior to April 1, 2014	Planning Department and ERO	April 1, 2014 or earlier

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<p>Mitigation Measure M-AQ-4e: Long-term Shoreside Power at Pier 70</p> <p>The project sponsor shall develop shoreside power at an offsite location that would consist of constructing 12 MW of shoreside power at the Port's Drydock #2 at Pier 70 to serve large cruise, military and other vessels while they are in drydock.</p> <p>Should it be determined by the project sponsor that this measure is infeasible, the project sponsor shall document, to the satisfaction of the Environmental Review Officer, that the project sponsor has complied with this mitigation measure to the extent feasible and indicate why full compliance with the mitigation measure is infeasible.</p>	Port and SFPUC	Prior to decommissioning of shoreside power at Piers 27-29 in 2012	Planning Department and ERO	To be in operation during 2012 and 2013; however, this shall be a long-term ongoing measure.

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<p>Mitigation Measure M-AQ-5: Clean Diesel Engines for Temporary Power</p> <p>The project sponsor shall ensure that all diesel generators at AC34 event and viewing locations will conform to a level of performance equivalent to a Tier 4 interim, or Tier 2/Tier 3 (as applicable, depending on power rating) engine fitted with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent. Alternatively, natural gas or gasoline-powered generators may be used in lieu of diesel generators, thus eliminating DPM emissions from generators, as feasible.</p> <p>Should it be determined by the project sponsor that “tiered” diesel engine generators or natural gas or gasoline-powered generators would not provide the necessary power demands required, this lack of availability must be demonstrated to the satisfaction of the Environmental Review Officer, indicating that the project sponsor has complied with this mitigation measure to the extent feasible and why full compliance with the mitigation measure is infeasible.</p>	ACEA and contractors	Generator specifications detailing adherence to measure shall be submitted to ERO prior to 2012 events. Vessels meeting these standards shall be used during spectator vessel activities	Port, Planning Department and ERO	Following completion of all AC34 events
<p>Mitigation Measure M-LT-AQ: Future Long-Term Development Mitigation (see Exhibit 2)</p>	See Exhibit 2			

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WIND AND SHADOW				
<i>America's Cup</i>				
<p>Mitigation Measure M-WI-1: Warning Signs and/or Limiting Access on the Eastern Aprons of Piers 27-29 During Hazardous Wind Events</p> <p>The project sponsor shall be required to post warning signs and, if necessary, restrict public access to the eastern aprons of Piers 27-29 during the occurrence of high-speed winds that could result in hazardous wind conditions for spectators, and implement design features that provide wind protection for public access areas.</p> <p>If average wind speed at pedestrian height exceeds 26 mph, or when the National Weather Service issues high wind warnings for the Bay, the project sponsor shall implement this measure. As experience with the local wind conditions is gained, this trigger should be adjusted to suit the wind conditions that are experienced on the pier.</p>	ACEA and Port	Procedure and signage shall be submitted to ERO for approval prior to 2012 AC34 events. If average wind speed at pedestrian height exceeds 26 mph, or when the National Weather Service issues high wind warnings for the Bay, procedure shall be implemented	Port, Planning Department and ERO	Considered completed upon completion of AC34 events

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RECREATION				
<i>America's Cup</i>				
<p>Mitigation Measure M-RE-1: Protection of Recreational Resources</p> <p>As described in the Project Description, the <i>Parks Event Operations Plan</i> (applicable to National Park Service [NPS], Presidio Trust, California Department of Parks and Recreation [CDPR], and San Francisco Recreation and Parks Department [SFRPD]) will be prepared and implemented in support of the proposed project. Also as described in the Project Description, the City and Event Authority are coordinating with local agencies and jurisdictions (including BCDC, Marin County, Sausalito, Tiburon, and Belvedere). As the plan and agency coordination are still under development, this mitigation measure requires that the plan and ongoing agency coordination to incorporate specific elements to protect recreational resources through protection and restoration requirements. The <i>Parks Event Operations Plan</i> and the agency coordination shall each include, for their respective jurisdictions, the following measures to protect and restore recreational resources:</p>	ACEA, OEWD, and contractors	Plan shall be completed and approved by NPS, CDPR, Presidio Trust, and SFRPD, and submitted to the ERO, prior to 2012 AC34 events; measures shall be implemented during and after events	SFRPD, CDPR, Presidio Trust, National Park Service, Planning Department and ERO	Considered completed upon completion of post-event repair

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<ul style="list-style-type: none"> • Identification of Recreational Resource Areas of Special Concern. Agency coordination shall include identification of recreational resource areas of special concern to land management agencies (e.g., Crissy Field picnic area near the Warming Hut) that could provide attractive spectator viewing opportunities, determination of the existing condition of resources, identification of requirements for additional service levels at recreational facility restrooms and trash/recycling needs, and identification of any necessary agreements, such as a memorandum of understanding or memorandum of agreement, to document commitments regarding protection and restoration of recreation resource areas of special concern. • Crowd Control: The project sponsor shall ensure that crowd control volunteers and/or enforcement personnel are posted at or near the recreation resources identified to be of special concern in order to manage crowd levels at those locations. The exact number, location, and timing of the crowd control volunteers shall be determined in consultation with the appropriate land authority where the indirect impacts are anticipated. 				

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<ul style="list-style-type: none"> • Post-Event Repair: Following each of the 2012 and 2013 AC34 events, the project sponsor shall ensure that recreational resource areas of special concern are returned to their previously identified pre-project condition to the extent damaged by event activities, which could include trash collection, facility repairs, restroom maintenance, pavement washing, trail repair, revegetation, and resodding. 				
BIOLOGICAL RESOURCES: UPLAND BIOLOGICAL RESOURCES				
<i>America's Cup</i>				

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<p>Mitigation Measure M-BI-1a: Protecting Sensitive Areas for Mission Blue Butterfly</p> <p>The AC34 project sponsor shall ensure that areas supporting the habitat for Mission blue butterflies (<i>Lupinus albifrons</i>) are adequately protected against incidental impacts by spectators for AC34 events. These areas shall be avoided. This shall be accomplished by working with the National Park Service (NPS) to develop a detailed strategy for protecting sensitive butterfly areas, including area closures, fencing, signage, and staffing. Federal and state agencies would likely require these or similar measures pursuant to their mission and obligations under federal and state law. The project sponsor shall work with NPS to implement an appropriate combination of the following conservation measures to ensure that these areas will be avoided:</p> <ul style="list-style-type: none"> • New fence or fence augmentation. Fencing could consist of, as an example, higher fencing with additional cabling or wire mesh backing. If NPS requires fencing in 2012, these fences will be light enough for removal between 2012 and 2013 race events, and will be obvious deterrents to visitors. Fences, if required, will be in place prior to the start of the AC events. Areas fenced will have signs at frequent intervals announcing that these are sensitive wildlife/ botanical areas. Final fencing type and signage will be coordinated with the NPS. 	ACEA and OEWD	Locations and specifications of fences shall be approved by NPS, and approval provided to the ERO, prior to 2012 AC34 events. Fences, if required, will be in place prior to the start of events; will be in place during events	NPS; Planning Department and ERO	Considered completed upon completion of AC34 events

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<ul style="list-style-type: none"> Trail, area, or roads could be closed during race events. For Mission blue butterfly, this could include closure of roads and trails at Fort Baker and the Marin Headlands, including closure of Conzelman Road in the Marin Headlands during race events. Resource monitors. Resource monitors will be placed at areas of greatest spectator density or as an augmentation of the signage and fencing protection measures. The monitors shall be trained in both the sensitive species of the area and in the proper manner to interact with and inform spectators. In coordination with NPS, NPS law enforcement personnel would provide additional support as needed. 				

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<p>Mitigation Measure M-BI-1b: Protecting Listed and Other Special Status Plant Areas</p> <p>The project sponsor shall ensure that areas supporting special-status plants are adequately protected against incidental impacts by spectators for AC34 events or displaced park visitors. These areas shall be avoided. These plants are largely concentrated in the dunes and serpentine soils of the Presidio at and above Baker Beach and along Lincoln Boulevard, the serpentine areas on Angel Island and at Crissy Marsh and Beach. Federal and state agencies would likely require these or similar measures pursuant to their mission and obligations under federal and state law. The project sponsor will work closely with the NPS and the California Department of Parks and Recreation (CDPR) to develop a detailed strategy for protecting plant populations by implementing an appropriate combination of the same three measures that are identified in Mitigation Measure M-BI-1a (Protecting Sensitive Areas for Mission Blue Butterfly): (1) fencing as necessary; (2) resource monitors; and/or (3) trail/area closures.</p>	ACEA and OEWD	Locations and specifications of fences and closures shall be approved by NPS, and approval provided to the ERO, prior to 2012 AC34 events. If required, these measures will be in place prior to the start of events; will be in place during events	NPS, CDPR, SFRPD, Presidio Trust, Planning Department and ERO	Considered completed upon completion of AC34 events

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<p>Mitigation Measure M-BI-1c: Protecting the Crissy Beach Wildlife Protection Area (WPA)</p> <p>The project sponsor shall ensure that areas supporting western snowy plover are adequately protected against incidental impacts by spectators or AC34 events. These areas shall be avoided. The western snowy plovers are concentrated within the Crissy Beach WPA, which is managed by NPS. Similar to the measures identified in Mitigation Measures M-BI-1a (Protecting Sensitive Areas for Mission Blue Butterfly) and M-BI-1b (Protecting Listed and Other Special Status Plant Areas), NPS would likely require these or similar measures pursuant to their mission and obligations under federal law, and the project sponsor will work with NPS to develop a detailed strategy for protecting western snowy plover populations within the project area, which will include an appropriate combination of the following three measures as identified above: (1) signage and fencing as necessary; (2) resource monitors; and/or (3) area closures. In particular, NPS may decide to close temporarily the WPA on race days.</p>	ACEA and OEWD	Locations and specifications of fences and closures shall be approved by NPS, and approval provided to the ERO, prior to 2012 AC34 events. If required, these measures will be in place prior to the start of events; will be in place during events	NPS, Planning Department and ERO	Considered completed upon completion of AC34 events

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-BI-1d: Protecting Offshore Portion of the Wildlife Protection Area (WPA)</p> <p>The project sponsor shall work with the necessary governmental authorities to create a 100-yard offshore buffer in the form of a marked, marine-protected zone established offshore of the Crissy Beach WPA to mitigate impacts on western snowy plover. For a detailed map of Crissy Beach, see Appendix PD-3, <i>NPS Management Zone Planning Maps</i> for West Crissy Field. The protected zone will exclude all boat traffic throughout the duration of the AC34 events, which could include the use of trained boat-based resource monitors. Information regarding protection zones will be included within a detailed 'Notice to Mariners' that will be administered by the United States Coast Guard (see also Mitigation Measure M-BI-12, (Visiting Mariners Information). See also Mitigation Measure M-BI-4b (Offshore Buffers for Breeding Birds and Snowy Plover). A reduced buffer could be provided on a case-by-case basis to the extent approved by necessary governmental authorities based on site-specific conditions.</p>	<p>ACEA, ACRM, and OEWD</p>	<p>Locations and specifications of buffer shall be approved by NPS, and approval provided to the ERO, prior to 2012 AC34 events. If required, these measures will be in place prior to the start of events; will be in place during events</p>	<p>NPS, USCG, and Planning Department and ERO</p>	<p>Considered completed upon completion of AC34 events</p>

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<p>Mitigation Measure M-BI-1e: Restrictions on Fireworks and Night Lighting</p> <p>In consultation with the NPS, fireworks or cannon fire will be limited to protect plovers and nesting birds on Alcatraz from harassment. Such restrictions are likely to limit where such activities are staged, or stipulate maximum allowable noise (decibels) at the Crissy Field WPA or at Alcatraz. Where exterior lights are to be left on at night, the AC34 project sponsor shall install fully shielded and downward cast lights to contain and direct light away from habitat, the sky, and Bay waters.</p>	ACEA	Restrictions shall be approved by NPS, and approval provided to ERO, prior to AC34 events and in place for duration of events	NPS and Planning Department and ERO	Considered completed upon completion of AC34 events

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-BI-2: Signage at Sensitive Natural Community Areas; “No Spectator” Zone on Yerba Buena Island</p> <p>The project sponsor shall ensure that adequate signage is established in every area that meets the criteria for sensitive natural community. Signage type and placement shall be coordinated with and approved by the appropriate land authority – NPS, Presidio Trust, CDPR, or the Treasure Island Development Authority (for signage on Yerba Buena Island only) – through the preparation and submittal of a formal Fencing and Signage Plan that will exclude visitors from the sensitive natural community areas.</p> <p>No spectators shall be permitted on the western slope of Yerba Buena Island west of Treasure Island Road, to protect sensitive habitats (northern coastal [<i>Franciscan</i>] scrub vegetation).</p>	ACEA and OEWD	Locations and specifications of fences and closures shall be approved by NPS, CDPR, Presidio Trust, and Treasure Island Development Authority, and approval provided to the ERO, prior to 2012 AC34 events. If required, these measures will be in place prior to the start of events; will be in place during events	Planning Department and ERO, and NPS, Presidio Trust, CDPR, , and Treasure Island Development Authority for lands within their respective jurisdictions	Considered completed upon completion of AC34 events

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<p>Mitigation Measure M-BI-3: Signage at Wetland Sites</p> <p>The project sponsor shall ensure that adequate “keep out” signage is established in every area that meets the criteria for federally-protected wetlands (by Clean Water Act or National Park Service authority) in the area of Crissy Field in the Presidio. These include Crissy Marsh itself and those Cowardin wetlands shown in Figure 5.14-2, and the spring on Angel Island shown in Figure 5.14-3. Signage type and placement shall be coordinated with and approved by the appropriate land authority – NPS, CDPR, or Presidio Trust – through the preparation and submittal of a formal Fencing and Signage Plan, designed to exclude visitors from the federally protected wetlands.</p>	ACEA and OEWD	Fencing and Signage plan shall be submitted and approved by applicable agency, and approval submitted to ERO, prior to events; plan shall be implemented during events	NPS, Presidio Trust, CDPR, San Francisco Planning Department ERO	Considered completed upon completion of AC34 events

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<p>Mitigation Measure M-BI-4a: Restrictions on Spectator Craft within Race Course Boundaries</p> <p>As part of the proposed project, the AC34 project sponsor will be working with the United States Coast Guard (USCG) to implement a Water and Air Traffic Plan to provide navigational and operational safety guidelines for race team, support, spectator, and large luxury yacht vessel activities associated with the AC34 events that meet USCG regulations. As part of this effort, the plan shall include provisions and restrictions to minimize the movement of spectator boats and thereby minimize disruption of feeding or resting least terns and other birds. Specifically, this may include requiring spectator vessels to be either anchored or as stationary as possible, maneuvering only to maintain safe distances from other vessels within the boundaries of the race course when races are occurring.</p>	ACEA, ACRM, and OEWD	Water and Air Traffic Plan shall be approved by USCG and submitted to the ERO prior to AC34 events; enforcement shall occur during events	USCG and Planning Department and ERO	Considered completed upon completion of AC34 events

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Mitigation Measure M-BI-4b: Offshore Buffers for Breeding Birds and Snowy Plover	ACEA, ACRM, and OEWD	Locations and specifications of buffer shall be approved by NPS, and approval provided to the ERO, prior to 2012 AC34 events. If required, these measures will be in place prior to the start of events; will be in place during events	NPS, Planning Department and ERO	Considered completed upon completion of AC34 events

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<p>The AC34 project sponsor shall work with the necessary governmental authorities to create a 100-yard offshore buffer in the form of a marked, marine-protected zone established offshore of areas with colonial breeding birds and other sensitive biological resources (such as snowy plovers at Crissy Beach) in order to exclude vessels from the area. For detailed maps of Alcatraz Island and Crissy Beach sensitive natural resource areas, see Appendix PD (NPS Management Zone Planning Maps for Alcatraz Island and West Crissy Field.) As a practical matter, this will be defined as a 100-yard buffer between any event or motorized spectator vessel and the undeveloped shoreline of the mainland or any island in the Bay. The protected zones at Alcatraz Island and Crissy Beach will exclude all boat traffic throughout the duration of the AC34 race events, which could include the use of trained boat-based resource monitors. Information regarding protection zones will be included within a detailed 'Notice to Mariners' that will be administered by the United States Coast Guard under Mitigation Measure M-BI-12, (Visiting Mariners Information). Aircraft overflights shall also be restricted within 1,000 feet of the airspace and marine perimeter of these areas.⁸ A reduced buffer could be provided on a case-by-case basis to the extent approved by necessary governmental authorities based on site-specific conditions. See also Mitigation Measure M-BI-1d (Protecting Offshore Portion of the Wildlife Protection Area).</p>				

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<p>Mitigation Measure M-BI-4c: Protection for Breeding Birds on Piers and Associated Structures</p> <p>The project sponsor shall avoid demolition of structures on piers between March 1 and August 1. If demolition must occur during the nesting season, these areas shall be “netted” to prevent gulls from nesting there. Netting materials to be used shall be those developed specifically for bird exclusion. For possible cliff swallow nesting under piers, and in addition to netting, work in these areas shall be preceded by a pre-construction survey if work proceeds during the nesting season. The survey shall take place within two weeks of the start of work, and the nests avoided by at least 50 feet, or other actions developed in coordination with the California Department of Fish and Game (CDFG).</p>	ACEA and Port	Coordination with, and approval of, CDFG shall occur prior to demolition. Approval shall be submitted to ERO prior to demolition	CDFG, San Francisco Planning Department and ERO	Considered completed upon completion of demolition activities

8 Subject to the review and approval of the Federal Aviation Administration

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<p>Mitigation Measure M-BI-4d: Protection for Bat Roosts on Piers and Associated Structures</p> <p>Within two weeks before demolition, buildings showing evidence of bat activity shall be surveyed by a qualified bat biologist. If active maternity roosts are found they shall be avoided, unless disturbance is authorized by CDFG. If no maternity roosts are found, the bat biologist shall take actions under CDFG guidance to make such roosts unsuitable habitat prior to building demolition, such as sealing access routes used by bats when the bats are absent.</p>	Port and bat biologist	Coordination with, and approval of, CDFG shall occur prior to demolition. Approval shall be submitted to ERO prior to demolition	CDFG, San Francisco Planning Department and ERO	Considered completed upon completion of demolition activities

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<p>Mitigation Measure M-BI-4e: Protection for Colonial Breeding Birds on Alcatraz</p> <p>The AC34 project sponsor shall allow no event-related public visitation, special events, or construction activities to be carried out near the western cliffs used by breeding seabirds. NPS would likely require these or similar measures pursuant to their mission and obligations under federal law. If required by NPS, the project sponsor shall install durable visual barriers, such as shade cloth fastened to 2-by-4-inch welded mesh, prior to arrival of birds for pre-nesting (February 1). All such areas will be considered "closed areas" with signs, similar to those described in Mitigation Measure M-BI-1a (Protecting Sensitive Areas for Mission Blue Butterfly), explaining the presence of the seabird colony and why it is important to stay behind barricades and view from a distance.</p>	ACEA and OEWD	Specifications and locations of fencing and signage shall be approved by NPS, and approval shall be submitted to the ERO by January 15. Fences shall be in place prior to arrival of birds for pre-nesting (February 1)	NPS, San Francisco Planning Department ERO	Considered completed upon completion of AC34 events
<p>Mitigation Measure M-LT-BIa: Long-Term Development Mitigation for Upland Biological Resources (see Exhibit 2)</p>	See Exhibit 2			
BIOLOGICAL RESOURCES: MARINE BIOLOGICAL RESOURCES				
<i>America's Cup</i>				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-BI-11a: Impact Hammer Pile Driving Noise Reduction for Protection of Fish</p> <p>Prior to the start of construction, the project sponsor shall develop a National Marine Fisheries Service (NMFS)-approved sound attenuation monitoring plan. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate but not be limited to the following best management practices (BMPs):</p> <ul style="list-style-type: none"> • All 18 and 24-inch diameter pilings shall be installed and removed with vibratory pile drivers only. Vibratory pile driving will be conducted following the U.S. Army Corps of Engineers "Proposed Procedures for Permitting Projects that will Not Adversely Effect Selected Listed Species in California".⁹ • All 72-inch steel pilings shall be installed with a vibratory pile driver to the deepest depth practicable. An impact pile driver may be used only where necessary to complete installation of the 72-inch steel pilings in accordance with seismic safety or other engineering criteria. 	ACEA	Sound attenuation monitoring plan shall be approved by NMFS and submitted to the ERO prior to the start of construction; plan shall be implemented during construction	NMFS, CDFG, Port, Planning Department and ERO	Considered completed upon completion of AC34 construction activities

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<ul style="list-style-type: none"> • All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal. • If pile installation using impact hammers must occur at times other than the approved work window, the AC34 project sponsors shall obtain incidental take authorization from NMFS, and CDFG to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts. • The project sponsor shall develop a NMFS-approved sound attenuation monitoring plan prior to the start of construction. This plan shall provide detail on the sound attenuation system and the methods used to monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS. 				

9 NMFS, 2007a.

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<ul style="list-style-type: none"> If exceedance of noise thresholds established and approved by NMFS occur, a contingency plan using bubble curtains or air barrier will be implemented to attenuate sound levels to below thresholds. <p>The hammer will be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.</p>				

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<p>Mitigation Measure M-BI-11b: Pile Driving Noise Reduction for Protection of Marine Mammals</p> <p>As part of the NMFS-approved sound attenuation monitoring plan required in Mitigation Measure M-BI-11a (Impact Hammer Pile Driving Noise Reduction for Protection of Fish), the project sponsor shall take actions in addition to those listed in Mitigation Measure M-BI-11a to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:</p> <ul style="list-style-type: none"> • Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted. • Work activities shall be halted when a marine mammal enters the 1,600-foot (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes. • A “soft start” technique shall be employed in all pile driving to marine mammals an opportunity to vacate the area. 	<p>ACEA and biological monitor</p>	<p>Sound attenuation monitoring plan shall be approved by NMFS and submitted to the ERO prior to the start of construction; daily surveys shall be implemented during impact pile driving;</p>	<p>NMFS, CDFG, Port, Planning Department and ERO</p>	<p>Considered completed upon completion of AC34 pile-driving activities</p>

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<ul style="list-style-type: none"> Maintain sound levels below 90 dBA in air when pinnipeds (seals and sea lions) are present.¹⁰ <p>A NMFS-approved biological monitor will conduct daily surveys before and during impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction.</p>				
<p>Mitigation Measure M-BI-11c: Floating Dock Night Lighting</p> <p>The project sponsor shall install dock lighting on all temporary floating docks that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.</p>	ACEA	Lighting specifications shall be provided to ERO prior to construction. Lighting shall be installed during construction	Port, Planning Department and ERO	Considered completed upon completion of lighting installation

¹⁰ NMFS (National Marine Fisheries Service). 2007. *op cit*.

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<p>Mitigation Measure M-BI-12: Visiting Mariners Information</p> <p>The AC34 project sponsor shall prepare as part of their Water and Air Traffic Plan information for visiting mariners as well as procedures for the dissemination of this information to visiting boaters prior to or upon arrival to San Francisco Bay for the AC34 2012 and 2013 races. This information to be made available to visiting boaters shall include, but not be limited to, information educating boat owner/operators about sensitive habitats and species in the Bay and actions they are required to implement to avoid impacts to marine resources. The plan shall also include information on how to employ environmentally sound boating practices and where to find environmental services to ensure clean boating habits. The plan shall identify marinas that are available for use by visiting mariners (e.g., marinas in San Francisco and Marin County) and provide information about the locations of environmental services that boaters in these marinas are most likely to need. Educational materials shall clearly address, in multiple languages, common sources of pollution from boats and marinas and relevant regulations and clean boating policies, and shall provide a succinct description of best management practices to prevent pollution from common sources including oil and fuel, sanitary waste, detergents, hazardous waste, and marine debris (including the use and proper disposal of oil adsorbents in power boat bilges).</p>	ACEA, ACRM, and OEWD	Mariners information prepared as part of the Water and Air Traffic Plan shall be prepared prior to June 2012 and submitted to the ERO. The information shall be disseminated prior to and during all AC34 races	USCG, DBW, Regional Water Quality Control Board, Port, Planning Department and ERO	Considered completed upon completion of AC34 events

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<p>The visiting mariners information in the Water and Air Traffic Plan shall include details on how this information will be disseminated to visiting boaters, including but not limited to brochures, or pamphlets, or educational signs; AC34 websites; boating, cruising, and newspaper periodicals; social media; and area yacht clubs and marinas; and all AC34 mooring locations. Educational information shall be made available at waterway entry points such as boat launch ramps, marinas, yacht clubs, and ports, in partnership with appropriate agencies and where cooperation from boater facilities can be achieved. The plan shall be prepared soliciting input from and in cooperation with the National Marine Fisheries Service (NMFS), United States Coast Guard (USCG), California State Lands Commission, California Department of Fish and Game (CDFG), National Park Service (NPS), California Department of Parks and Recreation (CDPR), Bay Conservation and Development Commission (BCDC), State Water Resources Control Board, California Department of Boating and Waterways (DBW), the Port of San Francisco, San Francisco Estuary Partnership, and local organizations active in protecting Bay marine resources, and relevant industry stakeholders, including but not limited to California Harbormasters and Port Captains Association, Marine Recreation Association, Clean Marinas California Program, Recreational Boaters of California, the Pacific Inter-Club Yacht Association, boat yard representatives, and local San Francisco Bay Area Yacht Clubs.</p>				

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<p>Visiting Mariners Information contained within the Water and Air Traffic Plan shall include, but not be limited to the following items:</p> <ul style="list-style-type: none"> • Information on the location of eelgrass beds in the Central Bay, especially Richardson Bay and adjacent to Angel, Alcatraz, and Treasure Islands and the importance of protecting and avoiding these sensitive habitats (e.g., by not anchoring in or transiting through them) • Information on where boaters may safely dock dinghies and vessel tenders when coming on shore • Information on proper and legal waste handling in the Bay and facilities for onshore disposal during the AC34 activities • Information on invasive species and their impact on Bay marine ecosystems and boaters as well as best management practices developed by the AC34 Invasive Species Task Force that boaters should implement to prevent the introduction or spread of invasive species into and out of the San Francisco Bay. These provisions will include but not be limited to pending and proposed regulations by state and federal agencies responsible for the control of invasive organisms and will incorporate established effective strategies such as “clean before you go.” 				

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<p>Information on the Vessel Traffic Service for San Francisco Bay and changes that will be in place during AC34 races.</p> <p>Federal and state regulations prohibiting the harassment of marine mammals.</p> <ul style="list-style-type: none"> • Information on any buffer zones established around Central Bay islands and other Bay locations to protect sensitive bird nesting sites • Materials produced by DBW that include information about onsite and nearby environmental services that support clean boating practices (such as the locations of sewage pumpouts, oil change facilities, used oil recycling centers, bilge pumpouts, absorbent pad distribution and spent pad collection, and boat-to-boat environmental services) • Information regarding the importance of keeping plastic out of Bay waters • Signage regarding locations of waste collection containers posted at and adjacent to temporary docks, berthing facilities, and areas used by moored spectator vessels (10 vessels or more) developed for the AC34 events 				

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<p>Due to the extent of berthing, mooring, and marina facilities within the Bay shoreline, the Event Authority shall coordinate with other jurisdictions with respect to waste management at secondary viewing areas, such as (but not limited to) Treasure Island, Angel Island, Sausalito, Belvedere, and Tiburon. Coordination and outreach efforts with those jurisdictions would further minimize the potential for discards and pollution to enter Bay waters from private vessels. Additionally, the Event Authority could develop, as part of official AC34 event literature, maps of the marinas that show the locations of fuel docks, sewage pumpouts, portable toilets, dump stations, used oil collection services, bilge pumpouts, oil absorbent pad distribution and collection services, oil change services, solid waste recycling services, and other environmental services for boaters. The sources of information for literature and maps developed under this mitigation measure will include, as appropriate, information available through resources such as the San Francisco Estuary Partnership and California's Boating Clean and Green Campaign (including the San Francisco Bay Area Clean Boating Map) subject to agreement with the resources agencies and organizations providing input to the development of the outreach materials.</p>	ACEA	Documentation of coordination, outreach, and outcomes shall be submitted to ERO prior to 2012 events	Planning Department and ERO	Considered completed upon completion of AC34 events

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<p>Mitigation Measure M-BI-14: Restrictions on Low-Flying Aircraft</p> <p>As part of the Water and Air Traffic Plan, the project sponsor shall include instructions to AC34 contracted and race-affiliated helicopters that they maintain a minimum altitude of 1,000 feet above the water's surface when humpback whales are present within the race course. Upon takeoff at the auxiliary landing pad located, all helicopters shall be required to climb immediately to altitude and not fly low over the water if any seal or sea lions are present within 1,000 feet of the helipad. When landing, the helicopters shall approach the landing pad from as high an altitude as possible and limit their time at low altitudes over the water if seals or sea lions are present within 1,000 feet of the helipad.</p>	<p>ACEA, ACRM, and OEWD</p>	<p>Plan shall be prepared prior to June 2012 and submitted to the ERO. Restrictions shall be in place for the duration of events</p>	<p>NPS, Planning Department and ERO</p>	<p>Considered completed upon completion of AC34 events</p>

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<p>Mitigation Measure M-BI-16: Invasive Marine Species Control</p> <p>The project sponsor shall develop and implement an Invasive Species Control Plan prior to commencement of any in-water work including piers, wharfs, bulkheads, pile driving, and installation of temporary structures. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and the Port of San Francisco. Provisions of the plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Environmental training of construction personnel involved in the removal of pier pilings, temporary floating docks, piling suspended barges, and wave attenuators, to inform them about invasive marine species in San Francisco Bay that might be attached to removed structures • Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso • Procedures for the safe removal and disposal of any invasive taxa observed on the removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features 	<p>ACEA, ACRM, and OEWD</p>	<p>Plan shall be prepared prior to construction. Plan, including documentation of consultation with relevant agencies, shall be provided to EIR prior to the 2012 events. The Plan shall be in place for duration of construction. Post-construction report shall be submitted to the ERO after construction</p>	<p>Regional Water Quality Control Board, Planning Department and ERO</p>	<p>Considered completed upon completion of AC34 construction</p>

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<ul style="list-style-type: none"> The onsite presence of qualified marine biologists to assist the contractor in the identification and proper handling of any invasive species on removed Port equipment or materials A post-construction report identifying what, if any, invasive species were found attached to removed equipment and materials and the treatment/handling of identified invasive species. 				
Mitigation Measure M-LT-B1b: Long-Term Development Mitigation for Marine Biological Resources (see Exhibit 2)	See Exhibit 2			
GEOLOGY AND SOILS MITIGATION MEASURES				
<i>America's Cup</i>				

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<p>Mitigation Measure M-GE-2: Site-Specific Geotechnical Investigation</p> <p>The project sponsor shall conduct a site-specific geotechnical investigation for piers requiring upgrading under the direction of a geotechnical engineer prior to permitting any new construction or reuse that would increase the load of the structure. The investigation shall be performed to evaluate subsurface conditions and existing structural conditions at the site, and shall evaluate the potential for geological and seismic hazards including settlement, ground shaking, ground rupture, liquefaction, subsidence, slope stability, and lateral spreading. Recommendations shall be made regarding the pile and foundation requirements, seawall stability, seismic design, and mitigation of geologic hazards, and these recommendations shall be included in the project design, subject to the review and approval by the Port of San Francisco Chief Harbor Engineer to determine compliance with the Port of San Francisco Building Code.</p>	<p>ACEA and geotechnical engineer</p>	<p>Reports shall be reviewed by Port of San Francisco and submitted to the ERO prior to issuance of Port building permits</p>	<p>Port, Planning Department and ERO</p>	<p>Considered completed upon completion of construction</p>

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<p>Mitigation Measure M-GE-6: Signage and Restricted Access at Structurally Unsound Viewing Locations</p> <p>The project sponsor shall ensure that adequate signage at, and shall control or restrict public access to, structurally unsound piers and wharfs including Torpedo Wharf at Crissy Field, the pier at Fort Mason west of the Municipal Pier, Municipal Pier at Aquatic Park, and other piers determined to be structurally unsound after site investigations during the AC34 events. Signage type and placement shall be coordinated with and approved by the appropriate land authority –NPS or San Francisco Recreation and Park Department. To inform the public, a sign shall be posted at each location informing the public of potential risks associated with use of the structures and prohibiting public access during the AC34 events. Gates or other methods of prohibiting access to structurally unsound viewing locations could be installed if existing facilities are not sufficient to block public access to structurally unsound viewing locations. See also Mitigation Measures M-BI-2 and M-BI-3 regarding signage for biological resources.</p>	ACEA, OEWD, and Port	Approval of sign placement and type by NPS and Port shall be provided to ERO prior to 2012 events. Signs shall be in place, and gates installed, prior to AC34 events	NPS, Planning Department and ERO	Considered completed upon completion of AC34 events
<p>Mitigation Measure M-LT-GE: Mitigation of Geology and Soils Impacts from Long-Term Development on Port Properties (see Exhibit 2)</p>	See Exhibit 2			

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HYDROLOGY AND WATER QUALITY MITIGATION MEASURES				
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<p>Mitigation Measure M-HY-1: Water Quality Best Management Practices</p> <p>The project sponsor shall implement water quality best management practices (BMPs) to protect water quality as well as protected species and their habitat(s) from pollution due to fuels, oils, lubricants, and other harmful materials. BMPs for this proposed project shall follow those detailed in the San Francisco Department of Public Health Pollution Prevention Toolkit for Maritime Industries.¹¹ Vehicles and equipment that are used during the course of a proposed project shall be fueled and serviced in a manner that will not affect federally protected species in the project area or their habitats;</p> <ul style="list-style-type: none"> • A Spill Prevention Control and Countermeasure (SPCC) Plan shall be prepared to address the emergency cleanup of any hazardous material and will be available on site. The SPCC shall include: <ul style="list-style-type: none"> - Methods to address the emergency cleanup of any hazardous material and what materials will be available on site; - SPCC, hazardous waste, stormwater and other emergency planning requirements; 	<p>ACEA, ACRM, or contractor</p>	<p>SPCC and MMDP Plans shall be submitted to the SFDPH, Port of San Francisco, and the ERO prior to construction. Plans and measures shall be in place during construction</p>	<p>ACEA, ACRM, or contractor shall submit a Monitoring Report, detailing survey results and compliance with the specified measure, to SFDPH for approval after construction. Copies of the report shall be sent to the Port, Planning Department and ERO.</p>	<p>Considered complete upon agency receipt of SFDPH-approved Monitoring Report</p>

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<ul style="list-style-type: none"> • Measures to prevent spills into the Bay associated with in water fueling, if in water fueling is required on some of the construction barges. Such measures shall include; • Secondary booms and/or pads, depending upon where fueling would take place on the vessel; • Secondary containment on the deck of the vessel to contain the petroleum product; • Specifying volume of petroleum products that will be on the vessel and evaluating the potential for spills. Absorbent and cleanup materials (such as oil sorbent boom, heavy oil pads, OilDry Absorbant Floor, etc) of sufficient quantity to clean up potential spill volume shall be provided; and • The locations of properly permitted offsite locations where vessels will be fueled; 				

11 Virginia St. Dean, San Francisco Department of Public Health, *Pollution Prevention Toolkit for Maritime Industries*, prepared for: California Department of Toxic Substances Control Under Contract #08-T3625-A2, January 2011

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<ul style="list-style-type: none"> In addition, fueling of equipment shall occur using proper fuel transfer procedures as per U.S. Coast Guard regulations (33 CFR 156.120 and 33 CFR 155.320) and spill containment and the fueling location shall be inspected after fueling to document that no spills have occurred. Any spills shall be cleaned up immediately using spill response equipment as identified in the SPCC Plan. 				
<ul style="list-style-type: none"> In addition, fueling of equipment shall occur using proper fuel transfer procedures as per U.S. Coast Guard regulations (33 CFR 156.120 and 33 CFR 155.320) and spill containment and the fueling location shall be inspected after fueling to document that no spills have occurred. Any spills shall be cleaned up immediately using spill response equipment as identified in the SPCC Plan. 				

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**ATTACHMENT A-1:
 AC34 PROJECT— MITIGATION MONITORING AND REPORTING PROGRAM**

(Including the Text of the Mitigation Measures Adopted as Conditions of Approval. See Exhibit 2 for Mitigation Measures Applicable to Long-Term Development)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> Well-maintained equipment shall be used to perform the construction work, and, except in the case of a failure or breakdown, equipment maintenance shall be performed off site. Equipment shall be inspected daily by the operator for leaks or spills. If leaks or spills are encountered, the source of the leak shall be identified, leaked material will be cleaned up, and the cleaning materials shall be collected and will be properly disposed; The project sponsor shall exercise every reasonable precaution to protect listed species, their habitats, and Essential Fish Habitat from construction by-products and pollutants such as demolition debris, construction chemicals, fresh cement, saw-water, or other deleterious materials. Construction will be conducted from both land and water, and care shall be used by equipment operators to control debris so that it does not enter the Bay. 				
<ul style="list-style-type: none"> A Materials Management Disposal Plan (MMDP) shall be prepared to prevent any debris from falling into the Bay during construction to the maximum extent practicable. The measures identified in the MMDP shall be based on the Best Available Technology, and will include, but not be limited to, the following measures: 				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> - During construction, the barges performing the work shall be moored in a position to capture and contain the debris generated during any sub-structure or in-water work. In the event that debris does reach the Bay, personnel in workboats within the work area shall immediately retrieve the debris for proper handling and disposal. All debris shall be disposed of at an authorized upland disposal site; - Measures to ensure that fresh cement or concrete shall not be allowed to enter San Francisco Bay. Construction waste shall be collected and transported to an authorized upland disposal area, and per federal, state, and local laws and regulations; - All hazardous material shall be stored upland in storage trailers and/or shipping containers designed to provide adequate containment. Short-term laydown of hazardous materials for immediate use shall be permitted with the same anti-spill precautions; 				

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<ul style="list-style-type: none"> - All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the site once the proposed project is completed and transported to an authorized disposal area, in compliance with applicable federal, state, and local laws and regulations; - Construction material that could wash or blow away shall be covered every night and during any rainfall event (if there is one); - Construction crews shall reduce the amount of disturbance within the project site to the minimum necessary to accomplish the project; and - Measures to prevent saw water from entering the Bay. 				
Mitigation Measure M-LT-HY: Water Quality Best Management Practices for Long-Term Development (see Exhibit 2)	See Exhibit 2			
HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURES				
<i>America's Cup</i>				

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Mitigation Measure M-HZ-3: Removal of Hazardous Building Materials</p> <p>The project sponsor shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are removed during renovation shall be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast cannot be verified, the light ballast shall be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.</p>	Port	During construction	Contractor shall submit a Monitoring Report, detailing survey results and compliance with the specified measure, to SFDPH for approval after construction. Copies of the report shall be sent to the Planning Department and ERO	Considered complete upon agency receipt of SFDPH-approved Monitoring Report
<p>Mitigation Measure M-LT-HZ: Mitigation of Hazards and Hazardous Materials Impacts from Long-Term Development on Port Properties (see Exhibit 2)</p>	See Exhibit 2			

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ATTACHMENT B

34th AMERICA'S CUP PEOPLE PLAN

REFER TO THE OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT (OEWD) WEBSITE AT:
<http://www.oewd.org/media/docs/AC34/09-30-11%20People%20Plan.pdf>