

RECREATION & PARK COMMISSION

RESOLUTION NO. _____

RESOLUTION AUTHORIZING STAFF TO ISSUE PERMITS FOR 2013 AMERICA'S CUP ACTIVITIES AT MARINA GREEN, APPROVING EXTENDED AMPLIFIED SOUND HOURS FOR AMERICA'S CUP EVENT DAYS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, The San Francisco Recreation and Park Department ("RPD") maintains and operates real property located on Marina Boulevard and commonly known as "the Marina Green"; and

WHEREAS, The America's Cup Event Authority, LLC ("ACEA" or "Authority") has been appointed to organize and manage the 34th America's Cup in San Francisco; and

WHEREAS, Under the 34th America's Cup Host and Venue Agreement (the "HVA") among the ACEA, the City, and the San Francisco America's Cup Organizing Committee, and the Lease Disposition Agreement ("LDA ") approved by the Board of Supervisors, RPD will authorize the ACEA to use certain property under the jurisdiction of the Recreation and Park Commission (the "Commission") designated for America's Cup-related uses under permits; and

WHEREAS, The ACEA has requested permits from RPD to host the "America's Cup Village" at the Marina Green from July 2013 through September 2013 in connection with the following America's Cup events: (1) the Louis Vuitton Cup, the America's Cup Challenger Selection Series from July 4 to August 31, (2) the Red Bull Youth America's Cup, open to national teams of sailors ages 19-24 from August 31 to September 4, and (3) the America's Cup Final between the winner of the Louis Vuitton Cup and Oracle Team US from September 7 to 23, 2013; and

WHEREAS, The ACEA has proposed three stages of installation for the America's Cup permitted activities at the Marina Green, including tents, bleachers, a stage, and moorings and a floating dock in the water in front of Big Marina Green, as detailed in the Commission staff report dated February 28, 2013 attached to this Resolution as Attachment 1; and

WHEREAS, The permit(s) to be issued to the ACEA will include a requirement that the ACEA pay RPD in advance for the costs of re-sodding the eastern two-thirds of the Marina Green grass, the entire Little Marina Green, and the Peninsula grass circle following the conclusion of the America's Cup events as well as reimburse RPD for any other damage; and

WHEREAS, The ACEA has also requested that the Commission approve a variance from its Permit Policy to allow amplified sound from 10 am to 6 pm on its event days, and until 9pm on either Saturday August 31, 2013 or Sunday September 1, 2013 for a music performance; and

WHEREAS, The environmental effects of the 34th America's Cup Events, including the approvals granted herein, are analyzed 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"), and upheld by the Board of Supervisors on January 24, 2012 after the Board held a public hearing to review an appeal of the Final EIR. On December 16, 2011, the San Francisco Port Commission approved Port Resolution Nos. 11-79 and 11-80 approving CEQA findings and an America's Cup Project that was essentially analyzed as the "Reduced Intensity AC34 and Long Term Development Sub-Alternative"; and

WHEREAS, Since the Final EIR was certified, the Authority made modifications to the America's Cup Project, reducing the number of event venue sites, and eliminating

long-term development sites. After review of these modifications, as well as other modifications including but not limited to those related to entertainment venues and events, the Environmental Planning Division of the San Francisco Planning Department issued a Note to File regarding Changes to the Environmental Impact Report (“Note to File”), dated March 20, 2012. The Note to File describes the potential environmental effects of the proposed modifications compared to the impacts identified in the Final EIR, and demonstrates that the proposed modifications would not result in any new significant environmental impacts or a substantial increase in the severity of previously identified environmental effects and would not require any new mitigation measures; and

WHEREAS, A Mitigation Monitoring and Reporting Program ("MMRP") containing the Final EIR mitigation measures that have been proposed for adoption in association with the modified Project is attached as Attachment 2 to this Resolution. 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; and

WHEREAS, On March 27, 2012, the Board of Supervisors adopted CEQA Findings, including a Statement of Overriding Considerations, and the MMRP, approved the LDA as an amendment to the Host and Venue Agreement (HVA), and affirmed the HVA as amended, by Resolution No. 109-12 adopted on March 27, 2012. A copy of the Final EIR, the Note to File Dated March 20, 2012, and the CEQA findings adopted by the Board of Supervisors, including the MMRP are on file with the Commission Secretary and have been made available to the public and this Commission for review; and

WHEREAS, The Recreation and Park Commission has reviewed and considered the EIR and the Note to File and makes these findings based on substantial evidence in the record before it; and

now therefore, be it

RESOLVED, The Commission incorporates by reference as though fully set forth herein and adopts as its own the Board of Supervisors' March 27, 2012 CEQA Findings, including findings rejecting alternatives as infeasible and the Statement of Overriding Considerations; and be it

FURTHER RESOLVED, The Commission finds that the approvals contemplated under this Resolution are within the scope of the project analyzed in the Final EIR and the Note to File. Since the certification of the Final EIR and the Note to File, no changes have occurred with respect to the project or the circumstances surrounding the project, and no new information has been put forward that would result in new significant environmental impacts not adequately analyzed in the Final EIR, cause a substantial increase in impacts previously identified in the Final EIR, or require additional review under CEQA prior to the approval of this Resolution; and be it

FURTHER RESOLVED, The Commission adopts the MMRP and the mitigation measures set forth therein as conditions of approval; and be it

FURTHER RESOLVED, The Commission authorizes RPD staff to issue permits to the America's Cup Event Authority for the 2013 America's Cup Events at Marina Green specified in the Commission staff report dated February 28, 2013 (including Exhibits A-E attached thereto) and in accordance with the terms and conditions set forth in the staff report; and be it

FURTHER RESOLVED, The Commission grants America's Cup Event Authority's request for a variance to allow amplified sound from 10 am to 6 pm on its event days, and until 9pm on either Saturday August 31, 2013 or Sunday September 1, 2013.

Approved:

Date:

By: _

Attachments: Attachment 1 (February 28, 2013 Staff Report)
Attachment 2 (MMRP)