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December 16, 2011

**Via Hand Delivery**

Board President David Chiu  
and Members of the Board of Supervisors  
c/o Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102-4689

RE: Appeal of Planning Commission EIR Certification  
34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza  
Projects (Case No. 2010.0493E)

Dear President Chiu and Supervisors:

On behalf of San Francisco Tomorrow, Golden Gate Audubon Society, Waterfront Watch and Telegraph Hill Dwellers, I hereby appeal the Planning Commission's certification of the Environmental Impact Report (EIR) for the proposed 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza Projects. A copy of the Planning Commission's motion adopted on December 15, 2011 is attached. Further documentation in support of this appeal will follow prior to the Board hearing.

The subject EIR is not procedurally or substantively adequate, accurate, or objective. The EIR fails to fully and adequately identify and mitigate the impacts of the projects. The Final EIR, in particular, fails to adequately respond to the majority of the comments submitted by our clients. With particular regard to the FEIR, the document does not contain adequate detail in response to public comment as to how the DEIR's environmental mitigation measures will be implemented, monitored and enforced.

The EIR certified by the Planning Commission has precluded meaningful public participation or the ability of the Port Commission to render an informed decision about the "whole" of the projects or their impacts. The EIR's inaccurate and incomplete description of the projects or their affected environment has, among other things, excluded a complete and informationally adequate study of impacts on adjacent neighborhoods. The EIR is also procedurally inadequate in refusing to disclose or analyze the cumulative impacts of continuation of the America's Cup into future years or the long-term development triggered by the event, to the extent such impact might somehow be considered separate projects from the projects described or analyzed in the EIR.

Our clients' arguments on the forgoing points will be supplemented prior to the appeal hearing with further details and citations to regulations, statutes, and case law.

Thank you for your consideration of this appeal.

Sincerely,

  
Keith G. Wagner

cc: Bill Wycko, Environmental Review Officer