

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

October 13, 2015

Tiffany Bohee, OCII Executive Director
c/o Brett Bollinger, San Francisco Planning Department
via email warriors@sfgov.org

Subject: Pier 80 Alternate Site for Warriors Event Center
OCII: ER 2014-919-97 Planning Dept.: 2014.1441E

Dear Ms. Bohee and Mr. Bollinger:

The Mission Bay Alliance submitted extensive comments on the Draft Subsequent EIR ('DSEIR') in late July and is looking forward to the OCII's responses. In the meantime, I write on behalf of the Alliance to present a solution to a key inadequacy of the DSEIR: the failure to analyze a potentially-feasible alternate site.

The Alliance informally disclosed its identification of Pier 80 as a feasible alternate project site to representatives of the City and the Warriors last month, and now formally requests that the OCII revise the DSEIR to analyze that site and recirculate for public and agency comment, as required when "significant new information" emerges. (Pub. Resources Code, § 21092.1; Guidelines, § 15088.5.) While Mayor Ed Lee's response to discovery of a feasible project venue at Pier 80 has been to accuse the Alliance of being unreasonable and, further, to announce that the City has already "reached a consensus" with the Warriors and UCSF regarding the Mission Bay site (see attached press), the Alliance looks to the OCII and the City to fully explore the Pier 80 site in a revised DSEIR as mandated by state law.

As you know, the DSEIR concludes that locating the Warriors Event Center in Mission Bay would create significant environmental impacts. The impacts were

recently underscored by a prominent group of UCSF faculty who are also members of the US National Academy of Sciences. Their letter to Mayor Lee (attached) expresses grave concern that because of traffic gridlock adjacent to UCSF Medical Center, “it is absolutely clear to us that the planned new Golden State Warriors Arena and Events Center in Mission Bay would severely degrade the environment for the many thousands of researchers and private sector biomedical scientists who come to work at Mission Bay each day.”

In light of project impacts, the City and OCII cannot approve the Event Center at Mission Bay if there is a feasible alternate site that would accomplish most project objectives and substantially reduce environmental problems:

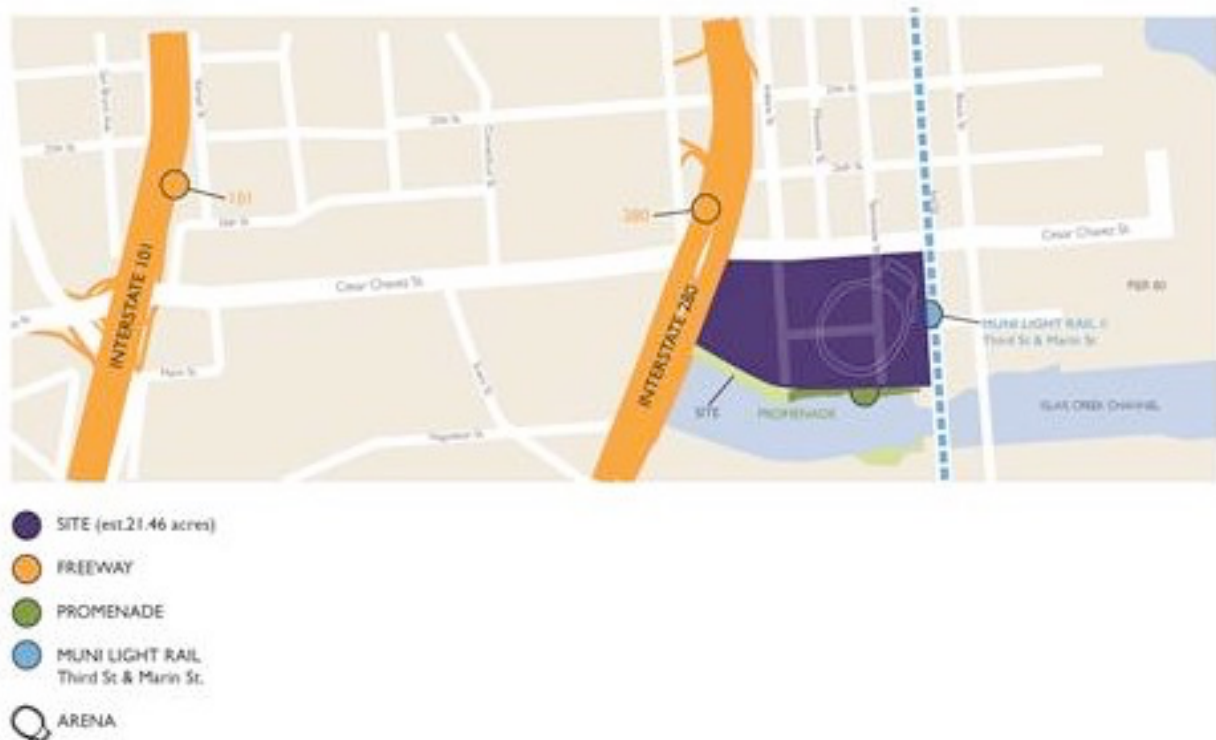
Public agencies should not approve projects as proposed if there are feasible alternatives ... available which would substantially lessen the significant environmental effects of such projects.

(Pub. Resources Code, §§ 21002, 21081.)

Although the Alliance had no obligation to do so, it took the practical step of searching for a better site for the Event Center when the EIR consultants did not. Its efforts culminated in success. The Alliance discovered that a site located near San Francisco’s Pier 80 would both meet fundamental project objectives and substantially reduce environmental impacts. A potentially-feasible site that avoids or substantially lessens significant impacts of a project must be analyzed in an EIR even if it “could impede to some degree the attainment of the project objectives, or would be more costly...” (Guidelines, § 15126.6, subd. (b)). Here, the Pier 80 site in fact would not impede the project objectives nor be more costly.

As explained previously, the DSEIR failed to analyze a potentially-feasible off-site alternative as required by CEQA Guidelines section 15126.6. (*See my comment letter submitted on behalf of the Alliance on July 26, 2015, pp. 8-11.*)

The Pier 80 Site.



Located 11 blocks from the Mission Bay site, on 21+ acres well-served by transportation corridors, light rail, and buses, Pier 80's advantages include:

- The arena requires less than 7 acres and could be sited in at least three possible footprints on the 3-times-larger Pier 80 site. (One possible footprint is depicted on the site map above.)
- At the south end of the City, the site provides easy access from all directions, including the southern peninsula. The Highway 280 offramp ends at the site, and Highway 101 is 1/3 mile away. Adjacent Cesar Chavez is a major thoroughfare heavily serviced by muni buses. The Marin Street light rail abuts the site's southern boundary. There is ample access to parking.

- The Pier 80 site's internal streets are in an "H" configuration and only serve tenants of those sites. The streets within the site could easily be abandoned. No through traffic would be impacted by the arena.
- Buildings now on site, including warehouses and lumberyards, are blighted.
- The site's size and location are conducive to ancillary revitalizing development of retail, restaurants, and housing of all market types.

Consistency with Project Objectives. The California Supreme Court mandates that environmental impact reports analyze potentially-feasible alternatives that meet 'fundamental' objectives. (*In re Bay Delta* (2008) 43 Cal.4th 1143, pp. 1165-1166.) Project *objectives* differ from a project's *description* and are not dependent on the currently-proposed Mission Bay site. Fundamental objectives of the Warriors Event Center as recited in the DSEIR will be met at the Pier 80 site:

- Construct a state-of-the-art multi-purpose event center in San Francisco that meets NBA requirements for sports facilities, can be used year-round for sporting events and entertainment and convention purposes with events ranging in capacity from approximately 3,000-18,500, and expands opportunities for the City's tourist, hotel and convention business.
- Provide sufficient complementary mixed-use development, including office and retail uses, to create a lively local and regional visitor serving destination that is active year-round, promotes visitor activity and interest during times when the event center is not in use, provides amenities to visitors of the event center as well as the surrounding neighborhood, and allows for a financially feasible project.
- Develop a project that meets high-quality urban design and high-level sustainability standards.

- Optimize public transit, pedestrian and bicycle access to the site by locating the project within walking distance to local and regional transit hubs, and adjacent to routes that provide safe and convenient access for pedestrians and bicycles.
- Provide adequate parking and vehicular access that meets NBA and project sponsor's reasonable needs for the event center and serves the needs of project visitors and employees, while encouraging the use of transit, bicycle, and other alternative modes of transportation.
- Provide the City with a world class performing arts venue of sufficient size to attract those events which currently bypass San Francisco due to lack of a world class 3,000-4,000 seat facility.
- Develop a project that promotes environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, and job creation consistent with the objectives of the California Jobs and Economic Improvement Through Environmental Leadership Act (AB 900), as amended.

(DSEIR, pp. 3-5 to 3-6.) While the DSEIR also lists ancillary objectives solely relevant to the deeply-flawed Mission Bay site, they are not fundamental to the arena project. Only the objectives listed above are fundamental to the project, as they have been constant since the Warriors' prior selection of the now-abandoned Piers 30-32 site.

Reduced Impacts at Pier 80 Site. The key question and first step in DSEIR analysis of the Pier 80 site must be "whether any of the significant effects of the project would be avoided or substantially lessened" at that location. (See Pub. Resources Code, §§ 21002, 21081.) A wide range of significant impacts of the Warriors' Event Center will be eliminated or reduced at the ample Pier 80 site, without compromising any fundamental project objectives.

For example:

- Project-induced increases in traffic impacts would not combine with the San Francisco Giants' baseball game traffic to the same extreme extent.
- Event Center traffic would not interfere with patients' emergency access to UCSF Medical Center.
- Land use impacts due to the Event Center's incompatibility with long-standing plans for Mission Bay as a hub for biosciences would be avoided.
- Vibrations affecting sensitive research equipment at UCSF would be avoided.

As repeatedly held by the California Supreme Court, project alternatives form the core of every EIR. Objective analysis of the feasibility of siting the Warriors Event Center near Pier 80 must now occur in CEQA's prescribed public process to foster informed decision-making and public participation. Otherwise, the DSEIR will not yet have provided a good-faith effort at full disclosure of a range of reasonable project alternatives, as mandated by CEQA Guidelines section 15126.6, subd.(a) and interpreted by a substantial body of case law.

Thank you for your attention to this request. Please advise whether the OCII will agree to revise and recirculate the DSEIR to study the Pier 80 site.

Sincerely yours,



Susan Brandt-Hawley
for the Mission Bay Alliance

1. [Opponents of Warriors arena in Mission Bay want project moved south](#)

By Laura Dudnick, SF Examiner – September 28, 2015

2. [Bay Bridge builder in black despite penalties](#)

By Martier & Ross, San Francisco Chronicle – September 25, 2015

1. [Opponents of Warriors arena in Mission Bay want project moved south](#)

By Laura Dudnick, SF Examiner – September 28, 2015

Opponents of a plan to build a Golden State Warriors arena in Mission Bay have identified an alternative location for the project and are urging city and team leaders to consider the site.

The 21-acre site near Pier 80 in the Bayview has been proposed by the Mission Bay Alliance, a group led by former UC San Francisco officials who argue the arena in Mission Bay will create detrimental traffic congestion and permanently scar the neighborhood.

The suggested site, more than half of which is owned by The City, is 11 blocks south of where the arena is currently planned on about 11 acres of waterfront land at Third and 16th streets, across from UCSF's new hospitals and research centers.

It marks the first specific alternative site proposed by the Mission Bay Alliance, the primary opposition to the project in Mission Bay. UCSF nurses have also expressed concerns with building an arena adjacent to the new hospitals, but UCSF leaders announced support for the project over the summer, contingent on a plan for managing traffic in the long term.

In the draft environmental report, city planners outlined nearly \$40 million in transit improvements slated for Mission Bay that are aimed to curb traffic congestion created in part by the proposed arena. That includes purchasing new Muni light-rail vehicles, allowing crossover tracks for the vehicles to pass on the T-Third Street line, and extending the adjacent Muni platform near the arena.

But the alliance remains vehemently against the arena in Mission Bay and noted numerous "fatal flaws" in building a multi-use facility across from UCSF Medical Center, including noise, air pollution and traffic.

The alliance met with the Warriors on Sept. 22 and Mayor Ed Lee the previous week to share the proposed alternative, said Sam Singer, a spokesman for the alliance.

"They listened politely and with interest to the information we provided them about the alternative location near Pier 80," Singer said.

However, it appears that Lee still favors the Mission Bay site.

"The mayor is focused on the site that has been discussed with the community for more than a year and he joins many, many others in strong support for an arena in Mission Bay, where it will be a great neighbor and partner to UCSF and a great asset to the community," Christine Falvey, the mayor's spokeswoman, wrote in an email to the San Francisco Examiner.

PJ Johnston, a spokesman for the Warriors, declined to comment on any location other than the current site in Mission Bay, but said that spot has been thoroughly vetted.

“The opponents want the Mission Bay property for themselves, but just because they have a lot of money doesn’t mean they can grab the land or hijack the public process,” Johnston wrote in an email to the San Francisco Examiner.

“The Warriors, The City and the community have been engaged in a public planning process for more than a year on the Mission Bay location. San Franciscans are overwhelming supportive of the plan,” he added.

The Mission Bay Alliance plans to formally submit its proposed Bayview site to The City as part of the environmental impact review process, Singer said. The draft EIR was released in June, and a final draft is expected this fall.

“The Warriors were in a rush to find a new site when they realized...The Embarcadero wasn’t going to work out. They grabbed the first piece of property without doing the appropriate due diligence,” said Singer, referring to the previous controversial effort to build the arena at Piers 30-32 before the Warriors purchased the current Mission Bay plot from Salesforce.com.

Singer touted advantages of the site near Pier 80, including additional and less expensive parking. The site borders Interstate Highway 280 and is just off the Third Street Muni lightrail route. There are parcels on the site – mostly warehouses and for industrial uses – that are privately owned, but Singer said the owners contacted by a real estate representative of the alliance have indicated they might be interested in selling their property.

“You couldn’t ask for a better location if you were the Warriors,” Singer said.

2. [Bay Bridge builder in black despite penalties](#)

By Martier & Ross, San Francisco Chronicle – September 25, 2015

Even after being penalized millions of dollars for problem-plagued work, the lead builder of the new Bay Bridge eastern span is walking away a financial winner — thanks to its rush job to get the bridge open by Labor Day weekend in 2013.

The Bay Bridge project’s oversight committee decided last week that the lead contractor, the joint venture American Bridge/Fluor, was partly to blame for the construction fiasco that resulted in 32 high-strength steel rods snapping on the span’s seismic stabilizers. Throw in a few bucks for the continuing troubles with rods at the base of the signature tower, and American Bridge/Fluor was docked a cool \$11 million.

But don’t feel too bad — when the bridge opened to traffic on time in September 2013, thanks to a last-minute sprint, American Bridge/Fluor was rewarded with almost \$49 million in bonuses.

By our math, even with the penalties, that still puts the bridge’s builder ahead by \$38 million.

“The incentive was to get the bridge built by Labor Day — that was the deal written into the contract, and they met it,” said Randy Rentschler, spokesman for the Metropolitan Transportation Commission.

“The question of construction defects became a separate issue,” he said, “and now that subject has been dealt with — like it or not.”

Arena buzz: The group opposing the Golden State Warriors’ planned Mission Bay arena is pushing the team to consider yet another site — an industrial patchwork 11 blocks south of the current proposed spot.

The Warriors already shifted plans once, transplanting their dreams from Piers 30-32 to a spot next to UCSF’s Mission Bay medical center. Now the Mission Bay Alliance — a group of deep-pocketed UCSF donors who want the proposed arena site set aside for the medical center’s expansion — says there’s a much better spot.

It’s a 20-acre mix of warehouses, lumberyards and empty lots off Cesar Chavez Street, some of which is already owned by the city. It’s next to Muni’s Third Street light-rail line and Interstate 280, and about a third of a mile from Highway 101.

“It’s tailor-made for the Warriors, right on a Muni rail line, and there is ample parking,” said Mission Bay Alliance spokesman Sam Singer.

The group has met privately with both Mayor Ed Lee and the Warriors’ lawyers to discuss the idea. We’re told the alliance members — led by mega-rich UCSF donors Bill Oberndorf and Sandy Robertson — even offered to help finance the land purchase.

The Warriors, however, are showing little interest.

“The Warriors are focused on the site in Mission Bay,” said team spokesman P.J. Johnston. “The public clearly supports this location.”

He also accused the alliance of playing politics.

“The oldest play in the book is to say, ‘We love a project — we just want it at a different location,’” Johnston said.

Lee’s office was equally blunt, sending us a statement Friday saying alliance members “have no interest in being reasonable or working with the city to resolve what they say their concerns are.”

The group’s strategy, the statement said, is “to bring in the high-priced lawyers and litigate.”

A-ticket: Leading the minority in the House may not be a dream job, but there was one major perk last week: the number of tickets available to hand out for Pope Francis’ speech to Congress.

While most lawmakers had one prized ticket to give out, Rep. Nancy Pelosi, D-San Francisco, had at least eight.

Her guests included such heavyweights as:

- Salesforce chief and big-time charity and political donor Marc Benioff and his wife, Lynne. Benioff is active in San Francisco’s Catholic community and a close friend of Archbishop Salvatore Cordileone, whose anti-same-sex marriage campaigning has raised hackles among liberal parishioners.

- Megabucks environmentalist and possible gubernatorial contender Tom Steyer and his wife, Kat Taylor.
- Service Employees International Union president Mary Kay Henry, whose union represents 1.5 million public employees and health care workers nationwide.
- Matilda Cuomo, widow of New York Gov. Mario Cuomo.
- Plus Pelosi's brother, former Baltimore Mayor Thomas D'Alesandro III, and the congresswoman's husband, Paul Pelosi.

Sen. Dianne Feinstein gave her ticket to Democratic donor Elizabeth Bagley, who is active in children's issues.

Oakland Democratic Rep. Barbara Lee's ticket went to the Rev. Jay Matthews, rector at the Cathedral of Christ the Light in Oakland, while Rep. Mark DeSaulnier, D-Concord, gave his to St. Mary's College President James Donahue.

Rep. Jackie Speier, D-Hillsborough, brought her son's godmother, Katy Lawson, to the event and rounded up about 120 tickets for congressional janitors, police officers and other support staff.

Deja vu: The design hasn't change much, but George Lucas is scaling back the Chicago version of his Museum of Narrative Art.

Chicago Tribune architecture critic Blair Kamin is calling it "the Weight Watchers version of Jabba the Hutt."



University of California
San Francisco

September 22, 2015

The Honorable Edwin M. Lee
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Golden State Warriors Arena and Events Center in Mission Bay

Dear Mayor Lee,

We write as faculty members at UCSF who are also members of the US National Academy of Sciences. Many of us either are, or have previously been, leaders on this Campus. We have seen this University rise to true excellence over the course of the past 40 years, and we look forward to an even greater future for UCSF and the exciting private biotech and medical organizations that it has attracted to Mission Bay. But we are seriously concerned that this future is threatened by the plan to construct a very large sports, entertainment, and event arena in our midst.

As you know, the plan for Mission Bay approved by the Board of Supervisors (October 1998) states, as one of the major objectives of this visionary project:

Facilitating emerging commercial and industrial sectors including those expected to emerge or expand due to the proximity to the new UCSF site, such as research and development, bio-technical research, telecommunications, business service, multi-media services, and related light industrial...

And indeed, Mission Bay has rapidly become one of the most prominent academic-industry biotechnology/medical complexes in the world. But we cannot stop here: we face increasing competition from other rapidly growing complexes of this type, both in the US and abroad. It will be critical to keep moving aggressively forward, if we are to continue to attract the very best talent – both academic and private sector – to San Francisco.

It is absolutely clear to us that the planned new Golden State Warriors Arena and Events Center in Mission Bay would severely degrade the environment for the many thousands of researchers and private sector biomedical scientists who come to work at Mission Bay each day. It would also curtail the beehive-like, daily exchanges of personnel – from the South Bay and elsewhere – on which the success of the Mission Bay biomedical complex depends. Our major fear is that the Mission Bay site will lose its appeal – not only for the new biomedical enterprises that the city would like to attract here, but also for most of its current occupants. The result could critically harm not only UCSF, but also the enormously promising, larger set of biomedical enterprises that currently promises to make San Francisco the envy of the world.

Much attention has been properly focused on how traffic gridlock caused by the new stadium would affect access to the three new UCSF hospitals that are immediately adjacent to the site, one of which houses one of only two Children's Emergency

rooms in San Francisco. It is unavoidable that terrible, and possibly even life-threatening, traffic congestion will be associated with the planned complex, given that it is intended to be the site of some 220 events per year, held both in the evening and during the day (*New York Times*, September 6, 2015; business section, pages 1, 4 and 5). Many of us have experienced the hours-long gridlock that paralyzes all Mission Bay streets before and after San Francisco Giants home games. The absolute paralysis that it creates is already a non-trivial problem, which the planned stadium promises to both greatly expand and intensify.

The presence of the 41,000-seat AT&T Park less than a mile (a 15-minute walk) from UCSF Mission Bay has not been sufficiently factored into the plans to build the Warriors' huge new sports/entertainment complex. The ballpark already significantly impacts life and work at Mission Bay, with nearly 50 San Francisco Giants home weekday games per season. Due to these events, it can take cars and UCSF shuttle buses over an hour to exit from the UCSF parking lot onto the streets, and a 20-minute trip may require two hours.

The widespread traffic impact of AT&T Park games is noted on the website for the San Francisco Municipal Transportation Agency (SFMTA):

“Motorists are advised to avoid the increased congestion in downtown San Francisco related to these special events and advises commuters to use transit, taxis, bicycles or walk and to avoid using the Bay Bridge in the two hours before or after these games. ... As a reminder to fans, in order to reduce congestion on city streets after all events at AT&T Park, the SFMTA will close eastbound King Street between 3rd and 2nd streets from the seventh inning until after the post-game traffic has died down. Additionally, the northbound portion of the 4th Street (Peter R. Maloney) Bridge will be closed to all traffic except streetcars, buses, taxis and bicycles during the post-game period. (<https://www.sfmta.com/news/press-releases/sfmta-weekend-transit-and-traffic-advisory>)

Adding an 18,500-seat Warriors complex on top of what is already a transportation mess is asking for disaster. We are highly skeptical of any plan that proposes to segment traffic by restricting 4th street and other routes for "UCSF business only," since those of us at Mission Bay have experienced the unruly behavior of frustrated drivers stuck for long times in traffic jams. In fact, there is no believable transportation solution for two very large complexes placed in such close proximity at Mission Bay.

Imagine dropping a 41,000-seat stadium anywhere within a 1-mile radius of San Francisco City Hall, and then tripling the capacity of Bill Graham Civic Auditorium. It would make no sense, for the same reason that it makes no sense to squeeze the planned Warriors facility into the Mission Bay neighborhood. The resulting perfect storm of traffic would make it miserable for both the existing neighborhood and for sports fans – in addition to threatening the entire future of UCSF as the center of a world-class academic/ biotech/medical complex.

In summary, we urge you and the city to reconsider the wisdom of proceeding with

current construction plans.

Sincerely yours,

Bruce Alberts, Chancellor's Leadership Chair in Biochemistry and Biophysics for
Science and Education

Elizabeth Blackburn, Professor of Biochemistry and Biophysics, and Nobel laureate

James Cleaver, Professor of Dermatology and Pharmaceutical Chemistry

John A. Clements, Professor of Pediatrics and Julius H. Comroe Professor of
Pulmonary Biology, Emeritus

Robert Fletterick, Professor of Biochemistry, Pharmaceutical Chemistry, and
Cellular and Molecular Pharmacology

Carol Gross, Professor of Microbiology

Christine Guthrie, Professor of Biochemistry and Biophysics

Lily Jan, Professor of Physiology, Biochemistry and Biophysics

Yuh-Nung Jan, Professor of Physiology

Alexander Johnson, Professor of Microbiology and Immunology, and Biochemistry
and Biophysics

Cynthia Kenyon, Emeritus Professor, UCSF, and Vice President, Aging Research,
Calico Life Sciences

Gail Martin, Professor Emerita, Department of Anatomy

Frank McCormick, Professor Emeritus, UCSF Helen Diller Family Comprehensive
Cancer Center, David A. Wood Distinguished Professorship of Tumor Biology
and Cancer Research

Ira Mellman, Professor (Adjunct) of Biochemistry and Biophysics

William J. Rutter, Chairman Emeritus, Department of Biochemistry, and Chairman,
Synergenics LLC

John Sedat, Professor Emeritus, Department of Biochemistry & Biophysics

Michael Stryker, William Francis Ganong Professor of Physiology

Peter Walter, Professor of Biochemistry and Biophysics

Arthur Weiss, Professor of Medicine, and of Microbiology and Immunology

Zena Werb, Professor of Anatomy

Cc: Tiffany Bohee