



SAN FRANCISCO
BAYKEEPER®

June 18, 2013

Commissioner Anne Halsted, Vice-Chair
Bay Conservation & Development Commission
50 California Street, #2600
San Francisco, Ca. 94111

RECEIVED
JUN 19 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Re: Opposition to AB 1273

Dear Commissioner Halsted:

On behalf of San Francisco Baykeeper and its 2,300 members who live, work, and recreate in and around San Francisco Bay, I am writing to express strong opposition to AB1273. At its heart, this bill (including with proposed amendments), incorrectly justifies the stadium as consistent with the public trust and further serves to circumvent BCDC's regular process for making its own determination of public trust consistency. I urge BCDC, therefore to formally oppose AB1273.

Common law public trust uses include water-dependent navigation, fishing, and commerce, and more recently, habitat preservation, recreation, and open space. (*National Audubon, supra*, 33 Cal.3d at pp. 434-435.) The proposed Warriors Stadium project is not water-dependent commerce or recreation, and therefore is a nontrust use. Further, it would also impair existing and future public trust uses, including open space, public access and views and maritime uses that may be proposed at a later date. Therefore, the project is inconsistent the State's public trust doctrine.

Despite long negotiations with project proponents, neither the staff of BCDC nor SLC support such a trust consistency finding. Approval of AB1273 would usurp long-established regulatory frameworks intended to establish a high degree of regional control over projects capable of permanently altering the shoreline and ecology of San Francisco Bay.

San Francisco's Port Lands constitute an invaluable and irreplaceable public trust for the people of California. Since its formation upon passage of the McAteer-Petris Act of 1965, BCDC has played an essential role in managing these lands consistent with the public trust doctrine. AB1273 and the associated stadium project are in violation of the spirit and intent of the public trust, and of several waterfront policies and plans. Accordingly, we urge you at this time to not give AB 1273 a 'do pass' recommendation.

Finally, the public trust determination made in AB1273 is not only incorrect, but could be subjected to judicial review for consistency with the State's public trust doctrine. Starting with the U.S. Supreme Court in *Illinois Central*, the courts have unequivocally held that judicial review is appropriate to prevent the state from "abdicat[ing] its trust over property in which the whole people are interested." (*Illinois Central, supra*, 146 U.S 387 at pp. 453-454; see also



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Baykeeper
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Berkeley v. Superior Court (1980) 26 Cal.3d 515, 529. Hence, whether a use is a “public trust use” is ultimately a common law question answered by the courts.

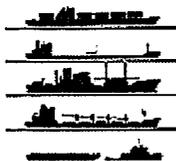
Failure of AB1273 does not constitute a denial of the Warriors stadium project, as the project proponents would retain the right to propose a project that could be judged by the appropriate regional authorities on its merits. Ultimately, any project designed for Pier 30-32 must be consistent with water-dependent public trust uses, the San Francisco Bay Plan (Bay Plan), and the San Francisco Waterfront Special Area Plan (SAP), which have long governed development along the San Francisco shoreline within BCDC’s jurisdiction.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deb Self".

Deb Self
Executive Director
San Francisco Baykeeper

PMSA



May 23, 2013

Hon. Phil Ting
California State Assembly
State Capitol
Sacramento, CA 95814

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JUN 19 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

OPPOSE – AB 1273 (Ting) – Piers 30-32 Exemptions from Tidelands Trust and BCDC Plan

Dear Assemblymember Ting:

The Pacific Merchant Shipping Association (PMSA) must respectfully oppose your AB 1273, as amended April 24, 2013, that substitutes legislative pronouncement of the appropriate use of granted tidelands trust for the traditional trust purposes of commerce, navigation, and open-space preservation.

This proposal is the latest in a series of efforts up and down the Pacific coast to develop sports arenas on or near port properties:

In 2008, PMSA, the Port of San Diego, and a coalition of labor and business waterfront interests fought and defeated a similar effort to this one which would have enabled the development of a new stadium for the San Diego Chargers on waterfront berths near downtown San Diego. Beginning last year, PMSA, the Port of Seattle, and a coalition of labor and business waterfront interests banded together to stop the development of a waterfront basketball arena in the City of Seattle which was meant to be the future home of the Sacramento Kings. AB 1273 represents the third such attempt in the past five years.

The creation of a land-use designation on Piers 30-32 for a multi-use basketball arena is inapposite with the land use restrictions of the Public Trust Doctrine and the limitations on the use of tidelands which have existed in California since the granting of its statehood. The two touchstones of a violation are clearly at-issue here: (1) the primary land use proposed is not water-dependent or directly related to water-dependent uses, such as commerce, navigation, fisheries, or open space preservation; and, (2) the primary land use proposed is for a quasi-municipal purpose unconnected with trust uses.

We appreciate that the Port of San Francisco has worked to ensure that specific attention paid to some maritime uses by the proposed developers in this Legislation, and that is good news. However, the fact that some trust or trust-related uses may be approved as ancillaries to a primary use is not enough to save a non-trust primary use. Likewise, while the preservation of public access is a nod to the trust, its inclusion does not make this non-trust use compatible.

Pacific Merchant Shipping Association

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Hon. Phil Ting
Oppose – AB 1273
May 23, 2013
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AB 1273 also substitutes legislative judgment for application of the BCDC Seaport Plan. The Waterfront Land Use Plan, identified as a basis for action in this bill, is only applicable as directed pursuant to the Seaport Plan, and that Plan requires that only “interim use policies” can be implemented at Piers 30-32. Specifically, the *San Francisco Bay Area Seaport Plan (Amended: January 2012), Page 36* provides:

6. The Port of San Francisco's financial situation precludes significant investment in maritime facilities in the foreseeable future. Until such time as there is a demand for the Port's unused facilities for maritime cargo operations, the Port must be able to lease the properties for interim uses and generate revenues to keep the facilities in good repair. Interim uses must not inhibit the eventual use of the facilities for maritime cargo shipping, and the length of the interim use should be determined on a case-by-case basis. In determining the appropriate length of the interim use, the cost and a reasonable amortization period for the proposed interim use should be considered. The Port's Waterfront Land Use Plan will include more specific interim use policies intended to guide the Port in its interim leasing actions.

Finally, the financial condition of a trustee should not presuppose the need by a trustor to create non-trust compliant uses. As such, this legislation would create a perverse incentive to tidelands-trust grantees: if assets maintained on behalf of the state are allowed to deteriorate, then the Legislature will authorize the approval of non-trust uses that would have been prohibited if those capital assets had been otherwise maintained. Given the fiduciary duties of a local government trustee to take care, control, maintain and make productive trust property on behalf of the State (*Pub. Res. Code §6009.1(c)*) this is an untenable precedent.

We applaud the desire to invest in waterfront assets and improve Port facilities represented by this bill, however, such investments in state-granted Port property must be made in furtherance of the tidelands trust, not in spite of it.

Sincerely,



Mike Jacob
Vice President

cc: KP Public Affairs

Pacific Merchant Shipping Association
250 Montgomery St., Suite 700, San Francisco, CA 94104

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June 15, 2013

Commissioner Geoffrey Gibbs
50 California Street, 26th Floor
San Francisco, CA 94111

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JUN 19 2013

June 20 BCDC Meeting, Agenda item AB 1273

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Dear Commissioner Gibbs,

I am writing to ask you to OPPOSE AB1273; it cannot be adequately and satisfactorily amended because the purported financial feasibility of the project as described by the developers is tied to extensive non-trust uses.

As your commission has noted throughout your hearings, the proposed project is overwhelmingly composed of non-trust, non-bay-dependent uses, with maritime-related add-ons that do not functionally increase maritime services in the area: the Fire Boat Station already has a home at a less congested site on the bay which had been in the early stages of restoration planning, and the cruise ship guest docking function is said to come into play "just a few times a year."

If the financial model can, in fact, be re-calculated and down-sized significantly, then your staff's recommendation to request a two-year bill process could make sense, but this further increases the density pressure on the adjacent SWL 330, yielding building massing at a scale unprecedented in the South Beach neighborhood. The 2.0 conceptual design iteration is already 33% denser than initially proposed.

There are viable landslide locations for this project in the City that are—or will be—better served by transit, would yield the same number of jobs and economic benefits, would avoid compromising the bay trust, and would cost the developers and the taxpayers less money to build. Certainly a win for the City as a whole.

Thank you for standing firm in your stewardship of the waterfront and the public trust.

Sincerely,


Alice Rogers
20-year resident/home owner

.....
Alice Rogers
10 South Park St
Studio 2
San Francisco, CA 94107

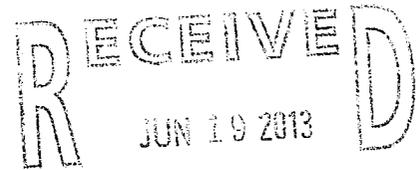
Subject: AB1273

Date: Tuesday, June 18, 2013 9:26:11 PM PT

From: Diane Hathcoat

To: ahalsted@aol.com

CC: info@bcdc.ca.gov



SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Anne Halstead
Vice Chair
San Francisco Bay Conservation and Development Commission
ahalsted@aol.com

Dear Ms. Halstead,

As member and Vice Chair of the San Francisco Bay Conservation and Development Commission (BCDC), you have been entrusted with protecting our bay and resources. I thank you for your service and trust that you and the other BCDC members will oppose AB1273 when the commission is asked to take a position this Thursday, June 20, 2013.

The fragile home of native birds, sea life, and plants, the San Francisco Bay is one of the Pacific Coast's most ecologically significant habitats. Bay protections were put in place for a reason. Shame on Assemblyman Phil Ting, whose district does not include this waterfront area, for putting together legislation that allows developers to circumvent historical processes that protect our bay. A neutral third party should determine compliance, not the Port of San Francisco who, far from being impartial, appears determined to see Mayor Lee achieve his legacy at any cost.

If the proposed development was water dependent and met the needs of the public trust, no such legislation would be required. Unfortunately the Warriors development at Piers 30-32 is driven by greed, not public good, and would destroy the integrity of the waterfront, marine ecosystem, and quality of life for Bay Area residents by increasing traffic, air pollution, noise, and garbage. Rather than maintaining the Embarcadero as a regional recreation and scenic resource with maximum public and visual access with low scale buildings, the new arena would obliterate views with a massive 13-story structure. The development team has tried to downplay this fact by producing renderings from an elevated height, as if we all approach the bridge by helicopter. If there was one good thing to come from the 1989 earthquake, it was the elimination of an unsightly freeway obstructing views of the Bay and Bridge. Let's not make that mistake again.

As a member of the BCDC and appointed steward of the environment, I urge you to do what is right and oppose AB1273. You won't be alone; the Sierra Club California, Save the Bay, San Francisco Baykeeper, the San Francisco Waterfront Alliance, and the mayors of four East Bay cities (Tom Bates of Berkeley, Stephen Cassidy of San Leandro, Gayle McLaughlin of Richmond, and Jean Quan of Oakland) have all opposed this legislation. Your decision will have long-term consequences and your resolve to do what is right will be lauded by generations to come. Thank you.

Regards,

Diane Hathcoat



Statement Before BCDC
June 20, 2013 Meeting

My name is Gayle Cahill and I am here on behalf of the San Francisco Waterfront Alliance. We oppose AB 1273 for the violence it does to the customary processes that have historically and effectively balanced the interests of the public, the environment, project sponsors, and affected communities on and around San Francisco Bay.

We recognize and salute the staff of BCDC for its undoubtedly arduous efforts to reach resolution on the issues identified in the staff report made public before your May 16 meeting. Despite what appear to be the best efforts of all involved, the work of the last few weeks, as set forth in the June 14 staff report, has confirmed what many observers and critics have contended: this bill cannot be reconciled with the need for a **transparent, public, and deliberate process** to consider and evaluate the Warriors' desire to build a new multi-purpose event center, luxury high rise condominium tower, twin-tower hotel, and attendant retail and parking facilities in, on and next to the Bay. That open process should ensure BCDC's right and ability to determine public trust consistency.

The Warriors have claimed at meeting after meeting that they want to build a singular world class facility that would do them and the city of San Francisco proud. They have also assumed that they could do that without engaging in the normal processes -- particularly, the processes of your commission -- that refine and shape projects so that all the world can see whether, in fact, it is possible to achieve that end goal in a way that is sensitive to the needs of the site, the City, the Bay, the environment, and the public.

The Warriors' co-sponsors in this enterprise, the Mayor's Office of Economic and Workforce Development and the Port, have contended that the City and the Warriors deserve an "early read" as to whether the Warriors' plans for Piers 30/32 are consistent with the public trust. Thanks to the conscientious work of BCDC staff, they now have an answer: the Warriors project, at heart, is not trust consistent.

That message must be taken seriously. As your staff has determined, "the project design is in an early stage, is still in flux, and lacks project details"; the preliminary nature of the project design has forced your staff discussions to center around potential processes rather than specific outcomes. In plain English, this is a big deal.

San Francisco Waterfront Alliance

**Statement Before BCDC
June 20, 2013 Meeting**

The location of this project on Piers 30/32 does not leave room for mistakes -- consider just the threat of sea level rise, the terribly permanent nature of massive concrete piers necessary to support a 3-foot thick foundational surface and a 12 1/2 story entertainment complex, and the effect of the entire development on San Francisco's beleaguered transportation resources and the site's immediate neighbors. This project demands deliberate and thoughtful scrutiny.

The need for that scrutiny brings me back to where I began: we oppose AB 1273.

Most of the bill's proposed amendments restate BCDC's and other agencies' jurisdiction and authority over issues that they historically evaluate and determine. As such, AB 1273 serves no purpose. It adds nothing to existing law. Some might call the concessions given mere window dressing.

What AB 1273 does **not** do is retreat from its incursion into BCDC's right and ability to make a public trust consistency finding in acting upon a major permit application.

So the elephant in the room remains: is this commission willing to accede without a fight to an act that could launch a fleet of other similar bills -- whose cumulative effect would likely be the piecemeal dismantling and dilution of BCDC's authority? And as for the Warriors, the Port and the Mayor's Office, the question is this: if this project is the right thing in the right place at the right time, why can't it stand up to the customary processes of review?

Without AB 1273, the Warriors' project would proceed through the normal channels of review before your commission and other public agencies. That, we submit, is exactly what should happen. The project should stand or fall on its merits, in the face of a true and thorough vetting that shows the rightness -- or the wrongness -- of what the current legislation seeks to shield from due and deliberate evaluation and debate.

San Francisco Waterfront Alliance



June 18, 2013

The Honorable Anne Halsted, Vice Chair
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Re: Oppose AB 1273 (Ting)

Dear Ms. Vice Chair and Commissioners:

On behalf of Save The Bay and our 40,000 members and supporters throughout the Bay Area, I write to encourage you to vote to oppose AB 1273 (Ting). The bill waives BCDC's public trust determination authority, is premature and unnecessary.

The staff recommendation of June 14, 2013 underscores:

- "the project design is in an early stage, is still in flux, and lacks project details." That makes this the absolute wrong time for the legislature to establish specific requirements for construction on Piers 30-32, based only on the representations of the project proponent before any mandated public review.
- Despite the City staff's agreement to make some changes in the bill, "the amendments do not resolve all the issues raised by the Commission and staff regarding the bill." Most important, "**BCDC staff believes the arena is not, at heart, trust consistent.**" AB 1273 erodes BCDC's statutory authority and undermines the Commission's ability to protect San Francisco Bay and the public interest. The Commission must not relinquish its authority to make an independent public trust consistency determination at this premature date, months if not years before there is a complete project to evaluate.
- "A two-year bill would allow staff and the project sponsors to refine the design so that it is more consistent with the Commission's laws and policies and vetted by BCDC in a public process." But the City's staff's response makes clear that AB 1273 proponents have no intention of agreeing to delay consideration of the bill until 2014. The staff recommendation's preferred outcome – making AB 1273 a two-year bill – can only be accomplished if legislators oppose the bill as currently written, which BCDC should encourage with an "oppose" position.

Save The Bay is on record in opposition to AB 1273 as an absolutely premature effort by the legislature to make findings and mandate uses on Pier 30-32, far in advance of

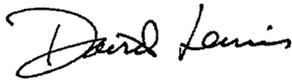
even a draft Environmental Impact Report (EIR) that can be reviewed by the public and decision-makers.

It is premature for the Commission or any agency to determine whether the proposed arena project at Piers 30-32 appropriately balances trust and non-trust uses, minimizes bay fill and other impacts to San Francisco Bay, and provides sufficient public benefits.

The Commission must oppose AB 1273, or lose both its credibility as an institution, and its ability to make public trust determinations at the appropriate time, with full information and public input.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "David Lewis".

David Lewis
Executive Director



June 18, 2013

Ms. Ann Halsted, Vice Chair
BCDC Commissioners and Alternates
Mr. Lawrence Goldzband, Executive Director
Mr. Steve Goldbeck, Chief Deputy Director
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Vice-Chair Halsted, BCDC Commissioners and Alternates, Mr. Goldzband and Mr. Goldbeck:

On behalf of the City and County of San Francisco (the "City") including its Port, I write to thank you for the Commission's May 16th vote to grant BCDC and State Lands Commission (SLC) staff, City staff and the Golden State Warriors time to negotiate possible amendments to Piers 30-32 Revitalization Act (AB 1273) to address the concerns BCDC staff had raised and to better reflect BCDC and SLC policy interests.

Since your vote in Oakland a month ago, the parties have met intensively to craft proposed amendments to AB 1273 designed to address the concerns BCDC staff had raised. I am pleased that the amendments that emerged from those discussions have largely addressed those issues. As a result, BCDC staff has been able to change its recommendation from an "oppose unless amended" to recommending that BCDC take no position. I support the independent processes established by the amendments, namely ensuring that SLC makes an ultimate determination that the final project meets certain requirements, and by further specifying that BCDC will establish a package of off-site public benefits. These consensus amendments confirm BCDC's independent project review authority, and put to rest the primary complaint raised by project opponents that AB 1273 sidesteps BCDC and SLC.

I urge the Commission to adopt staff's recommendation to not take a position on AB 1273, consistent with the California State Lands Commission, and direct staff to continue negotiations to resolve outstanding issues. These outstanding issues include massing and design, on-site parking and the off-site public benefits. We of course intend to keep the Commission informed regarding the proposed Project and the status of resolution of those issues in the coming months and years.

BCDC-SLC Pier 30-32 Project Consultation

Before examining the proposed package of negotiated amendments, a word about how we arrived at this point. On May 22, 2012 – over one year ago – the proposal to bring the Warriors back to San Francisco was announced.

On August 9, 2012, the Port Commission authorized City and Port staff to enter into an Exclusive Negotiation Agreement for Piers 30-32 and Seawall Lot 330 with GSW Arena LLC ("GSW"), an affiliate of the entity that owns the Warriors, to build a new privately financed state-of-the-art multi-purpose facility capable of being used as an event venue and for other public assembly uses, including conventions, Warriors' home games and other purposes, together with related public infrastructure, public access improvements and other improvements (the "Project").

Immediately following the May 2012 public announcement of the City's and GSW's intent to analyze developing the Project at Piers 30-32, City and Port staff and GSW representatives sought the advice of BCDC and SLC staff. The parties met repeatedly through the fall of 2012 to discuss the public trust implications of the Project, including examples of successful waterfront plans and projects, and to

examine the proposal through the lens of BCDC laws and policies. GSW's design team made multiple design presentations to staff over the course of late 2012 and early 2013, and incorporated numerous design suggestions from BCDC staff, resulting in the revised Project that was unveiled in May 2013 and presented to BCDC on May 16, 2013.

It is important to note that during this process both the SLC Executive Officer, Jennifer Lucchesi, and BCDC staff, in consultation with representatives of the California Attorney General's Office, recommended that the City and GSW pursue state legislation to address a public trust determination early on regarding the proposed Project. GSW representatives initially resisted this recommendation, preferring instead to pursue the more frequently used administrative determinations of trust consistency through consultation with SLC staff. But ultimately GSW was convinced by SLC and BCDC staff to support amendments to existing law for the site that would set forth the parameters for trust consistency.

Public Trust Early Read

The main principle involved in these early consultations between the SLC, BCDC and the City and its waterfront development partners is sound public policy: project proponents and the public should have an opportunity to understand early in the process the policy constraints associated with proposed project sites, whether the public trust permits or prohibits a proposed mix of uses, and what limitations on uses must shape the basic project description. These considerations focus the public review and CEQA process. It would be unfair, and would unnecessarily risk public and private resources, to request that project sponsors wait several years to hear the answer to the fundamental question of whether the law permits a given mix of uses to be constructed on designated public trust property. The City and its Port would not be able to leverage the considerable investment of private capital needed to achieve public benefits without answering this question early in the planning process.

SLC staff correctly noted that due to the Legislature's prior legislative actions related to Pier 30-32, it is most appropriate for the Legislature, acting in its capacity as the ultimate trustee of public trust lands, to make a trust determination regarding the proposed Project at Pier 30-32.

The legislative approach recommended by SLC and BCDC staff has the added benefit of being the most public approach to making this public trust determination, enabling the public to weigh in during the process. The more common administrative approach is typically a staff-to-staff discussion culminating in a letter opinion authored by the SLC Executive Officer.

As articulated by the SLC Executive Officer, Jennifer Lucchesi, AB 1273 should be viewed as a starting point in the process. Much in the way that a typical project sponsor might often seek the advice of a local zoning administrator regarding the consistency of a proposed development with existing zoning, AB 1273 answers the core question of whether the proposed Project can be built on Pier 30-32 and under what basic parameters – leaving to subsequent City and state agencies the later question of whether the Project should be built at the site and if so what specific conditions to impose.

BCDC's own adopted policies underscore the importance of this early read: the BCDC Special Area Plan includes a provision that authorizes the Port to seek an early indication on public trust matters at the outset of a project, in order to provide certainty on this core question before expending significant resources on a project. In this case, as described above, both SLC and BCDC staff recommended legislation as the proper course to address public trust matters relate to the Project.

Changes to the Proposed Multi-Purpose Venue Project and AB 1273 in Response to BCDC and State Lands Proposals

In the months leading up to the May 16, 2013 BCDC hearing, GSW modified the proposed Project to address BCDC and SLC comments including making the following important changes:

- Moving the multipurpose venue approximately 50 feet to the west to accommodate deep draft vessels on the east side of Piers 30-32;
- Creating a more generous pedestrian public plaza on the south side of the pier (especially on the southeast corner);
- Opening up public view corridors in key areas along the Embarcadero;
- Creating more transparency in the venue shell, so that non-ticketed patrons can view the bay and the Bay Bridge and the non-ticketed public can see into the building in key locations;
- Incorporating the City's proposed fireboat station onto Pier 30-32 on the north side of the pier instead of building the station on new fill; and
- A cap of 500 parking spaces in parking facility with cars screened from public view on the pier

Since the May 16, 2013 BCDC hearing, GSW, the City, and BCDC and SLC staff agreed to the following significant proposed amendments to AB 1273:

- Authorizing the State Lands Commission, rather than the Port, to make an independent finding after environmental review is complete that the final Project, including its maritime program, is consistent with the requirements of AB 1273;
- Reducing the amount of non-trust, venue supporting retail to a maximum of 20,000 square feet;
- Requiring that the Project include off-site public benefits and authorizing BCDC to approve those off-site public benefits, which must be defined through a public process managed by BCDC and the Port;
- Strengthened savings language to protect BCDC's authority to review and approve the Project in accordance with the McAteer Petris Act, the San Francisco Bay Plan and the Special Area Plan; and
- Replacing the parking maximum with a new provision authorizing BCDC to establish the maximum number of parking spaces on Pier 30-32 according to specified criteria, including minimizing impacts on pedestrians and bicyclists using Herb Caen Way, after the City completes analysis of distributed parking alternatives, including parking both on and off the pier.

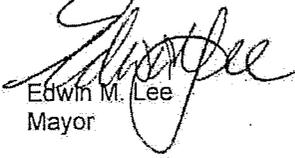
In light of these amendments, BCDC staff has concluded that there are no further amendments it can recommend at this time in the project planning process, and that the previous position of "oppose unless amended" is no longer warranted. The City understands that the bill does not resolve all of the potential issues with the project raised by staff, but we believe those issues can and should be fully addressed through BCDC's major permitting process.

Conclusion

I am grateful for the thoughtful engagement of BCDC and SLC staff in this negotiation, and I believe the negotiation has yielded beneficial amendments to AB 1273 that will require the City and GSW to engage in a public process with independent decisions by both BCDC and SLC that will ultimately enhance the public benefits that will flow from the Project.

As a team of agencies, BCDC, SLC and the City have an extraordinary record of collaboration that has resulted in the development of high-quality, visitor-serving uses along Port property that serve the region. I respectfully urge you to recommend to the Legislature that it accept the proposed amendments to AB 1273, consider the bill as amended during the current legislative session, and forward the bill to the Governor for his consideration this year so Project planning and public engagement can continue in a robust manner.

Sincerely,



Edwin M. Lee
Mayor

cc: Assemblymember Phil Ting
Jennifer Lucchesi, SLC

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June 15, 2013

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Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Honorable R. Zachary Wasserman, Chair
Honorable Anne Halsted, Vice Chair

Mr. Larry Goldzband, Executive Director
Mr. Stephen Goldbeck, Chief Deputy Director

C/o Ms. Graciela Gomez, Executive Secretary

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JUN 18 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Re: BCDC Public Hearing: Agenda Item #10; Piers 30-32 Revitalization Act / June 20, 2013
Consideration of Proposed Legislation AB 1273 (Ting) AB 1273 Correspondence
Revised Staff Recommendation for AB 1273 (Ting): The Piers 30-32 Revitalization Act
Proposed Amendments - AB 1273 Correspondence

The Commission will hold a public hearing and may vote to take a position on Assembly Bill 1273 (Ting) that would, among other things, authorize the Port of San Francisco to approve a multipurpose venue for a basketball arena and other uses on Piers 30-32 along the San Francisco waterfront. The Commission previously held a public hearing on this legislation at its May 16, 2003 meeting. (Steve Goldbeck)

Round The Diamond Proposal Update In Reference & Relation to AB 1273 (Ting)
San Francisco-Warriors Multi-Purpose Cultural Events and Basketball Arena
High School-Career Pathway Classroom

Dear Commissioners and Staff,

In relation to this Proposed Legislation AB 1273, I am respectfully asking that as part of the responsibilities of the BCDC as guardians of San Francisco's Piers 30-32 waterfront property, that you include within your assessment of this issue the consideration and support for the comprehensive, and real world benefits potentially available through the integration and implementation of my proposed High School Career Pathway Classroom as an integral component within the Warriors Multi-Purpose Cultural Events & Basketball Arena.

There are numerous Sections (see below for several examples) contained within this AB 1273 Revitalization Act that relate to the purpose of my request for the Warriors, San Francisco public officials and agencies and the San Francisco Unified School District to work in collaboration with me in order to include a High School Career Pathway Classroom as an innovative, model education and career development component within the proposed Warriors Arena. As I am not

certain if, or when I will have another opportunity to share my input with the BCDC in relation to the Warriors Arena proposal if this new legislation is authorized, I am providing you with this written public comment regarding AB 1273. Also, please review the Warriors Arena Classroom proposal material that I submitted to you during public comment at the May 16, 2013 BCDC public hearing.

In response to the AB 1273 legislation dealing with public access and views, I am asking that the BCDC consider and support the real-world, practical use and potential of an Arena Classroom to serve as a substantive, year-round accessible educational resource capable of providing expansive views from inside the Arena; as well as attracting wide-spread national and international public and professional interest in visiting this Model Facility - drawing educators, students, school and government officials and business leaders to San Francisco and the Warriors Arena – including establishing cross-cultural sports and education exchange programs.

In addition to the Arena Classroom, I've shared with the Warriors (if it's feasible?) the idea to consider the possibility creating an education and career development program through construction of an Astronomy Observatory Roof-Top Deck component as well. Also – the realistic idea that there can be numerous social and economic benefits through the inclusion of constructing a "Visitors Housing" facility incorporated into the SWL 330 project capable of accommodating these same visiting educators, students, public officials and business leaders traveling to San Francisco to experience and learn from the model programs and design of the Warriors Arena and the Arena Classroom; as well as the cooperative public-private partnership and dynamics necessary to build this Arena on the San Francisco Waterfront.

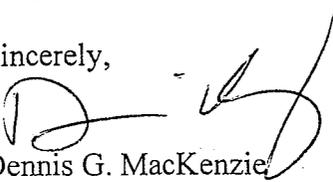
I realize the potential challenges and impacts that the passing of this Assembly Bill 1273 may have on future waterfront developments throughout the State of California. With this thought in mind, I trust that the BCDC will maintain the essential aspects of its "Public Trust" responsibilities somewhere throughout the 'entitlement process' in assessing waterfront developments - including this San Francisco/Warriors Arena project - at which point I would support the passing of this Legislation. [As an example of the idea and critical role that trust (or 'public trust') plays in general, and throughout our social institutions and structures, you're welcome to review the enclosed educational article that I share with high school students entitled: "Trust", Adapted from the Writings and Works of Jack Gibb; by David Armistead. Even though this article may be viewed by some as 'idealistic' or altruistic, it also offers valuable perspectives and insights worthy of contemplation.]

I am also enclosing a copy of the June 9, 2013 Arena Classroom proposal letter I submitted to the Piers 30-32 CAC which briefly summarizes the recent update I've provided to San Francisco officials and the Warriors. This letter includes the recent idea shared by the Warriors a month ago, stating that they are exploring alternative interior locations for their previously proposed separate, exterior building to house a Community Room to provide a community benefit space for local meetings and events. I trust this Community Room will can be designed to create a collaborative venture with the High School Classroom proposal I have been promoting for the past year – capable of offering additional and enhanced space for the visiting schools, students and officials to meet and develop far-reaching relationships and partnerships with our San Francisco Bay Area students, schools and officials; including the initiation of 'Sister-City

Relationships' and cross-cultural sports, education and business exchange programs for the benefit of everyone involved.

Once again, thank you very much for your time and consideration of this Warriors Arena Project in relation to BCDC's responsibilities - as well as your consideration and support for my Warriors Arena-Career Pathway Classroom proposal that can provide long-term, visionary Programs and economic benefits for all parties concerned for generations to come.

Sincerely,



Dennis G. MacKenzie

NOTE - Listed below are relevant AB-1273 issues dealing with my Warriors Arena – High School Career Pathway Classroom Proposal:

AB-1273 Tidelands and submerged lands: City and County of San Francisco: Pier 30-32: multipurpose venue. (2013-2014)

Sec.4.

(e) The Waterfront Land Use Plan and the Special Area Plan recognize that the development of Pier 30-32 and the surrounding area within the South Beach/China Basin subarea identified in the Waterfront Land Use Plan would further the public trust purposes of increasing maritime activities and expanding public use and enjoyment of the waterfront on trust lands at this location.

Sec.4.

(j) There are presently few visitor-serving amenities in the vicinity of Pier 30-32. The Port's efforts to develop its property for hotel use have been unsuccessful. The development of the multipurpose venue at Pier 30-32 and the termination of the trust use restrictions at Seawall Lot 330 would create substantial new demand for visitor-serving uses at that location and would make those uses financially feasible as part of an overall residential and mixed-use development at Seawall Lot 330. Also, Seawall Lot 330 presents an opportunity to enhance the trust value of the project on Pier 30-32 by attracting more people to the waterfront and providing accommodations to people from both the San Francisco region and other areas of the state through visitor-serving uses, which may include visitor-serving retail, restaurants or hotel use, or any combination of these.

Sec. 2.

The Legislature finds and declares all of the following:

(7) The preservation and improvement of existing views and creation of new views of the bay from the shoreline.

Sec. 5.

(1) The mixed-use development is designed to attract people to the waterfront, increase public enjoyment of the San Francisco Bay, encourage public trust activities, and enhance public use of trust assets and resources on the waterfront.

Sec. 5.

2(B) The multipurpose venue facility is located to minimize interference with public views of San Francisco Bay to the extent feasible.

-----Original Message-----

From: Sierra Club [<mailto:information@sierraclub.org>] On Behalf Of Katte Schaaf

Sent: Monday, June 17, 2013 4:49 AM

To: Alex Zwissler

Subject: No Warriors Arena on the Pier

Jun 17, 2013

Commissioner Alexander Zwissler

CA

Dear Commissioner Zwissler,

I oppose San Francisco's proposed development of a multi-use event center and arena on Piers 30-32 is inconsistent with established policy, which restricts waterfront development to maritime uses and acceptable non-maritime uses. The oversized structures proposed both for the seawall lot and the piers will block views and access to the waterfront, which is a resource for all Bay Area residents.

I am deeply concerned that the proposed development lacks regard for climate change and the rise in sea level. Long-term development needs to take into account the very real threat of sea-level rise.

Large-scale infrastructure should be situated away from the shoreline.

For decades, Bay Area residents have worked to protect the Bay's shorelines through ballot measures, long-term planning, and state legislation aimed at protecting the waterfront from inappropriate development. The basic framework of this project depends on assumed entitlements, zoning changes, and an overall project scope which have yet to undergo preliminary environmental review. The California Environmental Quality Act process was fast-tracked without an approved project, and the details keep shifting in unaccountable ways.

The National Basketball Association "requirement" of a 500-car parking structure ensures that the automobile trips generated will overwhelm existing roadway capacity and adversely impact adjacent neighborhoods, putting pedestrians at risk. As commuters know well, transit and traffic in the entire area already suffer severe gridlock on Giants game days. Transit infrastructure along the Embarcadero will need substantial upgrades and funding. This has not yet been part of the conversation.

The \$120 million cost to the City and the Port of San Francisco for rebuilding the piers, combined with the exorbitant 13% guaranteed return on investment, could easily climb to two or three hundred million dollars over the life of the Warrior's lease--monies that the Port simply doesn't have.

Should the Golden State Warriors move to San Francisco, there would be a loss of events at the Oracle Arena, which would also result in lost sales tax revenue and operating funds for the City of Oakland. The employees who work at the Oracle Arena are local residents in historically disenfranchised and minority communities. Losing these local jobs would exacerbate Oakland's already high unemployment rate of 10.8 %. Mayors of Oakland, Alameda, Berkeley, and San Leandro are opposed to the legislation that would enable this project.

Please oppose legislation to enable this development in whatever form it comes before you as a decision maker, and halt this ill-conceived proposal.

Sincerely,

Mrs. Katte Schaaf
1442a Walnut St
Berkeley, CA 94709-1496

Dear Bay Conservation and Development Commission Members,

I am writing to encourage members of the Bay Conservation and Development Commission (BCDC) to oppose AB 1273 and reject the development on Piers 30-32 currently being proposed by the City of San Francisco (City), Port of San Francisco (Port), and the Golden State Warrior's organization (GSW).

Building this 13-story monstrosity in a still-defined-as-residential neighborhood on San Francisco's Eastern Waterfront is wrong for the environment, wrong for the waterfront, and wrong for the precedent that it would set for all future waterfront developments throughout California.

The City, Port, and GSW colluded behind closed doors to ramrod this project through the permitting process and down the throats of all San Franciscans, particularly the District residents in Rincon Hill, SOMA, and South Beach, where I am a homeowner of nearly 13 years. No residents of this city, except for a select few members of this trio, were ever consulted on this project prior to the June 2012 pronouncement to build this arena. It was and remains a backroom deal that offers no neutral City board or government entity for San Franciscans to voice their opposition. None.

Such outright disregard for public interest leaves those of us in opposition to this arena with no equal outlet for our voices to be heard over the hype and hyperbole of The City, Port, and GSW. Disregard for public opinion is further compounded by a trio of egos—a Mayor admittedly seeking legacy; a Port Authority seeking exponential revenue grossly outside waterfront-related uses and trust-compliant primary use at the expense of the environment; and billionaire owners seeking to influence the legislature to circumvent the public trust, all to stick a 13-story billion dollar arena in the eye of the Bay.

So I turn to you, BCDC, to hear our case and support our cause. Vote to oppose AB1273 and reject the Piers 30-32 arena development project.

As the Sierra Club and others remind us, California's Public Trust doctrine has long been a key tool for protecting San Francisco's shoreline. The doctrine reserves the shoreline for maritime uses, water-related activities, public access, and environmental protections. The BCDC, along with the State Lands Commission (SLC) were created largely to protect public interest. In 1969, the Burton Act gave the Port of San Francisco jurisdiction over previously state-controlled tidal lands, specifically on the condition that they be administered in conformity with the Public Trust.

California Assemblyman Phil Ting, a representative of the 19th Assembly District, i.e., the Western half of San Francisco, introduced AB1273. Assemblyman Tom Ammiano represents Assembly District 17, where the proposed Pier 30-32 arena project would actually be build. Ammiano *opposed* AB1273 in the most recent vote on the bill.

Environmental Impact

The negative environmental impact of the Piers 30-32 arena development project are far reaching:

- The base of the arena requires Piers 30-32 become total infill. Exactly the opposite of that any bayside project should accomplish.

- The traffic corridor directly in front of and adjacent to Piers 30-32 is the most polluted in the City, with particulate matter well beyond what is safe for breathing. The additional pollution in the air will also fall on the bay, further impacting water quality. And who wants to walk along a promenade next to a traffic artery choked with exhaust-spewing cars and trucks.
- The main sewage line adjacent to Piers 30-32 has overflow valves that lead to the bay to handle sewage overflow.
- Trash and litter generated by 210+ events per year will increase exponentially, with much of it potentially falling in the Bay.
- Hazardous materials and industrial waste from the arena holds the potential to severely impact Bay water quality if mishandled.
- Noise and light pollution will grow significantly, and last longer into the night, destroying an otherwise quiet residential neighborhood and blight on our elegant and welcoming waterfront
- Sea levels are rising, how long before the arena will be overcome by rising water levels? King tides already lap the waterfront, splashing onto walkways.
- The excess noise of pile driving into the bay would impact Bay marine life much like the Navy's sonar experiments kill ocean-going marine life. Putting in 380+ pilings would cause severe impact.

Waterfront Impact

People come from around the world to see San Francisco and its amazing waterfront— Not buildings that block their view of it. Nothing that you put on Piers 30-32 will out-attract what Mother Nature has provided. Nothing. Consider what will be lost:

- The 13-story arena will create entirely new wind patterns, creating eddies that will swirl trash about the grounds and into crevasses and corners.
- The 13-story arena will block sunlight from existing structures and cast long unwanted shadows over the waterfront.
- A 13-story arena in a residential neighborhood decimates the aesthetics of the waterfront, blocking views in every direction.
- The Brannan Street Wharf will immediately have north and northeasterly views blocked; \$38 million waterfront park for all to enjoy, only to have its vistas blocked by a 13-story arena.
- An arena parking lot for 500-600 cars is in no way keeping with how to properly use the waterfront. No cars, no exceptions.

Fire, Police, Emergency Impact

The Piers 30-32 arena development project will negatively impact public safety in multiple ways.

- This is *not* the place for emergency services to be located for easy access to the surrounding community. With unsafe egress for SFFD engines and trucks. How many people will you have to displace to get engines and ladders onto a traffic-choked street?
- Event management and supervision at the City level will be severely challenged. The infrastructure to deliver fire, police, and emergency services is woefully inadequate and money to support their increase is desperately lacking, it not all together missing in action.

- SFMTA is already years behind current mass transit needs for the area. As a result, pedestrian traffic will increase and so will the potential for pedestrian/vehicle accidents. Money to expand transit arteries doesn't even come close to meeting transit needs now, let alone five years into the future.

Future Impact

Allowing 13-story arena to be build *in* the Bay sets a terrible precedent that would be impossible to walk back from, not only in the Bay Area, but all along California waterfronts, from the Oregon border to Mexico. This arena would set off a waterfront developer land rush that would overwhelm even the strongest, most environmentally protective local and state authorities.

To date, Save the San Francisco Waterfront, Save the Bay, San Francisco Baykeeper, Sierra Club California, San Francisco Waterfront Alliance, and the mayors of four East Bay cities—Tom Bates of Berkeley, Stephen Cassidy of San Leandro, Gayle McLaughlin of Richmond, and Jean Quan of Oakland—have raised their voices in opposition to AB1273.

To that end, I again encourage the BCDC to oppose AB 1273 and reject the development on Piers 30-32 currently being proposed by the City, Port and GSW. This trio of egos is blatantly using AB1273 to diminish the authority of the BCDC in the project approval process. If they are successful, the BCDC will forever lose its environmental leverage and it will be game over.

Please do not let this happen on your watch.

Regards,

Dale Riehart
86 South Park St
San Francisco, CA 94107

RUDOLF NOTHENBERG
P.O. Box 567
Monte Rio, Ca. 95462
margorudy@comcast.net

June 16, 2013

Commissioner Anne Halsted
Vice-Chair
Bay Conservation & Development Commission
50 California Street, #2600
San Francisco, Ca. 94111

Re: Opposition to AB 1273

Dear Commissioner Halsted:

The Staff Report on AB1273 prepared for your June 20 meeting makes it abundantly clear that this is a very bad bill. It is an entirely unnecessary, uncalled for revocation of certain of BCDC's statutory rights. The passage of AB 1273 set another precedent for developers- and not just those in San Francisco - to evade the routine regulatory processes of the Commission.

As Chief Administrative Officer of the City and County of San Francisco, I had numerous occasions to work with the Port, BCDC and their respective staffs. I have been responsible for a number of Waterfront projects including the reconstruction of the Embarcadero Roadway and the negotiations leading to the ballpark in China Basin and the Mission Bay Development.

I have until now never opposed a Port initiative. The present Port proposal for Pier 30/32 is however unsupportable. The Pier30/32 proposal is substantively flawed and AB 1273 which facilitates its construction should, as a matter of process and precedent, be opposed by the Commission.

If the Commission were to oppose the effort to deprive it of its statutory responsibilities via the passage of AB1273, the Commission would not be making a judgment on the merits of the Pier 30/32 proposal itself. The Commission would simply be protecting the status quo and those statutory rights that it has appropriately exercised for decades.

BCDC's staff review of project data provided by the proponents has led staff to conclude that the project is not trust compliant. Should AB1273 be defeated, the proponents will still have every opportunity to submit a formal application to BCDC that will allow a final determination of trust consistency and of appropriateness under McAteer-Petris to be made. Absent AB 1273, the authority of BCDC to make all of its regulatory decisions in as fairly and responsibly a manner as it has always done, will be restored.

The BCDC's staff time that has been spent to date in trying to understand this project and in trying to make it trust compliant will not be wasted if AB 1273 were to fail. In the absence of AB 1273, the project proponents would need to turn to BCDC for the full array of regulatory processes which the Commission would then remain entitled to undertake. The time spent by Commission staff to date will prove to be fully useful at that time.

It has been clear from the time that this bill was introduced – and it is still clear - that the Pier 30/32 project cannot meet the minimum test for a finding of trust consistency. The primary use proposed for the Pier is incontrovertibly not a trust consistent use. Non trust-consistent uses may be ancillary to, but cannot be the primary uses on a trust encumbered property.

No amount of tortured language amended into, or proposed to be amended into AB 1273, can change the inescapable fact that the consistency finding contained in the legislation, a finding that BCDC should make in the first instance, is premature and unsupportable. With regard to certain other amendments negotiated in the legislative setting, it is no gift to the Commission for the proponents to agree to amend AB 1273 to reconfirm certain rights that no-one, other than they themselves, have ever threatened to take away.

In its response to BCDC staff, the Port pleads that AB1273 should be enacted because there has been – and will continue to be money spent in pushing the developers proposal forward. The Commission should be aware that there are no City or Port costs involved since the developer is paying for every hour of Port/City staff time and for the costs of their numerous consultants and lobbyists. These costs are a developer risk, the cost of doing business and thus deserving of no special sympathy.

Keeping AB 1273 alive for another legislative year serves no useful purpose. Within that period of time, the proponents can fully develop their plans and bring them to the Commission for its routine regulatory process. Thus the Commission would retain the full panoply of its rights with regard to this particular project and the establishment of another bad precedent for projects here and elsewhere in the Bay area would be avoided.

Thank you for your attention,

Rudy Nothenberg
Chief Administrative Officer, City & County of San Francisco, (Ret.)

Cc: Commissioners of the Bay Conservation and Development Commission,
Mr. Lawrence Goldzband, Executive Director, BCDC

Subject: Letter To BCDC Commission/ June 20, 2013
Date: Wednesday, June 19, 2013 12:12:37 PM PT
From: Lawrence Stokus
To: Grace Gomez
CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

Please put this email/ letter into the BCDC commissioner's packet for the June 20, 2013 BCDC meeting.

=====

To BCDC Commissioners:
June 20, 2013

My name is Lawrence Stokus. I am one of a group of 165 people organized as Save the San Francisco Waterfront who live near Pier 30-32.

I am retired. Part of my career I was Head of Wells Fargo Mortgage Company's Corporate Finance Department. I have arranged large financial transactions for real estate developers in 12 different states.

In the 1960s, tons of trash was poured into San Francisco Bay as bay fill. The Bay had such a foul stench that no one would come within a block of it unless they had to. Three East Bay women decided to do something about it.

They founded Save the Bay. They and tens of thousands of people worked over the last half century to clean up the Bay and to prevent the City from being walled off from the water like Miami Beach or Hong Kong. They looked to Chicago as an example with its 24 miles of open waterfront. They helped the Bay Area establish a tradition of an open waterfront and left us with a wonderful legacy.

And those people were smart. They worked to put the BCDC in place who they trusted would defend our open waterfront tradition.

And now comes the Warriors' project. A massive commercial real estate development dressed up in a Warriors' uniform to promote it. About twice the size of Stonestown Mall and to be built out into the Bay on a monumental concrete bay fill on a scale the Bay Area has never seen. The City, the Port and the developer have in promoting this project repudiated our tradition of an open waterfront.

And why? It's very straight forward. Get control of free public land, develop it and make

hundreds of millions of dollars of profit. Perhaps enough to pay back the entire \$450 million Warriors' acquisition cost. A public land giveaway and a fantastic business deal for the Warriors if they can get the permits.

Yes, the Legislature is the boss, but we depend upon the BCDC to speak up for us. The Legislature and the Governor know that the BCDC's role in Northern California is to speak up and defend the Bay, the environment and the public's birthright to this public trust land regardless of the political and economic pressures.

It is important that a precedent not be set for this type of development on the Bay's waterfront. History has shown that if you do not use your power, you will lose your power.

Real estate developers sometimes overreach and push outside the regulatory envelope. The BCDC's mandate is not to accommodate an overreaching developer that desires free public land but rather to defend the public's birthright and to maintain the regulatory confines. Sometimes, you just have to say: No.

Honor the tens of thousands who worked to make this commission a reality. Speak up for us. Vote today to OPPOSE AB 1273 and OPPOSE this project's waterfront location.

That will be your legacy to future generations.

Lawrence V. Stokus

Subject: Letter to BCDC Commissioners
Date: Wednesday, June 19, 2013 8:12:15 PM PT
From: Lawrence Stokus
To: Grace Gomez

Please send this on to the BCDC Commissioners. I am sending you this on behalf of a person who has difficulty using computers. Thank you.

=====

To: BCDC Commissioners
From: Joan Roebuck
Date: June 20, 2013

So many of our respected neighbors and residents of San Francisco have expressed sincere and passionate statements concerning any development, especially the size and nature of the proposed arena and its associated projects that it is difficult to say more and to say it more thoughtfully.

Therefore I will be somewhat concise and say the following in order to express my own concerns that are in agreement.

Please consider:

-Respect a natural gift – San Francisco Bay – that is so glorious that nothing man made can or should attempt to take its place --most certainly not a sports arena, concert venue and conference center.

-All environmental conditions must be considered including air quality, marine and bird life and climate change expected to affect tides and water levels. Huge construction projects such as the development of the Piers 30-32 have the potential to contaminate the Bay for years affecting wildlife.

-Oppose shortening the process of review of environmental and legal issues which AB 1273 attempts to do.

-Examine the affects of air quality in a growing neighborhood, South of Market. This area has undergone many changes during the past 13 years of my residency most of which have been positive in spite of economic booms and busts. However the air quality for residents has been highly impacted by the dense traffic idling

while they wait to enter the Oakland Bay Bridge while the Embarcadero itself has become parking lot; public transportation will never be able to address these issues significantly.

-Realize the geographic limitations of San Francisco that is in the shape of a peninsula thus limiting potential access in and out of a congested urban center.

-Counter a designated historic district with projects that are oversized, poorly sited and not in the best interest of any of the people who would otherwise prefer to see an open space, a beautiful, safe environment such as an Embarcadero Park which would be the equal to Crissy Field and the Marina Green.

-Shortsighted revenue solutions and "legacies" of individuals are not in the best long range interests of our region, the center of which is the San Francisco Bay. Many have fought for this open space and protection of a natural resource unique to Northern California.

Our Bay and its inhabitants, both human and wild, need to be considered in this decision and going forward there should be a plan in place to safeguard any short term efforts to modify it

Joan Roebuck

Subject: Proposed Warriors Arena- Oppose
Date: Wednesday, June 19, 2013 11:29:29 AM PT
From: Henry Rogers
To: graceg@bcdc.ca.gov

I am writing to oppose the proposed Warriors Arena at Pier 30-32. This proposal is definitely not in the public interest in that it will benefit the Warriors owners and not the public. The project is inconsistent with the master plan for the waterfront and will remove an important piece of open space on the San Francisco Waterfront.

Putting another sports facility adjacent to a growing residential neighborhood is ill conceived. The public will have to live with a huge construction project which will pour tons of concrete into the Bay; no views of the entire city of Oakland and the Oakland hills from in front of the stadium; massive traffic jams and subsequent degradation of our neighborhood's air quality and a complete disfiguration of the city's waterfront.

While the City says it cannot afford to redevelop the Piers, it can afford to spend \$120 Million of City resources plus 13 % interest to subsidize the construction of the Warriors Arena. The City should wait until it can develop a plan that provides the neighborhood with real open space and public conveniences like a park and marina preserving a deep water pier.

The BCDC has functioned effectively as the guardian of the Bay and has asked the Legislature about a number of these issues. I wholeheartedly support the mission of your group and oppose the attempts to reduce the authority of the BCDC by Phil Ting's AB 1273.

Sincerely,

Henry Rogers
355 Bryant Street
San Francisco, CA 94107

henryprogers@gmail.com

Subject: For Inclusion in the BCDC Board Packet for June 20, 2013
Date: Wednesday, June 19, 2013 11:00:28 AM PT
From: Rajni hotmail
To: graceg@bcdc.ca.gov, Senator.Leno@senate.ca.gov, Senator.Yee@senate.ca.gov
CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

Dear Senators and Commissioners

I am asking you to uphold the integrity of the environmental regulatory process and to oppose AB 1273. Unlike some of the other projects/proposals on the waterfront, this in my opinion is BY FAR the most irresponsible to date.

The uniqueness of San Francisco is its waterfront and being surrounded by water on 3 sides. An 12 story "enclosed" stadium on pier 30-32 is detrimental and takes away from the city. There are several viable sites for the Warriors stadium on LAND – why the interest to build this massive infrastructure by pouring concrete INTO THE BAY.

While I do support the opportunities that make the city vibrant, this particular proposal on Pier 30-32 takes away from the city. It's unfortunate that developers and legislators are attempting to take short cuts for short term gains and interests, with total disregard for valid concerns/issues that are being expressed by residents of the neighborhood and a valid process.

This project is wrong for the waterfront. I fully support the intent of organizations such as yours and BCDC and the State Lands Commission should retain its jurisdiction for this proposed development to ensure independent oversight. I urge you to please oppose AB 1273.

Sincerely,

Rajni Bhandary
338 Spear Street,
San Francisco, CA 94105.

Subject: Warrior Arena Pier 30-32

Date: Wednesday, June 19, 2013 9:28:02 AM PT

From: Claus Niemann

To: senator.yee@senate.ca.gov, senator.leno@senate.ca.gov, Graceg@bcdc.ca.gov, lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

PLEASE PUT THIS EMAIL INTO THE BCDC COMMISSIONERS' PACKAGES FOR THE JUNE 20, 2013 BCDC MEETING

I am writing to encourage your opposition to AB 1273 and the rejection of the development on Pier 30-32 currently being proposed by the Port of San Francisco and the Warrior's organization. The current legislation surrounding preservation of the public trust is charged with making sure that the precious resource that is our Bay will remain for future generations to enjoy. Creating 'work-around' exceptions that allow cities in a conflict of interest situation in developing their tax rolls at the expense of preservation will undo the work that the citizens of California have charged you with. No developer, or their legislative representatives, should have the ability to circumvent the protections that have been in place and worked to improve the accessibility and sustainability of the bay and its environs for these past decades.

The city of San Francisco has the audacity to propose filling the Bay with hundreds of tons of concrete to create artificial land upon which to build a 13-story structure, two football fields long, blocking views and open access to San Francisco Bay -- public trust property that is the very heart of our city, and for which decades of hard work and millions of dollars have been spent to preserve. The city so far has failed to adequately address any of the concerns raised the public. Some of the concerns are also outlined in the BCDC's letter to the CA State Assembly (5/22/2013).

This arena will be the tallest structure built on a pier anywhere on the Bay, destroying open space, public access and views. The new Brannan Street Wharf, for example, will see its spectacular views of the Bay and Bay Bridge disappear if this project is not stopped.

The BCDC was put in place to protect public trust and the environment around the Bay, and now must show its strength and use its historical legacy as a protector of the environment to tell the California legislature that it strongly opposes this project.

Enclosed sports arenas like the proposed Warriors arena do not belong over the waters of San Francisco Bay; they should be built on land. Please speak out loudly and clearly against this arena and say NO, this must not be allowed to happen -- for the sake of our Bay, all citizens of San Francisco, and the millions who visit here to take in the sights of what nature has generously bestowed upon us.

Thank you.

Sincerely,

--

Claus Niemann

Subject: Please include this in the Commissioner's package for the June 20th hearing.

Date: Wednesday, June 19, 2013 7:55:49 AM PT

From: Peter Jarit

To: graceg@bcdc.ca.gov, lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

Distinguished members of the BCDC

I urge the Commission protect its jurisdiction by recommending that AB 1273 not be passed by the Senate and not be signed by the Governor.

Thank you,
Peter Jarit
San Francisco

Subject: Re: AB 1273-BCDC Meeting 6/20/2013
Date: Wednesday, June 19, 2013 7:40:35 AM PT
From: Marc Dragun
To: graceg@bcdc.ca.gov
CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, Senator.leno@senate.ca.gov, senator.yee@senate.ca.gov

From: Marc Dragun <mdragun@yahoo.com>
To: "graceg@bcdc.ca.gov" <graceg@bcdc.ca.gov>
Cc: "lgoldzband@bcdc.ca.gov" <lgoldzband@bcdc.ca.gov>; "stevveg@bcdc.ca.gov" <stevveg@bcdc.ca.gov>; "Senator.leno@senate.ca.gov" <Senator.leno@senate.ca.gov>; "Sentor.yee@senate.ca.gov" <Sentor.yee@senate.ca.gov>
Sent: Wednesday, June 19, 2013 7:38 AM
Subject: AB 1273-BCDC Meeting 6/20/2013

PLEASE PUT THIS EMAIL/LETTER INTO THE BCDC COMMISSIONER'S PACKAGE FOR THE JUNE 20, 2013 BCDC MEETING.

Dear Sir/Madam:

I am writing about AB 1273 introduced in the State Assembly by Assemblyman Phil Ting which has passed the Assembly and is pending before the State Senate. I would like to present my views to the BCDC so that they may be considered when it takes up this bill at its meeting on June 20, 2013.

The Bay Conservation and Development Act was the Legislature's response to the haphazard development on the Bay after citizens concerned considered that continued unrestricted development would destroy our magnificent aquatic environment, reduce the open space along the Bay, and reduce our limited views corridors. Mmes. Kerr, McLaughlin, et al., recognized the dangers of irresponsible development and their efforts resulted in raising the conscience level of both our community and the entire State of California.

Our Legislature delegated authority to the Commission to protect the Public Trust on Public Trust land along the Bay, including Piers 30-32, where a professional sports corporation now wants to build a 13-14 story basketball/entertainment arena, walling off access to the Bay, obstructing views and reducing shoreline open space.

AB 1273 would take away all or almost all authority of the Commission to determine if the arena complied with the Public Trust and shift responsibility to make this determination to the San Francisco Port Commission.

Due to the Port's support for the Warrior Entertainment Arena, the

effect of AB 1273 would be to virtually guaranty that the Arena be built severely impacting our the public's enjoyment of the waterfront along Piers 30-32.

One need only stand at Piers 30-32 to see how destructive the proposed development would be. If the legislation passes and is signed into law, this project is tantamount to being finally approved without further consideration of the matters the BCDC would hear before rendering its decision under its charge from the Legislature.

I urge the Commission protect its jurisdiction by recommending that AB 1273 not be passed by the Senate and not be signed by the Governor. The BCDC is the last public body that can independently review and assess the impact of the Warrior's Entertainment Arena on the Bay. We cannot let the commercial interests of the Arena's owners subvert the public review process that was purposely put into place years ago to protect the Bay.

Sincerely,

Marc Dragun
239 Brannan St., #16D
San Francisco, CA 94107

Subject: Warriors project concerns

Date: Wednesday, June 19, 2013 7:28:16 AM PT

From: Andre Clark

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, ahalsted@aol.com, steveg@bcdc.ca.gov,
Senator.Leno@senate.ca.gov, Senator.Yee@senate.ca.gov

Please put this email/ letter into the BCDC commissioners package for the June 20, 2013 BCDC meeting

Dear all -

I am very concerned about the proposed Warriors project on Pier 30-32 and Seawall Lot 33. If built, it sets a dangerous precedent on waterfront development, for San Francisco, the Bay Area, and the entire state of California. If approved, other developers will be chomping at the bit to develop our precious waterfronts. Let's not give the green light to other developers by telling them that trust inconsistent uses are just fine on state waterfront lands.

While nearly everyone would want these parcels developed, an enclosed arena is obviously not the preferred choice and should be built in one of multiple alternate locations on land. And in the year since this project was announced, there have been absolutely no legitimate plans for a real solution for automobile traffic congestion, public transportation improvements, area security, etc. The idea is go get the project done as fast as possible and fix the problems later, if at all.

Finally, I would urge you to oppose AB1273. If any project needs the maximum review, this is it! If the project is indeed built on the proposed location, there should be no shortcuts in the approval process. If it's going to be done, let's do it right and with the maximum amount of diligence.

Regards,

Jonathon Clark

501 Beale St. #10B

San Francisco, CA 94105

Subject: Please put this email into the BCDC commissioners package for the June 20, 2013 BCDC meeting
Date: Wednesday, June 19, 2013 3:00:49 AM PT
From: Garret Law
To: graceg@bcdc.ca.gov
CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov

Subject: Warriors Entertainment Venue and the Public Trust

Dear BCDC commissioners.

I attended your May meeting and found it very informative about the bay lands and State Public Trust of those lands. I used my three minutes at the podium to explain why I believe it is not the right place for this venue. I am out of town this month and not able to attend Thursday's meeting. Since the last meeting I have thought more about this and feel stronger that this is not the right project for Piers 30-32 from the perspective of the Public Trust.

The general rationale for the Warriors Stadium seems to be, the Giants ballpark was approved as meeting the requirements of the Public Trust, and the Warriors should be allowed to do the same thing, build a stadium and all that goes with it. There is a big difference in what the Giant's did, and what the Warrior's want to do. The difference is the Giant's ballpark integrated itself with its surroundings and fits in. The Warrior's stadium is meant to be an Iconic structure and stand above everything else in the area and on the waterfront. We don't need or want Iconic structures, we want waterfront structures that blend with the Maritime history of the area, the needs of the neighborhood and Visitors to San Francisco

The Giant's stadium is behind the marina and more on Mission Creek than front and center on the bay. The Warrior's want an Icon on San Francisco Bay. This is not in the interest of the public trust. The Giants stadium is open air for all to enjoy the fog, sun and weather on the bay. From the seats, there is a view of the bay and harbor behind the scoreboard. Baseball fans walk from the parking lot cross the creek on the third street bridge. This all creates interactions between people and the bay lands and tributaries. Home runs go "plop" in the bay and kayaks chase the ball (unusual, but an interaction between fans and the bay). These are the things that integrate the Giant's ballpark into the waterfront and justify using land in the public trust. The stadium and the Bay in combination provide enjoyment for large numbers of Californians, greater than the sum of the individual pieces.

The Warriors is not this kind of project. It does not add value to the neighborhood or the bay land held in the Public Trust. Warriors will have underground parking to go to a 125 foot high enclosed air conditioned stadium with a walkway that will have a view. A view walkway is like having a glimpse of the bay from your small bathroom window, and calling it a bay view home.

Out of all the plans, the city gets a new fire station, and the port is able to finance reconstruction of Piers 30-32, the citizens get a park on top of a garage, and there are two event venues less than 3000 feet apart. The Warrior's project does not have the flavor of the Giants stadium and does not produce the interaction with the bay and waterfront that justified using land in the public trust for that project.

Please do not squander our valuable waterfront land on a project that has such minimal waterfront/maritime value when measured against the Public Trust. It is not the right project for the waterfront and does not need to be built over San Francisco Bay. Please oppose AB 1273.

Regards, Garret

Garret Law

239 Brannan St.

San Francisco, Ca.94107

Subject: Please Oppose AB 1273

Date: Tuesday, June 18, 2013 9:23:56 PM PT

From: Elizabeth Skrondal

To: Lawrence Stokus, Graceg@bcdc.ca.gov, senator.leno@senate.ca.gov,
senator.yee@senate.ca.gov

PLEASE PUT THIS EMAIL INTO THE BCDC COMMISSIONERS' PACKAGES FOR THE JUNE 20, 2013 BCDC MEETING

Respected Senators and Commissioners-

There's no harbor in the world as beautiful as the San Francisco Bay. The Port of San Francisco recently celebrated its 150th anniversary. The Port of SF acts as guardians of the harbor and its uses. For more than 150 years, those uses have been strictly regulated. There has never been a non-port/harbor use allowed since Yerba Buena was discovered by the Spaniards. One questions, why now? A basketball arena can be placed in a forest, on a hilltop, in a canyon, in a neighborhood center, in a town square, in a vacant lot, in a former baseball park. It will draw basketball fans no matter where it's located, and enrich and enliven the community in which it is placed. However, if placed in a community that is already rich and lively, it can only degrade that neighborhood (congestion on every level, parking, traffic, etc.).

One of the most beautiful aspects of walking along the San Francisco Bay is being able to look across to Oakland, Alameda and Berkeley. This arena concept can only detract from that beauty by blocking the ability to see across the water--it is too wide, too tall, too bulky and too obtrusive. Please consider putting the arena somewhere else in San Francisco. The Candlestick Park area is the most obvious site; the neighborhood would become a destination and benefit from the commerce and the fans; a transit system is already in place (a ferry landing could be easily built); and recreation space abounds.

Basketball arenas are enclosed structures--the only important view is the action on the court. Therefore, locate the arena in a place where views aren't important. Why would any agency (the BCDC, the San Francisco Port Authority) whose governance is to protect natural waterways, think it's alright to put an entertainment venue in the middle of the bay, obstructing vistas and causing untold community challenges--and precluding other port activities?

Please do not approve this plan under any circumstances. There is NO justification for it. We want the Warriors, but the arena must go somewhere else. My vote is to put it at Candlestick.

Very sincerely,

Elizabeth Skrondal

Subject: AB 1273

Date: Tuesday, June 18, 2013 6:13:15 PM.PT

From: Annette Davis

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

June 18, 2013

Please put this email into the BCDC commissioner's package for the JUNE 20, 2013 BCDC MEETING

To: The BCDC Commissioners:

I am opposed to the Warrior's Arena at Pier 30-32. Such a plan is not really about the Warriors but is a massive real estate development disguised as an arena for a basketball team. Such development is out of keeping within an essentially residential neighborhood, will ensure horrific traffic congestion and consequently myriad health and safety problems. Most importantly, however, by cutting off access and views of our bay it will change the character and the use of the bayfront and piers in a manner utterly inconsistent with the prior policy of the city and the mission of the BCDC.

The BCDC has a proud and largely successful history of protecting the bay for the people. AB 1273 will gut the authority and the purpose of the BCDC.

I urge you not to lay down now but to vigorously oppose AB 1273 and to do the job we all expect and depend the BCDC to do.

Thank you for your consideration,

Annette Davis
avucinich@gmail.com

REBECCA EVANS
1474 Sacramento St., #305
San Francisco, CA 94109
rebecae@earthlink.net

June 18, 2013

Commissioner Anne Halsted
Vice-Chair
Bay Conservation & Development Commission
50 California Street, Suite #2600
San Francisco, CA 94111

Opposition to AB1273

Dear Commissioner Halsted:

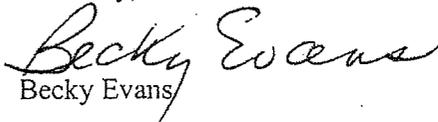
I urge you to adopt the Revised Staff Recommendations for AB1273 (Ting) and take no position on this bill, or better, to oppose it.

Its passage would constitute an end-run around the BCDC process and violate the regulatory role you and your fellow commissioners are pledged to uphold. There are many reasons to deny permits to the proposed multi-use event center and arena, especially those related to Bay protection – views, access, parking, height and mass among them. We do not yet know how many tons of concrete will be required to establish a stable pier.

The Port and the City must deal with issues of finance and transportation, but protection of San Francisco Bay is in your hands.

Thank you for your attention to this important matter.

Sincerely,


Becky Evans

Subject: AB 1273-BCDC Metting 6/20/2013

Date: Tuesday, June 18, 2013 4:43:48 PM PT

From: BRUNSF@aol.com

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, Senator.leno@senate.ca.gov,
Sentor.yee@senate.ca.gov

Dear Sir/Madam:

I am writing about AB 1273 introduced in the State Assembly by my Assemblyman Phil Ting which has passed the Assembly and is pending before the State Senate. I would like to present my views to the BCDC so that they may be considered when it takes up this bill at its meeting on June 20, 2013 at 1:00 p.m..

The Bay Conservation and Development Act was the Legislature's response to the haphazard development on the Bay after citizens concerned considered that continued unrestricted development would destroy our magnificent aquatic environment with its breathtaking views that make living in the Bay Area seem like a gift of the Gods. Mmes. Kerr, McLaughlin, et al., recognized the dangers of irresponsible development and their efforts resulted in raising the conscience level of both our community and the entire State of California. Our Legislature delegated authority to the Commission to protect the Public Trust on Public Trust land along the Bay, including Piers 30-32, where a professional sports corporation now wants to build a 13-14 story basketball arena. AB 1273 would take away all or almost all authority of the Commission to determine if the arena complied with the Public Trust and shift responsibility to make this determination to the San Francisco Port Commission.

It should be readily apparent that the effect of AB 1273 would be to virtually guaranty that the Arena be built and our magnificent views of the Bay be significantly obstructed. I attended one public meeting where representatives of the Port Commission made it perfectly clear that they wanted the Arena, and their presentation was primarily directed to setting out the purported benefits which would result. The decision of the Port has already been made. There was no indication that the Port had any interest in giving serious consideration to the patent environmental concerns expressed by our citizenry. One need only stand at Piers 30-32 to see how destructive the proposed development would be. If the legislation passes and is signed into law, this project is tantamount to being finally approved without further consideration of the matters the BCDC would hear before rendering its decision under its charge from the Legislature.

I urge the Commission protect its jurisdiction by recommending that AB 1273 not be passed by the Senate and not be signed by the Governor.

Sincerely,

Arthur Brunwasser

Arthur Brunwasser
Attorney at Law
240 Stockton Street, 4th Floor
San Francisco, California 94108
Telephone: (415) 391-2203
Fascimile: (415) 956-8940

Subject: Fwd: Fw: Fwd: Warriors Project: Some Important Things Need To be Done

Date: Tuesday, June 18, 2013 1:12:45 PM PT

From: Sue Vaughan

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com,
Senator.Leno@senate.ca.gov, Senator.Yee@senate.ca.gov

2120 Clement Street, Apartment 10

San Francisco, CA 94121

(415) 668-3119

June 18, 2013

San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Commissioners:

Thank you for your hard work protecting the San Francisco Bay. As a member of the Executive Committee of the San Francisco Group of the San Francisco Bay Chapter of the Sierra Club, I ask you to:

- a. Please OPPOSE AB 1273. The BCDC should not have any powers to review the Warriors project taken away from them. The BCDC was created to protect the Bay, the environment and the public's birthright to public trust lands. I do not want the Warriors' project exempted from the regular BCDC process.
- b. Please OPPOSE the Warriors project on Pier 30-32. The Warriors project should be built on land and in a location that is closer to more mass transit.

Sincerely,

Susan Vaughan

Executive Committee, San Francisco Group

The Sierra Club

Subject: Please OPPOSE the Warriors project on Pier 30-32. The Warriors project should be built on land.

Date: Tuesday, June 18, 2013 11:50:20 AM PT

From: sybsue@aol.com

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

"Please put this email/ letter into the BCDC commissioner's package for the June 20, 2013 BCDC meeting".

Dear commissioner's

Don't let politicians by pass the BCDC! You are what protects the citizens and the environment from greedy developers and greedy politicians!

Please OPPOSE AB 1273. The BCDC should not have any powers to review the Warriors project taken away from them. We put the BCDC in place to protect the Bay, the environment and the public's birthright to public trust lands. We do not want the Warriors' project exempted from the regular BCDC process. Phil Ting and AB1273 are bad for the Bay and Bad for San Francisco and the entire Bay Area!

Suzanne Bushnell

From: Alex Zwissler <azwissler@chabotspace.org>

Date: Monday, June 17, 2013 3:38 PM

To: Larry Goldzband <lgoldzband@bcdc.ca.gov>

Subject: FW: AB 1273

Alexander Zwissler

Executive Director/CEO

Chabot Space & Science Center

10000 Skyline Blvd, Oakland, CA 94619

T: 510-336-7383 F: 510-336-7491

Follow me on Twitter @AlexZwissler

Read me at <http://sciencewellsortof.blogspot.com/>



From: Peter Jarit [<mailto:pjarit@gmail.com>] **Sent:** Monday, June 17, 2013 1:11 PM **To:** Zach Wasserman; ahalsted@aol.com; margaretabekoga@gmail.com; sadams@marincounty.org; mark.addiego@ssf.net; ana.apodaca@newark.org; mayor@ci.berkeley.ca.us; brush.jason@epa.gov; tom.butt@intres.com; keith.caldwell@countyofnapa.org; wilma.chan@acgov.org; chappell_jim@att.net; David.Chiu@sfgov.org; Malia.Cohen@sfgov.org; dave.cortese@bos.sccgov.org; karen.finn@dof.ca.gov; mgilmore@ci.alameda.ca.us; john.gioia@bos.cccounty.us; Susan.Gorin@sonoma-county.org; CGroom@co.sanmateo.ca.us; jane.m.hicks@usace.army.mil; dhillmer@cityoflarkspur.org; cjordan@hewinsfinancial.com; Jennifer.Lucchesi@slc.ca.gov; dan_mcelhinney@dot.ca.gov; macmcgrath@comcast.net; laurie.a.monarres@usace.army.mil; anatarajan@fremont.gov; bnelson@nrdc.org; sheri.pemberton@slc.ca.gov; dpine@co.sanmateo.ca.us; sranchod@solarcity.com; sean@bayareacouncil.org; bijan_sartipi@dot.ca.gov; greg.scharff@cityofpaloalto.org; ksears@marincounty.org; jimzspering@cs.com; jtechel@cityofnapa.org; jmvasquez@solanocounty.com; amy.vierra@resources.ca.gov; brad.wagenknecht@countyofnapa.org; Shirlee.Zane@sonoma-county.org; ziegler.sam@epa.gov; Alex Zwissler **Cc:** gloria.chan@sfgov.org; ken.rich@sfgov.org; jane.kim@sfgov.org; eric.L.mar@sfgov.org; mark.farrell@sfgov.org; carmen.chu@sfgov.org; christina.olague@sfgov.org; sean.elsbernd@sfgov.org; scott.wiener@sfgov.org; david.campos@sfgov.org; john.avalos@sfgov.org **Subject:** AB 1273

Hello Commissioners, Alternates and others concerned:

I request that you take a position on the upcoming AB 1273 bill. In my opinion the bill supersedes your responsibility to protect our Public Trust Land, rendering your authority useless.

As a concerned citizen of San Francisco, I believe our city deserves a professional basketball team and new arena, however the proposed Pier 30-32 site is the wrong location. I say this for many reasons, but primarily for public health, negative environmental impact and a substandard quality of life in the immediate area.

I hope you consider my request and opinions.
Thank you for all your hard work.

Yours Truly,

Peter Jarit San Francisco

Subject: Proposed Warriors Stadium

Date: Tuesday, June 18, 2013 4:24:44 PM PT

From: Jim Lauer

To: graceg@bccdc.ca.gov

I am writing to oppose the proposed Warriors Stadium at Pier 30-32. This proposal is definitely not in the public interest in that it will benefit the Warriors owners and not the public. The public will have to live with a huge construction project which will pour tons of concrete into the Bay; no views of the entire city of Oakland and the Oakland hills from in front of the stadium; massive traffic jams and subsequent degradation of our neighborhood's air quality and a complete disfiguration of the city's waterfront. This is the most ill-conceived development project I have encountered since moving to San Francisco six years ago. I have noted that the BCDC has intelligently asked the Legislature about a number of these issues and I support anything your group can do to stop this monstrosity. Thank you, Jim Lauer

—
James W. Lauer
Lauer Johnson Research
355 Bryant Street #102
San Francisco, CA 94107
415-278-9518 (O)
415-830-1847 (Cell)

Subject: Please place this email in the BCDC commissioners' packages for the June 20, 2013 BCDC meeting

Date: Monday, June 17, 2013 11:28:31 PM PT

From: Ed Kerry

To: graceg@bcdc.ca.gov

CC: lgoldzband@bcdc.ca.gov, stevg@bcdc.ca.gov, ahalsted@aol.com, Senator.Leno@senate.ca.gov,

Dear BCDC Commissioners,

I am writing to you today because I will be unable to attend your June 20, 2013 meeting. If I could be there, I would say to you:

Please OPPOSE AB 1273. The BCDC should not allow any bill or entity to take away its authority to review the proposed Warriors arena project on Piers 30-32 in San Francisco. The BCDC was put in place to protect the Bay, the environment and the public's birthright to public trust lands. We do not want this massive Warriors' project to be exempted from the BCDC review process.

Also,

Please OPPOSE the Warriors project on Pier 30-32. The Warriors project should be built on land, not on landfill over the waters of our precious Bay. After decades of hard work on the part of dedicated environmentalists and millions of dollars spent to clean it, restore it, and preserve it for the enjoyment of all in the future, such a travesty should not be allowed to happen.

Thank you.

Sincerely,

Edward Kerry
San Francisco Resident

Subject: For Inclusion in the BCDC Board Packet for June 20, 2013
Date: Monday, June 17, 2013 10:52:45 PM PT
From: Kate Hartzell
To: graceg@bcdc.ca.gov
CC: lgoldzband@bcdc.ca.gov, steveg@bcdc.ca.gov, ahalsted@aol.com

To the Members of the Bay Conservation and Development Commission,

I am writing to encourage your opposition to AB 1273 and the rejection of the development on Pier 30-32 currently being proposed by the Port of San Francisco and the Warrior's organization.

The current legislation surrounding preservation of the public trust is charged with making sure that the precious resource that is our Bay will remain for future generations to enjoy. Creating 'work-around' exceptions that allow cities in a conflict of interest situation in developing their tax rolls at the expense of preservation will undo the work that the citizens of California have charged you with. No developer, or their legislative representatives, should have the ability to circumvent the protections that have been in place and worked to improve the accessibility and sustainability of the bay and its environs for these past decades.

As a fourth generation San Franciscan, I remember going to the Embarcadero to visit a great uncle who worked on the docks and lived in a SRO in the neighborhood. The area was a scary place in the late 1950s; the freeway blocked sunlight, the port warehouses overtowered the streets, and the Bay itself was hidden behind a wall of sheds and fences. If you were not aware of geography, you could not have known you were anywhere near the waterfront.

The development of the past twenty years, with the protection and wisdom of the BCDC, has allowed a renaissance of the waterfront property. The bay is accessible in many places, there has been great effort expended to create access to the water, and to create parkland and small maritime uses that fit into the fabric of ordinary San Francisco citizens' lives. I applaud the leadership your commission has shown, and fervently wish that kind of leadership to continue.

The idea that an enclosed basketball stadium that towers 165 feet over the water and blocks scenic vistas qualifies as a maritime use is ludicrous. Moving a fire station, fire boat or no, into the complex is a ridiculous maneuver to make it appear that this meets the public trust requirements, and is an emergency responder's nightmare. (How many basketball fans will have to be moved off the emergency egress before the fire responders can even make it to the street, much less thru a post event traffic jam?)

The other supposed maritime use, the much touted cruise terminal, is by the Port Director's own admission likely to be used less than 10 times per year, and will require prohibiting access to the bay by the public while in use and for several days surrounding such use. In no manner does this development meet the standard of 'primarily maritime use.'

Equally distressing is the erection of a multi billion dollar public development in an area that is subject to sea rise and inundation. How does this meet the requirements that any bayside development take into consideration these realities?

In closing, I respectfully request that you use the authority given to you to regulate development in the San Francisco Bay area to reject this development, the work-around legislation of AB 1273 proposed by Assembly member Ting, and the idea that the City of San Francisco can auction off to the highest bidder the public treasure that is the San Francisco Bay .

Kate Hartzell

705 Lagunita Drive.

Soquel, California

95073