

## Carroll, John (BOS)

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**From:** Susan Brandt-Hawley <susanbh@preservationlawyers.com>  
**Sent:** Monday, December 07, 2015 4:48 PM  
**To:** BOS-Supervisors; BOS Legislation, (BOS); BOS-Legislative Aides; BreedStaff, (BOS); Mar, Eric (BOS); Avalos, John (BOS); Kim, Jane (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Campos, David (BOS); Wiener, Scott; Cohen, Malia (BOS); Yee, Norman (BOS)  
**Cc:** Calvillo, Angela (BOS); Carroll, John (BOS); Johnston, Conor (BOS)  
**Subject:** Mission Bay Alliance, Summary re Land Use and Alternatives Issues re Warriors Arena project  
**Categories:** 151204, 150990

Good afternoon. I will be submitting an additional letter responding to recent briefs addressing land use and alternatives. In the meantime, I am providing this short summary/introduction of the position of the Mission Bay Alliance. Thank you and please feel free to contact me with any questions or concerns.

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The athletes on the remarkable Warriors team are at the top of their game. This did not occur by cutting corners or deferring problem-solving. Looking to the team's inspiring example — and the mandates of California law — the Mission Bay Alliance urges the Board to squarely address the environmental issues posed by the proposed arena, and not to pretend that they are resolved when they are not.

The Alliance remains committed to the current well-planned and codified vision for Mission Bay South. In a nutshell: the Mission Bay South Redevelopment Plan envisions development focused on medical and biotechnical research uses, including both office and laboratory space. It did not anticipate and does not allow a regional sports arena. Accomplished by the efforts of a great many people including members and supporters of the Alliance, Mission Bay South is planned in a classic, walkable grid pattern of ideally-sized 'vara' blocks — just like the first 10 blocks of the City laid out by Jean Jacques Vioget in 1839.

Plans can be amended, and San Franciscans have naturally assumed that the City would amend the Redevelopment Plan if it proposes to site the arena in Mission Bay. But that hasn't happened, despite requests of the Alliance since July. Rather than consider and analyze a Plan amendment, the environmental impact report (EIR) "scopes out" the issue and pretends that the arena is an allowed use — equivalent to a neighborhood bar or restaurant. Obviously, it is not.

Another area in which the EIR's approach is both inexplicable and contrary to law is the consideration of alternatives. The Warriors are going to build an arena. A primary question is where that can happen with the least environmental problems, which logically means a site further from AT&T Park. State law requires that when a proposed project has significant impacts, a range of reasonable alternatives must be considered, including a potentially-feasible "off-site" alternative. This EIR fails that mandate, as the only alternative considered is the Pier 30-32 site already rejected as infeasible.

This is not how the City treats other projects. It is short-sighted and unlawful for the City to allow the Warriors' desire to quickly build a new arena to trump long-term environmental protection. As our California Supreme Court ruled just last week when it set aside the massive Newhall Ranch project in southern California, despite an agency's desire to approve a project it finds desirable, "CEQA's requirements for informing the public and decision makers of adverse impacts, and for imposition of valid, feasible mitigation measures, *still need to be enforced.*"

There has been much talk that the goal of the Mission Bay Alliance is to litigate the City's approval of the arena regardless of the merits. Discounting press reports of colorful statements by non-lawyers, the record shows that the Alliance has taken care to raise important environmental and zoning issues so the City can respond appropriately. If so, there would be no legal challenge. Yet the City to date has refused to correct even the most blatant of the EIR's inadequacies and unsupported CEQA findings, including the two points outlined above and discussed below: the amendment of the Mission Bay South Redevelopment Plan and analysis of *even one* potentially-feasible off-site alternative.

The City's precommitment to the arena approval is manifest. It must take a step back, now, to comply with mandates of environmental law. The result will not only be a fine project but a reduction in the time all must wait to cheer for the Warriors team at their first home game in a state-of-the-art sports arena.