

April 10, 2013

Assemblymember Wesley Chesbro
Chair, Natural Resource Committee
California State Assembly
State Capitol, Room 2141
Sacramento, CA 94249

RE: OPPOSE - Assembly Bill 1273

Dear Chair Chesbro and members of the Natural Resource committee:

San Francisco Baykeeper respectfully requests your “No” on **AB 1273**.

Background

San Francisco Baykeeper was founded as a nonprofit organization dedicated to protecting San Francisco Bay for the benefit of its ecosystems and communities. For two decades, Baykeeper has been the premiere watchdog of the water quality of San Francisco Bay. Using the many tools at our disposal – advocacy, water quality monitoring and science, on-the-water patrols, public education and, when necessary, legal action – Baykeeper compels polluters to stop contaminating our waterways and holds government agencies accountable for safeguarding and restoring the waters and shorelines that belong to all of us.

San Francisco Baykeeper represents thousands of Bay Area residents who enjoy the Bay’s shorelines or who recreate in Bay waters by swimming, kiteboarding, kayaking and sailing. I write on their behalf today in strong opposition to AB 1273 for its violation of the public trust and its exemption of the San Francisco shoreline from numerous long-held local and state protections.

Why San Francisco Baykeeper Opposes AB 1273

The McAteer-Petris Act created the Bay Conservation and Development Commission to ensure the continued maritime use of San Francisco Bay shorelines and to protect public trust uses. However, AB 1273 allows the Port of San Francisco to unilaterally approve any development of Pier 30-32, even if a project fails to meet public trust requirements under the Bay Plan, the Special Area Plan and “any other applicable statute.” This guts BCDC and State Lands Commission oversight jurisdiction and eliminates the public’s right to participate in local land use decisions.

This bill intends to grease the way for the proposed Warrior Stadium despite its conflicts with many existing waterfront plans, transit policies, height limits, and the public trust doctrine. Therefore, this legislation is not in the interests of the State of California, the City of San Francisco, its residents, recreational users of the San Francisco Bay, and the Bay’s ecosystem.

Sincerely,



Deb Self
Executive Director



April 9, 2013

The Honorable Wesley Chesbro, Chair
Assembly Natural Resources Committee
State Capitol
Sacramento, CA 95814

Re: AB 1273 (Ting) – OPPOSE

Dear Assemblymember Chesbro:

On behalf of Save The Bay and our 40,000 members and supporters throughout the Bay Area, we are writing in opposition to AB 1273. San Francisco Pier 30-32 is not a legal or appropriate place to build a 13-story private facility that would negatively impact San Francisco Bay, public access and views. The California legislature should not pursue the encouragement of that facility with AB 1273.

A) AB 1273 is absolutely premature.

Legislative action is premature at this time, when even the most basic facts about project components, costs and choices are untested assertions from a project proponent. No detailed project or rationale has yet been examined and vetted through any public process. The Port of San Francisco has not yet indicated whether even a draft Environmental Impact Report for a project will be completed in 2013, let alone a final EIR. The normal process of public review, including through the State Lands Commission and other agencies with jurisdiction, should be followed.

B) AB 1273 shifts priority use of a deep-water pier away from maritime and public trust uses, to a private indoor use that should be on land.

The bill would amend a statute that was designed to ensure a maritime use as the foundational activity at Piers 30-32, to allow construction of a cruise ship terminal. The legislature should not dictate a new use that is not consistent with the public's interest, state laws and regulations for this site.

C) AB 1273 would degrade an adjacent public resource.

The Brannan Street Wharf next to Piers 30-32 is a recently-completed public park built at significant public expense to "provide an essential recreational element to serve the public trust as provided in the Special Area Plan." This bill would facilitate construction of a very large, impermissible structure directly adjacent to that park, blocking views of

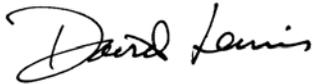
the Bay and the Oakland-San Francisco Bay Bridge. (Section 5, deleting Chap 489 Sec. 4(g) and amending new Sec. 4(i)).

D) AB 1273 does not protect public access on Piers 30-32 and public enjoyment of the Bay.

San Francisco's remaining piers are reserved by law for maritime activity and public uses that provide a connection to the Bay. The bill encourages uses of the site that "may include" fire boats or cruise ships, which would severely impact available public access (Section 6, amending Chap 489 Sec. 5(d)(2)). Instead of requiring public access and benefits, the bill limits those to what is "necessary to accommodate use" (Section 6, amending Chap 489 Sec. 5(b)).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "David Lewis". The signature is written in black ink and is positioned below the word "Sincerely,".

David Lewis
Executive Director



April 12, 2013

Chair Wesley Chesbro
Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, California 95814

Dear Chair Chesbro:

As Mayors of East Bay cities on the Bay, we are writing to express our opposition to AB 1273.

As elected officials, we believe in good governance and maintaining a public process that is transparent and consistent. AB 1273 diminishes the authority of both the State Lands Commission and the Bay Conservation and Development Commission in the project approval process.

Removing from BCDC or the State Lands Commission any real role in scrutinizing a massive commercial development on the Bay would run directly contrary to the very purposes of these two bodies, each of which has decades of experience balancing the sometimes competing interests of developing and preserving the waters, tidelands and submerged lands under their jurisdictions.

As Mayors, we all want to see economic development in our Cities and to create jobs. However, we believe that all developments must meet our state, federal and local environmental standards and that no project should be allowed to bypass BCDC and the State Lands Commission.

We thank you for considering our concerns.

Sincerely,

Handwritten signature of Tom Bates in black ink.

Tom Bates
Mayor of Berkeley

Handwritten signature of Stephen H. Cassidy in black ink.

Stephen Cassidy
Mayor of San Leandro

Handwritten signature of Gayle McLaughlin in black ink.

Gayle McLaughlin
Mayor of Richmond

Handwritten signature of Jean Quan in black ink.

Jean Quan
Mayor of Oakland

Cc: Assembly Member Shannon L. Grove (Vice Chair)
Assembly Member Franklin E. Bigelow
Assembly Member Cristina Garcia
Assembly Member Al Muratsuchi
Assembly Member Jim Patterson
Assembly Member Nancy Skinner
Assembly Member Mark Stone
Assembly Member Das Williams



April 3, 2013

The Honorable Philip Ting
California Assembly
State Capitol
Sacramento, CA 95814

RE: AB 1273—Warriors Arena—Oppose

Dear Assembly Member Ting:

The Sierra Club respectfully opposes your Assembly Bill 1273 for a number of reasons. Specifically, it is our view that:

- **This bill is very premature.** No detailed project has yet been presented to the public or vetted through any public process. The Citizen Advisory Committee appointed by the Port has been hampered by lack of information. We do not know that a draft Environmental Impact Report will be released this year. The normal process of public review, including the State Lands Commission, the Bay Conservation and Development Commission as well as other agencies with jurisdiction, should be followed.
- **AB1273 inappropriately shifts use priorities.** The bill shifts the priority use of a deep-water pier away from maritime and public trust uses to a private indoor use that should more appropriately be located elsewhere—on land.
- **The bill would amend a statute designed to ensure a maritime use (cruise ship terminal) as the primary activity at Piers 30-32.** The state legislature should not dictate a new use that is inconsistent with the public's interest, state and local laws and regulations for this site.
- **There are conflicts with existing waterfront plans, height limits and the City's Transit First policy.** Press reports have shown a large pillbox-shaped building which will block views of San Francisco Bay and the San Francisco-Oakland Bay Bridge from the Embarcadero Roadway and a newly completed public park.
- **The legislation would result in new, high costs to the City.** The City will incur costs from necessary upgrades to transit infrastructure and may require a taxpayer subsidy of \$40,000,000.

We believe this legislation is not in the interests of the state, the City of San Francisco, its residents, and the local environment.

Sincerely,

Kathryn Phillips
Director

Cc: Assembly Natural Resources Committee Members and Staff
Becky Evans, Chair, S.F. Bay Chapter, Sierra Club