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Citizens for a Sustainable Treasure Island v. City and County of San Francisco

Court of Appeal, First District, Division 4, California - July 7, 2014 - Cal.Rptr.3d - 14 Cal. Daily Op. Serv. 7668

Citizens' group (CSTI) brought suit contending that City, County of San Francisco and Development Authority (TIDA) failed to certify a legally adequate environmental impact report (EIR) for the Treasure Island/Yerba Buena Island Project (the Project), and therefore violated the California Environmental Quality Act (CEQA).

The Project, which was unanimously approved by the City's board of supervisors, is a comprehensive plan to redevelop a former naval station located on Treasure Island and Yerba Buena Island in the middle of San Francisco Bay into a new, mixed-use community with updated infrastructure and vastly increased open space and recreational facilities.

CSTI's principal argument was that the EIR should have been prepared as a program EIR, not a project-level EIR, because there is insufficient detail about various aspects of the Project, including remediation of hazardous materials, building and street layout, historical resources and tidal trust resources, for "project-level" review. Furthermore, CSTI claims the project description was not sufficiently accurate and stable to meet CEQA's requirements. CSTI also argues that significant new information developed after the draft EIR was circulated for public review, thereby requiring recirculation of the EIR for additional public comment.

The court noted that the proper question was not whether a program EIR should have been prepared for the Project, but instead, whether the EIR addressed the environmental impacts of the Project to a "degree of specificity" consistent with the underlying activity being approved through the EIR. The court held in the affirmative concluding that CSTI had failed to carry its burden to prove that the EIR was inadequate.