



Diddling With San Francisco's Environmental Review Laws: Supervisor Wiener's Attempt to Gut CEQA Appeals

So far, City Supervisor Scott Wiener, who represents District 8, has failed to demonstrate that his newly-proposed amendments to San Francisco's environmental appeal laws are necessary. That's not stopping him as he continues tinkering with San Francisco's open government laws.

Wiener's legislative changes are primarily designed to reduce the amount of time citizens have to review and appeal environmental impacts of proposed development projects. Wiener seeks to restrict appeals regarding projects to a short time period, so that government and project developers can then go behind closed doors to modify projects without further citizen oversight.

As federal Judge Damon J. Keith wrote in a unanimous opinion for the Federal Court of Appeals of the Sixth Circuit concerning the *Detroit Free Press v. Ashcroft* case, "Democracy dies behind closed doors." Judge Keith concluded that, "When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation."

Keith also noted that the framers of the First Amendment "did not trust any government to separate the true from the false for us," in their efforts to protect the people against secret government. "The public's interests are best served by open proceedings," Keith wrote.

Wiener, on the other hand, appears to be seeking to expand secret government by limiting environmental appeals. Wiener's proposal seeks to prevent government officials from having to answer citizens' questions, worsening the excessive secrecy that already undermines San Francisco's local government. Wiener's proposal would slam the door shut, locking out many citizens.

On November 29, 2012 Bill Wycko, Environmental Review Officer (ERO) in San Francisco's Planning Department wrote: "An important consideration beyond the amount of time that appeals add to different types of projects is the monetary and time cost of appeals."

The Planning Department receives approximately 90% of its operating income from developers' fees. The uncertainty of the public environmental appeals process is considered to be "bothersome," as appeals cost the Planning Department time and money. How much money is involved is rarely discussed but is thought to be a fraction of the total.

The Planning Department is already brimming with excess cash. According to Keith DeMartini, the department's financial manager, "We're projecting better than a \$6 million surplus by the end of the fiscal year. We've seen more volume of development and more large projects."

In a "Build, baby, build!" city like San Francisco, citizen appeals are considered to be a monkey wrench in the development works. Developers contribute money to politicians, who in turn help developers build projects. This time-honored "you scratch my back, I'll scratch yours" process tries hard to restrict citizen involvement to the barest minimum possible.

Wiener's attempt to "streamline" the public environmental appeal process is more akin to an attempt to "steamroll" a favorable path for developers through San Francisco's Planning Department.

Wiener's proposed legislation would allow a Planning Department ERO such as Wycko to "exempt" an Environmental Impact Report (EIR) for a project at his discretion. The Planning Department would then automatically approve the ERO's exemption. This subterfuge of open government would make it easier for the Planning Department to approve projects that might require an EIR or to avoid conducting an EIR altogether. Citizens will be the losers in this process as they will never even find out that an EIR project had been exempted.

Wiener states that his legislative goal is to codify San Francisco's environmental appeals process. Currently, public environmental appeals can be filed by average citizens throughout the life of any project. Wiener wants to limit the public's ability to appeal to only 20 to 30 days after the first entitlement/permit is issued.

Once the public is shut out after 30 days, project malfeasance may then commence in earnest. For an example of malfeasance just look to the Parkmerced development deal over which four City supervisors — including Supervisor Wiener — were referred to the Ethics Commission for official misconduct as a result of withholding 14 pages of project amendments from the public until *after* the Board of Supervisors voted on the deal.

Wiener and the Planning Department are currently writing a third version of his legislation. Planning projects often change. If a project changes after the appeal process has expired, how will the public receive notice of the changed projects details? The Planning Department could simply notify the public of project changes by placing the notification of change in a file. How will the public know when a project is changed? How can a changed project be appealed again?

While Wiener experiments with San Francisco's *participatory democracy*, citizens should be asking themselves if it is a good thing to have their environmental appeal rights limited by an overzealous and very ambitious former Deputy City Attorney: Scott Wiener.

Wiener — the most pro-development Supervisor and newly-appointed chair of the Board's Land Use Committee — swears he's only trying to improve out-of-date legislation.

He claims, "This legislation is not about helping developers. They can navigate the appeals process. Largely, we are talking about small property owners who do the work. We want to create a predictable environmental appeals process. The more predictable the process, the less expensive it becomes."

The real question:

Can Wiener prove that his environmental amendments are even necessary?

Land Use & Housing Committee Reports

February 11

Hiroshi Fukuda convened the Regular Meeting of the CSFN Land Use & Housing Committee on Monday February 11, 2013 at 5:12 P.M. in the Community Room of the Northern Police Station at Turk and Fillmore Streets.

The Committee considered the following items

1. CEQA amendments. Planning Commission voted to not support Supervisor Wiener's CEQA amendments in its present form because it concerns of the City's communities i.e. neighborhood (CSFN), environmental (Green Party, Sierra Club), open space (Beach Chalet, GG Park), social justice (Bayview Hunter's Point), preservation (Heritage), non-profits, labor, etc. Concerns included attack on CEQA, severely limiting opportunities to appeal, confusing ordinance, lack of outreach, notice, process, State of California CEQA changes 2013, etc. See George Wooding's excellent article on this issue's front page and also here: <http://sfceqa.wordpress.com/2013/02/07/diddling-with-san-francisco-environmental-review-laws-supervisor-wieners-attempt-to-gut-ceqa-appeals/> CSFN member organizations must meet with their Supervisors to advise them of their constituents' views on this matter.
2. CPMC update: New Developer Agreement expected by the end of the month. A coalition of neighborhoods want CPMC to increase charitable care, a sustainable St. Luke's, pricing structure as other hospitals, 50% local hires, \$8.5 million in Workforce Development Funds, housing levels which reflect the level of local of hiring and consistent with the Housing Element and Van Ness Plan, 80% of housing to be affordable and with no more than 20% down payment, Cathedral Hill campus and parking decreased and mitigate traffic problems, etc.
3. Parkmerced update: Now in Appellate Court. It is important because case involves General Plan consistency, rent control, CEQA, traffic on 19th Ave, M-line, cost of impact, etc.
4. 1601 Larkin: Conditional Use hearing coming in less than 12 months still an issue (see Item #3, Jan LU&H Report). Did ZA abuse his powers? Proposed plan demolishes a historic resource without providing significant community benefits.
5. Jtown Update: Draft (rough) of new Japantown Cultural Heritage and Economic Sustainability Strategy (JCHES) completed. Community meeting will be on February 26, 5-8 PM at the JCCCNC, 1840 Sutter St. Draft available on Planning Dept. site. This is the community's plan, the first plan was the Planning Department's plan with demolition of the Japan Center and garage and high rises.
6. Live Nation/Masonic Auditorium case may soon be settled, but EIR is yet approved; big issue.
7. The LU&H Cmte recommends the following reso to the GA:
Laurel Heights Improvement Association Resolution:
Whereas, the University of California San Francisco (UCSF) plans to vacate the Laurel Heights campus site at 3333 California Street, and
Whereas, UCSF wants the highest and best use of the site to maximize the value of the property, and
Whereas, the developer of the site will pay for the EIR for the site, and
Whereas, UCSF has sent out RFQs on Dec. 21, 2012 and is proceeding with RFP issuance on Feb. 28, 2013 with responses due May 1, 2013, and
Whereas, there has not been any information forthcoming from UCSF on the specifics of their proposed project for the site even though a list of 43 potential developers have attended a January 15, 2013 "Pre-submittal Conference with UCSF," therefore be it

January 7

Hiroshi Fukuda convened the Regular Meeting of the CSFN Land Use & Housing Committee on Monday January 7, 2013 at 5:47 P.M. in the Community Room of the Northern Police Station at Turk and Fillmore Streets.

The Committee considered the following items

1. CEQA amendments: Supervisor Scott Wiener has called a public 'roundtable' to discuss his CEQA legislation on Wednesday January 9, 2013 at 4pm, in SF City Hall, Room 278. Invited groups include a coalition of CSFN, Green, SFT, Sierra Club, Parkmerced, and others. Subsequently, we were informed that we are now scheduled for a meeting on Jan. 24, 2013, and not on January 9, 2013. This conflicts with the Planning Commission meeting. We will request another day for the meeting.
2. CPMC Update: (Marlayne Morgan) CPMC/Sutter Health is involved in on-going negotiations with representatives of the BOS and the Mayor's Office, mediated by Lou Giraud. Sups David Chiu and Campos are the Board point persons with Sup Farrell assisting on pricing issues. To date there have been many negotiating sessions; our understanding is that they have been meeting at least weekly since November. Neighborhood coalition has met with Mr. Giraud several times. The hope is to have a framework roughed out by January 29, the date the BOS is currently scheduled to vote on the EIR certification and approval of the DA. It is likely the items will be continued.
3. 1601 Larkin St.: Planning Commission informational hearing on Dec. 12, 2012 on project design. ZA approved a Conditional Use hearing for Feb. 2013, just 3 months after the project was denied at the Planning Commission. Code requires a 12-month period before the project can be subsequently heard. ZA determined that it was a new project even though it is just very slightly reduced in size from the previous design. Several Commissioners questioned the ZA's decision.
4. **Bringing Down the Housing: How Builders Game the System** by Joe Eskanazi *SF Weekly* Wednesday, Dec 19 2012. 125 Crown Terrace: Project sponsor's plan to demolish the 854-square foot home and replace it with a 4,019 square-foot residence "for his family" was deemed wholly incompatible with the city's housing policies. So, the prominent local developer and past president of the submitted a new proposal. Rather than demolish the home, he would simply "remodel" it — to 5,139 square feet. And *this* the city approved. An eviction notice affixed to the front door of 125 Crown Terrace flutters in the breeze. <http://www.sfweekly.com/2012-12-19/news/bringing-down-the-housing-how-builders-game-the-system/> Will follow up; this can be devastating for neighborhood character.
5. Expansion of Gulf of Farallones & Cordell Bank National Marine Sanctuaries: E. Boken has been working on getting the SF coast to be part of the Gulf of the Farallones NMS for about a year. <http://www.sfgate.com/default/article/Calif-ocean-sanctuaries-to-be-doubled-4133535.php> Referred matter to CSFN Open Space Committee.

(Cont'd on p.3)

RESOLVED, that the CFSN supports keeping the existing 40-X height limit, the existing low-rise structures which complements the topography, the setbacks of open space and compatibility with the neighborhood character of Laurel Heights.

The next Regular meeting of the Committee will be held on Monday, March 11, 2013 at 5:00 p.m. in the Community Room of the Northern Police Station located at Turk and Fillmore.
Adjourned:6:38PM.

...Hiroshi Fukuda(RCA) Chair

CSFN Draft Minutes: General Assembly Meeting January 15, 2013

1. **Call to Order.** President Judith Berkowitz brought the January 15 meeting to order at 7:02PM at Northern Police Station.
 - a. **Quorum declared.** 26 delegates and alternates represented 22 CSFN member organizations. 9 guests signed in.
 - b. **Agenda approved.**
 - c. **Introductions.** Delegates and guests introduced themselves. Hosts Chris Dillon of Cayuga Improvement Ass'n (CIA) and Mark Sherman of Cow Hollow Ass'n (CHA) described their organizations' objectives, history, and current issues. Attendees enjoyed the pizza and cookies provided by the two groups!
2. **Minutes.** The November 20, 2012 General Assembly draft minutes as printed on page 3 of the January 2013 newsletter were approved with the following revisions to 2nd VP Hillson's report: Hillson used public comment to offer a possible solution for street tree maintenance. Different possible financial support solutions for street trees were presented such as assessment districts, parcel taxes or a general obligation bond.
3. **Officers' Reports.**
 - a. **President Berkowitz** (EMIA) reported on the highly successful December Holiday Party featuring guest speaker Aaron Peskin and with the sale of \$560 worth of drawing tickets (half – \$280 – was shared among 3 winners). She acknowledged Charlotte Maeck's contribution of a history of CSFN, noting extra copies were available to delegates unable to attend the party. She reported that our honoree, Planning Commissioner Kathrin Moore, was truly delighted that CSFN honored her as we did and is so enchanted with her actual award that she contributed a photo of it for the Newsletter, as well as many other party pics. Four other attendees contributed the other NL photos. • Berkowitz drew specific attention to the Save Marina Green petition link in the January Newsletter on page 3 and exhorted everyone to sign on to it. • She highly recommended the recent article in the *SF Weekly* by Joe Eskenazi on the 125 Crown Terrace project and the City's poor response. • Finally, she made an earnest request that all committee heads submit a written report for the newsletter. Oral reports at the General Assembly will be limited to five minutes as of this, the January 2013, meeting. This matter was discussed and decided at the November ExComm meeting (see January *Neighborhood Views*, p.2). • **CSFN Membership Renewal is due NOW! Please have your org's president fill out the Renewal Form (and pay dues!)**
 - b. **1st VP Wooding** (MTHA) again noted that CSFN urgently needs a new head of the Transportation Committee and as well as participation by delegates and/or other members of organizations belonging to CSFN. • He reported that there is an upcoming bond issue (a "Certificate of Participation") on expansion and improvement of Moscone Center.
 - c. **2nd VP Hillson** (JPIA) urged delegates to attend the Commission on the Environment meeting January 22 at 5:00PM, Room 416, for the funding staff support for the Urban Forestry Council. Various CSFN members have attended previous meetings. • She reported that the SF transportation plan, "Complete Streets Initiative" expects a draft plan in spring and a final plan by summer. It has \$64.3 billion dollars in available funding. For more information contact www.sfcta.org/MoveSmartSF or send comments to Rachel.hiatt@sfcta.org. • She also attended several meetings on Supervisor Wiener's proposed changes to SF CEQA including one on January 9 which was first cancelled, then held anyway, causing many who were interested to miss it.
 - d. **Recording Secretary Clark** (RHIA) asked that officers submit written summaries of complex issues that they report so that the minutes can be more accurate.
 - e. **Corresponding Secretary/Treasurer Millet** (PBNA) stated that he will transmit information on this year's hosting assignments.

4. Committee Reports.

- a. **Bylaws.** Chair **Evelyn Wilson** (SPEAK)

- b. **Government & Elections.** Chair **Charles Head** (SHARP)
 - c. **Land Use & Housing.** Chair **Hiroshi Fukuda** directed delegates to page 2 of the January newsletter for the LU&H Report.
Resolved: CSFN supports adaptive reuse of First St. John's United Methodist Church for senior housing, or another preservation alternative; That CSFN urges Department of Building Inspection, our supervisors, City Attorney, and District Attorney to pursue enforcement actions for Building Code and CEQA violations.
Motion carried: 15 yea – 1 nay, with one abstention.
 - d. **Open Space.** **Kathy Howard** (SPEAK) presented a written report on the status of the Beach Chalet Athletic Fields by *SF Ocean Edge*, contact contact www.sfoceanedge.org. There have been over 200 co-signers to the appeal filed with the Coastal Commission.
 - e. **Transportation.** Chair **Gary Noguera** (MPIC)
 - f. **Water Task Force.** Chair **Joan Girardot** (MCI&POA) announced a January 24 meeting regarding the proposed Marina Green restaurant and referred to the petition links on page 3 of the Newsletter.
5. **Program.** **Attorney Steve Williams** spoke about the proposed changes to SF CEQA by Supervisor Scott Wiener, including the very short 20-day period for appeals from a project's first approval — not final approval — and that all briefs must be filed with the appeal. This could lead to many automatic appeals being filed or suits being filed against the City if changes are made after the appeals period. Williams also spoke about the problem of the definition of demolition, using as example 125 Crown Terrace.

The meeting was adjourned at 9:19 PM.

...Penelope Clark (RHIA)

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Jan LU&H Report

6. 75 Howard St. high-rise along the waterfront... another 8 Washington. **PUBLIC COMMENT PROCESS**
Written comments on the scope and content of the environmental impact analysis will be accepted until 5:00 p.m. on January 11. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission St, Suite 400, SF, CA 94103. Planning's Notice of Preparation of an EIR:
This 31-story building of luxury housing would exceed the zoned height limit by **75%**. It would tower over all neighboring buildings. It makes no effort to step down toward the bay... its inland neighbor on Howard St is only 18 stories tall (and they are only separated by a narrow pedestrian alley). Setbacks are minimal. Buildings in this area (such as the Gap HQ, Hills Plaza and Rincon Center) have significant setbacks at the 7th floor. They also have numerous setbacks higher up and taper to their peaks. This building has only a minimal setback at the 7th floor and none higher up. It is boxy and would stick out like a sore thumb.
Rincon Neighbors need to contact Telegraph Hill Dwellers, 8 Washington opponents for assistance.

The next Regular meeting of the Committee will be held on Monday, February 11, 2013 at **5:00** p.m. in the Community Room of the Northern Police Station located at Turk and Fillmore.

Adjourned: 7:18 PM

...Hiroshi Fukuda (RCA) Chair

Save Marina Green

Please sign this petition urging that the BoS prevent commercialization of Marina Green!:

<http://signon.org/sign/stop-commercial-use-on>

Details here:

http://savemarinagreen.org/Detailed_Notice.html

Wiener Diddles SF's CEQA Laws

Susan Brandt-Hawley, an environmental preservation attorney, wrote in the San Francisco *Bay Guardian's* September issue: *"The truth is that while environmental review takes time and costs money, the California Environmental Quality Act (CEQA) process usually moves quickly. In terms of litigation, a recent report recounted 11 CEQA lawsuits filed against San Francisco last year, while many hundreds of projects were approved in the City. A more in-depth analysis by the Public Policy Institute of California found that only one CEQA lawsuit is filed per 354 projects, a fraction of a percent."*

That fraction is actually less than three-tenths of one percent. Wiener's proposed legislation to restrict CEQA appeals in San Francisco seems to be taking a sledge hammer to pound a pin.

When asked for data the San Francisco Planning Department didn't even know the number of CEQA appeals, negative declarations, or exemptions filed last year before the Board of Supervisors. More importantly, San Francisco's Board of Supervisors has rejected every environmental appeal in recent memory, despite Wiener's claim that the Board approved one appeal relating to a Telegraph Hill development project.

Sporting such a miniscule track-record of appeal reviews, Wiener needs to demonstrate that his San Francisco CEQA legislation is even necessary — or beneficial — to the public.

The California Environmental Quality Act

In 1971 the State of California passed an environmental bill of rights called the California Environmental Quality Act (CEQA). CEQA became law because many California developers and city projects were deemed environmentally harmful. Prior to 1971, the public had little legal say over — and no way to appeal — environmental impact decisions concerning private and public development projects.

CEQA allows citizens to "look before we leap," protecting us from projects that may either harm the environment, public health, or our quality of life by requiring project proponents to disclose and minimize environmental impacts. The law also helps citizens find better environmental alternatives to proposed projects.

The CEQA process ensures that San Franciscans can participate in identifying and solving environmental problems alongside self-interested project applicants and City Hall insiders.

CEQA applies to any discretionary governmental planning decision. San Francisco is the only city or county in California where every permit is discretionary, meaning that in San Francisco a CEQA appeal can occur for any planning permit.

Every citizen should be aware of CEQA laws as they apply to your own house, your neighbor's house, City projects, and large development projects. CEQA projects that are approved will affect City transportation, infill housing density, water and air quality, soil, fire and public safety services, and the character of your local neighborhood.

Different versions of Wiener's amendments to San Francisco's CEQA laws had previously been submitted by former City Supervisors Fiona Ma and Michela Alioto-Pier; both former proposals failed and were never adopted. When asked why his similar CEQA legislation would succeed Wiener responded that the newly elected Board of Supervisors would approve his changes.

To help prove his case for CEQA reform Wiener continues to assert that CEQA should not exist as a tool to delay projects. "We make it very easy for one person to delay a project for a significant amount of time," Wiener claims. He often cites Shannon Gallagher's late appeal to San Francisco's Board of Appeals regarding the revamp of Lafayette Park as an example of an appeal for the sake of delay.

Interestingly, Gallagher's Lafayette Park appeal was due to the fact that a permit was never issued for the work being done at the park, ___ 4

not because it had anything to do with CEQA. The San Francisco Board of Appeals has no jurisdiction over CEQA-related appeals. Additionally, The time period for CEQA appeals regarding Lafayette Park had already expired by the time Gallagher filed her appeal.

San Francisco *Chronicle* columnist C.W. Nevius wrote two columns about Gallagher's Lafayette Park appeal. Wiener persists on making Gallagher a poster-child for the abuse of CEQA appeals that he asserts are designed just to be obstructionist.

Gallagher, who had worked in conjunction with the Pacific Heights Residents Association reports, "Sadly, I don't go to the dog runs in the park anymore, after Nevius' articles. I was publicly attacked on multiple occasions, and police reports filed. People yell profanities at me. One man left a hand print on my forearm, and a woman threw dog excrement at me."

These will be some of the impacts of Wiener's new CEQA amendments, should they pass:

- The 20- to 30-day notification period will make it difficult for citizens and neighborhood groups to review projects. Project appeals may actually increase because people will not have enough time to understand the ramifications of projects. This increases the risk of approving projects whose environmental impact have not been thoroughly considered.
- Project notification now becomes vital. If citizens receive late notification or if there are clerical errors, there is no time to review a project or development. Wiener's call for weaker notice requirements by City officials and stricter appeal procedures for the community will result in citizens not being informed of certain determinations or their right to appeal them.
- The language and procedures for filing a San Francisco CEQA appeal will become much more complicated, incomprehensible, and more difficult for people filing appeals. Clerks can disallow appeals that are not accurately filled out.
- Currently, any person who has submitted written or oral comments on a draft environmental impact report (EIR) may appeal the Planning Commission's certification of the EIR to the Board of Supervisors or to a Board of Supervisor's sub-committee, in which case the appeal will not be heard by the full board. Wiener's proposed ordinance eliminates this right. This means that the Board of Supervisors would become the final CEQA decision-making body, and the separate public appeals process would be eliminated.
- The new CEQA language will be made vaguer and weaker. Wording such as "will" or "shall" will be changed to "may," permitting a new discretionary loophole. The Wiener amendments replace the "fair argument" standard with a higher standard of proof, called "substantial evidence." By adopting a higher appeal threshold, the number of citizen appeals will be restricted. Although San Francisco may not even have any constitutional authority to change the "fair argument" legal standard set by State law, this hasn't stopped or deterred Wiener.

Attorneys at the University of California Hastings College of the Law reviewed Wiener's proposed amendments and concluded: *"The Amendments arguably would better reflect state law and streamline the CEQA process for various projects. However, they pose a substantial risk of significantly curtailing public participation and the ability of public officials to make well-informed decisions, contrary to the purpose of CEQA."*

Wiener is only now reaching out to citizens and neighborhood groups throughout the City and only because he has been instructed to do so by the Planning Commission. He claims that he has been reaching out to citizen groups for months, but no one seems to know who Wiener has talked to or when. His real "dialogue" with citizens doesn't appear to have started until after the Planning Commission's Nov 29 meeting.

Parkmerced Update

On December 14th, 2012 Judge Teri Jackson issued two decisions related to the California Environmental Quality Act (CEQA) approving two of the largest developments in San Francisco since the Bay View Hunter's Point project. On this day she approved the development of the Parkmerced and Treasure Island projects. These approvals gave developers, political lobbyists and finance firms (such as China Community Bank) reason to celebrate. Typically, Chinese contractors are required to perform work on projects funded by the China Community Bank and though City officials claim this would never happen in San Francisco, it should be noted that the Oakland Bay Bridge was both fabricated and installed by many Chinese companies at a time when local unemployment was at record high.

The Parkmerced decision (www.parkmercedvision.com) was largely ignored by the press, although Parkmerced is presently one of the largest garden rental apartment communities west of the Mississippi. Parkmerced was originally designed by the father of modern landscape architecture in the Bay area, Thomas Dolliver Church, and is one of his only publicly-accessible sites. The landscape was featured in the traveling exhibition "Marvels of Modernism Landscapes at Risk" in 2008 by the *Cultural Landscape Foundation* (www.tclf.org).

The decision to demolish Parkmerced poses a quandary regarding how densification of urban areas will be accomplished in the coming years. The Association of Bay Area Government (ABAG) responsible for transit-oriented development and Assembly Bill 32 — Global Warming Solutions Act (AB 32) — in many ways are in conflict with the San Francisco General Plan in how to best preserve and protect rental housing and culturally significant landscapes against development. Assembly Bill 32 requires significant reduction in greenhouse gases by 2020. The Parkmerced project is expected to last 20–30 years from the beginning of development, a process which has been delayed by additional litigation. Adding to greenhouse gas concerns are pollution from dust, especially lead paint from decades of maintenance on Parkmerced. Despite this inconsistency, Judge Jackson claimed, "There is no requirement for the Project description to identify a specific date for completion of the Project."

Now another project is being planned for a unit-development beside the Parkmerced project. This project, 800 Brotherhood Way, is being started without an EIR. Along with the San Francisco State University (CSU-SFSU) master plan, this other project negatively affects Parkmerced as a master-planned community. 800 Brotherhood Way will add 182 housing units to an already densely-crowded area and inject many tons of CO₂ and dust into the air West of 19th Avenue. Accordingly, the approval of these two projects should be undertaken together. Since the Parkmerced and 800 Brotherhood Way developments are intended for market-value housing, forcing most of the apartment bidders to pay full-price for rentals and possibly future condominiums, how would it be possible to find tenants willing to tolerate 20–30 years of unhealthy fumes and noise in a seemingly perpetual construction zone? Needless to say, some City officials question the feasibility of these projects.

The project's Environmental Impact Report (EIR) described 19th Avenue, a traffic artery adjacent to Parkmerced, as already impacted by traffic. Despite this description, Judge Jackson approved the Parkmerced project based on its commuter-friendly status that waits 20 years for the "M" streetcar to extend to Daly City BART. Improvements like these need to be provided before development, not 20 years later. Safe to say, waiting this long for necessary improvements means they may never happen. Besides, common sense challenges a project that claims to be commuter-friendly when it increases tenants by 17,000 and adds 6,000 additional parking stalls. Judge Jackson could have over turned this project on this recognized problem alone.

There are 11 existing towers each 13 stories high only two miles from the San Andreas fault line. Residents claim that these towers were seriously damaged from the Loma Prieta earthquake in 1989 and were repaired

(Cont'd from p.4)

Messing with CEQA

The Planning Commission voted 6 to 0 rejecting Wiener's amendments, because they were

- 1) Confused by his legislative changes, and
- 2) Wiener appeared to have little, if any, citizen input or support for his proposed legislation.

Strangely, Wiener started out his comments to the Planning Commission by insulting citizen attendees, stating "Today you'll hear quite a bit of hyperbolic rhetoric about how this legislation somehow undermines or guts CEQA and how it will cause the sky to collapse onto the earth." His opening remarks were both a poor way to build consensus among neighborhood groups and a poor way to convince Planning Commissioners of the rightness of his proposed legislation.

Wiener's attempt to "fix" CEQA is eerily reminiscent of what went wrong with Proposition E, Wiener's failed November 2011 ballot measure to allow the Board of Supervisors or the Mayor permission to amend or appeal legislation previously approved by voters.

First, Wiener finds or creates a problem. Then he tries to simplify/streamline or solve the problem by making it more legislatively complex to "benefit the public." Lastly, he places restrictions on the public to solve the problem he has magnified. Wiener is quickly developing a history of creating legislation that places limits on citizens' rights.

Attorney Mary Miles may have said it best in her November 15 letter to the Planning Commission: "The purpose of [Wiener's] proposed ordinance is to 'streamline' approvals, by denying the public adequate time to appeal actions of the Planning Commission and other decision-making bodies to the Board of Supervisors, by limiting the public's right to be heard, by imposing restrictions on such appeals that violate CEQA, and by imposing burdens that limit the public's right to participate in the CEQA process. The proposed legislation defeats CEQA's principal purposes of informed self-government, participation in the decision-making process, and protection of the environment."

Many of the issues Wiener has been embroiled in have involved curtailment of public participation. Proponents of CEQA protections need to unite with other groups alarmed by Wiener's legislative agenda; he needs to be stopped before he steamrolls the door shut any further curtailing citizen involvement in our own democracy.

...George Wooding (MTHA)

only superficially. Judge Jackson excludes retrofitting these buildings as part of the new improvements to Parkmerced. Stuart Flashman, the lawyer representing the preservation of Parkmerced, described a future scenario whereby these towers could be destroyed in another catastrophic earthquake in the near future. This anticipated earthquake could add to the scope of the development of this project not anticipated in the EIR. This scenario was also ignored by Judge Jackson.

A recent EIR on the topic of housing notes a culture of demolition and of maximizing profits for the few in San Francisco. This culture has ignored the real needs met by Met-Life in the development of Parkmerced, in conjunction with the City, during the World War II housing crisis. These three recent decisions by Judge Jackson have affirmed that appealing to CEQA, the public's main venue for contesting and protecting existing communities, is becoming more difficult. As an appointee of former Mayor Willie Brown, Judge Jackson's consistent favoring of City agencies and private developers hints at her past relationship with the famed business-friendly bureaucrat. Therefore, questions arise regarding Jackson's ability to give a fair trial, when developments are seemingly approved in a "rubber-stamp" fashion.

Your donations to help stop this development can be made at both organizations' web sites www.sftomorrow.org and www.pmacsf.org

...Glenn Rogers, *PLA Landscape Architect License 3223*; *Parkmerced Action Coalition*; Aaron Goodman, *San Francisco Tomorrow*; Robert Rogers

Executive Committee Report

January 23

Chair George Wooding called the meeting to order at 7:40 pm. Present were Judy Berkowitz, Wooding, Rose Hillson, Penelope Clark, Dick Millet, Evelyn Wilson, Jeanne Quock. Charles Head was excused due to illness. There was a quorum.

Officers' Reports

President Judy Berkowitz (EMIA) explained why she needs the reports and minutes submitted to the NL in a timely manner. Berkowitz will be out of town and this will impact the upcoming newsletter. We have a lot of 'short' months coming up and need articles and reports to come in as early as is possible after meetings. • The November 27th ExCom date is incorrect; as Thanksgiving is the next day. This meeting will be pushed back to December 4th. • A meeting with newly-elected Supervisor Norman Yee has been scheduled for Wednesday, February 27th. (N.B. now rescheduled for Thursday February 28.) She will attempt to fix an appointment with the other newly-elected Supervisor, London Breed, to meet with us on the same day. • Planning Department Director John Rahaim will be at SPUR on January 29th to give a talk about citizen activists demeaningly entitled "Meanies & War Mongers: Recent Planning Lessons from SF" at 6:00 pm. • Rahaim's "vision statement," which he claimed as "charter," for the Planning Dept. was submitted to the Planning Commission, but was so embarrassing and awkward that Berkowitz spoke to the matter in Public Comment. • Letter requesting City Attorney look into violations at 1601 Larkin has been sent. • Was contacted and will speak to journalist Melissa Griffin re article on Supervisor Scott Wiener. • Eric Brooks continues to organize response to Supe Wiener's proposed CEQA amendments.

1st Vice President George Wooding (MTHA) discussed California Environmental Quality Act (CEQA) and how damaging the impact of Supervisor Scott Wiener's proposed amendments to San Francisco's current CEQA law and their impact on San Franciscans. He will write an article for the February *Neighborhood Views* on the matter.

2nd Vice President Rose Hillson (JPJA) attended a meeting of the Cmte on the Environment (COE) and stated that she still does not know how additional monies will be budgeted. She is concerned that the money may all go to Staff rather than actual projects. • Hillson has been diligently attending CEQA meetings and has uncovered several problems with Supervisor Scott Wiener's CEQA legislation.

Recording Secretary Penelope Clark (RHIA) The minutes are prepared and submitted for the February newsletter.

Secretary/Treasurer Dick Millet (PBNA) reported that he is working on an updated membership list with info gathered from the membership renewals coming in.

Unfinished Business: We need a new head of the transportation committee. We need to finalize our meeting with Supervisor London Breed

New Business: a continued review of Supervisor Wiener's proposed amendments and changes to San Francisco's CEQA regulations. • NomCom: ExComm submitted names for serving on the nominating committee.

The following delegates were nominated to serve on the 2013 Nominating Committee:

- | | |
|-------------------------|------------------------|
| Mary Harris (OMI-NIA) | Jeanne Quock (UTA) |
| Nancy Wuerfel (SPEAK) | Ellen Kerneghan (PBNA) |
| Melinda LaValle (CHA) | Kathy Howard (SPEAK) |
| Kathy Devincenzi (LHIA) | Karen Crommie (CVIA) |
| Hiroshi Fukuda (RCA) | Rae Doyle (GWPNA) |
| Richard Magary (BVNA) | Kris Schaeffer (UTA) |

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Miraloma Park Improvement Club

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Richmond Community Assn
Southern District Neighborhood Committee
Sunset Hts Assn of Responsible People (SHARP)
Sunset Parkside Ed & Action Cmte (SPEAK)
Telegraph Hill Dwellers
John Bardis
Judith Berkowitz
Penny Clark
Sheryl Connell
Kathryn Devincenzi, Attorney
Rafael Mandelman
Bert Polacci
Jeanne & Winchell Quock
Steve Williams, Attorney

Further nominations to the Nominating Committee will be taken at the Feb GA meeting at which time we will vote for three delegates to serve on that committee.

Having no further business, the meeting was adjourned at 9:00 pm
...George Wooding (MTHA) Chair

COMMITTEE MEETINGS

Land Use & Housing • Monday 5:00PM March 11 • Northern Police Station • Chair Hiroshi Fukuda • ninersam@aol.com • 386-2212
Open Space • Ongoing Meetings • Chair Nancy Wuerfel • nancenumber1@aol.com • 731-6432, Co-chair Ramona Albright • 621-9621
Transportation • Chair Gary Noguera • garynoguera@earthlink.net
Water Task Force • Chair Joan Girardot • 346-5525
Bylaws • Chair Evelyn Wilson • evelynwilsregparl@earthlink.net • 566-7826
Gov't & Elections • Chair Charles Head • charlesnhead@hotmail.com

AGENDA	
General Assembly Meeting	
February 19, 2013	
6:30	I. Sign In and Refreshments
7:00	II. Call to Order/Ascertain Quorum A. Introduction of Delegates and Guests / Short Announcements B. Hosts 1. Cole Valley Improvement Assn — CVIA 2. East Mission Improvement Assn — EMIA
7:15	III. Approval of January 2013 Minutes
7:20	IV. Officers' Reports A. President B. Vice Presidents C. Secretaries D. Treasurer
7:25	V. Committee Action Items — written reports in Newsletter A. Bylaws B. Government & Elections — pro and con presentation + vote on "Wall on Waterfront" ballot measure. Aaron Peskin, Jon Golinger. C. Land Use & Housing D. Open Space E. Transportation F. Water Task Force
7:45	VI. Program: Nextdoor: because "...the neighborhood is one of the most important and useful communities in a person's life." Gordon Strause
	VII. Adjournment

CSFN meets the third Tuesday of each month except for December at Northern Police Station Community Room, Corner of Turk & Fillmore Streets (Parking in rear off Turk) Public Transit: Muni #22 Fillmore, 31 Balboa & 38 Geary Lines

Visitors: Please Sign the Register

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 To Submit Articles: Email articles by the 5th of the month to sfjberk@mac.com
 Either inline text or an attached document can be used.
 Articles reflect the opinions of the submitter, not necessarily the opinion of the CSFN. We invite material from member organizations as well as rebuttal to articles already printed. We reserve the right to edit where necessary. Member organizations may receive two copies of the newsletter without charge. Subscription: Members/\$10, Nonmembers/\$15.

*Coalition for SF Neighborhoods
 P.O. Box 320098 San Francisco CA 94132*

Action Items: Issues meeting: Hearing pro and con+ voting on 8 Washington: ballot measure. (May-June 2010)
 Reso concerning Laurel Heights. (LU&H Cmte P.2)
 Nomination & election of Nominating Committee (P.6)

Next Meeting
 Tuesday
 Feb 19

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1	Don't Mess with SF's CEQA
2	LU&H Committee Reports
3	January Assembly Draft Minutes
3	Save Marina Green Petition
5	Parkmerced Update
6	January ExComm Report