



Parkmerced Opponents Lose Legal Appeal

San Francisco's Development and Planning Process Has Been Effectively Destroyed

The distinction between two little words — “must” vs. “shall” — is about to allow chaotic and unstoppable growth throughout San Francisco. The lack of specific wordings has allowed Proposition M, the core of *San Francisco's General Growth Plan*, to be controlled by the rich, the powerful and the influential.

On Thursday August 14, 2014 the First District Court of Appeal issued its decision in favor of development interests in the case *San Francisco Tomorrow et al. vs the City and County of San Francisco et al.*

At issue in the case is the fate of Parkmerced, the serene mid-twentieth-century neighborhood that is a San Francisco landmark. Developers, along with City and County politicians, propose to demolish Parkmerced and replace most of its existing 3,221 residences with 8,900 high-rise tower housing units.

When the project, which currently houses about 8,000 residents, is completed in 2040 an additional 14,000 people will be living in the 152-acre neighborhood. Units that are currently rent-controlled will stay that way, but new units will be rented or sold at market rate. The rebuilt Parkmerced will have a maximum of 3,200 rent-controlled units, the same number it has today.

Parkmerced residents at the hearing said they have no faith that either the developer or the City have their best interests at heart over the long-term.

The destruction of the current Parkmerced was approved in 2011 by a six to five vote of the San Francisco Board of Supervisors. A lawsuit was immediately filed by *San Francisco Tomorrow* asserting that San Francisco leaders should not have approved the new Parkmerced development because it is inconsistent with City policies and that the environmental review was flawed.

Shortfalls of Parkmerced Not Corrected

Other issues — such as the underfunded 19th Avenue Traffic Corridor, existing seismic inefficiencies, no neighborhood schools and limited sewage infrastructure — have either not been resolved or have been ignored by the City. 19th Avenue will now become a parking lot, since the 8,900 housing units, offices and shops will be built near an expanding San Francisco State University and Stonestown Shopping Center.

City planners claim the project is environmentally benign and transit-friendly, promotes affordable housing and will boost the local economy.

The Appellate justices who heard the appeal were Anthony

Kline, James Richman and by special assignment, Alameda County Superior Court Judge Steve Brick. Attorney Stuart Flashman represented the case for *San Francisco Tomorrow* and the *Parkmerced Action Coalition*. Deputy City Attorney Brian Crossman represented the City and County of San Francisco as well as the project's sponsor, *Parkmerced Investment Partners*.

The Court's Opinion in Error

According to Judge Anthony Kline, there is “substantial evidence” the proposed Parkmerced project “... would not displace substantial numbers of people ... the proposed project would not physically disrupt or divide an established community, would not adversely affect the existing character of the vicinity, and in that respect, it would have a less-than-significant impact on land use.”

Referring to Planning Code Section 101.1 Priority Principles (1986's Prop M), Stuart Flashman stated, “[The city of San Francisco] don't care what the voters said.”

This case has profound ramifications in aiding unbridled growth in San Francisco. The Court, stating at the beginning of the trial, that they were in favor of development, has provided all the tools developers need for unfettered growth.

Transportation Shortfalls Ignored

The Court states it will not limit San Francisco growth because of a lack of, or because of a poorly designed transportation system. The decision cited as precedent a Los Angeles court case perhaps not unrelated to the traffic gridlock present there today.

Muni has cut service in every neighborhood since 2006. Piecemeal transit planning and proposed new developments like Parkmerced and the Transbay Terminal are throwing thousands of new residents and workers into a stagnant transit system and onto an already-strained street system.

Any Muni projects related to Parkmerced could mean taking Muni project funds from other transit-starved neighborhoods for use in Parkmerced instead.

Built in the 1940s by Metlife as a modern model for middle-class housing, Parkmerced is now San Francisco's historical stepchild.

No Historical Landmark Status

The Court found that Parkmerced is not an “Historical Landmark,” asserting that there are no buildings of individual unique character on site. The Court judges have shown an inability to see the forest for the trees. It is not the buildings that make Parkmerced special, it is the space between the buildings:

(cont'd on p.4)

Transportation Committee Report

November 10

Thanks for everyone's support for NO on A and B and YES on L. We took a licking but we'll keep on kicking! And go forward with some new actions.

Action Item One: We need to keep on top of our various resolutions and motions from last year. Mark Miller put together an online video and petition.

[Policies for On-Street Parking Management - How SFMTA Created All New Regulations While No One Was Looking](#)

Please read and sign this MoveOn petition to the San Francisco Board of Supervisors that asks them to examine how these policies got approved and to provide continuing oversight of SFMTA.

Please review it, sign it and pass it on:

[Petition: Restore Parking Oversight of SFMTA](#)

The SFMTA Citizen's Advisory Committee plus over 30 neighborhood and business groups (probably including yours) have all demanded the SFMTA Board rescind the *Policies for On-Street Parking Management* and investigate how it got approved.

Why?

Because SFMTA/SFPark financial staff – not Traffic Engineers – created all new parking regulations, but they presented them as pre-existing policies. They denied public review, misled their Board and advisory committee, and gained approval with an end-run around the legislative process.

Internal SFMTA emails and memos, public data, and statements from dissenting staff provide the proof.

The document stands as blueprint for neighborhood parking and metering projects. Worse, the new policies reverse 40 years of prior practice, favor metering for residential areas, and stymie access to Residential Permit Parking (RPP).

The policies also provide a platform for SFMTA to start dismantling existing RPP areas.

The SFMTA Board has taken no action. So we need to.

Please share with friends, neighbors and associates.

Action Item Two: We need to support the Land Use Committee in its efforts re the new Planning Commission Article 2 with letters, comments, and our presence at the Planning Commission hearing on November 20th. Please contact Rose and Hiroshi to find out how you can help.

Action Item Three: We need to support each other in our efforts to mitigate the street "improvements" SFMTA plans to rain down on each of our neighborhoods. In an effort to make that easier, we have started a new blog that is dedicated to responding to the TEP projects. Please help us with news and updates as they come up in your neighborhoods. Comments are welcome. stopsfnta.com/ Please post them on the appropriate page and look at the site and see what is going on and help where you can.

Action Item Four: After the Nov 20th we will set a time for a committee meeting to determine our course of action. We shouldn't take any attention off the Article 2 case until it is resolved. If people want to meet at my place informally we can do so after the 20th.

Action Item Five: See Action Item Two. I can't stress enough that importance of working to support the Land Use Committee on Planning Code Article 2. Joe Eskenazi's take on it is informative:

[Codebreakers: The City Attempts to Streamline Its Epic Planning Rules. Hilarity Ensues.](#)

— Mari-Eliza (EMIA) Chair

Executive Committee Report

October 29

George Wooding called the meeting to order at 6:00 PM. Present were Judy Berkowitz, Wooding, Rose Hillson, Glenn Rogers, Claire Zvanski.

Excused absence: Dick Millet, Charles Head, Penny Clark, Melinda LaValle, Marlayne Morgan.

Guest: David Pilpel

There was no quorum.

Officers' Reports

President Judy Berkowitz. Attended Planning Commission hearing and spoke to Continuance of Planning Code Article 2. • The 13 neighborhood newspapers all running the CSFN quarter-page ad listing our recommendations. She provided and distributed examples from the *Westside Observer* and *El Tecolote*. • She posted the ad in the same format on Facebook. • Gave an interview to Laura Dudnick of the *SF Examiner* on Pier 70. It will appear on front page of the Sunday Oct 26 edition. • The Oct 27 edition of the *SF Public Press* quoted Hiroshi Fukuda and Rose Hillson in an article in its "Housing Solutions" series.

1st Vice President George Wooding. Airbnb damages the neighborhood character. • SF's residential stock has been rezoned as commercial property and • How Supervisor David Chiu had huge sums of money donated to him from major Airbnb stockholders. • Additionally, the Board of Supervisors has approved a John Avalos study to investigate the feasibility of SF using eminent domain seizures to stop foreclosures. • Parkmerced and Prop M. • Next ExComm meeting will be on Wednesday December 3, *not* November 26.

2nd Vice President Rose Hillson. We got a Planning Commission continuance to November 29 and will be working with the Planning Department on a rewrite on sections of Article 2.

Recording Secretary Charles Head.

Treasurer Dick Millet.

General Assembly Program. Analysis of the November 4th election.

New Business.

David Pilpel is developing a list of proposed internal organizational duties for CSFN officers. • A resolution regarding disbursement of funds should not be a reso, but rather a proposed Bylaws Amendment and in so being was referred to the Bylaws Committee.

Adjournment. The meeting was adjourned at 7:00 pm
— George Wooding (MTHA) Chair

Draft Minutes: CSFN General Assembly Meeting October 21, 2014

1. **Call to Order.** President Judith Berkowitz brought the October 21 meeting to order at 7:00PM in the Northern Police Station Community Room.
 - a. *Quorum declared.* 22 delegates and alternates represented 19 CSFN member organizations. Two guests signed in.
 - b. *Agenda approved.*
 - c. *Introductions.* Delegates and guests introduced themselves: SHARP delegate Head invited all to a SHARP transportation forum on Oct. 27. • Hosts: thanked GGHNA for the sandwiches. • Rae Doyle (GWPNA) spoke of the new playground and its orientation with kids' issues.
2. **Minutes.** The September General Assembly draft minutes were approved as printed on page 3 of the Newsletter.
3. **Officers' Reports.**
 - a. *President Berkowitz* (EMIA). Ads with the CSFN ballot recommendations are now in neighborhood newspapers. • Attended *Organizing in a Time of Change: How the Housing Crisis and this November Could Shift San Francisco Politics* meeting at LGBT Center • Gallantly defended CSFN's honor in comments on 48Hills blog (Tim Redmond). • Addressed the Jr. League on ballot measures. • Welcomed new delegates Kathy James (BCNA) and Sherry Archer (CHA). • Noted Dave Osgood's *SF Examiner* OpEd on the Commonwealth Club's plans for the exterior of 110 Embarcadero. • Thanked George Wooding for his masterful review of the CSFN ballot recommendations that appears on the Front Page of the Oct NL. • Sacramento mayor's office contacted Berkowitz requesting her participation in an interview; Sacramento is examining changing its Charter to a "strong mayor" type of city government such as SF's..
 - b. *1st VP Wooding* (MTHA). Motion from ExComm: ExComm unanimously recommended that the General Assembly approve expenditures from the treasury to cover 1/4-page advertisements of the CSFN Official Ballot Recommendations in October editions of the 13 monthly neighborhood newspapers of the [San Francisco Neighborhood Newspaper Assn – sfnaa.com](http://SanFranciscoNeighborhoodNewspaperAssn-sfnaa.com).
(See ExComm Report p.2 October *Neighborhood Views*)
Motion approved 18–0
 - c. *2nd VP Hillson* (JPIA). Discussed Planning Code Article 2 and asked people to come Oct. 23 to Planning Commission. • Attended *Organizing in a Time of Change: How the Housing Crisis and this November Could Shift San Francisco Politics* meeting at LGBT Center where speakers talked about shared economy, progressive propositions, impacts, etc.
 - d. *Recording Secretary Head* (SHARP).
 - e. *Corresponding Secretary Rogers* (PmAC). Will write an article on Prop M for the NL.
 - f. *Treasurer Millet* (PBNA). Answered questions concerning treasury funds for newspaper ads.
4. **Committee Reports.**
 - a. *Bylaws.* Chair **Claire Zvanski** (EDIA).
 - b. *Dinner.* Chair **George Wooding** (MTHA). Subject to committee approval will have a report and plans in the Nov NL after cmte meets next Wednesday.
 - c. *Government & Elections.* Chair **Charles Head** (SHARP). Urged everyone to vote!
 - d. *Land Use.* Chair **Hiroshi Fukuda** (RCA).
 - e. *Media Relations.* Chair **Eileen Boken** (SPEAK).
 - f. *Open Space.* **Nancy Wuerfel** and **Kathy Howard** (SPEAK).
 - g. *Transportation.* **Mari Eliza** (EMIA). Referred Delegates to report on p.2 Oct newsletter.
 - h. *Water Task Force.* Chair **Joan Girardot** (MCI&POA)
5. **Unfinished Business.**
6. **New Business.**
7. **Program.** KPIX political reporter Melissa Griffin Caen examined the state ballot measures 1, 2, 45, 46, 47, 48 plus her take on the upcoming election.
8. **Adjournment.** The meeting was adjourned at 9:22.
— *Charles Head* (SHARP) *Recording Secretary*

(cont'd from p.1)

Parkmerced Ruling: Court of Appeal

the purview of landscape architecture. Unable to appreciate the masterful design of Parkmerced by Thomas Church, the father of landscape architecture in San Francisco, the Court made its ruling.

Since the Appellate Court ruled that Parkmerced is not an “Historical Landmark,” the Court would have us believe that “neighborhood character” is based only on the composition of the residents who live there.

The Court appears to believe that — unlike the Victorian housing stock near Alamo Square — it is not the aesthetics of a community that are noteworthy in Parkmerced, but whether or not it has rent control.

Earthquake and Fire Safety Ignored, Not Improved

The Court proclaims the importance of earthquake safety in the new Parkmerced development. This is rather ironic since the 11 existing towers on site that are 130' tall are not part of the development agreement and will not be seismically retrofitted. These towers, built at a time when earthquake safety was not as well understood as it is today, leave this project vulnerable.

They are also too high to be reached easily by firefighters should a fire develop after an earthquake.

The City had this opportunity to correct the condition of tower safety but sided with the developer by ignoring the issue of seismic safety for the existing structures.

Unfettered development and ill-considered projects are damaging our social structure, just as surely as they alter and often block the skyline.

The first responsibility of City leaders is to make San Francisco livable for the people who already live here.

The current Appellate Court ruling on Parkmerced must be appealed and overturned!

— George Wooding (MTHA)
Glenn Rogers (PmAC)
Landscape Architect

Codebreakers: A Response

Joe Eskenazi’s *SFWeekly* article is entitled *Codebreakers: The City Attempts to Streamline Its Epic Planning Rules. Hilarity Ensues.*

The article is about neighborhood activists who are always on high alert for land-use legislation changes.

The current huge bundle of changes is the big enchilada overhaul of various uses allowed in the various neighborhoods and agendized as *Planning Code Article 2 Simplification and Clarification* legislation.

This legislation actually includes much more than Articles 2; Articles 1, 2, 3, 4, 6, 7 and 8 are in the mix. Now that’s clarified.

One can find all the codes on the sfplanning.org website. The Planning Commission graciously granted the neighbors one last crack at vetting the proposed overhaul. At least with the neighborhood input we are not depriving the Planning Department of our enthusiasm and energy to show that we care

Dinner Committee Reports

October 29

Attendees Claire Zvanski, Glenn Rogers, Judy Berkowitz, Paul Webber, David Pilpel, Rose Hillson, George Wooding

CSFN’s Annual Anniversary & Award Dinner is on December 16th. We will keep the location at Patio Español. The Dinner will follow the lines of previous Dinners and aim at those friendly to neighborhoods rather than change. • Because of our long association with the venue, the date, time and place have been secured since last December. • Tasks required at the event will be assigned/requested very near to the date of the event. • The committee is now looking at ideas for speaker and an awardee. • **We must all be willing to be individual Sponsors for this event, as well as approach our organizations for their Sponsorship.**

November 7

Chair George Wooding called the Dinner Committee meeting to order at 7:07 pm Friday, November 7 in the Community Room of the Northern Police Station. In attendance were Judy Berkowitz, Rose Hillson, Marlayne Morgan, David Pilpel, Paul Webber and Wooding.

Initial discussion of the status of the Annual Dinner plans highlighted the following points:

1. The dinner will be held on Tuesday December 16 at Patio Español, the venue for last year’s dinner. Tickets will be priced as follows: a. Individual dinner tickets are \$60; b. Sponsorships are \$125, entitling the donor to one dinner ticket; c. Patron level donations are \$450, entitling the donor to five dinner tickets, a half table; and d. Benefactor level contributions are \$875, entitling the donor to ten dinner tickets, a whole table. Berkowitz and Zvanski will follow up with the restaurant manager during the week following the meeting to settle on the meal service, possible room alternatives and pricing.
2. Berkowitz will line up the honoree and the speaker. She has called a number of prospective speakers and will continue that effort during the week following the meeting. She will also contact all of last year’s Sponsors.
3. There was a consensus to set a goal for the number of meals sold for the dinner at 150, as compared with last year’s meal sales of 113. It was agreed that was a challenge but thought to be achievable with a major effort of the Dinner Committee and other Coalition members to seek attendees/Sponsors.

There was a discussion of categories of Sponsors, how the solicitations may be done and by whom. This will be continued in a follow-up conference call at the end of the week following the meeting. Judy will send out a “save the date” email to the Evite list and when the plans are in place for the honoree and the featured speaker will send an Evite to that list and hard copy invitations.

The meeting of the Committee was adjourned at [?].

— George Wooding (MTHA)

about our neighborhoods and what non-residential uses can come next door to us.

Planning is quoted in the article as saying that the “...activists ‘are finally able to see what is permitted in their neighborhoods...And they may not be happy... So in that respect, it’s a success already.’”

The degree of success of some Planning legislation was based proportionally or exponentially (but never inversely) on the level of unhappiness about it of the neighborhood people.

It’s the goal of the neighborhoods to be happy. That’s why we look at the code changes as carefully as we can.

— Rose Hillson (JPIA)

☀ **CSFN 42nd Anniversary** ☀
Annual Holiday Dinner

FEATURED DINNER SPEAKER
 TO BE ANNOUNCED – SOON!



On Tuesday December 16th, CSFN will host
 our Annual Dinner at the Patio Español,
 Spanish Cultural Center, 2850 Alemany Blvd.

Individual Dinner Tickets are \$60.
 Thank you to all our wonderful Sponsors!
 If you or your organization would like to be
 a CSFN Sponsor,
 you will be honored in each of our
 monthly newsletters.

Sponsorships include
 \$125 (1 Dinner)
 \$450 (5 Dinners , 1/2 table)
 \$875 (10 Dinners, full table)

Dinner choices will be
 Paella Valenciana
 Chicken Breast al Ajillo
 Pasta Primavera (Vegetarian)

Look for your invitation in your mailbox or
 as an Evite in your email's inbox!

RSVP to 824-0617 ◆ sfjberk@mac.com

THANK YOU TO OUR SPONSORS!

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 Miraloma Park Improvement Club
 OMI Neighbors in Action
 Richmond Community Assn
 Sunset Parkside Education & Action Cmte (SPEAK)
 Sunset Heights Assn of Responsible People (SHARP)
 Telegraph Hill Dwellers
 John Bardie & Kathleen Courtney Tony Kelly
 Judith Berkowitz Melinda LaValle
 Hon David Chiu Rafael Mandelman
 Bernie Choden & Lois Scott Hon Kathrin Moore
 Penny Clark Aaron Paskin
 Sheryl Cornell Paul Webber
 Steve Williams, Attorney

Committee Meetings

Bylaws: Chair Claire Zvanski • czvanski@hotmail.com
Dinner: George Wooding • mother_ed@bigeds.com
Gov't & Elections: Chair Charles Head • charlesnhead@hotmail.com
Land Use & Housing: Monday 5:30PM December 8 | • Northern
 Police Station • Chair Hiroshi Fukuda • ninersam@aol.com •
 386-2212
Media Relations: Acting Chair Eileen Boken • aeboken@gmail.com
Open Space: Ongoing Meetings • Chair Nancy Wuerfel •
 nancenummer1@aol.com • 731-6432, Co-chair R Albright • 621-9621
Transportation: Chair Mari Eliza • mari@abazaar.com
Water Task Force: Chair Joan Girardot • 346-5525

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AGENDA
General Assembly Meeting
November 18, 2014

- 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.
 - 2.
- 7:05 III. Approval of October 2014 Minutes
- 7:10 IV. Officers' Reports
 - A. President
 - B. Vice Presidents
 - C. Treasurer
- 7:25 V. Committee Action Items—written reports in Newsletter
 - A. Bylaws
 - B. Dinner
 - C. Government & Elections
 - D. Land Use & Housing
 - E. Media Relations
 - F. Open Space
 - G. Transportation
 - H. Water Task Force
- 7:40 VI. Unfinished Business.
- 7:40 VII. Introduction of New Business.
- 7:45 VIII. Implications of the Parkmerced Court of Appeal Decision
- 8:00 IX. Program: Election dissection.
 - Chris Bowman, David Pilpel, Jim Stearns.
- X. 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

NEIGHBORHOOD VIEWS is published monthly, the official voice of the Coalition for SF Neighborhoods, Inc., a 501(C)(4) organization.
To Submit Articles: Email articles by the 5th of the month to sfberk@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

Next Meeting
 Tuesday
 Nov 18

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