



San Francisco Tomorrow

Working to Protect the Urban Environment

Issue 344

Will you want to live in San Francisco – Tomorrow?

May 2011

**QUESTIONING
HISTORIC PRESERVATION**
How to get to "balance"?

Supervisor Wiener has called this hearing because he believes a balance should be struck between laws and policies regarding historic preservation and other City policies. But if he wants less enforcement of City and State Laws and Regulations, is it a suggestion to look the other way? As a certified local government, how does the City achieve that while taking State grant funds for a Historic Survey? How is that achieved when the City is responsible as a Lead agency to the State for its environmental reviews?

The purpose of a Historic Resources Inventory or Survey is first, to assemble information about the buildings within the study area of a local neighborhood Plan, and second, to determine which of those buildings have special historic, cultural, or architectural significance. This pair of Planning goals facilitates permit applications by fulfilling requirements for environmental review in advance of project applications.

The determination of whether a property is of historic, cultural or architectural value is based on factual documentation in the public record. With or without a survey, California State Regulations require the Planning Department to make a determination on the historic status of a property that is 50 years old when almost any permit application is submitted for review. How could we do less than that?

(Continued on page two at bottom)

SAN FRANCISCO TOMORROW
Invites you and your friends to

OUR ANNUAL AWARDS DINNER
WEDNESDAY, MAY 18, 2011

"GOOD CITY PLANNING IS ESSENTIAL"

JACK MORRISON LIFETIME ACHIEVEMENT AWARD
ALLAN JACOBS
CITY PLANNING DIRECTOR, 1967-1975
Presenter: Bruce Anderson, Urban Conservationist

UNSUNG HEROES
KATHRIN MOORE
CHRISTINE OLAGUE
BILL SUGAYA
PLANNING COMMISSION MEMBERS
APPOINTED BY THE BOARD OF SUPERVISORS
Presenter: Sue Hestor, Land Use Attorney

RECEPTION 5:30 PM DINNER 7:00 PM
CASTAGNOLA'S
286 Jefferson Street – Fisherman's Wharf
No-Host Bar
For tickets, Call JANE at 564-1482

2-Hour Free Validation, Parking Lot
at end of Taylor off Jefferson
Served by Muni F-line and Muni 10, 20, 30, 47

Coming to your Neighborhood Sometime Soon

The Full Story of the ATT Boxes

San Francisco Tomorrow and a number of neighborhood organizations joined forces with San Francisco Beautiful (SFB) and Planning Association for the Richmond (PAR) to appeal the environmental decision which would pave the way for citywide installation of 726 new refrigerator-sized metal electronics cabinets on city sidewalks (the public right of way). The Board of Supervisors heard testimony on the long list of negative effects the proposed installation would bring, including: visual and aesthetic blight; compromising pedestrian safety; inconveniencing people with disabilities; creating targets for graffiti without a graffiti removal program; and an overall lack of innovative options.

These utility boxes are touted for bringing to the public the next wave of high-speed internet, cell-phone service improvement and high-definition television (cable). And yet ATT retains their dependence on old copper wiring technology. Instead of replacing copper with fiber-optics, they piggyback the more advanced fiber-optic technology on the existing copper connections, thus proliferating the number of on-sidewalk boxes. ATT already has 1,000 of these boxes (some decades old) and the proposal would add 726 new boxes within 300 feet of each of the old ones. In addition, they cannot find a feasible way, they say, to place these boxes underground or place them on private property instead of public property, as they are required to do to follow a Department of Public Works Director's Order. Individually and cumulatively, these boxes will affect the public sphere.

San Francisco Tomorrow vigorously opposed AT&T's very similar proposal in 2008. At that time, AT&T proposed installing 850 utility boxes on the public right of way. They subsequently withdrew the plan when they found they were unable to overcome the Supervisor's arguments concerning cumulative impacts, particularly in historic districts.

The recent AT&T application is essentially the very same plan proposed three years ago but this time it excludes installations in historic districts. In the interim, AT&T has neither substantially improved its proposed technology and now, with the decision by the Planning Department that they do not need to prepare an EIR, they are getting away with a so-called "categorical exemption" which absolves them from providing additional information to support their desire to install these large metal cabinets and alternatives which might be a better solution.

The Supervisors were highly skeptical of taking AT&T's word at face value, that undergrounding of the large cabinets would result in even bigger boxes. To put them underground would actually take up more space on the sidewalk than the aboveground cabinets they are proposing! That is what they say.

The AT&T attorney quoted CEQA language stating that aesthetics, which are subjective, could not be considered in an urban environment because the urban environment is already cluttered! The same kind of cabinets AT&T is proposing to install already exist on the street, she said, and adding more cabinets of the same type could not be considered blight.

The Supervisors posed a teasing question to the Planning Department and the various attorneys, asking if 726 new metal cabinets on the street are considered neither a cumulative effect nor a negative aesthetic, how many more could be installed before there was a cumulative effect? CEQA does not address this and neither Planning nor the attorneys could definitively answer the question.

The Supervisors decided that they needed more time before ruling, and with only Supervisor Elsbernd dissenting, they voted 10-1 to continue the hearing to May 24.

HISTORIC PRESERVATION *(cont'd from page one)*

If required by California State Regulations, Planning cannot simply stop making determinations, so if we can't look the other way. Are you suggesting we fudge the results to achieve this "balance"? Until the State Legislature votes to amend the California Environmental Quality Act, the City and County must enforce the State Regulation. Or you could collude with Planning to assure that their objective review is not, and then the Board of Supervisors could reject all appeals. *(Testimony by Joseph Butler, AIA at the May 2, 2011 Board of Supervisors hearing)*

The GGNRA Dog Management Plan: it's high time.

Following many years of extensive public outreach and meetings to address ways to manage on- and off-leash dogs in the Golden Gate National Recreation Area (GGNRA), the National Park Service issued a Draft Dog Management Plan/DEIS in January, 2011. The issue was raised in a brief article last month. Here are more details of the Plan and its statement of purpose:

- provide a clear, enforceable policy to determine the manner and extent of dog use in appropriate areas of the park;
- promote the preservation and protection of natural and cultural resources and natural processes;
- provide a variety of visitor experiences, improve visitor and employee safety, and reduce user conflicts; and
- maintain park resources and values for future generations.

It seems clear that the National Park Service must be guided by their Mission, that is, to preserve species and their natural, cultural and historic resources, unimpeded for the generations to come.

However, first term San Francisco Supervisor Scott Wiener introduced a Resolution at the Board opposing GGNRA's Dog Management Plan which curbs off-leash dog running in the Presidio and the entire GGNRA because there might be an unintended consequence of increasing off-leash problems in City parks and open spaces.

The Resolution was critical of GGNRA, despite the legal necessity that requires the federal agency to pursue "rulemaking" for this issue and carry out the rules with active enforcement. But the Resolution failed to consider the City's shared responsibility in managing (or failing to manage) increasing

populations of dogs, on and off leash offenses and rules and regulations both in the City and GGNRA.

The thesis of the Wiener Resolution was that if GGNRA restricts dogs in the National Park, then the City of San Francisco would be negatively impacted as City dogs returned to City dog play areas and City Parks. The Resolution failed to consider the needs of all the species who use the National Park (as the NPS must do), including the 33 rare or endangered species (more than any other National Park in the continental US). His resolution failed to address the needs and safety of children, seniors, people with disabilities, people who are afraid of dogs or who are disturbed by their behavior and park visitors who may not want a dog in their National Park experience. The NPS is concerned not only with San Francisco but serves the needs of 13 million annual visitors from diverse cultures throughout the world.

The Board of Supervisors' Land Use Committee took up the Wiener Resolution next, and after contentious testimony, voted unanimously to send the Resolution to the full Board of Supervisors for a vote. On April 26, after a very brief discussion, the full Board voted to oppose the Park's plan to regulate dog use in the GGNRA. President David Chiu, Supervisors Avalos, Mirkarimi, Campos, Chu, Kim, Farrell, Wiener, Cohen and Mar voted to support the Wiener Resolution. Supervisor Elsbernd was the only dissenting vote.

"Dogs Vote" said the signs raised at City Hall; at least their owners do. President of the Board David Chiu and Supervisor Avalos are both running for Mayor and Supervisor Mirkarimi is running for Sheriff. They were among those who voted against the GGNRA Dog Management Plan.

America's Cup: Part Two

The City is fast-tracking environmental review for projects associated with hosting the America's Cup, compressing what normally occurs over 18 months (or more) into less than half that time. The ACEC (America's Cup Environmental Council) is an ad hoc group that is scrambling to head off environmental damage in spite of this accelerated schedule. ACEC includes Sierra Club, Baykeeper, the Bay Institute, Save the Bay, SF Tomorrow, California Native Plant Society Yerba Buena Chapter, and Arc Ecology, among others. Here's a link to a Chronicle article that provides a decent introduction: http://articles.sfgate.com/2011-02-10/news/27740312_1_real-race-catamarans-environmental-review The CEQA Notice of Preparation (found at sfmea.sfplanning.org/2010.0493E_NOP.pdf) estimates that as many as 250,000 visitors will attend weekday events and up to 500,000 on weekends. This is on the same scale as the annual fleet week activities, but will last for two to three weeks in the summer of 2012 and six weeks in the summer of 2013. Piers 27-29 will be the start and finish line for the races, **but viewers will congregate wherever there is an open water view or a hill to provide a viewing platform.** *(continued on page four)*

America's Cup: Part Two (cont'd from page three)

MAJOR PUBLIC CONCERNS: Eighteen organizations signed on to a March 11 letter that provided a comprehensive list of questions for the CEQA scoping process. A few of those concerns are:

Inadequate Transportation: The northern waterfront is particularly ill-served with transit. Only the F-line currently operates between Broadway and Fisherman's Wharf and already operates above capacity during rush hour and weekends. The roadway is also regularly congested. How to accommodate additional visitors and cars for the long weeks of racing? Welcome the visitors and ban the cars. This could be done in a number of ways, including closing key thoroughfares to autos (like the Embarcadero) and opening them up instead to bikes and pedestrians; improving transit by creating an E-line to carry riders from Caltrain to Fisherman's Wharf or speeding up construction of Bus Rapid Transit on Van Ness; and instituting a congestion management district in the northeast sector of the City to generate funds to pay for the improvements.

Sensitive Habitat: San Francisco Bay may form a "natural amphitheatre" for viewing the races, but much of that viewing space is occupied by sensitive habitat, especially in the Presidio, where the National Park Service has been working for nearly two decades to restore large swaths of native habitat. Race viewers must be kept away from the most fragile areas, through incentives, barriers, and regular patrols.

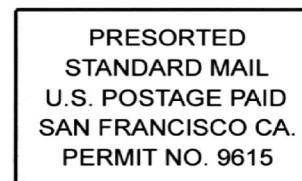
On March 31, the City released its draft "People Plan" (<http://sfgov.org/site/frame.asp?u=http://www.oewd.org>), which provides some insight into how the City plans to move people around during the events. It is a very preliminary document – it provides no cost information, doesn't address security or other staffing needs, and

doesn't talk about water transportation at all. It is really too early to expect a fully formed document; however, this plan is anticipated to serve as a key mitigation plan for the EIR currently underway, so it will have to be completed quickly. Comments are due May 31.

Water Quality: in addition to concerns about construction impacts, dredging and trash, the America's Cup presents a unique concern: visiting ships. Large yachts from around the world and smaller boats from nearby areas are expected to converge on the Bay to watch the events; this will have potential impacts at local boatyards, where bilge water and motor oil can spill into the Bay, and can affect local birds and mammals.

Historic Resources: The Northern Embarcadero Waterfront Historic District may be significantly impacted by the event. As part of its construction of a new cruise terminal at Pier 27, the Port has proposed to remove the back of Pier 29. The current Pier 27 shed is not historic, but the Pier 29 shed is, and the amount of historic material being removed is of concern. Further, the reduction of Port revenue due to the very favorable long-term leases at Piers 30-32 and Seawall Lot 330 (neither of which has any historic value) will significantly impact the Port's ability to protect and restore the historic resources of this district. The favorable terms of these leases also raise the question of whether the Port will be able to provide the open space areas to which they have committed in the BCDC Special Area Plan.

Finally, the \$32 million that is being raised from private sources to fund mitigation activities and provide for the influx of people and boats expected at these events is looking very inadequate. SFT will be looking at how the expenses related to this event can be funded without draining services to other parts of the City.



Change Services Requested

Don't miss
SFT's Annual Awards Dinner
Wednesday, May 18, 2011

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Recycled Paper