

## The PIER 70 project gets serious . . . maybe.

SFT Board member Howard Wong has been participating in the evolution of designs for renovation and development of Pier 70. The good news is that the historic buildings may be open to the public in two years. The newly named Crane Cove Park has much potential as a renovated public open space accessible from 20th Street. A first phase is funded---with development parcels being shifted around to create more street frontage.

On 28 acres of the pier that have been optioned by Forest City development, a sort of new-town-in-town is being proposed which would use existing, large, formerly-industrial buildings for housing and for local manufacturing start-ups to make their goods and to sell them in shops on site. Apparently the developers will respect the 40-foot height limit on portions of the site to produce some lower-scale residential buildings that could create a sense of true neighborhood. However, they state that keeping those buildings low requires them to propose at least two new high rises at approximately 230 feet to the north and south of the site. Instead of the earlier highly criticized idea to put high rise housing on the footprint of the former slipways at the edge of the Bay, the newest concept is to have four-story housing set back from the water's edge to allow the creation of a waterside pedestrian way which would connect to the Bay Trail..

Tall buildings along the water (even if they are somewhat withdrawn from the edge) aren't allowable at this time without a major height limit change in the Planning Code. Proposals elsewhere in the city (see 75 Howard story, this issue) show that developers are pushing the envelope. They are challenging the

restrictions of height near the Bay, restrictions that have been sacrosanct for the last forty years. It has been forcefully declared in the Planning Code and Master Plan since 1960 that building heights should step back and taper with varied heights as they increase in distance from the water. Pier 70 is zoned for 40-foot height limits, measured at Illinois Street as the site slopes down to the Bay.

There will be a two-year evaluation of the environmental effects of their proposal with an EIR published as a basis for Planning Commission, Port Commission and Board of Supervisors decisions and possible approvals with conditions. The renovation of the historic aspects of Pier 70 must be accomplished alongside reasonable long-term development of housing and retail. Some of the industrial uses, being maritime, must be conserved; this is the waterfront, after all, even if it is little used today for purely maritime purposes. The excitement of having this amazing "industrial era gem" reused and ramified into a real neighborhood will be balanced by a hard look at the environmental issues but the EIR has not yet been prepared.

Of course, economics are a driving motivator. But with the strong historical attributes of this site, it's possible to envision the creation of a special neighborhood that is lively and authentic.

**More WATERFRONT ISSUES:** For a critique of the Warriors proposal to erect a 13-story stadium on Piers 30-32 and block waterfront views, see Ann Killion's article in the S.F.Chronicle February 15, 2013.

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**There will be a measure on the November ballot to prohibit view-blocking waterfront highrises called the No Wall on Washington measure, which was provoked by the 8 Washington condo proposal. (See March SFT Newsletter)**

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### TREASURE ISLAND PROJECT O.K. TO MOVE AHEAD

Plans to build an 8,000-unit condominium community which will also include office space, parks and hotels on the former Treasure Island Naval Station have moved closer to reality following a judge's rejection of a suit claiming the developers had not adequately studied the project's potential environmental impact. Housing development projects at Hunters Point and Treasure Island stand to benefit from \$1.7 billion in proposed lending from the Chinese government. Including Hunters Point on a list of California projects that continue to qualify for special funding, despite the December 2011 demise of the state's redevelopment agencies, makes the loan to finance both projects more feasible.

# EROSIVE CHANGES PROPOSED IN CEQA

Major changes are being proposed to the State of California Environmental Quality Act (CEQA), and in how the city interprets the law. The changes are being proposed simultaneously by Governor Jerry Brown and local Supervisor Scott Wiener who seek to eliminate some of the public's ability to appeal an EIR.

So far, District 8 City Supervisor Scott Wiener 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 to 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, believes George Wooding who has studied the proposal.

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.

Wiener's proposed legislation would expand the ability of the Planning Department to "exempt" a development project from having to do an Environmental Impact Report (EIR).

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. However, the Lafayette Park appeal was due to the fact that a permit was never issued for the work being done at the park, not as an appeal of CEQA.

Wiener and the Planning Department are currently writing a third version of his legislation, so poorly have his attempts been received. Planning projects often

change. If a project changes after the appeal process has expired, how will the public receive notice of the changed project's 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?

## **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 notification now becomes vital. If citizens receive late notification or there are clerical errors, there is no time to review a project or development.
- The language and procedures for filing a San Francisco CEQA appeal will become much more complicated, and more difficult for people filing appeals. Clerks can disallow appeals that are not accurately filled out.
- 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 more vague and weaker. Wording such as "will" or "shall" will be changed to "may," permitting new discretion.

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."

*Thanks to George Wooding for portions excerpted from his article, **Supervisor Wiener's Attempt to Gut CEQA Appeals**, which are quoted above.*

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The Planning Department has issued a notice announcing that Supervisor Wiener's CEQA legislation will be reviewed at the **Planning Commission on Thursday March 14**. Next stop for the disputed legislation is a hearing at the **Historic Preservation Commission on Wednesday March 20**. It is likely the legislation will then go to the Board of Supervisors **Land Use Committee on Monday March 25**, and to the full **Board on Tuesday March 26**. Please save the dates, and call or e-mail to your activist contact list.

**For information about San Francisco Tomorrow,  
go to [www.sftomorrow.org](http://www.sftomorrow.org)**

# Just another waterfront height-busting highrise: 75 Howard Street

An undistinguished 31-story, 350-foot high luxury high-rise condo building facing the Embarcadero is being proposed for 75 Howard Street. It would tower over nearby buildings. A mixed-use variant would allow 82 hotel rooms and 109 market-rate residential units. The owners are the Paramount Group (50%) and Morgan Stanley (50%). Both companies are based in New York. The Planning Dept's Notice of Preparation (NOP) of an Environmental Impact Report has been issued and comments are due January 11.



## HEIGHT:

The building would exceed the site's established height limit by 75%. It would only be about 15-feet shorter than one of the towers at One Market Plaza. It is boxy with one small setback at the 7th floor. Its neighbors to the north and south have deeper setbacks at this level and numerous setbacks higher up.

Although the developers stated they wanted to be "in line with the other buildings in the area," 75 Howard would actually tower over its neighbors. According to numbers provided by the Planning Dept, this building would be:

- 32% higher than its closest neighbor to the west, 201 Spear. (Only a narrow pedestrian alley separates the two.)
- 25% higher than Rincon Center across the street.
- 20% higher than the Gap Building to the south.

**A survey of all buildings one block in each direction shows 75 Howard would exceed all of them in height.**

## REQUIREMENT THAT BUILDINGS STEP DOWN:

This project is within the Transit Center District Plan (TCDP) which requires buildings to step-down as they get closer to the Bay. The San Francisco Urban Design Plan also suggests stepping down in height to avoid boxy, bulky buildings.

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## Parkmerced Update

The architects, planners, and landscape designers from the Netherlands who toured Parkmerced in October during the Architecture in the City Week were in awe at the landscape designs of Thomas Church, and in utter disbelief of the plans to destroy such a fully mature landscape and wonderful example of housing design for families. They questioned why local government agencies had not purchased the Parkmerced property outright nor protected it through preservation efforts. Tenants Michael Russom, Cathy Lentz, advocate Aaron Goodman and Andrew Wolfram (SF Preservation Commissioner) tried to explain that often in America, real estate and development machinations trump the public's best interests. Parkmerced is a project that provides essential housing in the southwest of the City, well built with families in mind and at human scale. The visiting architects and planners noted that there should be studies on how people have lived at Parkmerced, why they still remain there, unbelieving that demolition of 4200 units of family housing could ever occur in such an ideal community. They understood why the residents would mount a legal appeal of the EIR and project approval by the Planning Commission

### The EIR appeal vs the City of San Francisco

The EIR appeal vs the City of San Francisco and the developer, Fortress Investments LLC, was filed by San Francisco Tomorrow and the Parkmerced Action

Coalition (PmAC). Superior Court Judge Terri Jackson dismissed the residents' EIR appeal; that decision will now have to be appealed to a higher court. Judge Jackson seemed more in tune with the goals of the developers, architects, political lobbyists and financial backers such as Fortress and the China Community Bank. She made a similar decision to uphold the EIR for the Treasure Island project, a proposal of 8,000 new units of primarily for sale market rate housing but gave scant attention to the environmental arguments raised by the appellants.

The Parkmerced "Vision" project, in conjunction with the San Francisco State (SFSU-CSU) Master Plan revision, proposes redevelopment of an even larger area than just Parkmerced itself. A total of three projects would divide and destroy the largely intact landscape design done by Thomas Church, considered by some the father of modern landscape design. The Landscape was featured in the 2008 travelling exhibition "Marvels of Modernism: Landscapes at Risk". The major question raised by the decision to demolish Parkmerced is a quandary about how and in what ways should necessary densification of urban areas be accomplished. Housing quotas assigned by the Association of Bay Area Governments (ABAG), and by AB32 (which mandates transit orientated development in cities such as San Francisco) sometimes conflict with goals and principles of the General Plan on how to best preserve and protect

the existing affordable rental housing stock and the cultural landscape. ([www.parkmercedvision.com](http://www.parkmercedvision.com))

### **A culture of demolition and maximizing profits for the few**

A recent EIR for the topic of “inclusionary housing” and an article in the SF Weekly led writer Joe Eshkenazi to observe that a culture of demolition and maximizing profits for the few ignores the real needs of residents, needs which were met in the post-World War II housing development of Parkmerced.

SFSU-CSU intends to kick start another part of their large scale development plans adjacent to the northern side of the campus near Lake Merced. The grading permits at 800 Brotherhood Way have been appealed recently by Judge Quentin Kopp and the religious organizations along Brotherhood Way stating, among other things, that there is a failure to recognize the adjacent coastal areas and migratory bird flight zones over the area.

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## **Park Merced Lawsuit Status**

The appeal of the EIR for the Park Merced project has moved to another level and has been accepted by the State Court of Appeals, Division 2. The trial date is as yet unknown but it will not be soon. However, SFT Board member Bernie Choden who is spearheading the legal challenge says that “our chances are very good.” This appeal lays down a comprehensive challenge to the way city government interprets and uses CEQA, what it

considers adequate environmental mitigations, how it interprets and enforces the General Plan, and how it treats citizen advocacy, rent control and seismic safety. The Park Merced case is about all these issues and is costing just a few people a lot of money. What we need now, is a joining together to support this prime suit with advocacy, money and Amicus briefs of support. *For more information, contact attorney Stuart Flashman at 510-652-5373.*

*Lawsuits like this in which SFT is involved cost money. If you are motivated to contribute to the ongoing appeal of the Parkmerced Project, donations to the legal challenges can be made at both [www.sftomorrow.org](http://www.sftomorrow.org) and [www.pmacsf.org](http://www.pmacsf.org)*

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**A community with a shared system of public and private patios and entryways serving a variety of rentals including family-size units already exists at Parkmerced.** Denser developments are being approved downtown with abundant retail and nearby transit. But these units are seldom suitable for family living which is ideally served by the system of open yet protected landscape space such as exists in Parkmerced.

*For information about San Francisco Tomorrow, go to [www.sftomorrow.org](http://www.sftomorrow.org)*

## **New threats to San Francisco’s WATERFRONT**