File No. 110206

Committee Item No. _____
Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date March 29, 2011

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Introduction Form (for hearings)
☐	☒	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Award Letter
☐	☐	Application
☐	☒	Public Correspondence

OTHER (Use back side if additional space is needed)

☐ ☐ Appeal of Final Environmental Impact Report - Parkmerced Project

☐ ☐ Planning Deparment's Response - Attachments A; May 12, 2010 Parkmerced Project Draft EIR; October 28, 2010 Comments and Responses

☐ ☐ _____

Completed by: Joy Lamug Date March 24, 2011

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

March 3, 2011

Julian P. Lagos
Coalition to Save Parkmerced
P.O. Box 320101
San Francisco, CA 94132

Bernard Choden
San Francisco Tomorrow
41 Sutter Street, Suite 1579
San Francisco, CA 94104-4903

Healani Ting
Parkmerced Action Coalition
P.O. Box 320025
San Francisco, CA 94132

Maria Elena Guerrero Engber
310 Arballo Drive, Apt. 11D
San Francisco, CA 94132-2114

Subject: Appeal of Final Environmental Impact Report – Parkmerced Project

Dear Appellants:

The Office of the Clerk of the Board is in receipt of four (4) appeals filed on March 1, 2011, and March 2, 2011, from the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2008.0021E, through its Motion No. 18629, for the proposed Parkmerced Project located at 3711-19th Avenue.

A hearing date has been scheduled on **Tuesday, March 29, 2011, at 4:00 p.m.,** at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. (Note: Since four (4) appeals were filed for the same project, the appeals will be consolidated and heard simultaneously.)

Please provide 18 copies to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing in label format.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira, at (415) 554-7711 or Legislative Clerk, Joy Lamug, at (415) 554-7712.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Departmen
Project Sponsor, Seth Mallen, Stellar Management, 3711-19th Avenue, San Francisco, CA 94132
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Rick Cooper, Planning Department

Coalition to Save Parkmerced

P.O. Box 320101 San Francisco, CA 94132

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -1 AM 11:08
BY

March 1, 2011

Via Hand-Delivery

San Francisco Board of Supervisors
c/o Ms. Angela Calvillo, Clerk of the Board
City Hall - Room No. 244
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Re: Notice of Appeal - Parkmerced Project EIR (Case No. 2008.0021E)

Dear Madam Clerk:

On behalf of the *Coalition to Save Parkmerced*, I am submitting this letter as Notice of Appeal of the Parkmerced Project EIR, which was certified by the Planning Commission on February 10, 2011. (See attached Motion 18629.)

Grounds for the Appeal lie in violations of the California Environmental Quality Act (C.E.Q.A.) and other such laws that may apply.

In approving the EIR by a narrow 4-3 vote, the Planning Commission overlooked multiple significant cumulative and unmitigated environmental impacts that the Parkmerced project will have, inclusive but not limited, to the following areas:

1. Demolition and permanent loss of over 1500 rent-controlled and sustainable Parkmerced garden apartment 2-story townhouse units and their adjoining open spaces, including but not limited to, community courtyards, front yards, gardens, parks, trees, and other green areas in and around the current Parkmerced complex.

2. The massive carbon footprint that will result from the destruction of the current renters' 1500+ homes coupled with the future construction of over 8700 luxury high-rise condominiums during a projected 20-30 year period runs counter-productive to public policy of controlling greenhouse gas emissions.

3. The increased density arising from the San Francisco State Expansion Plans, which includes demolition of an additional 1000 units of rent-controlled and sustainable housing on the northside of Parkmerced and at Stonestown, coupled with the university's planned construction of over 3000 market-rate housing units.

4. The increased density arising from the destruction of current open space and wildlife habitats located at the 800 Brotherhood Way development site coupled with its slated construction of over 182 market-rate condo units;

5. An unsustainable increase in automobile use and congested traffic patterns in-and-around the project site, incl. Highway 1 (19th Ave.) and Interstate 280, Brotherhood Way, Lake Merced Blvd., Junipero Serra Blvd, Sloat Blvd. and Ocean Ave., San Francisco State University, and Stonestown Galleria;

6. Dangerous human and wildlife exposure to increased and unsustainable levels of air, noise, and water pollution due to the estimated tripling of the current Parkmerced resident population levels from 10,000 to 30,000;

7. Perilous human, wildlife, and marine life exposure to dispersal of carcinogenic contaminants coupled with other air, water, and noise pollutants during the 20-30 year construction phase;

8. Incalculable loss of wildlife species native to the Parkmerced/Lake Merced areas, inclusive of but not limited to, migratory birds, native mammals, and marine life, due to the plan's scale of density and the proposed use of wind-turbine technology;

9. Unreasonable risks for greater loss of human life and destruction of property due to the likelihood of ground soil liquefaction at the Parkmerced project site following a catastrophic earthquake, magnitude 6.9 Richter scale or greater;

10. Destruction of historical architectural and landscape designs along with archeological remnants indigenous to the current Parkmerced site.

The EIR's failure to adequately address the outlined cumulative significant impacts resulting from the Parkmerced project and the Commission's abuse of discretion in approving the erroneous findings, are gross violations of CEQA.

Appellant will submit more detailed information at hearing to support the contentions argued herein and requests that any scheduled hearing on the Appeal be calendared no less than 90 days from the filing of this Notice.

In summary, Appellant respectfully requests that after reviewing evidence and testimony presented at hearing in support of the Appeal, honorable members of the Board of Supervisors reject, in whole, the Parkmerced EIR and its proposed development plan, and reverse the Commission's earlier actions to approve it.

Respectfully,

Julian P. Lagos

JULIAN P. LAGOS

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Information:
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Planning Commission Motion No. 18629
Environmental Impact Report Certification

Hearing Date:	February 10, 2011
Case No.:	2008.0021E
Project Address:	3711 19th Avenue
Zoning:	RM-4, RM-1 and RH-1(D) 40-X and 1Height and Bulk District
Block/Lot:	7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
Project Sponsor:	Seth Mallen, Stellar Management 3711 19th Avenue San Francisco, CA 94132
Staff Contact:	Rick Cooper – (415) 575-9027 rick.cooper@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKMERCED PROJECT

MOVED, that the San Francisco Planning Commission ("Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0021E, Parkmerced Project, 3711 19th Avenue ("Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department ("Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, Section 15000 *et seq.*, ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

   A. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 20, 2009.

B. On May 12, 2010, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on May 12, 2010.

D. On May 12, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 12, 2010.

2. The Commission held a duly noticed public hearing on the DEIR on June 17, 2010, and received public comment. The period for acceptance of written comments ended on July 12, 2010.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received and based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on October 28, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to the public at the Department at 1650 Mission Street.

4. The Department has prepared a Final Environmental Impact Report (FEIR), consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law.

5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.

6. On February 10, 2011 the Commission reviewed and considered the FEIR and finds that the contents of the FEIR and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

7. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and

hereby CERTIFIES THE COMPLETION of the FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of the FEIR, finds that the project described in it:

A. Will result in the following significant and unavoidable project-specific environmental impacts:

1) Elimination of a visual/scenic resource of the built environment through the demolition of the existing garden apartment buildings and the removal of the existing landscaping;

2) Impairment of the significance of the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features on the Project Site;

3) Construction-related transportation impacts in the project vicinity due to construction vehicle traffic and road construction associated with the realignment of the existing light rail tracks;

4) Traffic impacts at 8 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive – Significant contribution to LOS F conditions during the weekday PM peak hour and weekend midday peak hour;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp – Significant contribution to LOS F conditions during the weekday PM peak hour;
- 19th Avenue/Sloat Boulevard – LOS E to LOS F in the AM peak hour;
- 19th Avenue/Winston Drive – LOS D to LOS E in the weekend midday peak hour and significant contribution to LOS F conditions during the PM peak hour;
- Sunset Boulevard/Lake Merced Boulevard – LOS C to LOS E in the PM peak hour;
- Lake Merced Boulevard/Winston Drive – LOS C to LOS E in the AM peak hour and LOS D to LOS F in the PM peak hour;
- Lake Merced Boulevard/Font Boulevard – LOS D to LOS F in the AM peak hour and LOS C to LOS F in the PM peak hour; and
- Lake Merced Boulevard/Brotherhood Way – LOS D to LOS E in the AM peak hour, LOS C to LOS F in the PM peak hour, and LOS C to LOS E in the weekend midday peak hour;

5) Traffic impacts on the following freeway segments:

- Southbound State Route 1 (Junipero Serra Boulevard) weaving segment between the on-ramp from Brotherhood Way and the off-ramp to John Daly Boulevard – Significant contribution to LOS E conditions during the AM peak hour, and LOS E to LOS F during the PM peak hour; and

- Northbound State Route 1 (Junipero Serra Boulevard) weaving segment between the Brotherhood Way on-ramp and Brotherhood Way off-ramp, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction.

6) Potential transit impacts due to the exceedance of the available transit capacity of Muni transit routes serving the Project Study Area, due to uncertainty of proposed mitigation to provide additional transit vehicles, which is subject to SFMTA's jurisdiction;

7) Potential transit impacts to the M Ocean View light rail due to route realignment and subsequent increased travel time, due to uncertainty of proposed mitigation to provide additional light rail vehicles or install transit signal priority, which are both subject to the SFMTA's jurisdiction;

8) Potential transit impacts due to increased vehicular traffic resulting in increased travel times for operations of the Muni 17-Parkmerced, 18-48th Avenue, 28-19th Avenue, 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor, due to uncertainty of proposed mitigation to provide additional transit vehicles or install transit preferential treatments, which are both subject to SFMTA's jurisdiction;

9) Transit impacts due to increased travel times and effects to operations of the Muni 17-Parkmerced, 28-19th Avenue and 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor;

10) Noise impacts due to increased traffic;

11) Light rail noise and vibration impacts;

12) Noise impacts due to operation of stationary noise sources potentially exceeding noise level standards;

13) Construction-related toxic air contaminates impact;

14) Operational regional air quality impacts;

15) Temporary wind impacts during phased construction;

16) Potential wind impacts due to the proposed Special Use District, which could result in exceedances of the wind hazard criterion or increases in the area subject to winds greater than 26 mph;

17) : Operational biological impacts to special-status species, including interference with bird or bat movement and migration corridors and raptor nest sites due to operation of the 51 wind turbines on the western periphery of the Project Site;

B. Will contribute considerably to the following cumulative environmental impacts:

1) A cumulative impact to the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features.

2) Cumulative traffic impacts at 13 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francis Boulevard/Portola Drive;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp;
- 19th Avenue/Sloat Boulevard;
- 19th Avenue/Winston Drive;
- 19th Avenue/Holloway Avenue;
- Brotherhood Way/Chumasero Drive;
- Sunset Boulevard/Lake Merced Boulevard;
- Lake Merced Boulevard/Winston Drive;
- Lake Merced Boulevard/Font Boulevard;
- Lake Merced Boulevard/Brotherhood Way;
- Lake Merced Boulevard/John Muir Drive;
- John Daly Boulevard/Lake Merced Boulevard; and
- Lake Merced Boulevard/Gonzalez Drive;

3) Cumulative impacts to traffic at four freeway segments on State Route 1 (Junipero Serra Boulevard):

- Southbound between the Brotherhood Way on-ramp and John Daly Boulevard off-ramp;
- Northbound between the off-ramp to Northbound I-280 and the John Daly Boulevard on-ramp;
- Northbound between the John Daly Boulevard on-ramp and the Alemany Boulevard off-ramp; and
- Northbound between the Brotherhood Way loop on- and off-ramps, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction;

4) Cumulative impact to transit capacity under 2030 cumulative conditions by contributing transit ridership to screenlines expected to exceed available transit capacity;

5) Cumulative noise impacts due to increases in traffic from the Project in combination with other development; and

6) Cumulative air quality impacts.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 10, 2011.

Linda Avery
Commission Secretary

AYES:	Commissioners Antonini, Borden, Fong, Miguel
NOES:	Commissioners Olague, Moore, Sugaya
ABSENT:	None
ADOPTED:	February 10, 2011

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
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CA 94103-2479

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NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors and Planning Commission

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors and DR and CEQA appeals to the Planning Commission.

Should a fee waiver be sought, an appellant must present this form to the Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Planning Department. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- ☐ Conditional Use Authorization Appeals to the Board of Supervisors
- ☒ CEQA Appeals to the Board of Supervisors (including EIR's, NegDec's, CatEx's, and GRE's.)
- ☐ Discretionary Review Request (to the Planning Commission)
- ☐ CEQA Appeals to the Planning Commission (Negative Declaration)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- ☒ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☒ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: JULIAN P. LAGOS	Address of Project: 3711-19th Ave, SF 94132
Neighborhood Organization: COALITION TO SAVE PARKMERCED	Planning Case No: 2008.0021E
Applicant's Address: P.O. BOX 320101, SF CA 94132	Building Permit No:
Applicant's Daytime Phone No: (415) 584-1700	Date of Decision: FEBRUARY 10, 2011
Applicant's Email Address: (415) 584-1700	

DCP STAFF USE ONLY

- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature: _____

■ **WAIVER APPROVED** ■ **WAIVER DENIED**

PARKMERCED EIR Protest to S.F. Planning Commission (6/17/10)

GOOD EVENING, COMMISSIONERS, AND THANK YOU FOR ALLOWING ME TO PROTEST THIS FAULTY ENVIRONMENTAL IMPACT REPORT BEFORE YOU PERTAINING TO THE FUTURE PARKMERCED DEVELOPMENT PLANS.

MY NAME IS JULIAN LAGOS. I HAVE BEEN A RESIDENT OF THE HISTORIC, DIVERSE, AND BUCOLIC COMMUNITY KNOWN AS PARKMERCED FOR THE PAST 17 YEARS AND I PLAN TO CONTINUE TO MAKE IT MY HOME.

THE CURRENT EIR FAILS TO LEGALLY ADDRESS THE ISSUE OF SIGNIFICANT IMPACTS THESE ILL-CONCEIVED DEVELOPMENT PLANS WILL HAVE ON QUALITY OF LIFE, TRAFFIC, OPEN SPACES, WILDLIFE, POLLUTION, HEALTH, SAFETY, AND MOST IMPORTANTLY OF ALL, PRESERVATION OF AFFORDABLE HOUSING FOR WORKING AND MIDDLE CLASS PEOPLE OF PARKMERCED AND SAN FRANCISCO.

FURTHERMORE, THE EIR FAILS TO ADDRESS HOW THE PROJECT WILL BE FINANCED GIVEN THE FINANCIAL INSOLVENCY OF THE CURRENT OWNERS AND PROJECT PROPONENTS, PARKMERCED INVESTORS PROPERTIES, LLC., WHO PRESENTLY ARE IN DEFAULT OF THEIR LOANS IN THE SUM OF NO LESS THAN $500 MILLION DOLLARS. (SF Chronicle and NY Times).

GIVEN THE GRIM ECONOMIC FORECASTS FOR THE FUTURE OF BOTH THE GLOBAL ECONOMY AND ITS BANKING SYSTEM, A REASONABLE PERSON COULD SURMISE THAT IT IS NOT FEASIBLE FOR A PROJECT OF THIS MAGNITUDE AND SCALE TO MOVE FORWARD GIVEN ALL THE AFOREMENTIONED UNADDRESSED AND UNMITIGATED MAJOR ISSUES IT FACES, INCLUDING THE DISPLACEMENT OF OVER 3000-5000 PARKMERCED RESIDENTS WITHOUT RENT CONTROL PROTECTIONS.

ON BEHALF OF SAVE PARKMERCED, I STRONGLY URGE YOU TO REJECT THIS POORLY DRAFTED EIR AND PRESERVE PARKMERCED AND AFFORDABLE HOUSING FOR GENERATIONS OF SAN FRANSICO RESIDENTS TO COME.

Julian P. Lagos
(SaveParkmerced.org)

Letter 50

Mr. Julian P. Lagos
128 Garces Drive
San Francisco, California 94132
(415) 584-1700

RECEIVED

JUL 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

VIA PERSONAL DELIVERY

July 12, 2010

Mr. Bill Wycko (Environmental Review Officer)
San Francisco Planning Department
1650 Mission Street - Suite 400
San Francisco, California 94103

RE: Draft EIR - Parkmerced Project (Case No. 2008.0021E)

Dear Mr. Wycko:

In response to the current Draft EIR re: the proposed Parkmerced Project, I submit the following concerns:

1. There are no less than fourteen areas of the DEIR where Significant Impacts exist without "feasible mitigation measures" in place, all violations of CEQA.

They are, as follows:

(AE-1) Proposed Demolition of 1538 Garden Apts. and Removal of Existing Landscaping;
(CR-2) Cumulative Impacts on Historical Design of Parkmerced;
(TR-8) Significant Impacts on one freeway segment adjacent to Parkmerced;
(TR-12 thru TR-14, TR-42, TR-43, TR-45, TR-46) Capacity overload on transportation routes;
(NO-3, NO-4) Project-related traffic would increase noise levels above existing ambient conditions;
(AQ-4, AQ-9) Project operations could affect regional air quality and could result in cumulative air impacts.

50.1

2. Additionally, the Draft EIR fails to sufficiently explain how proposed mitigation measures will address the following significant and cumulative impacts on Parkmerced and its residents:

(CR-3 thru CR-6) Project construction activities could disturb significant archeological resources, human remains, and paleontological resources within the project site;
(TR-1 thru TR-7, TR-9 thru TR-11, TR-21 thru TR-28, TR-36 thru 41, TR-44) Various Significant Traffic Impacts from proposed project on the surrounding streets, highways, and public transit links;
(NO-1, NO-2, NO-6, NO-7, NO-8) Project -related construction activities would increase noise levels above existing ambient conditions, expose persons and structures to excessive ground-borne vibration or noise levels; Project-related light rail noise and vibration level impacts; Incompatible noise environments; Increased noise levels from the operations of stationary noise sources;
(AQ-3) Construction of proposed project could expose persons to substantial levels of toxic air contaminants, resulting in adverse health effects;
(WS-1, WS-3) Hazardous wind impacts on proposed building structures;
(BI-1 thru BI-5, BI-7 thru BI-10) Significant impacts to wildlife, special-status animal species, natural habitats, plant and tree life, vegetation, wetlands, and migratory birds from various project-related construction activities, inclusive but not limited to stormwater outfall/run-off, removal of trees/shrubs, installation of proposed wind turbines, construction of building towers;

50.2

(GE-1) Project could result in substantial soil erosion and/or loss of topsoil during construction;
(HY-1, HY-2) Project could violate water-quality standards and waste-discharge requirements, degrade water quality, alter drainage patterns, and contribute to substantial soil erosion, siltation, and localized flooding in Parkmerced;
(HZ-2) Public health and environmental hazards from project-related release of dangerous and hazardous materials. **50.2 con't**

3. The Draft EIR fails to address whatsoever the fact that Parkmerced sits in a volatile earthquake fault zone, has experienced past serious structural damage from the deadly, 1989 Loma Prieta Quake, and could possibly experience serious structural damage and/or failure, resulting in a high percentage of Parkmerced human casualties and fatalities from deadly future quakes. **50.3**

4. The Draft EIR erroneously states and concludes that current Parkmerced garden apartment residents will be protected by local rent control ordinances and/or state housing laws, before, during, and after so-called "relocation" (D. Project Characteristics, Proposed Land Use, Tenant Relocation, p. III.15). **50.4**

5. Finally, the Draft EIR fails to address the following critical factors and their impacts:

(a) The fact that the current applicants (Parkmerced Investor Properties, LLC) are critically in-default of their current mortgage obligations (over $500 million dollars) and are unable to provide any evidence whatsoever to the City and County of San Francisco that applicants are financially-solvent and are qualified to receive substantial financing for their proposed multi-billion dollar Parkmerced project and associated cost over-runs, from any certified, interested and solvent private financial institutions, parties, or individuals. **50.5**

(b) The uncertainty of the highly-stressed global economy, volatile market conditions, financial institution solvency, sky-rocketing foreclosure rates, and inflationary impacts.

Given the reasons cited herein, I would submit that the current Draft EIR falls fatally short of meeting its legally-mandated thresholds established by CEQA, to advance the proposed Parkmerced project beyond its current status.

As such, the only project option which is currently feasible and legally-sound is Project Alternatives "A" (No Project Alternative), which I would advocate and recommend that the City and County of San Francisco adopt, at this time.

Sincerely,

Julian P. Lagos
(Parkmerced Resident)

Cc: San Francisco Board of Supervisors

RECEIVED

JUL 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Julian P. Lagos
128 Garces Drive
San Francisco, CA. 94132
(415) 584-1700

December 9, 2010

VIA HAND-DELIVERY

San Francisco Planning Commission
c/o Ms. Linda Avery, Clerk
San Francisco State University
McKenna Theatre - 1600 Holloway
San Francisco, California 94132

RE: Special Hearing - Demolition of Parkmerced Garden Apartments/Tenant Evictions

Good Evening, Commissioners:

My name is Julian Lagos. I have been a garden apt. resident in Parkmerced since July, 1993.

I am speaking here tonite to oppose any plan to demolish over 1500 beautiful garden apartments in historic Parkmerced, including my own, and evict tenants, for the following reasons:

1. The current garden apartments are more than adequate to meet San Francisco's need for affordable, sustainable housing and urban open spaces. They should be preserved as a historical landmark along with the rest of Parkmerced and sold to the tenants as a co-op.

2. Any plans to demolish our current garden apartments would interrupt our quiet enjoyment of living in Parkmerced and could be legally-challenged as a "constructive eviction" action, leaving both the owners and the City liable for hundreds of millions of dollars in litigation costs from lawsuits.

3. The owners' purported plans to relocate tenants during demolitions is illusory, at best. Any new units offered to current tenants under this scheme would effectively be de-controlled by both state and local laws, leaving renters with no rent control protections and no viable housing options.

4. It is no secret that the current equity holders, Fortress Investment Group, have major financial problems as do their minority partners, Stellar Management and the Rockpoint Group. It would be highly irresponsible for the City to issue development entitlements to applicants who cannot financially guarantee that their project will be built or even completed.

Thank you.

Julian P. Lagos

cc: San Francisco Board of Supervisors

Julian P. Lagos
128 Garces Drive
San Francisco, CA. 94132
(415) 584-1700

January 13, 2011

San Francisco Planning Commission
c/o Ms. Linda Avery, Clerk
1660 Mission Street - Suite 400
San Francisco, California 94105
Attn: Planning Commissioners

RE: Parkmerced Project - Proposed Financial Plan

Dear Commissioners:

I speak to you tonite in protest of the Proposed Parkmerced Development Plan and the Developer's tenuous financial position.

Fortress Investment Group, the equity holder in this proposal, and their partner Rockpoint, have a history of dubious ventures that leads one to question whether these proponents are truly honest about their ability to finance this Project.

Most recently, it was reported that Fortress left the City of Vancouver, B.C, literally holding the bag for failing to complete the 2010 Winter Olympics Village Project, a sum in total of $458 million. Vancouver had to borrow the money to complete construction of the Village.

It was also reported that Fortress was being sued for over $500 Trillion for mortgage fraud and its role in the sub-prime lending scandal and foreclosure crisis.

And, finally, it was reported that Rockpoint, a partner in the New York City Riverton development, was being sued for failing to complete the Riverton project in the sum total of $208 million

Given these facts, it is highly unlikely that Fortress and its partner, Rockpoint, possess the financial capacity or the ethical standards necessary to break ground with this project, let alone complete it.

For these reasons, I believe their proposals should be rejected by this Commission.

Sincerely,

Julian P. Lagos

Feb. 26, 2011

To: The Clerk of the Board of Supervisors

From: Bob Livingstone

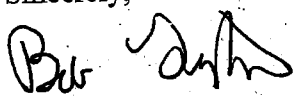
Re: EIR Appeal of support for the official appeal from *The Coalition to Save Parkmerced*; Project# 2008.0021E

I am appealing the Environmental Impact Report on the Parkmerced Project #100979 and this letter is in support of the official appeal from *The Coalition to Save Parkmerced*; Project# 2008.0021E.

I have been a Parkmerced tenant for 31 years and I am supporting the appeal for the following reasons:

- This project has never been reviewed by the Historic Preservation Committee. Parkmerced may be eligible for historic landmark status and the EIR does not address how the demolishment of 1500 garden apartments will violate that possibility.
- The EIR does not adequately address the major traffic congestion and air pollution that will take place once the project is completed. There will be about 9000 additional units which translate into at least 20,000 new residents once the project is finished. It is unrealistic to think that financially strapped MUNI will be able to meet the transportation needs of this expanding community. The adding of lanes and traffic lights will do nothing to deal with the bumper to bumper traffic on 19th Avenue.
- The issue of air bound toxic fumes that will come from the construction of this project is not dealt with in the EIR report. What kinds of toxic chemicals will be fouling the air once construction begins? How will this affect residents of ours and neighboring communities?
- Noise pollution that would take place during construction is not adequately address in the EIR report.

Sincerely,



Bob Livingstone

8 Josepha Ave.

San Francisco, Ca.

94132

PARKMERCED ACTION COALITION
P.O. Box 320025, San Francisco, CA 94132
Phone: 415.333-3719
Email: parkmercedac@gmail.com

DATE: March 2, 2011

BY HAND DELIVERY

RECEIVED
BOARD OF SUPERVISORS
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BY

Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Bill Wycko, Environmental Review Officer
San Francisco Planning Department
1650 Mission St., 4th Floor
San Francisco, CA 94103

NOTICE OF APPEAL TO THE SAN FRANCISCO BOARD OF SUPERVISORS
of
Actions by the San Francisco Planning Commission Certifying the Parkmerced Mixed-Use Development Program "Final Environmental Impact Report" Planning Department Case No. 2008.0021EPMTZW

Pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 *et seq.*, and the San Francisco Administrative Code §31.16, this is Notice of Appeal to the San Francisco Board of Supervisors of all actions of the San Francisco Planning Commission taken on February 10, 2011 to certify the Parkmerced Mixed Use Development Program (the "Project"), including certification of the Final Environmental Impact Report ("EIR") on the Project.

Attached is a copy of Planning Commission Motion(s) 18629 (Certifying Environmental Impact Report) on February 10, 2011.

Grounds for this Appeal lie in the agency's violations of CEQA and such other laws that may apply.

By certifying a legally inadequate EIR, the Planning Commission has abused its discretion and failed to proceed in a manner required by law under CEQA and other laws, codes and constitutional provisions that may apply, for reasons including but not limited to those described in this Notice of Appeal and that may be raised in further briefing and comment, including, but not limited to, the following:

1. Legally Inadequate EIR. The EIR fails to identify, analyze, and mitigate the direct, indirect, and cumulative impacts of the Project on the environment, including but not limited to the direct, indirect and cumulative impacts on traffic, transit, congestion, parking, air quality, greenhouse gases and global climate change, noise, public safety, pedestrian safety, emergency services, open space, hazards and hazardous materials, water and hydrology, historic and aesthetic resources, community services, human impacts, impacts on open space, impacts on wildlife, construction impacts over a *thirty-year* construction period, including noise, dust, disruption, transportation impacts, and toxicity, the impacts of the development agreement, and other impacts. The EIR fails as an informational document, and its conclusions and the findings adopted by the Planning Commission are inadequate and incorrect.

2. Deficient Project Description. The Project Description contained in the EIR is legally inadequate, inaccurate, and deficient, and results in inadequate analysis of environmental impacts, including but not limited to, the following examples:

- **The EIR's Project Description fails to describe the wholesale destruction of an existing community of approximately 5,000 people. Impacts on humans require a mandatory finding of significance, and must be analyzed and mitigated.**

- The EIR's Project Description fails to specify the duration of the Project (alternately identifying it as 20 years or 30 years). The EIR fails to include any description of the dates of implementation, the phasing and duration of phases.

- The Project Description includes construction of a series of transportation and infrastructure improvements that depend on third party approvals (including from CalTrans) that have not been obtained and may not be obtained. These public improvements are essential to the Project, indeed purport to define the Project as a "Transit Village", yet may never materialize. **Consequently, the entire environmental analysis in the EIR is based on a faulty premise: a "transit village" without any transit.**

- The EIR's Project Description includes four phases of construction, which is not consistent with the requirements of the Development Agreement. Both documents omit critical information such as the dates of the phased implementation. Consequently, the EIR fails to analyze the impacts of phased construction on the residents of Parkmerced and surrounding neighborhoods. **Twenty or thirty years of construction will cause significant impacts on traffic, transit, parking, air quality, land use, and human impacts, which require a mandatory finding of significance.**

- The EIR fails to include, describe, analyze, and mitigate the impacts of the Development Agreement, which is a critical part of the Project that proposes

changes to the physical environment and the City's transportation system, with direct, indirect, and cumulative impacts on the Project area, the surrounding area, and the entire region.

- The EIR is inconsistent in its treatment of the 11 highrise towers, which include 1,683 housing units. The Project Description includes these units, and the Developer receives credits for densification, energy efficiency, and water conservation based on these tower units, but the EIR later states that the tower units are not part of the Project and that seismic impacts on the towers need not be analyzed.

3. Inadequate Description of Baseline Conditions. The EIR's baseline (existing conditions) descriptions are inadequate as a matter of law, since they do not accurately describe the existing physical conditions and land use in the Project area and surrounding areas, traffic, transit, parking, historic resources, open space, air quality, density, infrastructure, and emergency and community services in the immediate and cumulative areas, and in the regional area.

4. Failure to Mitigate Impacts. The EIR fails to mitigate the Project's impacts in violation of CEQA. The EIR fails to identify mitigations for each significant impact identified in the EIR, fails to describe all mitigations found to be "infeasible," and fails to support such conclusions with substantial evidence. The EIR proposes no effective mitigations, since it proposes no funding of mitigation measures and requires no funding by the developer. **The EIR identifies numerous mitigation measures that could decrease traffic impacts, yet fails to adopt them because there is no identifiable financing source.** The EIR also fails to include the development agreement, which proposes mitigations that are not analyzed in the EIR, and delegates mitigation of the Project's impacts and monitoring of mitigation to a private developer with a financial stake in the Project. The public has been completely excluded from participation in the Development Agreement, which was prepared in private between the City and the developer.

5. Demolition of Garden Apartments: Population and Housing Impacts Not Properly Identified or Analyzed. The EIR fails to analyze major population and housing impacts of the Project, including, but not limited to:

- **failure to describe, analyze, and mitigate the impacts of the demolition of 1,538 mostly two- and some three- bedroom garden apartments as a physical impact of the Project, and failure to state that the demolition of sound housing in established residential neighborhoods fails to comply with Policy 2.1 of the Housing Element of the San Francisco General Plan.**

- **failure to disclose or analyze that approximately 5,000 people, longtime residents of the 1,538 Garden Apartments, will be displaced from their homes prior to demolition.** The EIR equates the promised availability of

replacement housing with no displacement of families from their current long-time residences. The EIR fails to analyze the actual displacement from Parkmerced that will occur due to 20-30 years of prolonged demolition and new construction of high density residential buildings and major public improvements. **This is a human impact requiring a mandatory finding of significance, and is also a direct, indirect, and cumulative land use impact.**

- **Failure to disclose that the City and the Developer will not comply with applicable state relocation law** (Government Code Section 7260 et. seq), which would provide replacement housing benefits and moving costs to persons moving off-site of Parkmerced due to the Project. Consequently, the EIR fails to analyze the physical impacts of displacement occurring without compliance with state law. **The human impacts due to displacement and relocation require a mandatory finding of significance, analysis, and mitigation in the EIR under CEQA.**

- **The EIR fails to identify the impact of the loss of 1,538 rent-controlled mostly two and three bedroom units on Parkmerced and the City and County of San Francisco** because it assumes as fact that the Developer will construct 1,538 rent-controlled replacement units, without disclosing serious legal concerns that state law prohibits imposition of rent controls on newly-constructed units. Further, the EIR Responses to Comments entirely fails to respond to comments regarding the inherent risk that the rent-controlled units will not be replaced, even though the then-existing drafts of the Development Agreement specifically addresses a scenario of a court holding that rent control may not be imposed on the replacement units. **Loss of rent-controlled units is a human impact causing displacement and homelessness on a direct, indirect, and cumulative level, and requires a mandatory finding of significance and effective mitigation, which the EIR fails to include. It is also causes direct, indirect, and cumulative land use impacts that the EIR fails to analyze and mitigate.**

- The EIR states that, according to Planning Department's Initial Checklist, a project that "displaces substantial numbers of existing housing units... necessitating the construction of replacement housing" has a potentially significant impact related to population and housing, But then the EIR finds no significant impact *due to the promised construction of replacement units*. This is a contradictory statement, intended to obfuscate the true nature of the project (demolition of 1,538 occupied rent-controlled garden apartments) and confuse the public and decision-makers.

- The EIR identifies construction of 1538 new rent controlled units as a "benefit" of the Project, but fails to identify demolition of the same number of units as an impact.

6. Land Use Impacts. The EIR fails to analyze the land use impacts of the Project.

7. Inconsistency With Housing Element. The Project is inconsistent with the Housing Element of the San Francisco General Plan, and specifically with Policies 2.1 (Discourage demolition of sound existing housing); 3.1 (Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households); 3.2 (Preserve at risk, privately owned assisted housing.); 3.5 (Improve the seismic stability of existing housing without reducing the supply of affordable housing.); 3.6 (Preserve landmark and historic residential buildings); 6.1 (Protect the affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing); 6.2 (Ensure that housing developed to be affordable is kept affordable); 6.4 (Achieve permanent affordability through community land trusts and limited equity housing ownership and management); 8.1 (Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible); and 11.9 (Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character).

8. Significant Traffic Impacts. The EIR identifies numerous significant traffic and transit impacts that it claims cannot be mitigated and labels "unavoidable." The Project is designed with one-for-one parking that will attract vehicles and worsen traffic conditions. **The EIR identifies numerous intersections, including along 19th Avenue, that will have Levels of Service E or F due to the Project, yet fails to adequately analyze mitigation measures that could decrease these impacts and rejects mitigation measures as infeasible without substantial evidence.**

9. Significant Public Transit Impacts. **The EIR describes public transit systems (streetcar and bus) that will be overwhelmed by the Project, resulting in transit delays, insufficient capacity and overcrowding that are identified as significant "unavoidable" adverse impacts of the Project, yet fails to adequately analyze mitigation measures that could decrease these impacts.**

10. Traffic and Transit Mitigation Measures Not Properly Analyzed or Adopted. The EIR identifies numerous mitigation measures that could decrease traffic and transit impacts, yet fails to recommend adoption of the mitigation measures because SFMTA has not completed analysis of the feasibility of the proposed mitigation measures, and because there is no identified financing source for the mitigation measures, and therefore their implementation is "uncertain". **Under CEQA, the EIR should not have been finalized and certified until SFMTA analysis is complete and feasibility of proposed mitigation measures can be determined based on substantial evidence.**

11. Parking That Causes Traffic Impacts Not Disclosed. The Project includes a net increase of 6,342 parking spaces, for a total of 11,154 spaces (including on-street parking) for

8,900 dwelling units. By all known methods of traffic analysis, this parking ratio will be a heavy traffic generator, yet the EIR fails to identify the parking increase as having a significant impact on traffic conditions.

12. Significant "Unavoidable" Wildlife Impacts, Including Impacts on Endangered Species. The EIR finds a significant adverse impact on wildlife (including endangered bird species utilizing the Pacific Flyway and Lake Merced) that cannot be mitigated, described as follows: "Operation of the 51 proposed wind turbines on the western periphery of the Project could have a substantial adverse effect on special-status species, interfere substantially with bird or bat movement and migration corridors, and interfere substantially with raptor nest sites." The EIR fails to suggest that the wind turbines be removed from the Project, instead instructing the developer to obtain an "incidental take permit" from the California Department of Fish and Game. **The EIR fails to suggest obvious mitigation measures to prevent bird losses, such as relocation of the 51 wind turbines away from Lake Merced and the Pacific Flyway.**

13. Greenhouse Gas and Global Climate Change. The EIR's Greenhouse Gas Emissions and Global Climate Change analysis is seriously deficient in that it does not properly compare the Project's greenhouse gas emissions with the Bay Area Air Quality Management District's (BAAQMD) Thresholds. By making unexplained "adjustments" to the Projects greenhouse gas emissions inventory, the EIR concludes that the emissions are lower than the BAAQMD thresholds and therefore not significant. The EIR fails to provide substantial evidence to support this conclusion.

14. Seismic Impacts. The EIR fails to analyze the seismic impacts on the existing 11 highrise towers, including 1683 units of housing, although these towers are included in the Project Description. At the public hearing on the certification of the EIR, planning staff incorrectly stated that the 11 towers are not part of the "Project" analyzed by the EIR.

15. "Unavoidable" Significant Adverse Impacts in Seven Separate Categories. The EIR finds unavoidable adverse impacts that cannot be mitigated in the following categories: Aesthetics, Cultural and Archeological Resources, Transportation and Circulation, Noise, Air Quality, Wind and Shadow, and Biological Resources. These are significant impacts in seven major categories of analysis. However, the Findings and Statement of Overriding Considerations adopted by the Board are incorrect and insufficient. **The EIR fails to propose and analyze mitigations for each significant impact identified in the EIR. Its conclusions of "unavoidability" are unsupported and inadequate as a matter of law. They are, furthermore, unsupported by substantial evidence in the record.**

16. Open Space Impacts. The EIR fails to identify the net loss of 7 acres of open space as a significant impact of the Project, and fails to mitigate this impact.

17. "No Demolition" Alternative Not Analyzed or Considered. **The EIR fails to identify and analyze a "No Demolition Alternative" which clearly would be the**

environmentally superior alternative and is the preference of the thousands of existing residents of Parkmerced.

18. Failure to Consider a Range of Alternatives. The EIR fails to analyze a full range of alternatives to the Project or its location that would eliminate the Project's impacts. The EIR contains no alternative sites or off-site alternatives. For example, locating the Project in Daly City near the BART station would eliminate the need for the proposed permanent shuttle service, while eliminating the Project's impacts on traffic, transit, and parking in the existing area.

19. Inadequate Findings and Statement of Overriding Considerations. The lead agency's "Findings" are inadequate as a matter of law, because they are based on the flawed analyses and omissions in the EIR. The "findings" incorrectly merge a "statement of overriding considerations" with the legally inadequate and unsupported findings. Before it may even consider a statement of overriding considerations, the lead agency had to first find that proposed mitigations of each of the Project's significant impacts identified in the EIR were *truly infeasible*, and to support each of those findings with substantial evidence, first in the EIR itself, and then in findings, which the lead agency did not do. The lead agency then had to propose a full range of reasonable alternatives that would eliminate or mitigate to insignificance the Project's impacts, which it did not do. Only after those analyses were completed, both in the EIR, and in findings, could the Planning Commission then consider a statement of overriding considerations. **The statement of overriding considerations is inadequate as a matter of law, because it was not preceded by these analyses. It is, furthermore, not supported by substantial evidence.**

20. Staff Not Objective. Contrary to the Planning Commissions unsupported conclusions, the EIR and findings are not objective since the Developer has paid $494,000 in City costs, including $180,000 to the City Attorney, $140,000 to the Mayor's Office of Workforce Development, $75,000 to the SF MTA, and $60,000 to the Planning Department.

The Project is of regional and statewide significance under CEQA, since it affects transportation throughout the greater San Francisco Bay Area. It also proposes amending the San Francisco General Plan and Planning Code. (14 Cal. Code Regs. ["CEQA Guidelines"] §15206.)

Failing to mitigate the direct, indirect, and cumulative impacts of the Project, including the impacts of the proposed legislation and proposed development agreement, is an abuse of discretion and failure to proceed in the manner required by law under CEQA. The EIR is also legally inadequate for other reasons, including but not limited to its inaccurate descriptions of the Project and existing (baseline) conditions, resulting in an analysis that is incomplete and inadequate as a matter of law. The EIR also fails to identify mitigations and a full range of on-site and off-site alternatives that would reduce or eliminate the Project's significant impacts.

Contrary to the Planning Commission's unsupported conclusions, the EIR is inadequate and inaccurate. The EIR is also not objective, having been crafted to serve the financial interests of a private developer without requiring mitigation of its impacts, and omitting the secret development agreement. The Planning Commission's certification of the EIR was, therefore, an abuse of discretion and a failure to proceed in a manner required by law.

Throughout this process, the Planning Department's process has denied meaningful public participation. Revised drafts of the Development Agreement were discussed at Planning Commission hearings prior to posting on the Department's website, so that members of the public were not commenting on the most current drafts of documents before the Planning Commission The Planning Department's 103-page proposed Findings were not publicly released until January 27, 2011. Huge volumes of paper were generated at or after the February 10, 2011 Planning Commission hearing, defeating the public's ability to meaningfully participate in the decision-making process. The Planning Commission violated its own rules in permitting project proponents to have extra time (10 minutes) for testimony on the EIR certification, while project opponents were limited to 3 minutes.

The Planning Department refused to timely provide accurate copies of the legislation adopted by the Planning Commission, claiming that the legislation approved at that "hearing" had to be written *after* the vote approving it. The withholding of that legislation curtailed the public's ability to appeal those actions to the Board of Supervisors. To this day, the minutes and the transcript of the February 10, 2011 Planning Commission hearing remain publicly unavailable. Withholding these critical documents has cut short the time allowed for appeal and undermined the public's rights. The failure to allow adequate public participation in the environmental review and decision-making process is an abuse of discretion and failure to proceed as required by CEQA.

Appellant will submit a more detailed comment and/or briefing in written and oral argument on or before the final hearing on this Appeal and on any further proceedings before the Board of Supervisors on the Project.

In the event that another party or parties also appeal(s) the EIR certification, we request full allowed time to present this Appeal and rebuttal before the Board of Supervisors. Appellant objects to any manipulation of process to require Appellant to "share" time with other groups or individuals who may file appeals related to this Project. Whether scheduled in the same hearing or not, such curtailing of speaking time violates CEQA and Appellant's fundamental right to an opportunity to be heard in this Appeal. Appellant further objects to allowing more speaking time to the respondent or to City staff than to each appellant, including rebuttal.

Appellant requests the following:

1. That this Appeal be granted upon fair hearing;

2. That the EIR and the Project be returned to the lead agency until such time as it is brought into compliance with CEQA and other laws and codes;

3. That upon bringing the EIR and the Project into compliance with CEQA, the EIR be recirculated in a coherent form and that the public be given a fully adequate period of not less than ninety (90) days in which to comment on it before further proceedings;

4. That any legislation already passed by any agency to implement the Project or any part of it be rescinded and declared null and void;

5. That any proposed legislation or other actions to implement the Project, including approval of the Development Agreement, be held in abeyance until the Project fully complies with CEQA; and

6. Such other appropriate remedies as Appellants may request.

The Board of Supervisors is required to consider *de novo* all the issues and facts raised on the Project and its environmental review. (*E.g.*, SF Admin. Code §31.16(c).) The Full Board of Supervisors must be present at the hearing on this Appeal. (*Id.* at §31.16, subds. (d) and (e).) If the full membership of the Board is not present, the hearing may be postponed for up to 90 days from the date of this Appeal. (*Id.*) The Board of Supervisors must independently issue its own Findings under CEQA. (*Ibid.*)

The City may not take any action to approve or implement the Project pending the full Board hearing on this Appeal. (SF Admin. Code §31.16(a)(3).) Actions already taken by any public agency to approve or implement the Project are therefore suspended, null and void upon the filing of this Appeal.

With this Appeal, Appellants do not waive the right to present any and all issues and other public comment in further proceedings on the Project, including but not limited to proceedings before the Board of Supervisors, the SF MTA, the Planning Commission, the San Francisco County Transportation Authority, or any other agency on any proceedings, actions or litigation related to the Project.

Regardless of this Appeal, Appellants and other members of the public have the right to present public comment on all matters pertaining to the Project before the Board of Supervisors during all proceedings on this Project. Since the public's right to participate in administrative proceedings on this Project has already been violated, the Appellants and the public cannot be lawfully restricted in further proceedings to matters previously raised.

Please notify the undersigned of the date of the hearing, all actions on this Appeal and on the Project. Please schedule the hearing not earlier than 30 days from the date of this Appeal.

DATED: March 2, 2011

Healani Ting
President
Parkmerced Action Coalition

1650 Mission St.
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San Francisco,
CA 94103-2479

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Planning Commission Motion No. 18629

Environmental Impact Report Certification

HEARING DATE: FEBRUARY 10, 2011

Hearing Date:	February 10, 2011
Case No.:	2008.0021E
Project Address:	3711 19th Avenue
Zoning:	RM-4, RM-1 and RH-1(D) 40-X and 1Height and Bulk District
Block/Lot:	7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
Project Sponsor:	Seth Mallen, Parkmerced Investors, LLC 3711 19th Avenue San Francisco, CA 94132
Staff Contact:	Rick Cooper – (415) 575-9027 rick.cooper@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKMERCED PROJECT

MOVED, that the San Francisco Planning Commission ("Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0021E, Parkmerced Project, 3711 19th Avenue ("Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department ("Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, Section 15000 *et seq.*, ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

A. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 20, 2009

B. On May 12, 2010, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on May 12, 2010.

D. On May 12, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 12, 2010.

2. The Commission held a duly noticed public hearing on the DEIR on June 17, 2010, and received public comment. The period for acceptance of written comments ended on July 12, 2010.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received and based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on October 28, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to the public at the Department at 1650 Mission Street.

4. The Department has prepared a Final Environmental Impact Report (FEIR), consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law.

5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.

6. On February 10, 2011 the Commission reviewed and considered the FEIR and finds that the contents of the FEIR and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

7. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby CERTIFIES THE COMPLETION of the FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of the FEIR, finds that the project described in it:

A. Will result in the following significant and unavoidable project-specific environmental impacts:

1) Elimination of a visual/scenic resource of the built environment through the demolition of the existing garden apartment buildings and the removal of the existing landscaping;

2) Impairment of the significance of the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features on the Project Site;

3) Construction-related transportation impacts in the project vicinity due to construction vehicle traffic and road construction associated with the realignment of the existing light rail tracks;

4) Traffic impacts at 8 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive – Significant contribution to LOS F conditions during the weekday PM peak hour and weekend midday peak hour;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp – Significant contribution to LOS F conditions during the weekday PM peak hour;
- 19th Avenue/Sloat Boulevard – LOS E to LOS F in the AM peak hour;
- 19th Avenue/Winston Drive – LOS D to LOS E in the weekend midday peak hour and significant contribution to LOS F conditions during the PM peak hour;
- Sunset Boulevard/Lake Merced Boulevard – LOS C to LOS E in the PM peak hour;
- Lake Merced Boulevard/Winston Drive – LOS C to LOS E in the AM peak hour and LOS D to LOS F in the PM peak hour;
- Lake Merced Boulevard/Font Boulevard – LOS D to LOS F in the AM peak hour and LOS C to LOS F in the PM peak hour; and
- Lake Merced Boulevard/Brotherhood Way – LOS D to LOS E in the AM peak hour, LOS C to LOS F in the PM peak hour, and LOS C to LOS E in the weekend midday peak hour;

5) Traffic impacts on the following freeway segments:

- Southbound State Route 1 (Junipero Serra Boulevard) weaving segment between the on-ramp from Brotherhood Way and the off-ramp to John Daly Boulevard – Significant contribution to LOS E conditions during the AM peak hour, and LOS E to LOS F during the PM peak hour; and

- Northbound State Route 1 (Junipero Serra Boulevard) weaving segment between the Brotherhood Way on-ramp and Brotherhood Way off-ramp, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction.

6) Potential transit impacts due to the exceedance of the available transit capacity of Muni transit routes serving the Project Study Area, due to uncertainty of proposed mitigation to provide additional transit vehicles, which is subject to SFMTA's jurisdiction;

7) Potential transit impacts to the M Ocean View light rail due to route realignment and subsequent increased travel time, due to uncertainty of proposed mitigation to provide additional light rail vehicles or install transit signal priority, which are both subject to the SFMTA's jurisdiction;

8) Potential transit impacts due to increased vehicular traffic resulting in increased travel times for operations of the Muni 17-Parkmerced, 18-48th Avenue, 28-19th Avenue, 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor, due to uncertainty of proposed mitigation to provide additional transit vehicles or install transit preferential treatments, which are both subject to SFMTA's jurisdiction;

9) Transit impacts due to increased travel times and effects to operations of the Muni 17-Parkmerced, 28-19th Avenue and 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor;

10) Noise impacts due to increased traffic;

11) Light rail noise and vibration impacts;

12) Noise impacts due to operation of stationary noise sources potentially exceeding noise level standards;

13) Construction-related toxic air contaminates impact;

14) Operational regional air quality impacts;

15) Temporary wind impacts during phased construction;

16) Potential wind impacts due to the proposed Special Use District, which could result in exceedances of the wind hazard criterion or increases in the area subject to winds greater than 26 mph;

17) : Operational biological impacts to special-status species, including interference with bird or bat movement and migration corridors and raptor nest sites due to operation of the 51 wind turbines on the western periphery of the Project Site;

B. Will contribute considerably to the following cumulative environmental impacts:

1) A cumulative impact to the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features.

2) Cumulative traffic impacts at 13 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francis Boulevard/Portola Drive;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp;
- 19th Avenue/Sloat Boulevard;
- 19th Avenue/Winston Drive;
- 19th Avenue/Holloway Avenue;
- Brotherhood Way/Chumasero Drive;
- Sunset Boulevard/Lake Merced Boulevard;
- Lake Merced Boulevard/Winston Drive;
- Lake Merced Boulevard/Font Boulevard;
- Lake Merced Boulevard/Brotherhood Way;
- Lake Merced Boulevard/John Muir Drive;
- John Daly Boulevard/Lake Merced Boulevard; and
- Lake Merced Boulevard/Gonzalez Drive;

3) Cumulative impacts to traffic at four freeway segments on State Route 1 (Junipero Serra Boulevard):

- Southbound between the Brotherhood Way on-ramp and John Daly Boulevard off-ramp;
- Northbound between the off-ramp to Northbound I-280 and the John Daly Boulevard on-ramp;
- Northbound between the John Daly Boulevard on-ramp and the Alemany Boulevard off-ramp; and

- Northbound between the Brotherhood Way loop on- and off-ramps, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction;

4) Cumulative impact to transit capacity under 2030 cumulative conditions by contributing transit ridership to screenlines expected to exceed available transit capacity;

5) Cumulative noise impacts due to increases in traffic from the Project in combination with other development; and

6) Cumulative air quality impacts;

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 10, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, and Miguel

NAYS: Commissioners Moore, Olague, and Sugaya

ABSENT:

ADOPTED: February 10, 2011

PARKMERCED ACTION COALITION
P.O. Box 320025, San Francisco, CA 94132
Phone: 415.333-3719
Email: parkmercedac@gmail.com

DATE: March 2, 2011

BY HAND DELIVERY

Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Bill Wycko, Environmental Review Officer
San Francisco Planning Department
1650 Mission St., 4th Floor
San Francisco, CA 94103

Re: Appeal of Parkmerced EIR - Application for Fee Waiver

Dear Ms. Calvillo and Mr. Wycko:

Attached please find our $500 check and neighborhood fee waiver request form for the above referenced appeal. The undersigned is an officer and member of the Parkmerced Action Coalition, and this appeal has been authorized by the organization. We have previously submitted comments both orally and in writing on the Draft EIR. The Parkmerced Action Coalition is a neighborhood membership organization comprised of and representing the residents of Parkmerced, all of whom will be affected by the project which is the subject of the appeal. Further, our board is comprised of residents of Parkmerced, many of whom have so been for decades, and a majority of whom served for many years on the board of a predecessor neighborhood organization. Additionally, the undersigned is indigent and can demonstrate that paying $500 would interfere with her ability to provide for the necessities of life.

DATED: March 2, 2011

Healani Ting, President,
Park Merced Action Coalition

SAN FRANCISCO
PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- ☐ Conditional Use Authorization Appeals to the Board of Supervisors
- ☒ Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- ☒ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☒ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- ☒ The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: Parkmerced Action Coalition	Address of Project: 3711 – 19TH AVE
Neighborhood Organization: " " "	Planning Case No: 2008.0021EPMTZW
Applicant's Address: Po Box 320025	Building Permit No:
Applicant's Daytime Phone No: 333-3719	Date of Decision: Feb. 10, 2011
Applicant's Email Address: parkmercedaco gmail.com	

DCP STAFF USE ONLY

- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature:

■ **WAIVER APPROVED** ■ **WAIVER DENIED**



San Francisco Tomorrow

Since 1970, Working to Protect the Urban Environment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -2 PM 12: 06
BY

February 28, 2011

John Rahaim
Director of City Planning
1650 Mission St., Ste. 400
San Francisco, CA 94103

RE: Request for Fee Waiver as a neighborhood organization

Dear Director Rahaim,

I am writing this letter to confirm that San Francisco Tomorrow (SFT) is a neighborhood organization according to the definition specified by your department. Our organization was established in 1971 to protect and preserve San Francisco's neighborhoods, and have frequently acted in that role. We have been listed on the Planning Department's list of neighborhood organizations for many years.

In the matter of the appeal of the Parkmerced Environmental Impact Report, I have also authorized Bernard Choden to act on behalf of our organization.

Sincerely,

Jennifer Clary
President

SAN FRANCISCO
PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM
Appeals to the Board of Supervisors

1650 Mission St.
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Reception:
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Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT
[Check only one and attach decision document to this form]

- ☐ Conditional Use Authorization Appeals to the Board of Supervisors
- ☐ Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER
[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- ☑ The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- ☐ The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- ☐ The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- ☐ The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: J. CLEARY	Address of Project: 3711 19th Ave
Neighborhood Organization: SAN FRANCISCO TOMORROW	Planning Case No: 2008.0021E
Applicant's Address: 5537 MISSION ST, # 201, SF 94112	Building Permit No:
Applicant's Daytime Phone No: 369 9160 x 311	Date of Decision: 2/10/11
Applicant's Email Address: JCleary@sfmuseum.org	

DCP STAFF USE ONLY

- ☐ Appellant authorization
- ☐ Current organization registration
- ☐ Minimum organization age
- ☐ Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature:

■ WAIVER APPROVED ■ WAIVER DENIED

March 2, 2011
Honorable Members of San Francisco Board of Supervisors

RE: APPEAL OF PLANNING COMMISSION CERTIFICATION OF PARK MERCED EIR CASE NO. 2008.OO21E.

On behalf of San Francisco Tomorrow, we submit an appeal of the Planning Commission's certification of the Park Merced EIR. Case No.2008.0021E on February 10, 2011. The reasons for our appeal are the many unresolved environmental issues raised at that hearing by Planning Commissioners and the public.

In sum, these issues include: (1) failure to include and analyze an alternative encompassing physical preservation of low rise affordable housing; (2) inclusion of a non-viable continuation of rent stabilization as a mitigation, (3) failure to adequately consider PG &E pipeline safety in terms of construction and long-viability of the area, (4) failure to protect the historic, iconic architectural heritage and commodiousness of this modestly dense model of American development, (5) area wide environmental impacts such transportation, (6) sufficient economic area analysis to ensure the developer and city will have implementable timely mitigation resources, and (7) the actions of the Planning Commission did not follow due process as required by the City Charter and normative legal procedures.

More detailed explanation of these issues is attached, primarily from the February 10 hearing.

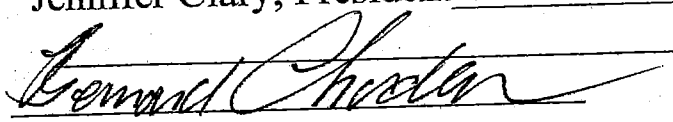
A further issue is that not only was certification of the EIR

premature, in light of missing analysis, but that action was taken on a complex development agreement whose content was being substantially amended minutes before the hearing ended late in the evening, not providing the public or the commission adequate time for review.

It is time to be more deliberative and accountable for this major and important project.

Signatures of appellant

_Bernard Choden, Chair Planning on behalf
Jennifer Clary, President_____



San Francisco Tomorrow

Attachments:
Stuart Flashman Statement
Bernard Choden Statement
Planning Commissioner Kathrin Moore's statements
Aaron Goodman Statement
Supportive Testimonies

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stuflash.com

March 2, 2011

To the Honorable Members of the San Francisco Board of Supervisors

RE: APPEAL OF PLANNING COMMISSION CERTIFICATION OF PARK MERCED FINAL EIR

I am an attorney representing San Francisco Tomorrow. On behalf of my client, I hereby appeal the Planning Commission's certification of the Park Merced Final EIR and its approval of findings supporting that certification on February 10, 2011. Copies of that certification and the findings are attached hereto. The reasons for the appeal are substantive and procedural violations of the California Environmental Quality Act in the preparation and certification of the Final EIR, inadequate findings adopted by the Planning Commission in support of that certification, and the violation of due process in the Planning Commission's conduct of the hearing where it certified the Final EIR. Details of the basis for this appeal are laid out below and in the attached statements, which statements are incorporated into this appeal by this reference.

A. Violations of the California Environmental Quality Act ("CEQA")

1. The Description of the Project area and existing conditions is incomplete and inaccurate. The description of the existing two and three story buildings which would be demolished as part of the project asserts that they are in substandard condition and cannot be feasibly renovated. However, there is no substantial evidence provided to support this assertion, and the assertion is rebutted by the testimony of many project residents as to the adequacy of those structures and the testimony of architects who have examined them that any existing inadequacies could be remedied by a reasonable and very feasible renovation plan.

   The description of the project area and existing conditions therein fails to delineate accurately the prior boundaries of Park Merced as a designed landscape site, including portions of the site sold off prior to this proposal, thereby attempting to avoid addressing the cumulative impact of past and present projects affecting this site.

   The description of the project area fails to accurately indicate the condition of the 11 existing towers on site and fails to acknowledge the need to renovate or replace these towers.

   The description also fails to accurately describe the relationship of the existing open space in the project area to San Francisco's overall "greenbelt", nor does it properly

or accurately describe the historic value of the existing buildings and of the entire 191.2 acre landscape design.

The description fails to accurately delineate the open-space gradations on the site, which encompasses private/public open-space areas including finer levels/layers of landscape, softscape, hardscape, courtyard and shared communal areas. This failure conceals the impacts of loss of usable open space on tenants, and the impacts from the overall loss of open-space on residents and visitors.

2. The project description is inaccurate and inconsistent. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) In some places, the project is described as being phased over twenty years, while on other places, it is inconsistently described as taking thirty years to implement. In some places, the project area is described as including the existing high-rise buildings, while in other places, those same buildings are described as not being part of the project. The project description indicates that it includes providing replacement housing at permanently rent-controlled rates for the existing tenants whose buildings will be demolished, but provides no explanation of how this can be done in a legally binding manner not subject to rescission by future owners/managers of the site.

3. Identification of impacts as significant and unavoidable when there were feasible mitigation measures and/or alternatives that could have reduced the impacts to a level of insignificance. These include the visual and historic impacts of removing the existing historic Park Merced buildings and landscaping when feasible alternatives, including the renovation of the existing buildings in whole or in part and mitigation measures, including the protection of the overall existing landscaping plan in the context of any construction or reconstruction project, had been proposed by numerous members of the community. Unfortunately, these proposals were improperly ignored by the SF Planning Department and SF Planning Commission.

   Also included are transit impacts that could have been avoided by not shifting the Muni M streetcar line into the project but instead providing an improved bus transit connection, including the potential for bus rapid transit, to connect the project area both to the existing M line and to the nearby Daly City and/or Balboa Park BART stations. The SFPUC findings state clearly that "grade-separation" is the preferred solution, yet it is not shown as a design option. Also not included is Tier-5 level funding initially, prior to initiation of any development. This has been a major issue supported by neighborhood and community organizations districtwide, to directly address the insufficient transit linkage in the western side of the city, but it is not mentioned in the discussion of transit in the EIR.

   Also included are the traffic and cumulative traffic impacts that could have been avoided by looking at a reduced-scale project or an alternative site for the project closer to an existing transit station where good transit connections would have been assured and limitations could therefore have feasibly been imposed on the number of

private automobiles associated with the project and/or their use.

Also included are construction impacts that could potentially be mitigated if sufficiently described, but are left vague and unclear, even though this is a project-level EIR and no additional environmental review would occur.

4. Failure to identify significant impacts, including: 1) seismic safety impacts of building a major high-rise residential development in close proximity to the highly-active San Andreas fault and leaving in place without mitigating the existing seismically unsound high-rise residential towers, which could, during a major seismic event, endanger not only their own residents but the residents of the newly-constructed towers included in the project. 2) life-safety impacts from building the project in close proximity to an aging major PG&E high pressure natural gas transmission line, similar to the line that failed disastrously in San Bruno, and which is also perilously close to the San Andreas fault, with no assurance as to the safety of that line. 3) global warming and CO2 production impacts that have been improperly downplayed by failing to fully and properly take into account the significant amount of greenhouse gas generation that will be associated with: a) demolition of existing structures and disposal of the debris produced; b) regrading of the site prior to new construction, c) planting new and replacement landscaping, d) loss of carbon sequestration due to the destruction of the existing mature trees and landscaping on the site; e) increased energy use and CO2 production from placing washer-dryer-dishwashers in every unit, rather than providing for higher-capacity, more energy-efficient communal facilities. 4) land use impacts, including: a) proposing a major housing project in the absence of a valid general plan, including the lack of a valid and internally consistent land use element and a hopelessly outdated housing element going back to 1991; b) proposing a project that is fundamentally inconsistent with many of the priority policies adopted by the voters of San Francisco in Proposition M, specifically: Policy #2 – That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; Policy #3 – That the City's supply of affordable housing be preserved and enhanced; Policy #6 – That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake; Policy #7— That landmarks and historic buildings be preserved; and Policy #8 – That our parks and open space and their access to sunlight and vistas be protected from development; c)proposing a project that is inconsistent with policies contained in the 1991 Housing Element; specifically with Policies 2.1[1] -- Discourage demolition of sound existing housing; 3.1 -- Ensure that existing housing is maintained in a decent, safe, and sanitary condition, without increasing rents or displacing low-income households; 3.2 -- Preserve at risk, privately owned assisted housing.; 3.5 -- Improve the seismic stability of existing housing without reducing the supply of affordable housing.; 3.6 -- Preserve landmark and historic residential buildings; 6.1 -- Protect the

[1] The policy numbers provided are from the (invalid) 2004 Housing Element, the only housing element available on the City of San Francisco's official internet website. However, these policies date back to the prior 1991 Housing Element.

affordability of units in existing buildings at risk of losing their subsidies or being converted to market rate housing; 6.2 -- Ensure that housing developed to be affordable is kept affordable; 6.4 -- Achieve permanent affordability through community land trusts and limited equity housing ownership and management; 8.1 -- Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible); and 11.9 -- Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

5. Inclusion of mitigation measures as feasible when there is no assurance of their feasibility, leaving the impact significant and unmitigated. Specifically, these include 1) the claim that displacement of existing residents will be mitigated by allowing residents a right of first refusal to new replacement units at similar rents and with the same rent control protection as they have on their existing units when that cannot be enforceably promised under current state law; 2) the claim that affordable housing will not be lost through construction of the project when any provision of affordable housing within the project will be only temporary and the housing will revert to market-rate when the tenant who was provided the unit as a displaced tenant vacates the unit; 3) the claim that the project will not increase greenhouse gas emissions when the project includes no binding limitations on future occupants' ownership or use of private automobiles and traffic modeling shows increased vehicle use and roadway congestion as a result of the project, and when there is no guarantee of financial resources sufficient to implement the proposed M-line extension and on-site station.

6. Failure to include a reasonable range of feasible alternatives, especially alternative that would reduce significant impacts so as to allow all decision makers and the public to make reasoned choices. The FEIR, with no supporting evidence, asserts that an alternative that would rebuild and/or rehabilitate the existing low-rise housing units is financially infeasible. Yet no evidence is presented on the structural soundness of individual units or on the actual financial costs of their rebuilding or rehabilitation, other than factually unsupported "guesstimates" in the developer's pro forma documents. Nor is any consideration given to alternative financing models, such as a limited-equity cooperative (as under General Plan Housing Element Policy 6.5) that might allow the self-financing of rehabilitation efforts. Nor does the FEIR include any alternative that would allow those low-rise units that are in the best repair to be maintained and improved, demolishing and replacing (with appropriately-scaled substitute housing) only those units that are found, after thorough investigation, not to be salvageable. Nor does the FEIR include an off-site alternative that would place the proposed high-density high-rise project in a more appropriate location further from earthquake faults and large high-pressure gas mains and adjacent to an existing transit station where "car-free living" might be truly feasible. Numerous alternatives were put forward by the community, but were brushed aside by the Planning Department and the majority of the Planning Pommission without adequate consideration or justification.

7. Ignoring and actively concealing from the public the cumulative impacts of the

Project taken together with impacts associated with implementation of the San Francisco State University Master Plan, and specifically the just-announced Mashouf Performing Arts Center, which will add almost 100,000 square feet of developed space to the SFSU campus, including a 1200-seat auditorium, a 350-seat music recital theater, and a 450-seat theater, all located only blocks from the Project site, and which will significantly exacerbate traffic impacts that have already been identified as significant and unavoidable.

More detailed explanation of these issues is attached, primarily from the February 10 hearing.

A further issue is that not only was certification of the EIR premature, in light of missing analysis, but that action was taken on a complex development agreement whose content was being substantially amended minutes before the hearing ended late in the evening, not providing the public or the commission adequate time for review. In addition, because of the timing of the meeting and the "management" of public comment at the meeting, interested members of the public, some of whom may have had significant personal or financial interests at stake (e.g., tenants in the existing housing) were denied the opportunity to speak, thereby depriving them of their due process rights.

Finally, I would like to request, as a matter of procedural fairness, the following when this matter is brought to hearing before the Board of Supervisors: 1) That the time allotted to City staff and the project proponent in opposing the appeal be equal to the amount of time allotted to the appellants to present their appeals; 2) that the appellants be allowed a reasonable amount of time for rebuttal of the arguments presented by staff and the project proponent; and 3) that the appeal be scheduled early enough in the day that members of the public who wish to speak on the appeal have a reasonable time available to make their comments without having the hearing run on until the early morning hours, when those with daytime jobs would have had to leave in order to get up for work the next morning.

We hope that the Board of Supervisors will give this appeal the serious attention and consideration that the many questions surrounding this large and impactful project deserve.

Respectfully Submitted:

Stuart M. Flashman

Stuart M. Flashman
Attorney for San Francisco Tomorrow

Attachment:
S.F. Planning Commission Motion No. 18629, certifying the FEIR and adopting findings

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6377

Planning Commission Motion No. 18629

Environmental Impact Report Certification

HEARING DATE: FEBRUARY 10, 2011

Hearing Date:	February 10, 2011
Case No.:	2008.0021E
Project Address:	3711 19th Avenue
Zoning:	RM-4, RM-1 and RH-1(D) 40-X and 1Height and Bulk District
Block/Lot:	7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
Project Sponsor:	Seth Mallen, Parkmerced Investors, LLC 3711 19th Avenue San Francisco, CA 94132
Staff Contact:	Rick Cooper – (415) 575-9027 rick.cooper@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKMERCED PROJECT

MOVED, that the San Francisco Planning Commission ("Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0021E, Parkmerced Project, 3711 19th Avenue ("Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department ("Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, Section 15000 *et seq.*, ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

A. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 20, 2009

B. On May 12, 2010, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on May 12, 2010.

D. On May 12, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 12, 2010.

2. The Commission held a duly noticed public hearing on the DEIR on June 17, 2010, and received public comment. The period for acceptance of written comments ended on July 12, 2010.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received and based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on October 28, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to the public at the Department at 1650 Mission Street.

4. The Department has prepared a Final Environmental Impact Report (FEIR), consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law.

5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.

6. On February 10, 2011 the Commission reviewed and considered the FEIR and finds that the contents of the FEIR and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

7. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby CERTIFIES THE COMPLETION of the FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of the FEIR, finds that the project described in it:

A. Will result in the following significant and unavoidable project-specific environmental impacts:

1) Elimination of a visual/scenic resource of the built environment through the demolition of the existing garden apartment buildings and the removal of the existing landscaping;

2) Impairment of the significance of the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features on the Project Site;

3) Construction-related transportation impacts in the project vicinity due to construction vehicle traffic and road construction associated with the realignment of the existing light rail tracks;

4) Traffic impacts at 8 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive – Significant contribution to LOS F conditions during the weekday PM peak hour and weekend midday peak hour;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp – Significant contribution to LOS F conditions during the weekday PM peak hour;
- 19th Avenue/Sloat Boulevard – LOS E to LOS F in the AM peak hour;
- 19th Avenue/Winston Drive – LOS D to LOS E in the weekend midday peak hour and significant contribution to LOS F conditions during the PM peak hour;
- Sunset Boulevard/Lake Merced Boulevard – LOS C to LOS E in the PM peak hour;
- Lake Merced Boulevard/Winston Drive – LOS C to LOS E in the AM peak hour and LOS D to LOS F in the PM peak hour;
- Lake Merced Boulevard/Font Boulevard – LOS D to LOS F in the AM peak hour and LOS C to LOS F in the PM peak hour; and
- Lake Merced Boulevard/Brotherhood Way – LOS D to LOS E in the AM peak hour, LOS C to LOS F in the PM peak hour, and LOS C to LOS E in the weekend midday peak hour;

5) Traffic impacts on the following freeway segments:

- Southbound State Route 1 (Junipero Serra Boulevard) weaving segment between the on-ramp from Brotherhood Way and the off-ramp to John Daly Boulevard – Significant contribution to LOS E conditions during the AM peak hour, and LOS E to LOS F during the PM peak hour; and

- Northbound State Route 1 (Junipero Serra Boulevard) weaving segment between the Brotherhood Way on-ramp and Brotherhood Way off-ramp, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction.

6) Potential transit impacts due to the exceedance of the available transit capacity of Muni transit routes serving the Project Study Area, due to uncertainty of proposed mitigation to provide additional transit vehicles, which is subject to SFMTA's jurisdiction;

7) Potential transit impacts to the M Ocean View light rail due to route realignment and subsequent increased travel time, due to uncertainty of proposed mitigation to provide additional light rail vehicles or install transit signal priority, which are both subject to the SFMTA's jurisdiction;

8) Potential transit impacts due to increased vehicular traffic resulting in increased travel times for operations of the Muni 17-Parkmerced, 18-48th Avenue, 28-19th Avenue, 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor, due to uncertainty of proposed mitigation to provide additional transit vehicles or install transit preferential treatments, which are both subject to SFMTA's jurisdiction;

9) Transit impacts due to increased travel times and effects to operations of the Muni 17-Parkmerced, 28-19th Avenue and 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor;

10) Noise impacts due to increased traffic;

11) Light rail noise and vibration impacts;

12) Noise impacts due to operation of stationary noise sources potentially exceeding noise level standards;

13) Construction-related toxic air contaminates impact;

14) Operational regional air quality impacts;

15) Temporary wind impacts during phased construction;

16) Potential wind impacts due to the proposed Special Use District, which could result in exceedances of the wind hazard criterion or increases in the area subject to winds greater than 26 mph;

17) : Operational biological impacts to special-status species, including interference with bird or bat movement and migration corridors and raptor nest sites due to operation of the 51 wind turbines on the western periphery of the Project Site;

B. Will contribute considerably to the following cumulative environmental impacts:

1) A cumulative impact to the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features.

2) Cumulative traffic impacts at 13 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francis Boulevard/Portola Drive;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp;
- 19th Avenue/Sloat Boulevard;
- 19th Avenue/Winston Drive;
- 19th Avenue/Holloway Avenue;
- Brotherhood Way/Chumasero Drive;
- Sunset Boulevard/Lake Merced Boulevard;
- Lake Merced Boulevard/Winston Drive;
- Lake Merced Boulevard/Font Boulevard;
- Lake Merced Boulevard/Brotherhood Way;
- Lake Merced Boulevard/John Muir Drive;
- John Daly Boulevard/Lake Merced Boulevard; and
- Lake Merced Boulevard/Gonzalez Drive;

3) Cumulative impacts to traffic at four freeway segments on State Route 1 (Junipero Serra Boulevard):

- Southbound between the Brotherhood Way on-ramp and John Daly Boulevard off-ramp;
- Northbound between the off-ramp to Northbound I-280 and the John Daly Boulevard on-ramp;
- Northbound between the John Daly Boulevard on-ramp and the Alemany Boulevard off-ramp; and

- Northbound between the Brotherhood Way loop on- and off-ramps, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction;

4) Cumulative impact to transit capacity under 2030 cumulative conditions by contributing transit ridership to screenlines expected to exceed available transit capacity;

5) Cumulative noise impacts due to increases in traffic from the Project in combination with other development; and

6) Cumulative air quality impacts;

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 10, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, and Miguel

NAYS: Commissioners Moore, Olague, and Sugaya

ABSENT:

ADOPTED: February 10, 2011

APPEAL OF PLANNING COMMISSION CERTIFICATION OF MARK MERCED EIR CASE NO. 2008.0021E

Appendix commentary:

The premise of the appendix comments is that environmental impacts must be implementable by adequate resources, criteria and the priorities of responsible public institutions. This premise requires a complex, professional analysis that is lacking as a basis for the certification of the DEIR by the Planning Commission

l. Failure to include and analyze alternative encompassing physical preservation of low rise affordable housing:

Priority to demolish the existing low rise housing appears to arise from two unproven assertions.

1. The economic pro-forma presented for the DEIR provided only the developer's proposal as a basis for establishing the validity of the demolishing the low rise units in order to achieve financing surety for the redevelopment of the project. An example of one alternative financing was presented by SFT, appended, that suggests ownership by the residents as a limited equity cooperative would lessen the need the extensive redevelopment financing needed to refurbish the existing housing for purposes of seismic safety and modernization. Other modes of financing exist and it is incumbent upon the city to demand their inclusion as a means of lessening the redevelopment impact on the site.
2. The liability for financing and completion of the project is unsure. The record for creditability or credibility is not adequately noted by the city. The creditability and liability relationships of the financing partners are in doubt..
3. The condition of the existing structures is not explored in an unbiased manner as noted in appended statement of Planning Commissioner Kathrin Moore. Therefore, it is unknown how much repair or modernization is needed, when it will be needed or how much financing will be needed.
4. The range of architectural designs is not established as to distinguish between the opportunity to preserve the existing iconic design, with historic design quality, or to build complementary designs. The development proposal completely supplants the existing housing designs without any attempt at design integration or useful accommodation to the variety of tenant needs such as large family or multi-generational housing.
5. Techniques of construction that might save costs, such as industrialized construction, is unexplored.
6. The developer argues that seismic safety for the existing safer high rise units, requires ultimately replacement housing on land occupied by the existing low rise housing due to financing program needs. This is unproven as adequate sites exists for replacement for the construction of seismically safe high rise housing. Further, the developer does not demonstrate that existing high rise housing could be strengthened at the elevator/ utility cores for adequate seismic survivability of tenants comparable with state CAPS I standards. Seismic safety is an issue given the site's proximity to the San Andreas fault. Why demolish the seismically safer low rise housing as a priority replacement for relatively unsafe high rise housing?

7. The developer development agreement proposes to reimburse the city for the developer's failure to perform but does not identify their legal or financial ability to do so. Particularly troubling is the legal and financial relationships of Parkmercerd Investotrs, LLC. such as 01Stellar Management ability to meet the terms of the development agreement. The city does not disclose whether it has reviewed and approved of this legal paradox.

Remedy:

Provide alternative analysis for construction needs and financing. Ascertain their proposed development proof of capability and legal underpinning of performance liability by obtaining Performance Bonds for the city and developer.

2. Inclusion of a non-viable continuation of rent stabilization as a mitigation.:

Testimony indicates that the equivalent of rent stabilization could be continued under present law.

1. Should the development be sold, obligations for rent stabilization would not carry through as an obligation of the new owner as a rental contract with the tenant. The un-transcribed testimony of Rent Stabilization Board Commissioner Polly Marshall confirmed this point.
2. The city has not exacted a Performance Bond guarantee for the continuance of the equivalent of rent stabilization.
3. New construction would not have affordable rents as needed by most residents of the city and required under the aegis of state Housing Element requirements for tenant location by reason of the city's variety of special needs such as employment and service access. Therefore, the developer envisions new housing for persons with relatively high incomes whose location needs, such as employment or second homes, has not be established for this city or location or as a public priority for meeting the housing needs of the city.

Remedy:

Provide alternative preservation means of rent stabilization such as resident ownership as well as the assurance of a rent stabilization Performance Bond .

3.Failure to adequately consider PG&E gas pipeline safety in terms of construction and long-term viability of the area:

Insecurity of the safety of the PG&E gas pipelines in California has been well established as to their potential volatility as exampled by the wake-up San Bruno explosion. Two 30" gas pipelines are adjacent, west and east of the development, map 1. This potential volatility was discussed in executive BOS session with the state PUC. The state PUC has indicated that it would report, state wide, on the condition and testing of these line by March 15. Until then and until the project's adjacent gas lines are certified safe, no further project certification or development approval should occur by action of the city or developer. These lines occupy a site that would be significantly affected by the nearby seismic fault in the event of even a moderate earthquake as exampled by the very recent Christchurch earthquake. A major quake is anticipated in the next six to ten years time frame; therefore, it is unsafe and unwise to initiate, much less, to design for the redevelopment of the site, until both safety and design criteria can be set, executed or

financed and strategized both for the security of the residents, the developer and the city whose liability and investments would be severely affected.

Remedy:

The development and its approval should be with held until safety criteria and associated designs can be provided. In any case, the city and the developer should provide risk surety underwriting by providing a commensurate performance bond

4.Failure to protect the historic, iconic architectural heritage and commodiousness of this modestly dense model of American development:

1. As well attested by many National Heritage experts, appended. Park Merced is a very well preserved model of how a dense urban development can be both beautiful and beneficial for modern urban family life. Less than half as old as San Francisco vaunted Victorian mansions, it is no more obsolete or less relevant to the image of life and the city's heritage of commodious living. Aged does not mean to be obsolescent or worn out.
2. Park Merced is not a vacant space that beckons in-fill housing as claimed by the city's planning staff. The open areas are an integral part of the design and utility of living in Park Merced. City staff is in violation of planning policy as attested to by Planning Commissioner Kathrin Moore's appended rebuttal of the staff report.
3. Commissioners supporting the DEIR cited testimony and developer assertions that the age, time of construction and lack of a San Francisco feel (suburban in character) was a reason for the wholesale removal of its low rise housing and supportive extensive open landscaped areas. In perspective, the time of construction at the end of World War II for many returning war veterans saw contemporaneous and similar construction and design as typified, for example, Levitt Towns' more than 1.2 million housing unit within a new town planned environment, in the Bay Area, by Eichler's 120,000 iconic planned environments and superlative home designs, and in San Francisco's inner city the examples of cooperative housing such as Laguna Heights Coop and St. Francis Sq. Coop and in the many urban renewal housing coops many of which embody extensive open areas and, often, good design. None of these display deterioration due to use of construction materials of that time. Further, Metropolitan Life, Park Merced's developer, was at that time a prestigious firm known for good development. Assertions by some Commissioners and staff as the nefarious use of war time materials and designs uncharacteristic of our city can only be perceived as prejudicial.

   Remedy:

   Preserve the iconic heritage of Park Merced for its quality of design, greenery, a quality of life both through preservation, replacement only as needed and by city commitment to preserve its heritage status. An objective reconsideration of structural conditions is needed.

5.Area wide environmental impacts such as transportation and city services.

City staff has proposed transit changes that generate negative impacts on both operation of the city's transit system and ability to finance overall city transportation needs. City staffs have failed to report on

and integrate a proposed SFSU addition of 100,000 s.f. to an existing 147,000sf. arts center into their analysis and determinations regarding the project area's transit needs. This proposed center occupies a significant portion of the former Park Merced site and is located at a major entrance. on Font to the residential area of Park Merced. It lacks necessary mitigation relating to traffic, parking, transit and pedestrian incursions to the remaining Park Merced residential areas. The absence of staff reporting of this development is a significant violation of CEQUA and state EIR requirements and, therefore, lends credence to staff bias at the Planning Commission hearings.

1. The M line, developer identified as the Tier 5 Concept, should be preferred and designed to dead-end at Daly City BART without entering Park Merced. A people-mover station intercept from the development and east of 19th Ave would be far more financially beneficial for both the developer and city. It would also better service SFSU arts center and avoid pedestrian incursions from the art center through the residential areas of Park Merced to reach a Park Merced internal terminus for the M line. This is a significant EIR mitigation issue.
2. The proposed dead-end of the M line internally to the project would add to the delay times of the system that is intended to service city wide needs and destinations beyond those of the developers market place agenda.
3. Ultimately, transit development keyed to resident housing at the scale envisioned by the proposal will entail, at the outset, large capital outlays by the city for which the city lacks front-end financing. The developer's benefit package provide financial sufficiency particularly, for example, a BARD terminus and for the M line and an M line station at the development.
4. The city's transit services are already financially strained by such dubious projects as the Central Subway and BRT lines and, therefore, lack the operational and construction means to service the scale of the development as proposed and as needed before hand.
5. Beyond transit, there are a range of public services that cannot, as presently financed, be provided sustainably including public schools, police and fire and seismic and acute health disaster services now immediately necessary.
6. The affected area of the project must include the DEIR ignored concerns with mutually impacts SFSU, Stones Town shopping area and the converse side of 19th Ave. and the city parks.
7. The claim that the development would be so user integrated that automobile use could be curtailed. This claim cannot be sustained by any professional study as to live-style needs and employment destinations due to being part of a large, dynamic urban area. For example, planned expanded project shopping does not have the car parking capacity normal to GAF retail standard ratios of 3 to 1 parking areas to gross retail space especially for a project that is expected to exceed 20,000 persons compared to its present roughly 8,000 persons. What is apparent is unsupported opinion in defiance of operational needs.

Remedy:

The indication of withheld public information regarding options for transit and traffic require a rehearing of this DEIR mitigation issues by the Planning Commission with objective, professional, financially responsible measures proposed

6.Sufficient economic and area analysis to ensure the developer and city will implement timely mitigation resources.

A DEIR must show that financial resources exist to mitigate environmental impacts prior to their occurrence. The singular analysis does not indicate the possible variety of financial development means and timing for both the developer and city necessary to mitigate environmental impacts prior to their time of need. This is true of both impact affects on safety services and capital anticipatory development. It is incumbent upon the city, rather than its affected challengers, to demand the array of analysis needed for resource mitigation needs.

The DEIR insufficiently considers association with and impacts on its adjoining areas such as the University, Stones Town shopping area, the city's adjacent park system and areas to the east. Although the Redevelopment process is may be legally modified by the state, the methods of analysis and process remain relevant for impact decisions and should be included in the DEIR. For example, the use of tax-increment financing has the ability to tap into new development with the equivalent of 10% of the value of new development for capital financing and internal housing subsidies. Given the prospect of significant new development, this relevant financing potential missed by the developer and city staff, a major flaw. If the redevelopment law changes, the city might then consider an areal wide tax assessment district and complementary resident equity ownership.

Remedy:

The city must provide or demand the variety of analysis needed to anticipate resource mitigation needs area wide. A performance bond by both city and developer must ensure that the development proposal is risk acceptable.

7.. The actions of the Planning Commission did not follow due process as required by the City Charter and normative legal procedures:

1. At about 11pm, one half hour before termination of the February 10 DEIR hearing, staff submitted substantial amendments and testimonial letters to the Commission without prior public notification and review. At ll pm Commissioner Hisashi Sugaya so noted and indicated that he would not have time to review this amount of submission. His complaint was ignored.
2. The Planning Commission prior review of the DEIR, in January, scheduled for time certain at 6pm, was delayed by a relatively minor discretionary hearing until 10:30pm thus depriving most of the overflow number of potential testifiers an opportunity to make presentations to the Commission. When asked by representatives of the appeals to permit a few experts to sum up their case, the Commission President, instead, limited testimony to one minute each for no more than could be heard before 11:30pm due his assertion of the Commissioners parking requirements. Many of the testifiers who appeared in January could not make testimony in February.
3. Comments, often, expert, in rebuttal were not given a staff review prior to the Commission's certification.
4. Staff withholding of significant public information affecting necessary DEIR mitigations for the wider affected area clearly implies a city bias. For example, the proposed and likely development of a large SFSU arts center on former Park Merced land at the confluence of a major entry to that site challenges the credibility of staff's objectivity.

5. The process of certification lacks a professional, legally justifiable relationship to the City/County General Plan. This General Plan is obsolete and does not deal with the many cumulative planning changes approved by the Planning Commission and BOS as to the resolution of mutual impacts required by professional and state mandated criteria as partially exampled by its parts:
    a. The Housing Element is almost 20 years overdue in providing for the diversity of housing needs and desires, a required by law, a means of implementation, assignment of institutional responsibilities, identification and prioritization of resources, programs and objectives. It is unworkable, obsolete and provides no responsible guidance for Park Merced's housing objectives.
    b. The Capital Program lacks a process of system analysis that would set priorities in alignment with current and potential resources and critical capital needs such as transportation, health, safety and welfare in the time needed. As practiced, it is prioritized by political expediency and short-termed financial providence.
    c. The Transportation Plan is uniquely excused from undertaking analysis of its impact on the economic and social needs of the community that is otherwise by the federal DOT for all of the other regions of this country. Therefore, it not only does not meet professional criteria but also lacks sufficient criteria for relevance to environmental impacts.
    d. Zoning, needed for implementation of the community's development goals, lacks the "performance criteria" specified initially by U.S. Supreme Court as the health, welfare and safety basis for zoning. Its implementation is dependent upon the vague Prop. M for preservation of community character and affordable housing. Its legality is otherwise implicit as necessary for the implementation of the General Plan.
    e. Economic planning, mentioned as voluntary under state law for General Plans, does not exist as an underpinning for the implementation of the General Plan and, therefore, does not provide an operational means of judging whether the elements of the General Plan have the resources to mitigate environmental impacts.
6. Although not an acknowledged element of the General Plan, Health Planning has become an essential element of community planning most specifically in our city for acute health care and disaster at Park Merced and its contiguous southwestern City region.

<u>Remedy:</u>

Rehear the certification process by the Planning Commission after due process is undertaken and staff comments on appeals testimony is provided. Provide a professional and current General Plan for all elements in sufficiency to judge the project's environmental impact prior to certification. Particularly involve the larger areas affected by the project proposals within the DEIR concerns. Provide for seismic disaster and acute health care needs of the southeast sector of the City prior to certification.

PARK MERCED CONTIGUOUS 30" GAS PIPE LINES: MAP 1

PARKMERCED Draft EIR

Inadequate and Inaccurate to Certify as a Final EIR

February 10, 2011 Kathrin Moore Planning Commissioner

At this very moment we are discussing whether or not this "Project-level Draft Environmental Impact Report (EIR)" for the Parkmerced Proposal is adequate and accurate enough to be Certified as a Final Environmental Impact Report for the "Project" as described in said document.

As I remind myself, I want to remind my fellow Commissioners that we are not at this very moment considering the adequacy and accuracy of the "CEQA Findings" in this document (that is next on our Calendar).... Instead we are considering whether or not to Certify that this draft EIR, as an "*informational document*", has adequately and accurately:

1. Informed public-agency decision-makers such as ourselves and the public of the significant environmental effects of the project proposal;
2. Identified possible ways to minimize the significant effects; and
3. Described reasonable alternatives to the project.

I'm going to comment on the above three criteria, but first I also want to remind my peers on the Commission that CEQA also provides that "public agencies should not approve projects until all feasible means available have been employed to substantially lessen the significant environmental effects of such projects." This question needs to be answered now, during this Certification discussion, and not postponed until a "CEQA Findings" discussion.

So our task in evaluating the adequacy of this document is to answer the following questions: Has the project sponsor, as described in this Draft EIR...

1. Adequately and accurately described the proposed project?
2. Are the Project Sponsor's objectives for the project viable, desirable and realistic?
3. Is the proposed project necessary and value-added to the community?
4. Have they informed us of all significant effects of their project proposal?
5. Have they described reasonable alternatives to the proposed project?
6. Have they employed all feasible means available to substantially lessen the identified significant environmental effects of their proposal?
7. Are the trade-offs between the proposed project and the significant unavoidable impacts to Aesthetics, Historic Resources, Transportation, Noise and Air Quality justified and acceptable?

1) Project Description - Has the project sponsor adequately and accurately described the proposed project?

Length of Project Construction - Twenty (20) or Thirty (30) Years?

This DEIR describes the length of project construction as 20 years, yet the Executive Summary provides the caveat that the project would be implemented (constructed) over three decades, or 30 years. Two points come to mind:

1) In the ambiguity of a 20 to 30 year implementation timeframe lies an open-ended uncertainty about when the developer-sponsored public improvements and related public-payments are due. Could they be deferred forever pending adequate economic and financial conditions?

2) The environmental impacts of a thirty year construction project are not the same as those of a twenty year project. Can the effects of a twenty year construction project (e.g., safety issues and increased noise and reduced air quality resulting from increased truck traffic) reasonably be considered the same as those of a project that takes 50% again as long to complete? **I don't think so, and as a result must conclude that the project description in this DEIR is inadequate and that the described impacts are inaccurate.**

   Consider this scenario: If someone were to purchase the buildings or property to the back and both sides of your homes, and continue with demolition and construction for 20 to 30 years along with the commensurate significant environmental effects of increased truck traffic, elevated noise and impaired air quality… how would you feel? Five years of the nuisance and impacts related to a construction project next door, by itself, is difficult to imagine; how about twenty, or thirty years? Wouldn't you want full disclosure before the project was considered for approval or rejection?

Reference: Twenty Years: "The construction duration would be phased over an approximately 20-year period, with the completion of development expected to occur in 2030." DEIR Page III.54 - May 12, 2010

Reference: Thirty Years: "The Project would be implemented over three Decades." – Executive Summary, January 27, 2011, Page 1

"Towers" or "No Towers" as part of the Project Description and Seismic Safety

Project Description Overview reads: "Of the existing 3,221 residential units on the Site, approximately 1,683 units located within the existing 11 towers would remain…."

It seems clear that the 1,683 units within the 11 towers are part of the proposed project when it comes to the total number of the project's 8,900 dwelling units, including credits for densification, energy efficiency, reduction in water consumption, etc.

However, when addressing Seismic Hazards of the proposed project (Comments and Responses – Page III.A.31), the project sponsor states that "…the existing towers and

other buildings on the Project Site that would be retained are not a part of, and would not be affected by, the Proposed Project. Therefore, the seismic conditions of the existing buildings to remain on the Parkmerced Project Site would not be affected by the Proposed Project, and the buildings do not need to be evaluated in the EIR."

It is interesting that the seismic performance of the eleven towers in question are estimated to be 50% of the capacity found in buildings designed and constructed under the 1997 UBC, and can be summed up with the following quotes by structural engineers from the Thornton-Tomasetti Group, 2005 (Telesis Engineers / Seismic Performance and Risk Analysis for Villas at Parkmerced San Francisco California / Page 23):

- "The end walls of the wings are the walls that are most overstressed. Overall, it appears that the buildings (11 towers) may have about 50% of the total capacity required under the full 1997 UBC loading, including near-fault effects."
- "Overall, we expect the performance of the towers in a major earthquake to be adequate from a life safety perspective. However, significant structural and non-structural damage may occur, including extensive cracking in the exterior and interior concrete walls (particularly the exterior walls on the ends of each wing) and the floor and roof slabs. Windows and interior partitions walls are also likely to sustain significant damage." [Thornton-Tomasetti, 2005]

The eleven towers *should* be included in all project descriptions and impacts analyses, especially to enable full project disclosure regarding Seismic Hazards inherent in the much advertised 8,900 Dwelling Units of the Proposed Project.

This is a significant point not lost on the decision makers and current Parkmerced residents and the public; the role of the eleven towers in the proposed project *should not be included or excluded when convenient for project performance statistics.*

As a result I must conclude that the project description in this DEIR is inadequate and that the described impacts are inaccurate.

<u>"Phasing" or "No Phasing" in Project Implementation and Construction</u>

Four construction phases have been identified in the DEIR : "The Proposed development is expected to involve four major phases, estimated to begin around 2010 and conclude by 2030, as shown in DEIR Figure III.19." (Page III.54)

Construction Phases have been omitted in the development agreement: "... the Developer is not required to maintain any development schedules or pre-determined physical development phases." - Executive Summary - January 27, 2011... page 10.

To date, there is not a committed phasing plan that carries through to become part of a Development Agreement. **As a result I must conclude that the project description in this DEIR is inadequate and that the described impacts are incomplete.**

Construction Impacts

This is a project-level EIR.... thus, construction impacts should also be accurately identified by type and phase through the entire length of project build-out.

As a result I must conclude that the project description in this DEIR is inadequate and that the described impacts are incomplete.

2) Project Sponsor Objectives - Are the Project Sponsor's objectives for the project viable, desirable and realistic?

Land Use

The Project Sponsor suggests in III.3 DEIR to: ... "adopt a land use program for Parkmerced that provides an innovative model of environmentally sustainable design practices to, among other things maximize walking, bicycling and use of public transportation."

The Project Sponsor's stated objectives do not include an explanation of why Parkmerced as-is cannot achieve the desired goals without mass demolition. The Project Sponsor has not identified any deficiencies even remotely resembling issues such as Blight, or Overcrowding, or Substandard Living Conditions, or a Defective Building Inventory or a Lack of Open Space to achieve his stated objectives. **Instead the sponsor appears to have *made-up, broad objectives* to justify the demolition of an acknowledged Historic Property to solve problems that *in actuality may not exist.***

The DEIR description of the existing conditions of buildings – Garden Apartments and the accompanying photos in the **Vision Plan**, provide the impression that most of the structures are full of defects and should be demolished. **This is not the case, and instead, the DEIR fails to accurately describe the existing condition.**

Land Use - Open Space

The Project Sponsor suggests in III.3. DEIR to:" reconfigure the existing open space at Parkmerced to provide larger and more usable open spaces such as a major new park, athletic playing fields, etc."

The Project Sponsor fails to address that Parkmerced as the name implies, is a residential community designed in a park setting – this park-like setting is designed by Thomas Church, a noted landscape architect of its time and it already provides sufficient usable open space, loved and cherished by its current residents. (The fact that the athletic playing fields that were part of the original project have been sold by the developer requires mentioning here.) **The sponsor appears to have made-up objectives to solve problems that are either overstated or do not exist.**

Housing

*The Project Sponsor's states in **III.3. DEIR**: "the objective is to provide housing (at Parkmerced) in an urban infill location and to help alleviate the effects of suburban sprawl and protect the green belt."*

I like to clarify: Urban Infill Housing is defined as infill on VACANT SITES. Vacant sites are not sites that are vacated, or sites that become vacant through demolition of existing sound housing. **This DEIR needs to identify this housing as Demolition - Replacement Housing, to be required to comply with the prevailing Zoning Controls on the Removal of Dwelling Units. This is not a plan for Infill Housing.**

Further to this point:
San Francisco General Plan - Housing Element - POLICY 1.4 clearly states:
"Locate in-fill housing on appropriate sites in established residential neighborhoods. In established residential neighborhoods, new in-fill housing construction should be located: on vacant sites that are not designated for open space; where buildings cannot feasibly be rehabilitated or brought to acceptable levels of seismic safety; and where non-conforming uses have been terminated. "(see Seismic Reports identified in **DEIR III.A.35**) **This DEIR fails to accurately describe that housing will be achieved through massive demolition of sound housing, not through infill.**

Further, to protect San Francisco Residential Housing Stock: Planning Code Section 317 (Unit Mergers and Unit Demolition) requires Conditional Use or Mandatory Discretionary Review for demolition of sound housing. **The DEIR fails to address both, and the intention of forming a Special Use District as part of the Development Agreement exempts the project proposal from proper evaluation of this impact.**

The DEIR claims "wanting to protect" the Greenbelt. **The DEIR fails to identify what greenbelt it is referring to, where this greenbelt is located, and that actually Parkmerced is already part of the City's greenbelt.**

Let me explain: Parkmerced was conceived as a neighborhood modeled after the garden-city idea, and in its existing configuration, it is identified as green space and park, and part of the City's larger green belt as shown in the **San Francisco Urban Design Plan, May 1971, page 38, Map: Plan to Strengthen City Pattern through Visually Prominent Landscaping.**



The San Francisco Urban Design Plan, May 1971 page 37 under Policies for City Pattern, Policy 4, further states in Policy 4:

Policy 4

Where open spaces of any kind can be made more prominent by addition of new or large-scale landscaping, such additions should be made in order to enhance the city pattern and make the open spaces more visible to nearby neighborhoods. New building development should respect existing landscaping and avoid displacing or obscuring it. In the event that such landscaping must be displaced or obscured, a strong effort should be made to replace it with new landscaping of equal or greater prominence.

The DEIR is deficient in evaluating the destruction and impacts of the existing landscape setting and impacts on the city-wide Greenbelt

Housing continued

The Project Sponsor suggests in III.3. DEIR to: "protect existing residents from displacement through a phasing plan designed to ensure that all existing residents will be able to remain in Parkmerced. .. and that this new apartment would be rented at the same rent-controlled rate as the resident's existing apartment prior to demolition (and also subject to the existing protections against rent-increases of the San Francisco Rent Control Ordinance)."

In order to build the housing as described in this Proposal, all garden apartments at Parkmerced will be demolished.

Under requirements of the General Plan, and Planning Code Section 317, City Ordinance discourages the demolition of sound housing.

Further to this: The 2010 San Francisco Planning Department : ZONING CONTROL ON THE REMOVAL OF DWELLING UNITS: page 15 states:

"Under direction of the General Plan, the Department is predisposed to disapprove demolition applications of sound buildings. The Project Sponsor must demonstrate that the proposed project is in conformity with a preponderance of other General Plan policies to outweigh this predisposition if the building is sound. On the other hand, a recommendation of approval to the Commission is appropriate if a credible soundness report demonstrates the building is unsound, there is no negative impact on historic resources, and the project otherwise complies with the Planning Code and the Residential Design Guidelines, if applicable. Criteria on the Checklist enable the Department to assess the conformity of the property with the General Plan Objective encouraging property to be well-maintained, and by corollary, not to let an Owner's lack of proper maintenance ease the way for an approval to demolish rather than to retain and repair poorly maintained property."

Further to this: Instructions for the Demolition of Housing identified as Historic Resources, the document instructs:

HISTORIC RESOURCES

The California Environmental Quality Act (CEQA) is used to evaluate projects for potential impacts to "historical resources." CEQA Guidelines put demolition on the list of actions that constitute a substantial adverse change to an historical resource. If a structure that has been determined to be an historical resource were proposed for demolition, preparation of an Environmental Impact Report (EIR) would be required.

The Department has in place "CEQA *Review Procedures*

for Historic Resources," which determine whether the property is an "historical resource" as defined in the CEQA Statutes and Guidelines.

To ensure that structures that are historical resources under CEQA are not lost to demolition, applicants wishing to demolish any structures built more than 50 years ago will submit a "Historic Resource Evaluation," in a form approved by the Department and completed by a qualified architectural historian, to aid in the environmental determination required under CEQA.

The Priority Policies codified in Section 101.1(b) require that landmarks and historic buildings be preserved.

The DEIR is incomplete, it fails to sufficiently examine why housing demolition is even necessary. The DEIR is deficient in fully addressing the specific policies and requirements that govern the demolition of sound rental housing, and housing that is identified as a historic resource. Instead the developer will circumvent the code mandates by way of a Development Agreement and Special Use District that will exempt them from these requirements

Housing continued

The issue is the massive loss of SF Rent-Controlled Housing and the risks associated with promises to protecting existing rents and guaranteeing rent controls in newly constructed housing:

As repeatedly mentioned and compounded by state law, tenant law experts and observers of state law have expressed concern that there are serious questions about the *enforceability of promises* to apply rent control to newly constructed housing. Unless and until state law is clarified, the city should not even consider approving the large-scale demolition of sound, rent controlled housing. **The DEIR fails to identify and evaluate this risk.**

Transportation

The Project Sponsor suggests in III.3. DEIR to: "create a circulation and transportation system designed to reduce the amount of future automobile traffic originating from Parkmerced."

The DEIR summarizes the total number of existing and future parking spaces which speak to the contrary:

the existing Parkmerced development contains 3,221 dwelling units with parking spaces for 3,198 cars. In addition, 1, 591 on-street parking spaces are identified The developer's preferred proposal will have 8,900 dwelling units with 9,450 parking spaces.

In addition, 1,681 on-street parking spaces are identified. This constitutes a net increase of 6,342 parking spaces. This net increase is not indicative of the plan's stated goals for reducing greenhouse emission while also reducing congestion generated by automobile traffic originating in Parkmerced. Instead the Proposal seems to be trending towards densification -inevitably resulting in congestion.

In the absence of a request for amending (current) residential parking standards to lower ratio similar to the standards codified for the recently approved Market-Octavia Plan, the Proposal for Parkmerced as described in the DEIR doesn't elevate the discussion on suburbia which fuels the critique of Parkmerced today.

By proposing to retain today's parking ratios for the next 20-30 years, the time frame for full project build-out, **this project will become a heavy traffic generator for decades to come. The DEIR fails to identify this as impact.**

I restate: Future residents of Parkmerced will remain car-dependent. Contrary to what the DEIR claims this is not a model for a 21st century neighborhood; **it is a single-purpose, developer- driven proposal, lacking hindsight, insight and foresight.**

Infrastructure Report and Sustainability Plan

The Project Sponsor suggests in III.3. DEIR to: "utilize sustainable development practices in accordance with the Project's Sustainability Plan, such as orienting street grids and open spaces to optimize solar exposure and to reduce winds; installing efficient light and HVAC systems; installing low-flow plumbing; and planting drought-tolerant species to minimize irrigation demands."

While well-intentioned, none of the measures described are exceptional or extraordinary, many, or perhaps all, can be achieved **without the demolition of existing housing or massive deconstruction and redesign of open spaces and landscaping.** The San Francisco Sustainability Plan as referenced is a Policy Document which has not committed the City to perform all actions addressed in this Plan. The Project Sponsor's Sustainability Plan is a self-guiding plan with valid references and performance goals for implementation of greening techniques.

The DEIR fails to examine the effectiveness of the proposed sustainability measures. In the absence of a guarantee that this Plan will be consistently, and frequently updated and re-evaluated, it is an empty objective. This would need to be an enforceable requirement if this plan is to remain a relevant enforceable plan for the next 20 to 30 years.

I've just discussed answers to questions one and two.... Has the Project Sponsor:

1) Adequately and accurately described the proposed project?

No

2) Are the Project Sponsor's objectives for the project viable, desirable and realistic?

No. Most are self-serving and in fact, many are misleading.

And with regard to the remaining four questions.....

3) Is the proposed project necessary and value-added to the community?

No, not as proposed

Considering the substance of the answers to questions one and two.... This project is not necessary... it does not rid us of blight or hazard.... its value to the community is not evident.... and the significant and "unavoidable" impacts are not necessary for any reason but to satisfy the development agenda of the Project Sponsor

4) Have they informed us of all significant effects of their project proposal?

No, not if they haven't properly described the project

5) Have they described *reasonable* alternatives to the proposed project?

The only reasonable alternative is a significantly redesigned and phased project.

6) Have they employed all feasible means available to substantially lessen the identified significant environmental effects of their proposal?

No, most significant impacts are considered unavoidable...i.e., the total demolition of this historic property.

7) Are the trade-offs between the proposed project and the significant unavoidable impacts to Aesthetics, Historic Resources, Transportation, Noise and Air Quality justified and acceptable?

No, they are not.

This concludes my comments to the adequacy of the Draft EIR.

END

Sustainability Plan – A needed Clarification

The Project Sponsor has repeatedly used reference to SB 375 and AB 32, clarification of a public misperception is required.

Densification can be an element of managing growth and sustainability. With project publicity fueling resultant Public Perception, the Sponsor has made frequent reference to SB 375 and AB 32. This is misleading and doesn't contain actual mandates or justification for densification that directly apply to the Parkmerced Proposal. To clarify:

Requiring Densification and Justifying Massive Demolition referencing AB 32: AB 32 (passed by the State Legislature in 2006 as the "Global Warming Solution Act") requires that greenhouse gas emission levels in the state be cut to1990 levels by 2020. The process of cutting greenhouse gas emissions in the state is slated under AB 32 to begin in 2012.[1]

This is a guide that remains challengeable at the ballot box, just like with Prop 23, in November 2010 Proposition 23, if enacted by voters, would have frozen the provisions of AB 32 until California's unemployment rate drops to 5.5% or below for four consecutive quarters. California's unemployment rate, which currently hovers around 12.5 – 13% , has been at 5.5% or below for four consecutive quarters only just three times since 1980.

AB 32 can't be credibly referenced for a Proposal of the magnitude of Parkmerced, when this Proposal will not be able to implement major public transportation improvements until 15+ years after initiation and when the Proposal doesn't even suggest modifying prevailing parking standards but requesting a net increase of 6,342 parking spaces for a total for 9,450 cars.

Requiring Densification and Justifying Massive Demolition referencing SB 373:

What is SB 375?
AB 32, California's *Global Warming Solutions Act of 2006*, gives the California Air Resources Board authority over sources of greenhouse gas emissions, including cars and light trucks. According to the California Air Resources Board, transportation accounts for some 40 percent of greenhouse gas emissions, with cars and light trucks accounting for almost three-quarters of those emissions (30 percent overall).

SB 375 directs the Air Resources Board to set regional targets for the reduction of greenhouse gas emissions. This requires an aligning of regional plans. Because the existing regional transportation planning and housing allocation processes are overseen by local elected officials selected by their peers to serve on regional agency boards, **the law is intended to ensure that cities and counties are closely involved in developing an effective plan for the region to achieve the targets.**

To increase public participation and local government input, the law strengthens several existing requirements for public involvement in regional planning. The new law establishes a collaborative process between regional and state agencies to set regional GHG reduction targets, and provides CEQA incentives for development

projects that is consistent with a regional plan that meets those targets. Cities and counties maintain their existing authority over local planning and land use decisions.

SB375 changes housing element law to synchronize the schedule and develop common land use assumptions for regional housing and transportation planning. SB375 strengthens the existing requirements for input by the public and local officials into the development and review of metropolitan planning organizations plans.

Given SB 375 mandate, does the San Francisco General Plan already have a Densification Overlay based on comprehensive analysis of all factors including but not limited to:

- Carrying capacity of the city as place
- Carrying capacity of citywide systems: roads, transportation, infrastructure systems - water, waste water treatment, sewer, electricity, community facilities, police, fire, schools
- Capacity to sustain community health
- Capacity to ensure environmental and social equity

In the absence of such a study, any reference to SB 375 and the planned densification of Parkmerced is irrelevant.

PARKMERCED - Adoption of CEQA Findings
February 10, 2011 Kathrin Moore Planning Commissioner

In being asked to adopt the CEQA Findings, we are being asked to concur that the following items become part of the project:

1. **Specific amendments to the San Francisco Planning Code,**
2. **The amendments to the San Francisco General Plan,**
3. **Changes to the Height and Bulk District Zoning Map,**
4. **The addition of a Special Use District (SUD) applicable to the entire Project Site.**
5. **The proposed Development Agreement**
6. **Adoption of the Parkmerced Design Standards and Guidelines, which contain specific development guidelines.**

For a project proposal with as many significant concerns as have been identified, I find the CEQA findings to be fatally flawed and cannot support their adoption:

The Project Sponsor has not adequately and accurately described the proposed project

Project Sponsor's objectives for the project are not viable, desirable and realistic, **in fact most are self-serving and in fact, many are misleading.**

The proposed project is not necessary or value-added to the community as proposed

Considering the substance of the answers to questions one and two.... This project is not necessary... it does not rid us of blight or hazard.... its value to the community is not evident.... and the significant and "unavoidable" impacts are not necessary for any reason but to satisfy the development agenda of the Project Sponsor

Because they have not properly described the project, they could not have informed us of all significant effects of their project proposal?

They have not described *reasonable* alternatives to the proposed project... **The only reasonable alternative is a significantly redesigned and phased project.**

They have not employed all feasible means available to substantially lessen the identified significant environmental effects of their proposal... **most significant impacts are considered unavoidable...i.e., the total demolition of this historic property.**

The trade-offs between the proposed project and the significant unavoidable impacts to Aesthetics, Historic Resources, Transportation, Noise and Air Quality **are not justified or acceptable.**

1

PARKMERCED Design Standards + Guidelines

Kathrin Moore Planning Commissioner

February 10, 2001

Purpose: *"The Parkmerced Design Standards +Guidelines provide a complete design framework for how to transform Parkmerced into a pedestrian focused, socially vibrant San Francisco neighborhood. The Design Standards + Guidelines along with the Parkmerced Vision Plan, Sustainability Plan, Transportation Plan and Infrastructure Report documents will establish a carefully crafted model for ecological living in the 21st Century."*

When I initially read the Parkmerced Design Standards + Guidelines, I felt a need to test how they hold to interpretation. Are they consistent with the Residential Code?

Private balconies and patios were always defined as private open space; however the Planning Code currently stipulates that private balconies used in this calculation may not have a wall around more than 50 percent of the balcony (causing them to protrude from the face of the building).

Pre-1978, this was not the case. In the "old" days, balconies surrounded by walls on three sides (like those shown in the diagrams in the Parkmerced Design Standards +Guidelines) were allowed to be considered as private open space. Back then, there were also fewer limitations on the size of courtyards to be considered semi-private, or common open space as well. Today, there is a need for providing minimum standards for courtyards in the Standards, or at least referencing the Planning Code regulations.

Additionally, private covered stoops have in the past not been allowed to be considered to be included in the private open space calculations; however this may have changed with Eastern Neighborhoods, when front porches were encouraged for units that were accessed by stairs directly from the sidewalk, as part of a legislated setback for buildings to provide more planting areas. This allowance for Parkmerced Design Standards may be a continuation of this idea? However, since the allowed minimum dimension is only 36 sq. ft., instead of the number prescribed for the Eastern Neighborhoods, this may render the front porch as nothing more than a place to walk, to get to the entry door, rather than a place to sit and socialize (unless you sit on the steps!).

Another interesting point is the requirement of the common open space - courtyard to be open to the public and have minimum hours of operation. This stipulation is contrary to the traditional interpretation of a courtyard being either building or housing block-specific. Also, as in almost every private development it raises security and maintenance issues. I cannot fathom how a future developer of a parcel, let alone a homeowners association contending with people outside the development using their courtyard as a public park will be able to implement such a regulation.

The examples that I have selected for the purpose of this review were picked randomly. What they show is that the Parkmerced Design Standards +Guidelines are not approvable as they stand. The few guidelines that were examined raise significant question.

I request that each guideline as summarized in the Parkmerced Design Standards + Guidelines is more thoroughly checked against current codes and prevailing practices. For a project that will take 20 to 30 years to be fully realized, we need better guidance.

The Proposal for Parkmerced will require massive amendments to the Planning Code, the Zoning Map, and the General Plan among others. This alone requires a high degree of scrutiny, consistency and accountability for all regulating documents for Parkmerced, including the only one guiding physical design.

General While the photographs are very helpful in supporting the guidelines, some of the accompanying diagrams used to illustrate the design standards do not go far enough to fully describe their intent. Additionally, some of the sample photographs do not always reflect what is described in the diagrams. Some of the photographs depict buildings from other cities and countries and they raise the question: will they still convey a contemporary message about building styles and architecture 20 – 30 years from today? Just adding more photographs will not solve this problem, since some of the examples, while helpful in addressing specific design principles, are not necessarily appropriate for Parkmerced as a

recommended building form. Asking for a more fine-grained architectural expression requires a more fine-grained set of diagrams to support this. Otherwise, we will wind up with the very same problems we have with the city-wide residential design standards today. Without these additional diagrams, there could be greater confusion when a planning staff person attempts to implement the design standards when reviewing a specific project.

Since there is likelihood that parcels will be developed by different design and development teams, the building design standards rely heavily on the public realm improvements to tie the different developments together. There may be a need to further consider how differing building profiles between projects enhance the vitality of a block face. As the overall building forms along the street increase in height and perceived massiveness from what is currently there, a greater variety of expression should be encouraged so to diminish the danger of monotonous streetwalls, and the feeling of excessively long single building masses, which a problem commonly found in more suburban settings.

1. As the document stands, I don't see a reference to the Residential Design Guidelines. The diagrams that accompany these standards are not as fine grained as the RSG. For example, how are bays and balconies treated or how does a building profile respect neighboring buildings? I find it is left pretty vague. While the photos help, the diagrams will be used more by staff when reviewing projects. How will future planning commissions adequately enforce the guideline intent when they are even less clear than what we are working with today?

03.02 Lot Coverage and Usable Open Space

03.02.03 Usable Open Space

The 36 s.f. minimum for private open space and 48 s.f. minimum semi-private, or common open spaces is identical to that which is found in C-3, RC-4, RM-4, RSD, SLI, SLR districts, some of which are located in areas of greater density than what is prescribed for Parkmerced. However in those districts, there is less public open space nearby. It should also be

noted that these requirements are less than what was prescribed for mixed-use districts in the Eastern Neighborhoods area plan and the RTO districts in the Market-Octavia area plan. It therefore appears that the common open space needs in Parkmerced are to be met by both the private realm as well as the public realm.

There appears to be no minimum private open space requirements, other than the minimum number of balconies required on each floor. I am not necessarily advocating this, however the way the current regulations are written, there is a greater incentive for a sponsor to provide almost all of the open space as common open space, less the aforementioned required private balconies outlined elsewhere in the guidelines. It should be understood that private open space, while more desirable for residents, is more expensive and therefore is less attractive to a building developer. The question then becomes whether this common open space occurs at the roof, occurs at a courtyard, or both. Without more specific guidelines, there could be confusion when considering:

a. The size of Courtyards: There are no design standards or references to the Planning Code determining minimum courtyard sizes, in relation to building heights.

b. While there are design standards for a minimum number of balconies, the standards do not address where it may be appropriate to have them and where it would not be appropriate, given what is proposed for the public realm and minimum building setbacks.

03.04 Building Controls - Bulk + Massing

Table 2 Bulk + Massing Control Matrix

Buildings 36 ft. - 45 ft. high have a maximum apparent face #1 similar to those 86 ft. – 145 ft. high and is much greater than buildings 46-85 ft. high. This may result in 120 ft. long mid rise buildings. There should be a reference to other façade modifying measures elsewhere in the text to diminish the likelihood of this occurring. Otherwise a building will not adequately address the standard San Francisco principles of making buildings appear more vertical than they are horizontal. Even with the recesses and offsets prescribed elsewhere in the design standards, there should at least be a recommendation of changes to the building materials and/or roof profiles, to enliven these long facades. See sections

03.06 - Streetwall/ 03.06.05 Building Base Articulation and 03.09 – Design Controls – Façade/ 03.09.02 Balconies and Sec. 03.09.06-03.09.12 Guidelines for more guidelines on this subject. Some of these guidelines address only the first floor, or in some cases the first two floors of the building. Others, such as the balcony controls don't differentiate between recessed balconies and protruding balconies and how that should be handled on a building façade. This is also a confusing table, since it is in conflict with the goal described in section 03.06.08, which calls for greater articulation between units.

03.03.07, fig. 03.03b **Active Roofs**

It is unclear as to whether permitted obstructions must be included within the maximum allowable envelope and square footage of the active roof structure, or if they are allowed to be added to the area occupied by permitted obstructions. For example, stair and elevator penthouses create a certain amount of square footage and may occur within the setback area stipulated for active roof structures. Then the question arises as to whether these may be connected to the active roof structures or not. It is also unclear as to whether it is desirable to break down the massing of these structures or if they may be monolithic, as shown in fig. 03.03b.

2. Proposed buildings up to 36 feet high are allowed to have longer, what you call apparent faces, than those between 46-85 feet high. Without more precise diagrams than what you currently have to show how you should break up the building face, you are encouraging lower buildings to appear longer along the block than its taller neighbors. This contradicts what we try to achieve with block faces, where we try to make buildings appear to be more vertical than horizontal. Why is this?

03.06 Streetwall

03.06.04 Minor Variations

There are some cases where a recess needs to be greater than 3 ft. deep and 4 ft. wide. In many housing schemes, a recess may be used to create a greater amount of exterior wall exposure to insert an additional bedroom within the floor plan. Increasing the size of the articulation of the exterior wall to this extent should be encouraged when appropriate, rather than unilaterally discouraged, providing that the recesses don't become so large that they detract from the building street wall. A more equitable solution would be a maximum of 6 ft. x 6 ft, along with diagrams and photos showing when this is application is appropriate.

If recessed balconies count as private open space in these guidelines, this provision contradicts one found in the Planning Code, where balconies used as private open space must be more than 50% exposed.

3. The minimum private and common open space requirements appear to be the same as downtown and some South of Market light industrial districts. These districts have a higher density and greater lot coverage than Parkmerced. Even Market Octavia and some Eastern Neighborhoods open space standards require a greater amount of area? Why is this?

03.06.07 Occupied Habitable Space

The Planning Department must consider the ubiquitous dilemma of utility room access and how this is handled at the ground floor streetwall. There is a recently established process at the Dept. of Public Works to address utility room access by minimizing the room size and placing electric transformer vaults in the sidewalk, but only in the vehicle driveway path and only when approved by SFFD and PG&E. The process has been used on a few occasions, but has not been thoroughly vetted. Parkmerced is a great opportunity to get this accomplished properly. Nevertheless, there will still be utility rooms located within the first 18 ft. of building depth that is described in this section. More specific guidelines will help address this constant problem

4. In the mixed use/social heart area, I do not see adequate guidelines for the 50,000 square foot grocery store or the ground floor professional, medical or business offices that are each allowed up to 10,000 square feet and retail up to 15,000 square feet. These are much different from the smaller ground floor neighborhood serving retail. How is this being addressed?

When I initially read the Parkmerced Design Standards + Guidelines, I felt a need to test how they hold to interpretation. Are they consistent with the Residential Code?

Private balconies and patios were always defined as private open space; however the Planning Code currently stipulates that private balconies used

in this calculation may not have a wall around more than 50 percent of the balcony (causing them to protrude from the face of the building).

Pre-1978, this was not the case. In the "old" days, balconies surrounded by walls on three sides (like those shown in the diagrams in the Parkmerced Design Standards +Guidelines) were allowed to be considered as private open space. Back then, there were also fewer limitations on the size of courtyards to be considered semi-private, or common open space as well. Today, there is a need for providing minimum standards for courtyards in the Standards, or at least referencing the Planning Code regulations.

Additionally, private covered stoops have in the past not been allowed to be considered to be included in the private open space calculations; however this may have changed with Eastern Neighborhoods, when front porches were encouraged for units that were accessed by stairs directly from the sidewalk, as part of a legislated setback for buildings to provide more planting areas. This allowance for Parkmerced Design Standards may be a continuation of this idea? However, since the allowed minimum dimension is only 36 sq. ft., instead of the number prescribed for the Eastern Neighborhoods, this may render the front porch as nothing more than a place to walk, to get to the entry door, rather than a place to sit and socialize (unless you sit on the steps!).

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The examples that I have selected for the purpose of this review were picked randomly. What they show is that the Parkmerced Design Standards +Guidelines are not approvable as they stand. The few guidelines that were examined raise significant question.

I request that each guideline as summarized in the Parkmerced Design Standards + Guidelines is more thoroughly checked against current codes

and prevailing practices. For a project that will take 20 to 30 years to be fully realized, we need better guidance.

The Proposal for Parkmerced will require massive amendments to the Planning Code, the Zoning Map, and the General Plan among others. This alone requires a high degree of scrutiny, consistency and accountability for all regulating documents for Parkmerced, including the only one guiding physical design- **The Parkmerced Design Standards + Guidelines.**

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Re: February 10th, 2011 SF Planning Commission hearing on Parkmerced (3:30pm)

Dear President Chiu and Supervisors:

I am writing this final memo on behalf of the Parkmerced Action Coalition residents in opposition to the development project proposed for Parkmerced. The project proposals by both the Parkmerced "Vision" project, and the SFSU-CSU "Masterplan" projects jointly and cummalatively NEGATIVELY affect the 191.2 acres of the Met-Life Development by Leonard Schultz and Thomas Dolliver Church. As a singularly designed entity as a district eligible for the local state and national register's as a historic district and cultural landscape property the proposals before you lack any adequate mitigation proposal to save and preserve at the most basic level the landscape and open-space masterplanned design at risk. Short shrift has been given to the issues of carbon-footprint, direct grade-seperation for transit, and the open-space loss of amenities prior to and in the proposed development agreements.

The advocacy of national organizations to raise awareness of this site's importance, and the efforts by tenants rights groups to shed light on the improprieties of the development agreement and promises that are non-enforceable in a court of law per current case law indicates repeatedly the questionability of these "agreements". The prior negotiations between city agencies and SFSU-CSU on the "Masterplan" for the college campus and the LACK of true fair-share impacts assessed to the CSU campus per "City of Marina vs. CSU" indicate a "too close relationship" between city, state and developer interests. When the benefit of the developer, CSU planners, SFMTA, and investors take priority over peoples homes and lives we are no longer a city that adheres to the principles of the SF General Plan and the proper and adequate development of essential housing.

We sadly are consistently removing people, and neighborhoods from our city, and replacing them with towers, denser urban fabric, and a total lack of adequate infrastructure planning. While politicians play with there roles in terms of preservation, and adequate CEQA analysis, we are losing open-space, and the few gems we have left in terms of publicly accessible landscapes, and the urban planning variety they show our future generations. I have consistently opposed both projects not just on principles but on gut feeling as an architect that this proposal is WRONG for our neighborhoods and urban fabric. Overseas in many European countries, infill would be the proper response. Here it is tabled

and shoveled under the doormat. I do not consider the current development plan to be adequately reviewed and proper mitigation measures included. The project should be cancelled, until the developer and architect can bring another more reasonable concept to the table inclusive of preservation.

I thus strongly oppose the project for the following reasons:

A) **Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal. App. 4th 1491**

B) **Lincoln Place Tenants Assn. v. City of Los Angeles (2007) 155 Cal. App. 4th 425**

C) **Buena Vista Gardens Apartments v. City *of* San Diego Planning Department (1985) 175 Cal.App.3d 289.** [In this case the court invalidated a project to demolish and redevelop a large affordable apartment complex, because the City's General Plan's Housing Element did not comply with the requirements of the Government Code for a Housing Element.]

D) **Camp v. Mendocino County Board of Supervisors (1981) 123 Cal.App.3d 334.** [In this case the court enjoined the entire county of Mendocino from any further approval of anything until they cleaned up their General Plan, which lacked a land use element and noise element.]

E) **City of Marina et Al. vs. Board of Trustees of the California State University (2006) 109 Cal. App. 4th 1179** ['fair-share' impact fees assessed to the CSU in terms of the proposed growth, including impacts on housing, transportation, openspace, parking, traffic]

F) **Laurel Heights Improvement Assn. vs. Regents of University of California (1988) 47 Cal.3d 376, 392**, quoting Pub.Resources Code, § 21000, subd. (a); see also CEQA Guidelines,3 § 15003, subd.(a).) " 'all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' "

G) CEQA requires "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (Pub. Resources Code,§ 21002.1, subd. (b)) and to discuss feasible methods of mitigation in the EIR (*id.*,§ 21100, subd. (b)(3); CEQA Guidelines, § 15126.4, subd. (a)(1); see also Pub. Res. Code, § 21002.1, subd. (a) [one purpose of the EIR is "to indicate the manner in which . . . significant effects can be mitigated or avoided"].) [we have included in the documents submitted to the SF Planning Department drawings and sketches that show that there IS an adequate mitigation project available, and an option to preserve and protect the MAJORITY of the landscape elements on site through the INFILL option eliminated by the planning department as 'infeasible'. The lack of adequate analysis in mitigation measures fully analyzed independently from the developer's interests, or the improper utilization of SB375 or AB32 to allow the project proponent to circumvent state CEQA law in terms of analyzing fully or through the process of developer and planning department elimination of adequate and proper alternatives is the reason for legal action in regards to this project. When there IS a

significant alternative that has been proposed it requires the planning department and city agencies, to fully analyze the alternative to determine if it is feasible and if it will help to prevent, mitigate or avoid the **SIGNIFICANT** effects on the proposed site.]

H) The City of San Francisco cannot lawfully approve any land use legislation, because the San Francisco General Plan DOES NOT substantially comply with the requirements of the Government Code, *e.g.*, secs. 65300 *et seq.* The Government Code requires mandatory elements, including a Land Use Element and a Housing Element that comply with the state Government Codes. The San Francisco General Plan does not contain those elements. It contains no Land Use Element, and its 2004 Housing Element was invalidated by the Court of Appeal., and there is no Housing Element currently that complies with the requirements of the Government Code.

I) Further, the General Plan's Transportation Element is not correlated with its (non-existent) Land Use Element. Utilizing "TOD" or transit orientated projects as an impetus to also circumvent adequate open-space protection, and ignore the quality of life impacts such decisions create in terms of urbanization impact, and adequate analysis in terms of routing, time-travel, limiting the number of stops proposed within a community, and future direct regional connection through placing the transit improvements 1st, instead of delaying them to a future date is a critical issue here in regards to transit planning. Allowing the developer to build out and determine routing of public transit, undermines the publics best interest in the public transit system and privatizes what should be under the public's control.

J) It has been well noted and stated by public agencies, city and the developer that there is a "partnership" between SFSU-CSU and Parkmerced's prior and current ownership in regards to student housing and development. The Memorandum of Understanding between SFSU-CSU and the City and County of SF did not include adequate community and city mitigation measures to deal with the impacts on the surrounding communities both north and south of SFSU's campus. This is stated clearly in the case of City of Marina vs. CSU that cities can enforce financial fees and require mitigation efforts on Institutional growth of CSU campus's in regards to housing impacts, transit, traffic, parking, and open-space. To date this has been ignored in **BOTH** environmental impact reports.

K) Parkmerced Project amendments to the General Plan would cause internal inconsistency within the General Plan, and the Project itself is inconsistent with both the General Plan and the requirements of Proposition M, *e.g.*, open space, density, land use, etc. and Proposition J (Preservation Commission) which has not been involved in the current discussion and approval process, and recently adopted a contextual statement on Modern Landscape design.

L) The Developer Agreement improperly equates the equivalence of a washer-dryer and dishwasher to that of the open-space lost in the proposed development. It negates the loss of open space prior and amenities in the original build out of the development at 191.2 acres. The "bait-and-switch" approach by prior management and the current development ignores the overall consistent loss of space. The documents submitted by both Page & Turnbull in the Historic Resources Analysis, and SOM (Architect) both manipulate the numbers and diagrams to ignore the overall loss of open-space on site, and ignore the gradation and quality of landscape present. The National Trust for Historic Preservation equated it to 2/3rds loss of open space or from about 1,100s.f. per unit to 333s.f. this loss could be equated per current construction costs of +$800s.f. to about $600-800,000.00 per unit.

M) The project **IGNORES** the existing towers which are seismically **UNRETROFITTED**, and thus provide a life-safety concern to the community and essential housing stock of the district/city per the CAPS program these buildings must be addressed and properly included in the discussion of what is to be proposed. The lack of adequate analysis financially on the retrofit, or rebuild of the existing towers is not included and waived off as infeasible by the developer. The documentation must occur to provide a basis for determining what is the best alternative for the PUBLIC benefit.

In conclusion;

The City does not have a valid Housing Element or Land Use Element of the General Plan, therefore it is not possible to correlate the proposed project with the General Plan as required by Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code

The City did not evaluate the proposed developer agreement in the FEIR, therefore impacts caused by the development agreement such as tenancy rights, and future concerns based on case-law at the court appellate level may not have been adequately analyzed or mitigated. Therefore the current promises and agreements by the City of San Francisco on the Trinity Plaza project and currently the proposed Developer Agreement being espoused as adequate hold NO WATER in a court of law.

I strongly urge you to reject the plans currently submitted and require the developer to re-design the proposal with a more balanced approach to sustainable infill, adequate structural analysis on the towers in terms of retrofit costs, or replacement, direct transit connections through grade-seperation along 19th ave. or along the eastern edge of parkmerced's site, and include a larger development district rezoning to lessen the impact on one community disproportionately.

As noted prior this is a CONTIGUOS community of EXISTING human beings it is NOT a blank slate, and thus CANNOT be approached without looking seriously at the HUMAN consequences of the developments proposed.

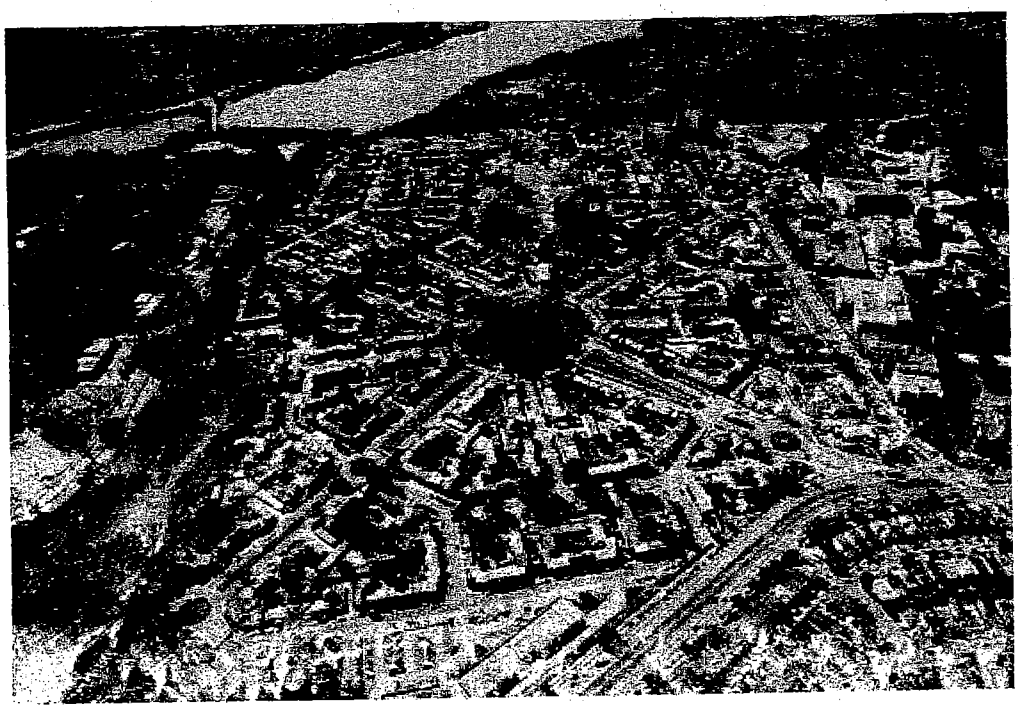
Therefore, any approval of the Project is arbitrary and capricious, an abuse of discretion, and a failure to proceed as required by law.

Thank you for your consideration of these comments.

Sincerely,

Aaron Goodman

Cc: San Francisco Planning Commission, SF Historic Preservation Commission, Mayor Edmund Lee, Governor Jerry Brown, Milford Donaldson SOHP, National Trust for Historic Preservation Western Office, The Cultural Landscape Foundation, The California Preservation Foundation, The SF Preservation Consortium, SF Heritage, The Coalition of San Francisco Neighborhoods, The West of Twin Peaks Central Council, The Parkmerced Action Coalition.



Aireal View of Parkmerced's urban design a beux arts street layout, compared to the typical gridded street design of San Francisco. This photo was selected for The Cultural Landscape Foundation's Marvels of Modernism, Landscapes @ Risk 2008 www.tclf.org (photograph by Tom Fox SWA Landscape Architects) The large brown area on the southwest portion of the photo is the 800 Brotherhood Way site, and Benny Buffano Peace statue, this area was proposed in my submittal as a reclaimed public park and open-space linkage for a lineal park connecting the METNA neighborhood to Lake Merced and reclaiming portions of Parkmerced's lost amenities. The Cambon commercial site at the south side edge of the photo sits directly along what could be seen as a primary new development area for commercial, office, and new towers and entrance to the city of San Francisco. The next image a historical one, shows the primary situation of the 5 eastern most towers, and the pinch-point of transit along 19th and Junippero Serra Blvd. to the 1952 Brotherhood Way Intersection.



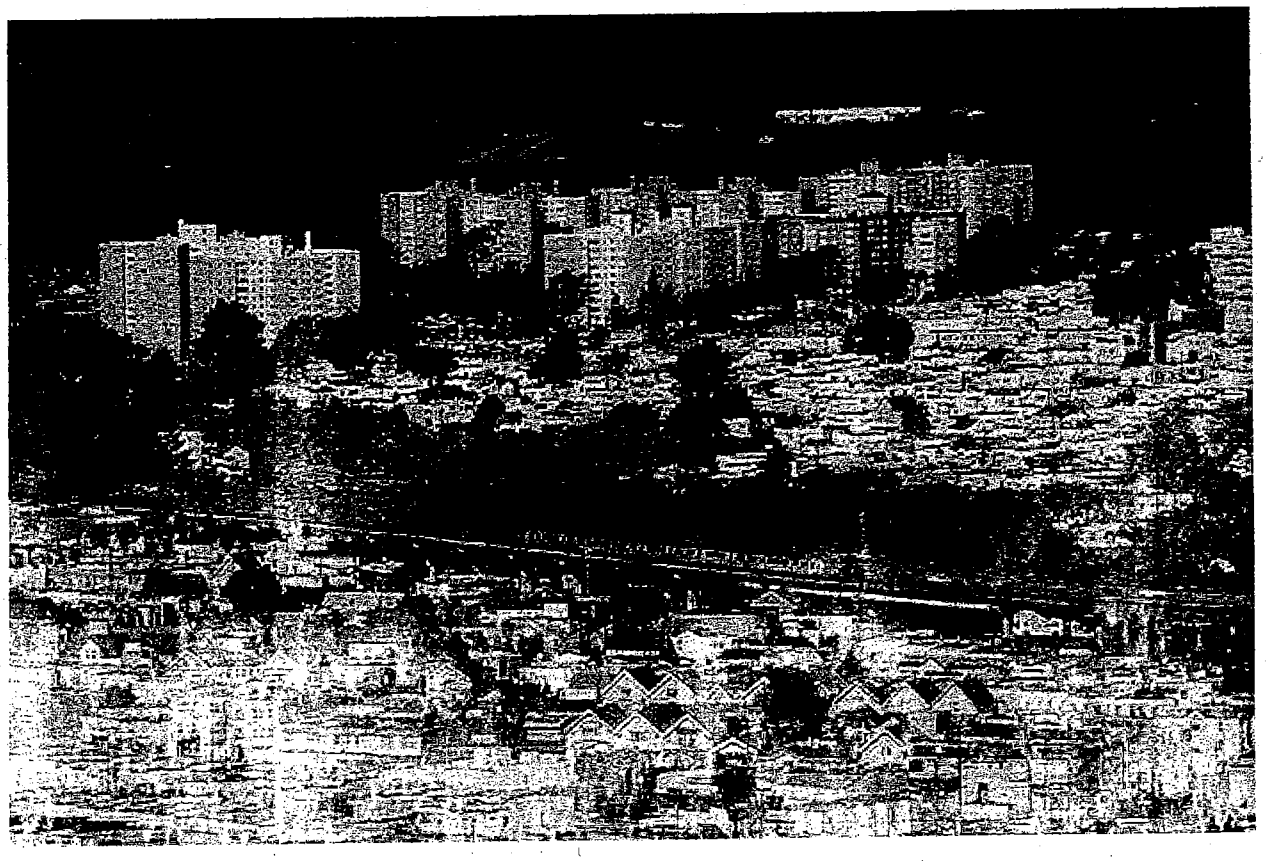
No alternative routing, or location stops along 19th Ave. were considered to help alleviate the transit and traffic issues created by the "X" crossing at 19th and Junippero Serra and the 1952 Cloverleaf at Brotherhood Way. These two sites and the parking garages and 5 eastern most towers of Parkmerced represent the best solution to the current issues at stake. By removing the existing un-reinforced towers, and utilizing the Mills Act on the remaining site of Parkmerced a simple solution can be achieved through infill and removal of parking structures, including a shuttle service, and providing new developable land along the transit corridor through grade separation, to stitch back a community and surrounding neighborhoods torn apart by the 19th avenue corridor. It would achieve a new public/national park accessible to the surrounding communities.



An example of the open-space at risk, with full mature landscape, and gradation of open-space and quality of personal unit space throughout the complex. The private/public areas were designated by the legal team of the developer and SF Planning Department as "courtyards" so they could be easily re-assigned to other areas of the site square footage wise.



Juan Bautista Circle, a primary open-space area used by many residents for exercise and sitting enjoyment. Although the trees are aged, the space is cherished by many and considered the "heart" of parkmerced. This is proposed as a water retention pond in the new development.



This view of transit and housing, shows the issue with the distance and connectivity to regional transit. When the area between the transit hub and development is ignored, as is evidenced by WALKING the distance between the two, we lose site of what could be a solution to the transit/traffic impacts created. The towers shown are ALL unretrofitted, and thus may not survive a future earthquake. Are we considering these PEOPLE that live there and the human loss of life that can occur due to non-action on the issue of seismic safety?



I have taken many photos of the site, which are available on www.parkmercedlandscape.blogspot.com

I have walked ALL the courtyards and seen firsthand what is at risk.

I have attempted to inform the city and the community of the issues, and have repeatedly submitted it to the press, and the National Trust for Historic Preservation's 11 Most Endangered sites.

I believe we have a better option/alternative and it only requires the city to stand up on the principles of urban planning outlined in the SF General Plan.

Your decision, has an impact, and the need is more acute than ever to ensure that the human impact of this project is NOT ignored.

Sincerely

Aaron Goodman - 2.10.2011

SFT PARK MERCED SUPPORTIVE TESTIMONIES: CASE NO: 2008.0021E

Coalition for San Francisco Neighborhoods	Feb. 10, 2011
SF Tomorrow to Planning Commission	Feb. 10, 2011
SF Tomorrow to Planning Commission	July 12, 2010
Golden Gate Express, SFSU Arts Center	Feb. 07,2011
Resolution of the SF Democratic Co. Central Comm.	Feb. 23,2011
National Trust for Historic Preservation, West. Office	Jan. 28,2011
The SF Preservation Consortium	Mar. 1,2011
The SF Preservation Consortium	Oct. 21,2010
SF Architectural Heritage	July.21,2010
BeyondChron, "Manufacturing Suburban Blight"	Feb.17,2011
BeyondChron, "Time to Pull the Plug on Park M."	Feb. 3,2011

Coalition for San Francisco Neighborhoods

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East Mission Improvement Assn
Ewing Terrace Neighborhood Assn
Excelsior District Improvement Assn
Fair Oaks Community Coalition
Forest Knolls Neighborhood Assn
Francisco Heights Civic Assn
Golden Gate Heights Neighborhood Assn
Greater West Portal Neighborhood Assn
Haight Ashbury Improvement Assn
Inner Sunset Action Committee
Jordan Park Improvement Assn
Laurel Heights Improvement Assn
Liberty Hill Neighborhood Assn
Lincoln Park Homeowners Assn
Marina Civic Improvement & Property Owners Assn
Middle Polk Neighborhood Assn
Midtown Terrace Homeowners Assn
Miraloma Park Improvement Club
Mission Creek Harbor Assn
New Mission Terrace Improvement Assn
North Beach Neighbors
Oceanview, Merced Heights, Ingleside – Neighbors in Action
Outer Mission Residents Assn
Pacific Heights Residents Assn
Panhandle Residents Organization/ Stanyan-Fulton
Parkmerced Residents Org
Potrero Boosters Neighborhood Assn
Richmond Community Assn
Rincon Point Neighborhood Assn
Russian Hill Improvement Assn
Russian Hill Neighbors
Sunset Heights Assn of Responsible People
Sunset-Parkside Education & Action Committee
Telegraph Hill Dwellers
Twin Peaks Council & Open Space Conservancy
Twin Peaks Improvement Assn
University Terrace Neighborhood Assn

February 10, 2011

Re: Parkmerced — proposed planning code, zoning map, and General Plan amendments which would implement the "Parkmerced Vision Plan"

Ron Miguel, President
San Francisco Planning Commission
1650 Mission Street
San Francisco CA 94102

Dear Commission President Miguel,

The Parkmerced matter is an extremely complex issue, and one which the CSFN has approached most carefully, thoroughly and thoughtfully.

After hearing from both sides of the issue several times at its Land Use & Housing Committee, and again at its January General Assembly, and after *much* discussion, the CSFN unanimously passed the following resolution:

Whereas, as explained by the developer at the January 18, 2011 CSFN meeting, the proposed project would

- reduce open space on the site by at least 6 acres,
- demolish 1,538 low-rise town home apartments surrounded by gardens and require their occupants to move,
- add 11 new 11–14-story residential towers to the existing 11 towers now at Parkmerced for a total of 22 towers on the site, without first requiring repairs to existing towers,
- add up to 5,679 new market-rate condominiums to the site,
- add approximately 8-1/2 million square feet of new residential units to the site, and
- increase population by approximately 13,000 persons; therefore be it

Resolved **that the Coalition for San Francisco Neighborhoods opposes the proposed planning code, zoning map, and General Plan amendments which would implement the "Parkmerced Vision Plan" as currently proposed.**

We understand that there are many points both fine and gross to consider in this issue; we strongly urge you to consider the myriad direct and indirect negative ramifications that its implementation will have on the entire surrounding communities and neighborhoods.

Thank you for your consideration in this matter.

Judith Berkowitz
Judith Berkowitz
President

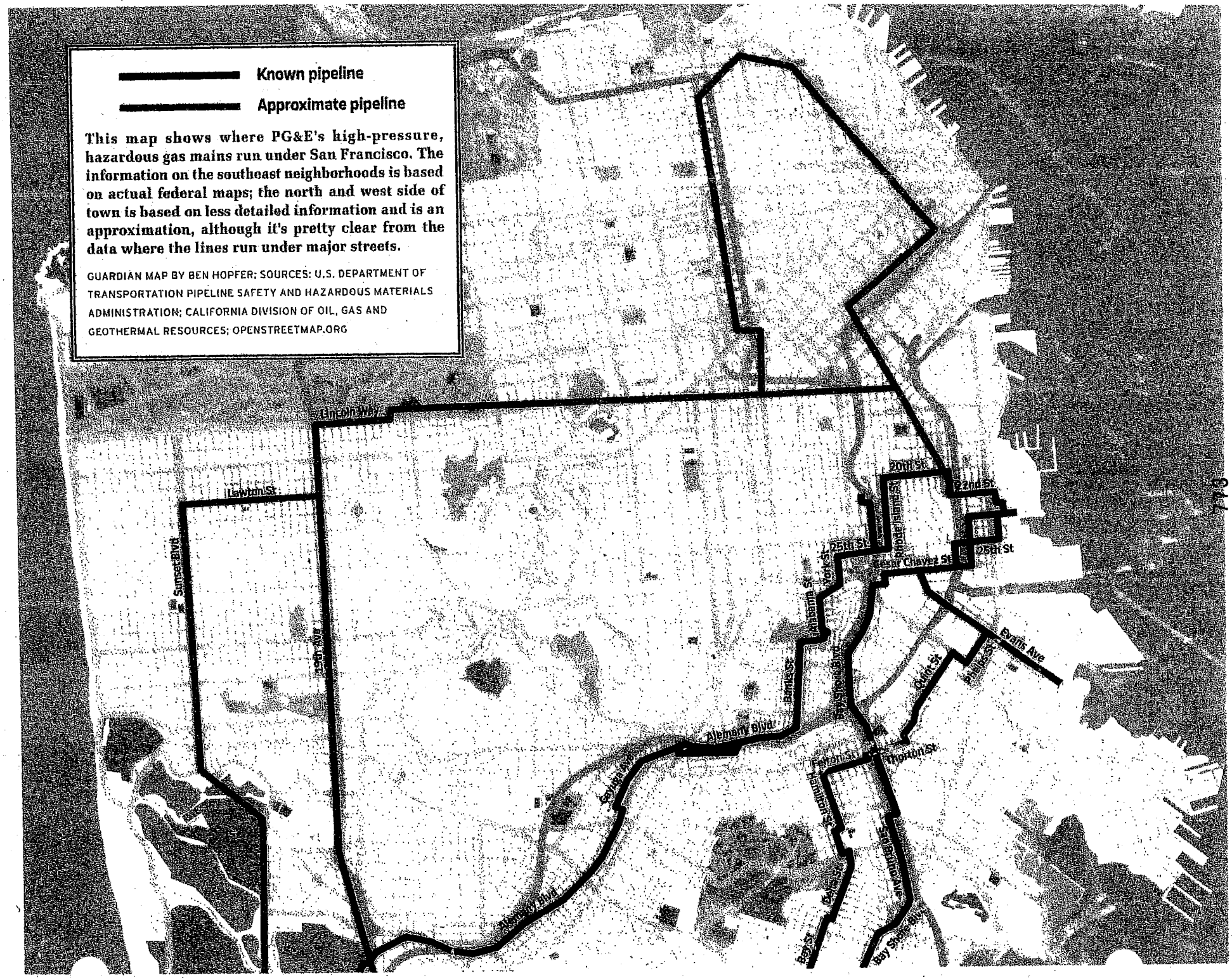
Cc: Vice President Christina Olague, Michael Antonini, Gwyneth Borden, Hisashi Sugaya, Kathrin Moore, Commission Secretary Linda Avery, Director of Planning John Rahaim

To: San Francisco Planning Commisssion
Fr: Bernard Choden (415-929 7714)
Re: Park Merced Development Proposals:

Feb. 10, 2011

1. The contiguity of a PGE 30" pipe gas line of unknown volatility to the west and east of the project constitutes a possible imminent danger to the project and its residents. Further, survivability of the structure and inhabitants, in line with state's CAPS proposals go beyond the level of seismic security proposed by the project's sponsors. Therefore, the owners and city should now undertake subscription for a performance bond and a moratorium on further project approvals until the danger poised by the site and seismic rehabilitation is objectively and professionally assessed and insured. Steps toward approval by the city would, I believe make the city complicit in private speculative development hazardous to persons and the city's responsibilities.
2. It is incumbent upon the city to provide and review alternative economic performance analysis that may affect the ultimate extent and need for development particularly seismic safety and modernization of the project. An example previously proffered is a resident ownership utilizing a limited equity cooperative.
3. It is incumbent upon the city and owners to guarantee residents their present level of rents and services through an insurable performance bond underwriting future costs to those residents at whatever level necessary to replenish their comparable city tenure.
4. It is incumbent upon the city to explore environmental, service and infrastructure impacts of the project involving the adjacent areas such as SFSU and Stones Town, the east side 19th Ave and the approaches to BART and Daly City. One mode, presently neglected, is use of an autonomous redevelopment district that would conduct the necessary planning, public land assembly and capital underwriting through tax increment financing.
5. Park Merced is now recognized as a possible national landmark of an existing dense residential design. Therefore, t should be recognized that the project architects have produced a high standard of talent and expertise that can become the basis for the inevitable development necessary to offset the costs of the project's rehabilitation and area impacts.
6. It is incumbent upon the Planning Commission to seek objective legal counsel unconstrained as is the City Attorney's office by its conflicting, dual assignments of offering legal opinions whiles protecting the City's potential legal indemnities.

Any action less by the Planning Commission could imply government's legal complicity in unwarranted private speculation contrary to public safety and responsibilities.



This map shows where PG&E's high-pressure, hazardous gas mains run under San Francisco. The information on the southeast neighborhoods is based on actual federal maps; the north and west side of town is based on less detailed information and is an approximation, although it's pretty clear from the data where the lines run under major streets.

GUARDIAN MAP BY BEN HOPFER; SOURCES: U.S. DEPARTMENT OF TRANSPORTATION PIPELINE SAFETY AND HAZARDOUS MATERIALS ADMINISTRATION; CALIFORNIA DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES; OPENSTREETMAP.ORG

July 12, 2010

San Francisco Planning Commission
Major Environmental Evaluation
1650 Mission Street

Re; Parkmerced DEIR 2008.0021E

Lifespan of project, at twenty to thirty years, is too long; if the impacts are to be mitigated effectively, they cannot be covered in a single massive environmental analysis such as this one; the time horizon for the project should be reduced to seven or at most ten years, to permit realistic mitigations to be imposed, as members of the Planning Commission have suggested;

Housing Affordability. No mention is made that demolition of the existing affordable units cannot be guaranteed after the first turnover of tenancy. Even in a new project with developer assurances pf continued affordability, end-of term vacation of a unit by short-term tenants such as students permits rents to be raised and affordability to be lost;

Loss of stored energy. Buildings that would be demolished would cause the loss also of the materials of which they are built and wastes the resources that are present in the buildings on the ground;

Urban Design. It is only partly possible to assess the design impact of demolishing the buildings which comprise the integrity and unity of the original design. Computer renderings of the proposed massing are given in Chapter V as comparison but not many of them are taken from inside the project area; the distant views taken at points do not allow useful comparisons to be made of the proposed new buildings with the existing building character.

It is inappropriate that the Appendix show possible architectural character by inserting clippings of buildings that have been built elsewhere; these clippings-from-other-places are irrelevant since no architectural drawings have been developed for the proposed project; they should not be included in the EIR *as if* they could predict the eventual appearance and style of the proposed new buildings at this site. Random beautiful graphics are a fiction; they are merely stand-ins for the real thing but they might be powerful in impressing the public and persuading decision-makers. Even with disclaimers, these beautiful images are powerful and may result in a loss of objectivity and thus are not allowable in an EIR.

Project Description. Add text that expresses community, such as "Parkmerced is a planned neighborhood; true neighborhoods evolve over time; demolition of major parts of a neighborhood cause major dislocations and may destroy the community. Parkmerced has a social infrastructure. Buildings lived in over time create a sense of place (Jane Jacobs)". A mixture of old and new would be less costly, while reinforcing the sense of history and evolution over time. Much higher sustainability through rehabilitation

"Aesthetics". Visual Quality is the appropriate term . . .

Transportation. The transportation study indicates that main arteries (19th Avenue/Junipero Serra leading to HW 280 and Parkmerced Boulevard) will be impacted at Level E and Level F due to the population increase of the Parkmerced project and the cumulative impacts of additional projects on the parcels sold off from the original Parkmerced property. There are other projects in the pipeline, as well, which will further impact the circulation of San

Franciscans trying to reach the Peninsula and SFO and automobiles commuting from Marin County to the Peninsula.

The rerouting of the M-line through Parkmerced would require an additional crossing of MUNI tracks of 19th Avenue and cause additional slowdown of vehicular traffic. An alternative could show a crossing at below grade. Shuttles into Parkmerced could serve the residents on an as-needed basis.

Continuing the parking requirement of 1 to 1 and increasing the number of streets in the project are contradictory to the goal of creating a development that minimizes its dependency on the automobile. The document should outline an alternative to the use of the automobileThe impacts of re-routing the M-line through Parkmerced which will require additional crossings at 19th Avenue and result in additional slowdown of vehicular traffic there, are not fully evaluated. The provision of shuttle buses into Parkmerced to serve the residents on an as-needed basis should be studied;

Socio-Economic Transportation Addendum should be prepared and evaluated with the EIR document in order to compare affordability and identify institutional subsidies that may be required;

Historic Site Plan and Landscape Plan. The potential Historic Landscape of Parkmerced, designed by renowned landscape architect Thomas Church, including the semi-private courtyards of the two-story high townhouses, would be lost. The destruction of the historic landscape would mean a significant loss of cultural resources which cannot ever be replaced.

Alternative C (Retention of the Historic District Central Core) would retain a sizable part of the existing development and also result in a decrease of its impacts since 3,000, instead of more than 5,000, new units would be added.

Alternative C would also retain more of the mature trees. Although the DEIR acknowledges that the site contains many mature trees, it summarily states that they are not landmarked; this does not mean that they are not worth a study which would indicate the trees that might be retained. In the harsh climate near the ocean, it would take decades to replace these trees with similar mature trees. The impacts of habitat modification for birds and other wildlife which the removal of the trees would cause have not been addressed in the DEIR.

Historic Preservation. Preservation Alternative "C" is not satisfactory to address the historic resource and the eligibility of this project for the National Register. "C" offers a random slice of partial preservation, the rationale for which within the proposed new site plan is nowhere to be found. Other preservation alternatives should be studied, including the one labeled "G" which was dropped from the document;

Alternatives. Using the suggested time-frame of ten years suggested above, a realistic series of alternatives involving more preservation should be developed. A transportation alternative should be studied which would show crossing of 19th Avenue by Muni at below grade.

Suggested mitigations for Housing Impacts:
The developer and the Planning Commission must make a specific finding that resources are available to achieve a stated mitigation.

Mitigation for seismic safety. Since the project is within ¼ mile of the San Andreas fault, special **seismic safety construction should be required and on-site first-response set up for disaster relief.**

Franciscans trying to reach the Peninsula and SFO and automobiles commuting from Marin County to the Peninsula.

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Socio-Economic Transportation Addendum should be prepared and evaluated with the EIR document in order to compare affordability and identify institutional subsidies that may be required;

Historic Site Plan and Landscape Plan. The potential Historic Landscape of Parkmerced,



San Francisco Tomorrow

Since 1970, Working to Protect the Urban Environment

We urge the board, as a condition of development, to ensure that transit is required and developed at a level commensurate with the residential and visitor population proposed.

Thank you for providing us with the opportunity to comment.

Sincerely,

Jennifer Clary
President



Michael Maltzan, founder and principal of Michael Maltzan Architecture, unveils the designs for the Mashouf Performing Arts Center at SF State on Thursday, Feb. 24th. The new 242,150 square foot state-of-the-art facility will be built at the corner of Lake Merced and Font Boulevards. Henry Nguyen / staff photographer

Plans for the new creative arts building at SF State were unveiled today in the first public showcase of the University's vision.

Michael Maltzan, principal architect of the project, appeared as a giant next to a miniature model of the new building as he explained its main features and functions.

"It's a microcosm of the culture that exists on campus," Maltzan said. "This college is one of the most dynamic places I've ever been. I tried to imagine a form that would speak to that."

Maltzan said that his goal was to design a building that would further connect the various disciplines within the College of Creative Arts.

The new building, which has been named the Mashouf Performing Arts Center, will sit at the west end of campus, at the corner of Font and Lake Merced Boulevard.

From a bird's-eye-view, the building sprawls out in a narrow triangle. On the face, a curvy hallway steadily inclines from one end to the other. The hallway is walled with glass, opening the inside of the white structure to outside viewers. A large block protrudes from the top.

That block will house a 1200-seat auditorium with balconies that mimic an opera theater. Also housed within the building are a 350-seat music recital theater and a 450-seat theater.

The 260,000 square foot project will cost $260 million, and Maltzan predicts completion will take a little over a decade. Currently softball fields, basketball courts and tennis courts occupy the area.

The new building is almost 100,000 square feet bigger than the current creative arts building, which will be demolished and replaced with new academic buildings, Associate Vice President for Capital Planning Design and Construction, Simon Lam said.

"I think it's the most incredible vision for art's education unfolding in the U.S. right now," said Dean of the College of Creative Arts, Kurt Daw. "(Maltzan) delivered beyond our wildest expectations."

Tags: Aaron Salazar, architect, creative arts, featured, Kurt Daw, Mashouf Performing Arts Center, Michael Maltzan, model, new building, San Francisco State

No comments yet.

Name (Required)

Mail (will not be published) (Required)

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Submit Comment

- Posted on February 24, 2011
- Archived in News
- By Aaron Salazar
- There are 0 responses.

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Resolution of the San Francisco Democratic County Central Committee
Resolution Calling For Further Review of Parkmerced
Expansion Before Final Approval

Whereas, the owners of Parkmerced have proposed a massive expansion of the existing development which would increase the number of units from 3,000 to nearly 9,000 by destroying 1,538 existing 2-story garden apartments, currently home to thousands of families, and replacing them with highrises - and increasing the number of residents from about 7,500 to over 25,000.

Whereas, the impact of so large an expansion in units and population density will require major increases in City and School District services, including extensive improvements to the "M" Line which will not be covered by developer fees

Whereas, the Planning Commission has tentatively approved this Project on a narrow 4-3 vote, with dissenting Commissioners citing inadequate handling of environmental impacts, including seismic safety concerns given that Park Merced is located on land characterized as "high risk" for earthquakes by the U.S. Geological Survey, and is located near the epicenter of San Francisco 3rd largest quake since 1850 (in 1958),

Therefore be it Resolved, that the San Francisco Democratic County Central Committee urges that this project not be approved in its current form, but sent back to the Planning Commission for further study and revision, and that copies of this resolution be sent to the San Francisco Planning Commission, San Francisco Board of Supervisors and the Mayor.

Submitted by: Arlo Hale Smith

Adopted February 23, 2011 by San Francisco Democratic County Central Committee.

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Western Office

January 28, 2011

Mr. Ron Miguel, President
San Francisco Planning Commission
Attn: Jonas Ionin, Acting Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103

Submitted via email: jonas.ionin@sfgov.org

Re: Parkmerced Project (SFPD File No. 2008.0021E)

Dear Commissioner Miguel,

As the San Francisco Planning Commission meets to consider the environmental and planning impacts of the proposed Parkmerced Project, the historic preservation community remains deeply concerned about the destructive impact of the Project on the Parkmerced Historic District.

Parkmerced was determined eligible for the National Register of Historic Places and the California Register of Historical Resources as a significant example of planned residential development in San Francisco and the work of master landscape architect Thomas Dolliver Church and his celebrated colleague Robert Royston. According to the Cultural Landscape Foundation, Parkmerced is one of only four remaining examples of large-scale, pre- and post-World War II residential developments in the country and is without question of national significance. The Foundation has identified Parkmerced as a potential National Historic Landmark candidate—an elite group of less than 2,600 such properties in America. As one of Thomas Church's largest and most publicly accessible works, Parkmerced is also an important community resource.

The six undersigned local, state, regional, and national historic preservation organizations urge the City of San Francisco to adopt Project alternatives or components of alternatives that maximize preservation of the Parkmerced Historic District and retain its eligibility for the California Register of Historical Resources and the National Register of Historic Places. We question the consistency of the proposed Project with San Francisco's Planning Code Priority Policies and urge the City to require additional, more substantive mitigation measures for the severe impact to historic resources that could result from the Parkmerced Project.

Requirements of the California Environmental Quality Act

CEQA reflects the statewide policy that projects with significant environmental impacts, including impacts to the State's historic environment, should not be approved "if there are

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feasible alternatives ... available which would substantially lessen the significant environmental effects ..." (Pub. Resources Code § 21002.) CEQA thus requires that alternatives be analyzed that would "feasibly obtain most of the basic objectives of the project." (Guideline § 15126.6 subd.(a).)[1] Findings supporting the infeasibility of an alternative must be supported by "substantial evidence" based on an independent analysis by the lead agency. (Pub. Resources Code § 21081.5; Preservation Action Council v. City of San Jose (2001) 141 Cal. App.4th 1336.) An alternative need not accomplish every project objective, or maximize profitability, to be considered feasible under CEQA.[2]

Any project that would demolish a historic resource necessarily has a significant effect on the environment, requiring a lead agency to study and adopt feasible alternatives such as rehabilitation, if available and practical. (See Pub. Resources Code § 21081; 21084.1.) CEQA's requirements to identify and analyze feasible alternatives in an EIR are manifest when a project threatens historic resources, as is its substantive mandate that the lead agency not approve a project if a feasible alternative exists.

The Project Alternative Analysis Indicates that an Environmentally Superior Alternative is Feasible

As noted in the DEIR, Project alternatives proposing retention of portions of the Parkmerced Historic District result in substantially fewer impacts to historic resources and a range of other environmental qualities. Under Alternative C, Retention of the Historic District Central Core Alternative, the Parkmerced Historic District would retain eligibility for the California and National Registers while allowing for new development and densification on other parts of the Project site. The DEIR further identifies Alternative C as the environmentally superior option. This alternative is preferable not only because it would preserve an important part of San Francisco's history, but because the reuse of existing infrastructure would result in substantially fewer emissions of greenhouse gases, making Alternative C the truly sustainable alternative (see DEIR VII.32). Finally, Alternative C would provide cost savings by maintaining the existing stream of rental revenue and significantly reducing the scope of new construction.

To date, the City has provided no information to justify the rejection of environmentally superior alternatives based on "economic, environmental, social, and technological factors." (Guideline § 15126.6(b).) The City acknowledges that all of the proposed alternatives are "potentially feasible in that *they would attain most of the basic objectives* identified in Chapter III, Project Description, all are within boundaries of the property under the control of the Project sponsor and all are capable of being constructed on the Project Site." (Comments and Responses, Master Response A.4, emphasis added.)

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[1] "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code § 21061.1.)

[2] Citizens of Goleta Valley v. Board of Supervisors (1998) 197 Cal.App.3d 1167, 1181.

CEQA requires that the EIR provide sufficient information about each alternative "to allow meaningful evaluation, analysis, and comparison with the proposed project." (Guideline at § 15126.6(d).) The reasons and facts for which the sponsor or City has rejected alternatives is essential information that must be provided to the public in the EIR.[3] In contrast, the DEIR and Comments and Responses documents for the Project contain no discussion of why various alternatives may be considered infeasible. Contrary to the public disclosure function of the EIR, the City maintains that this information need not be presented in the EIR documents, but can be held back until the CEQA findings are released just prior to project approval.[4]

The Proposed Project is Inconsistent with the City's Planning Priority Policies

The undersigned organizations take exception to the statements in the DEIR and the Comments and Responses document that the Parkmerced Project is consistent with the City's Planning Priority Policies, particularly Priority Policy 7, which states "that landmarks and historic buildings be preserved" (Planning Code at § 101(b)(7).). The DEIR stated that the Parkmerced Historic District does not qualify for such protection, because it "is not currently included in any federal, state or local register." (DEIR IV.1 fn1). Nothing in the Planning Code, however, indicates that protection of the City's landmarks and historic structures is limited to formally listed sites on a register. This narrow interpretation of City policy also runs counter to CEQA, which makes no distinction between eligible and listed resources in determining what is historic.[5]

In the Comments and Responses volume of the Project EIR, the City again posits that the project is consistent with Priority Policy 7 because the policy specifically references "historic buildings," and the buildings at Parkmerced are not individually significant. (Response TR.34.1). Parkmerced is a historic district composed of individual elements that lack individual distinction, however, the contributing elements of the district–both buildings and landscape elements–have historic value. There is also a clear distinction between demolishing individual contributing resources in a historic district and demolition of nearly the entirety of a historic district. The conclusion that this degree of destruction is consistent with the City's policy to protect its architectural and cultural heritage is nonsensical. We maintain that the Parkmerced Project is not consistent with Priority Policy 7.

---

[3] *See* Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d. 376, requiring preparation of a new EIR because the lead agency had failed to "explain in meaningful detail...a range of alternatives to the proposed project and, if [it] finds them to be infeasible, the reasons and facts that [it] claims support its conclusion." *Id.* at 406.

[4] Comments and Responses, Master Response A.5.

[5] Cal. Pub. Res. Code § 21084.1; "For purposes of this section, an historical resource is a resource listed in, or *determined to be eligible* for listing in, the California Register of Historical Resources" (emphasis added.)

Proposed Mitigation Measures Remain Grossly Inadequate

While the undersigned are opposed to any demolition of the existing resource, in the event it occurs, the mitigation measures must be much stronger than those proposed in the EIR. Although it is undisputed that the Parkmerced Project would cause significant and unavoidable impacts to historic resources, the Project sponsors continue to offer insufficient mitigation or compensation for this potential loss. The proposed project would result in the near total destruction of a historic district spanning over 192 acres, including demolition of 170 contributing resources and the majority of Thomas Church's designed landscape. The proposed mitigation measures outlined in the DEIR and the Comments and Responses document, consisting of HABS, HAER, and HALS documentation, donation of archival materials, and permanent public interpretation, are tokenisms of little benefit to preservation of historic resources in San Francisco. Given the sheer enormity of the loss at stake, we believe much more should be required.

In its review of the Project DEIR, the California Office of Historic Preservation (OHP) stated that the mitigation measures proposed in the DEIR, specifically HABS/HAER documentation, "does not... in any way mitigate such a devastating alteration to a historic district." The OHP further stated that "the proposed demolition of the Parkmerced resources is indeed a circumstance in which HABS/HAER documentation is clearly insufficient mitigation in relation to the significant adverse effect that wholesale demolition would have on Parkmerced's historic resources..." (Comments and Responses, Letter 3, page 2.)

Indeed, it is a well-established precedent under CEQA that documentation and interpretation do not meaningfully compensate for the destruction of historic resources. As recognized by the court in League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896: "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." (*Id.* at 909.)

Echoing this point, the court in Architectural Heritage Association v. County of Monterey (2004) 122 Cal.App.4th 1095 proclaimed: "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." (*Id.* at 1119.)

The severity of the historic resource impacts at Parkmerced demands proportional mitigation measures with an appropriate nexus to the project impacts. Alternative or additional mitigation measures may include:

- Funding to complete a cultural resource survey of historic landscape resources in San Francisco, including development of landscape-specific survey methods and tools;
- Funding to complete a comprehensive, professional cultural resource survey of the southwest quadrant of the City of San Francisco; and/or
- Funding to complete a context study and survey of Modern and post-World War II historic and architectural resources in the City of San Francisco.

Certainly, Planning Department staff with expertise and experience in conducting and managing historic resource survey projects in San Francisco can advise the Commission and sponsor on the likely costs associated with these mitigation measures.

Mitigation could also include funding for the established San Francisco Historic Preservation Fund, administered by the Historic Preservation Fund Committee and the Mayor's Office of Economic and Workforce Development. Contributing to publicly administered funds supporting historic preservation activities as a form of mitigation has several precedents in California, including the Long Beach Navy Memorial Heritage Fund established in association with demolition of the Long Beach Naval Complex in Long Beach, CA; the Historic Schools Investment Fund established in connection with demolition of the Ambassador Hotel in Los Angeles; and the San Francisco Historic Preservation Fund itself, established following illegal demolition work on the Emporium Department Store.

In addition to the mitigation measures proposed here, the undersigned organizations request that the City adopt protections in the Project Development Agreement and CEQA findings prohibiting preemptive demolition of any contributing elements or alteration of character-defining features of the Parkmerced Historic District, including spatial organization, circulation, topography, buildings and structures, vegetation, landscape features, and views. Specifically, the City should impose a mitigation measure barring issuance of demolition permits until a permanent replacement project is pending and the sponsor has demonstrated the financial resources necessary to complete the proposed replacement project within a reasonable timeframe (i.e. construction to commence within six months of receipt of all necessary City approvals). We understand that the Planning Code already includes similar requirements, but feel it is important to codify and reinforce these protections in Project-specific documents.

Conclusion

Parkmerced is a nationally significant example of landscape design and World War II-era heritage in the San Francisco Bay Area, as well as one of the largest, and few publicly accessible, works by master landscape architect Thomas Church. The undersigned organizations strongly urge the City to adopt Project alternatives or components of Project alternatives maximizing preservation of the Parkmerced Historic District and

retaining its eligibility for the California Register of Historical Resources and National Register of Historic Places. In addition, we believe that the proposed project is patently inconsistent with the City's Priority Policies. Finally, while we remain opposed to any demolition of the existing resource, in the event the Project is approved, additional mitigation measures are necessary to meaningfully compensate for the severe impacts on the City's irreplaceable heritage.

Thank you for the opportunity to comment on the Parkmerced Project. Please do not hesitate to contact our organizations with regard to any questions related to these comments.

Sincerely,

Anthea M. Hartig, Ph.D.
Director, Western Office
National Trust for Historic Preservation

Cindy Heitzman
Executive Director
California Preservation Foundation

Mike Buhler
Executive Director
San Francisco Architectural Heritage

Charles A. Birnbaum
President
The Cultural Landscape Foundation

Bob Pullum
Director of Advocacy
Northern California Chapter, DOCOMOMO-US

Janet Gracyk
President
Northern California Chapter, Historic American Landscape Survey

cc: Rick Cooper, Major Environmental Analyses, San Francisco Planning Department
M. Wayne Donaldson, California State Historic Preservation Officer
San Francisco Historic Preservation Commission
San Francisco Preservation Consortium
Gabriel Metcalf, Executive Director, SPUR

THE SAN FRANCISCO PRESERVATION CONSORTIUM

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March 1, 2011

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San Francisco Board of Supervisors
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Room 244
San Francisco, CA 94102-4689

Subject: **Concurrence with San Francisco Tomorrow's Appeal of the Planning Commission's February 10, 2011 Certification of the Parkmerced Project Final EIR, CEQA Findings, and Mitigation Monitoring and Reporting Program (Planning Department Case No. 2008.0021E) and Approvals of the Associated: General Plan Amendment; Planning Code Amendments; Zoning Map Amendments; Development Agreement; and Coastal Zone Permit (Planning Department Case No. 2008.0021EPMTZW) Regarding Historical Resource-Related Issues**

Dear President Chiu and Members of the Board:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we concur with San Francisco Tomorrow's Appeal of the Planning Commission's certification of the Parkmerced Project Final EIR, CEQA Findings, and Mitigation Monitoring and Reporting Program and the associated approvals (General Plan Amendment; Planning Code Amendments; Zoning Map Amendments; Development Agreement; and Coastal Zone Permit) regarding historical resource-related issues.

The 191-acre planned neighborhood of Parkmerced was developed from 1940 to 1951 and included nearly 3,500 residential units, a commercial zone, school, recreational areas, and a meadow, with high-rise apartment towers and low-rise garden apartments, built for middle-income tenants. Parkmerced was designed as "a city within a city" by its architecture and landscape architecture collaborators, Leonard Schultze and Thomas Church, aided by Robert Royston. Together they developed the site plan, using both radial geometry and a Beaux Arts approach, breaking with the traditional San Francisco street grid. Parkmerced's landscape plan is integral to its function.

The Final EIR identified potentially significant, unavoidable adverse environmental impacts on historic architectural resources which are not proposed to be mitigated by the proposed Parkmerced Project (Project). The Consortium asserts there are feasible preservation alternatives to the Project that would significantly lessen the adverse impacts to this National Register-eligible cultural landscape. We concur with the attached comments on the Draft EIR submitted by San Francisco Architectural Heritage on July 12, 2010 and with the attached comments on the Final EIR submitted by the National Trust for Historic Preservation, California Preservation Foundation, San Francisco Architectural Heritage, The Cultural Landscape Foundation, DOCOMOMO-US, and the Historic American Landscape Survey on January 28, 2011. Therefore, we urge you to reject the Planning Commission's certification of the Parkmerced Final EIR and all associated approvals.

Yours truly,

Stewart Morton, Acting Chair
San Francisco Preservation Consortium

Attachments:

National Trust for Historic Preservation, et. al. letter to Planning Commission, 1/28/11
San Francisco Architectural Heritage Comments on DEIR, 7/12/10
Consortium letter to Bill Wycko, Environmental Review Officer, 5/31/10
Consortium letter to John Rahaim, Planning Director, 10/21/10
Consortium letter to Planning Commission, 11/4/10

cc: Mayor Edwin Lee
Angela Calvillo, Clerk of the Board
Planning Commission
Historic Preservation Commission
Linda Avery, Commissions Secretary
Historic Preservation Fund Committee
Dennis Herrera, City Attorney
Marlena Byrne, Deputy City Attorney
Jennifer Matz, Director, Mayor's Office of Economic and Workforce Development
Michael Yarne, Development Advisor, Mayor's Office of Economic and Workforce Development
John Rahaim, Director, Planning Department
Tim Frye, Acting Preservation Coordinator
Bill Wycko, Environmental Review Officer, Planning Department
Tina Tam, Environmental Review Coordinator for Preservation, Planning Department
Rick Cooper, Senior Environmental Planner, Planning Department
Joshua Switzky, Planner, Planning Department
State Historic Preservation Officer
National Trust for Historic Preservation
California Preservation Foundation
The Cultural Landscape Foundation



THE SAN FRANCISCO PRESERVATION CONSORTIUM

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The San Francisco Preservation Consortium is a grassroots education and advocacy group comprised of individuals and member organizations. Founded in 2001, we currently have 170 listserve members. Our website is:

http://groups.yahoo.com/group/sfpreservationconsortium

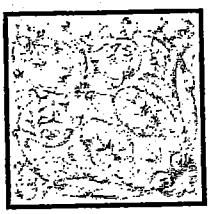
The Consortium seeks to strengthen the City's Landmarks Ordinance (Article 10 of the Planning Code), including augmenting the powers of the Historic Preservation Commission, and renewing the commitment to uphold the provisions, procedures and protections for historic downtown resources required by Article 11 of the Planning Code.

The Consortium advocates the appointment of appropriately qualified persons to the Planning Commission, the Board of Appeals and the Historic Preservation Commission. The Consortium also advocates increased funding for neighborhood surveys and the incorporation of survey findings into Neighborhood Plans as well as planning and permit application decisions.

In the realm of new legislation, the Consortium would like to see measures that would prevent deliberate "demolition by neglect" of historic resources by private property owners and guarantee basic maintenance of all designated resources owned by the City of San Francisco and the Redevelopment Agency.

To facilitate rehabilitation and adaptive reuse of historic resources, the Consortium urges the removal of administrative barriers to the application of the State Historical Building Code to all eligible structures in the City, as required by California law. Further, the Consortium supports the City's development of additional financial incentives to encourage retention, reuse and maintenance of privately-owned historic sites.

Docomomo-US
Historic American Landscape Survey, Northern California Chapter
San Francisco Architectural Heritage
San Francisco Preservation Consortium
Coalition for San Francisco Neighborhoods
Parkmerced Action Coalition
San Francisco Tenants Union
San Francisco Tomorrow
SPUR
Sunset-Parkside Education and Action Committee (SPEAK)
Tenants Together
Stuart M. Flashman, Attorney at Law



THE SAN FRANCISCO PRESERVATION CONSORTIUM

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Cynthia Servetnick
eGroup Moderator

John Rahaim, Planning Director
Attn: Joshua Switzky, Planner
San Francisco Planning Department
Major Environmental Analysis Division
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Initiate Planning Code, Zoning Map, and General Plan Amendments as Part of Parkmerced's Mixed-Use Development Program [Planning Dept. Case No: 2008.0021EMTZW]

Dear Planning Director Rahaim:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we are concerned that it is premature for the Planning Commission to approve a draft resolution to initiate amendments to the Planning Code, Zoning Maps, and General Plan and schedule a public hearing to consider these amendments regarding Parkmerced's Mixed-Use Development Program in advance of the issuance of the Comments and Responses Document/Final Environmental Impact Report.

Parkmerced's Mixed-Use Development Program is highly controversial. Consortium member Inge Horton wrote, "When hundreds of persons live on the streets with no roof over their heads, this proposal includes the demolition of 1,538 perfectly usable and habitable dwelling units in a potentially historic landscape setting by Thomas Church. . . . If the owners want to improve the livability of housing units in Parkmerced, they should retrofit the existing towers which were built with load-bearing walls and are not earthquake safe." We concur and urge you to hold a joint public hearing on Parkmerced's Mixed-Use Development Program with the Historic Preservation Commission as soon as possible.

Sincerely,

Cynthia Servetnick

eGroup Moderator
San Francisco Preservation Consortium

cc: San Francisco Planning Commission
San Francisco Historic Preservation Commission
Bill Wycko, Environmental Review Officer
Joshua Switzky, Planner, San Francisco Planning Department
San Francisco Architectural Heritage
San Francisco Preservation Consortium
Friends of Parkmerced

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July 12, 2010

Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 2008.0021E: Parkmerced – Draft Environmental Impact Report

Dear Mr. Wycko,

Thank you for the opportunity to comment on the Parkmerced Draft Environmental Impact Report ("DEIR"). Founded in 1971, San Francisco Architectural Heritage ("Heritage") is a non-profit 501(c)(3) membership organization charged to preserve and enhance San Francisco's unique architectural and cultural identity.

The Parkmerced project sponsor presented to the Heritage Issues Committee on June 2, 2009. While the proposed project has many laudable goals, we noted that it did nothing to preserve the existing California Register eligible resource. After review of the Page & Turnbull Historic Resources Alternatives Study ("Alternatives Study"), and the DEIR we have feedback on potentially feasible preservation options, including a new alternative described here. This new alternative would be a "hybrid" of options from the Alternatives Study that would allow limited development along the periphery of the complex (as described in DEIR Alternative C) along with limited infill development within the Historic District (similar to alternative #3 in the Alternatives Study, though scaled down). This hybrid approach would both retain Parkmerced's historic core and retain its California Register eligibility, while meeting many of the stated project objectives.

If the city will not consider this hybrid alternative, Heritage supports Alternative C as the recognized environmentally superior alternative, and the only option included in the DEIR that maintains the eligibility of Parkmerced as a California Register historic district.

I. Parkmerced Is Historically Significant and Register Eligible

All parties, including the project sponsor, agree that Parkmerced is eligible for inclusion in the California Register of Historical Resources as a historic district under Criterion 1 (Events) and Criterion 3 (Design/Construction). Built in the early 1940's, Parkmerced is an outstanding example of early modern landscape design, and an exceptional garden apartment development. Parkmerced's sophisticated landscape was designed by Thomas Church, the father of modern landscape design. It displays many of the design concepts that made Church's work unique and influential, including the use of abstract and organic forms. It is believed to be one of the largest Church projects remaining intact.

As an example of a planned development, Parkmerced represents an early example of large scale garden apartment design. It was one of similar four apartment developments funded by Metropolitan Life Insurance, which include Parkfairfax in Alexandria, Virginia, listed on the National Register because of its significance as an early planned development. Of the four complexes, only Parkmerced has a notable landscape design. Most of the complex's features retain a high degree of integrity from MetLife's period of ownership and, taken together, its collection of buildings, landscapes, and associated elements reflect Parkmerced's original design and functionality as a planned residential community.

II. The EIR Should Scrutinize the Ability of the Proposed Project to Meet Sustainability Objectives

To ensure fair consideration of the preservation alternatives Heritage supports (as described below) the EIR should evaluate the proposed project's ability to meet the sponsor's own stated objectives. The proposed project seeks to meet LEED certification standards and is touted as an "innovative model for environmentally sustainable design practices." We question how sustainable it is to demolish over 170 two-story buildings and 152 acres of landscape features and open space. Clearing the site would likely take several years, followed by protracted excavation and construction work. The EIR should closely scrutinize any claimed environmental benefits of the proposed project within this context, taking into account the embodied energy that would be lost with demolition of 1,538 units and the additional resources needed to haul away debris and erect 5,679 new units.

While the project sponsor has plans to build new construction with green technology, the DEIR does not study the possibility of upgrading the existing buildings to meet sustainability objectives. In assessing the feasibility of preservation options, the EIR should explore options for greening the existing garden courtyard apartments. Sensitive strategies for improving energy performance should be incorporated into all preservation alternatives. Including LEED upgrades for all the existing buildings, regardless of the final project design, will certainly help the project sponsor to meet sustainability objectives.

III. There Are Feasible Alternatives to the Proposed Project that Substantially Lessen Significant Adverse Impacts on Historic Resources

A. The EIR Should Consider a "Hybrid" Alternative that Retains Parkmerced's Historic Core, While Meeting Stated Project Objectives

Other than the No Project Alternative, the DEIR only includes one option (Alternative C) that would avoid significant adverse impacts on historic resources. In order fulfill the

mandate of CEQA,[1] the EIR should explore an additional alternative that retains Parkmerced's historic core and meets more of the sponsor's objectives, such as the desire for sustainable density and affordable rental housing.

A hybrid of Alternative C and the rejected Alternatives Study option, "Infill Development within the Historic District," would not only maintain the eligibility of the historic district, but also attain key project objectives not met by Alternative C alone. The "Infill Development" alternative was rejected, in part, because it would render the Parkmerced historic district ineligible for listing in the California Register. A hybrid alternative that allows for infill development on a smaller scale – as opposed to the three-story-plus new construction proposed in the rejected "Infill Development" alternative – would largely avoid negative impacts on the integrity of setting. Moreover, by adjusting the footprint of Alternative C, a hybrid alternative would increase the amount of developable area by removing the courtyard blocks immedately north and south of the four-tower cluster bounded by Serrano Drive, Arballo Drive, Gonzalez Drive, Bucareli Drive, and Font Boulevard.

Based on the impacts analysis in the DEIR for Alternative C, the removal of these courtyard blocks would not jeopardize the eligibility of the historic district. In addition to retaining the central core, the majority of the character-defining features would be preserved, including the cluster arrangement of the garden apartment blocks, landscaped drives, landscaped courtyards, vegetation, and small-scale features, as well as the radial arrangement of the garden courtyard apartments around Juan Bautista Circle.

Historic preservation and other General Plan goals, such as sustainability and affordable housing, can work together at the Parkmerced site with creative solutions. A hybrid alternative that incorporates elements of Alternative C and the rejected "Infill Construction" option would realize many of the project sponsor's objectives, while still retaining enough historic fabric to maintain the site's eligibility on the California Register. We urge the city to study this option in detail to assure that a reasonable range of potentially feasible alternatives are included in the EIR.

B. Alternative C Maintains California Register Eligibility and is the Environmentally Superior Alternative

Should the city not analyze this hybrid alternative, Heritage supports Alternative C, "Historic District Central Core," as the most sensitive option from a preservation standpoint, and as the recognized environmentally superior alternative. As the

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1 CEQA requires consideration of a range of alternatives in the EIR, with an emphasis on options capable of "substantially lessening" the project's significant adverse environmental effects. *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; *also see* PRC §§ 21002, 21002.1.

Alternatives Study indicates, Alternative C would retain the essential portions, features and characteristics of Parkmerced that justify its eligibility for the California Register of Historic Resources as an historic district. It also advances the project sponsor's sustainability objectives by conserving embodied energy and reducing energy consumption and landfill debris.

Finally, in assessing the financial feasibility of Alternative C, the EIR should take into account the cost savings that would result from maintaining the existing stream of rental revenue and by significantly reducing the scope of new construction. The EIR should also include a detailed accounting of projected rehabilitation costs for all preservation alternatives, incorporating potential regulatory and tax relief available under the California Historical Building Code, Mills Act, Federal Rehabilitation Tax Credits, and through conservation easement donation.

IV. Additional Mitigation is Needed to Safeguard Against Preemptive Demolition

Given the widely publicized financial uncertainty surrounding the proposed project, we urge the city to adopt protections against any preemptive demolition of Parkmerced, including a mitigation measure barring issuance of any demolition permit for any phase of construction until a permanent replacement project is pending and the sponsor has demonstrated the financial resources necessary to complete the proposed replacement project within a reasonable timeframe (i.e., construction to commence within six months of receipt of all necessary city approvals).

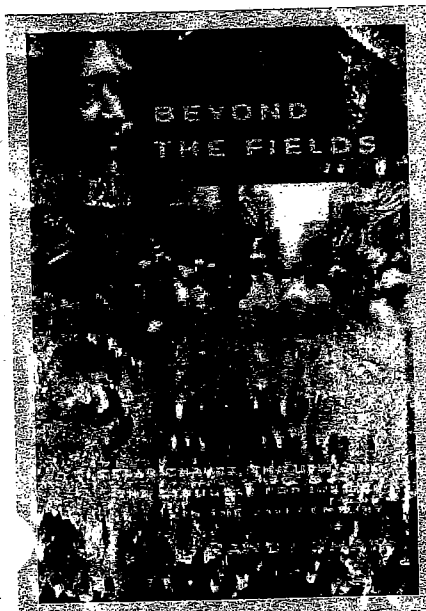
Thank you very much for the opportunity to comment. Please do not hesitate to Alexandra Bevk, Preservation Advocate, at 415.441.3000 or abevk@sfheritage.org should you have any questions or need additional information.

Sincerely,

David Cannon
Chair of Issues Committee

Cc: San Francisco Planning Department
San Francisco Historic Preservation Commission
National Trust for Historic Preservation
California Preservation Foundation

BeyondChron
The Voice of the Rest
San Francisco's Alternative Online Daily February 19, 2011
"Best Local Website" SFBG



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Manufacturing Suburban Blight: How City Officials are Mischaracterizing Parkmerced to Justify its Demolition

by Dean Preston, Feb. 17, 2011

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The Planning Commission has approved the controversial Parkmerced redevelopment plan by a 4-3 vote. The plan directly violates city policy regarding the demolition of sound rental housing. To justify the demolitions, supporters of the project are using a playbook that is familiar to residents of neighborhoods like the Western Addition and other redevelopment zones. From the start, advocates of the project have mischaracterized the existing homes and community at Parkmerced in an effort to pave the way for demolition.

Listening to the developer, City staff, SFHAC's Tim Colen, and Planning Commissioners Ron Miguel and Gwyneth Borden, one would think that Parkmerced's rent controlled homes were blighted, outdated, and so hopeless that the only logical choice is to demolish rather than renovate them. Add to that the repeated reference to Parkmerced as "suburban" and a "gated community," and the picture has been painted that San Franciscans should embrace the demolition of these supposedly dilapidated homes that really aren't part of San Francisco anyway.

Physical Condition of the Existing Units

Tim Colen, head of the developer's group SFHAC, maintains that "the inexpensive post war low rise buildings are at the end of their useful lives. We ask what aspect of this declining underutilized asset demands your protection?"

Planning Commissioner Borden echoed the theme, claiming that the current buildings are "in a state where you are putting band aids on them." "Even if you

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didn't demolish, the people would have to move out of those units because they are being renovated. It would require similar relocation." "It's not as efficient to do band aids on existing, not-as-well-built structures when you could put in new structures to plan for the future."

What is she basing this on? Has anyone done a study of what it would take to renovate, rather than demolish, the garden apartments? No, and that is the problem. Instead of complying with its own policy to require a Soundness Report on proposed demolition and to discourage demolitions, the Commission is simply accepting the mischaracterization of Parkmerced by developers and city officials whose zeal for development has eclipsed objective analysis.

San Francisco has a policy against demolishing sound rental housing, a policy that has been violated by the Planning Commission in approving this project. As part of the policy, the Planning Commission is supposed to require a Soundness Report before any housing can be demolished. No such report was provided on the Parkmerced homes slated for demolition.

The Suburbs Strategy

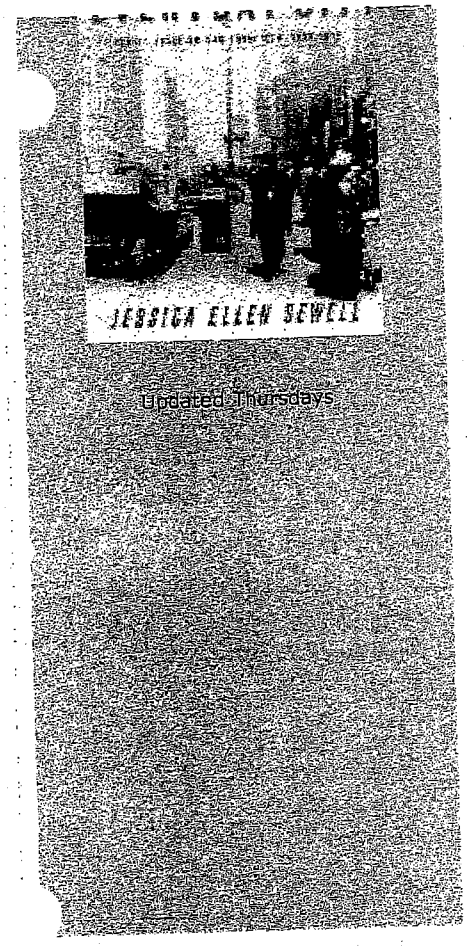
From the start, City staff and the developer have referred to Parkmerced as being suburban. I'm sure it is not lost on the project's advocates that the "suburbs" are not especially popular in San Francisco, a city whose residents pride themselves on being urban and, in many respects, anti-suburban.

According to Planning Commissioner Miguel, "This was and is San Francisco suburbia." "It's as close to San Francisco has to a gated community."

In fact, Parkmerced is among the least suburban places on this side of the City. There are highrise apartment buildings in Parkmerced, something more commonly found in New York City than the suburbs. (Interesting, Planning Commissioner Borden would like to see the existing towers torn down: "I personally find them very unattractive and wish they were the ones being demolished." The towers house large numbers of working class San Franciscans.)

All of the arguments being used against the current community at Parkmerced could be applied to any 152-acre part of the west side of San Francisco. Entire stretches of the outer Sunset, Ingleside and many other neighborhoods are low density and filled with older housing with deferred maintenance.

Imagine for a minute how this project would be received if the proposal were to demolish over 1500 homes in the Outer Sunset, with promises of 20-30 years of construction. The project sponsor would be laughed out of San Francisco.



There is a fundamental problem with a proposal to bulldoze an existing residential community in the name of building new housing, especially when the housing to be demolished is sound, rent-controlled housing. Rather than addressing this problem, the project's advocates are mischaracterizing the existing community to make it seem worthy of demolition.

Dean Preston is the Executive Director of Tenants Together, California's statewide organization for renters' rights. For more information on Tenants Together, visit www.TenantsTogether.org.

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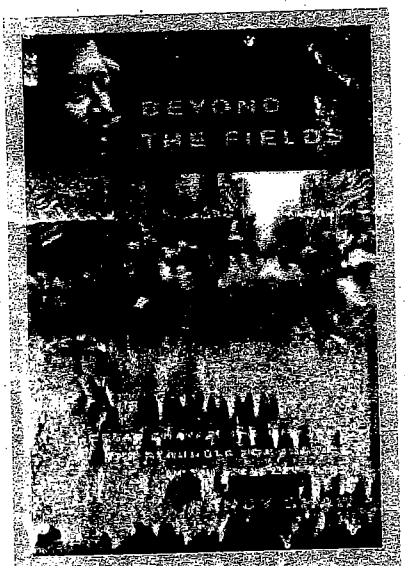

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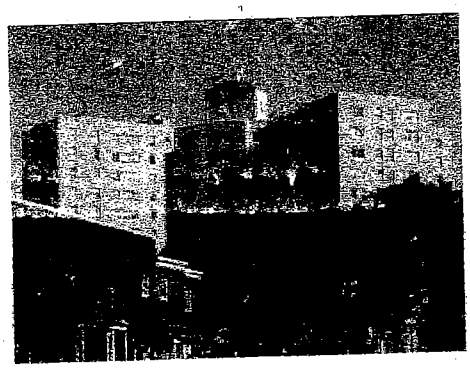

Time to Pull the Plug on Parkmerced Project

by Dean Preston, Feb. 03, 2011

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The Planning Department's website prominently features beautiful pictures of what is envisioned for Parkmerced. At Planning Commission hearings, Michael Yarne of the Mayor's Office of Economic and Workforce Development testifies with great zeal in favor of the project. There's no daylight between Yarne, who is paid with public funds, and the developer on one thing: both are committed to making sure this project happens.

But the glossy photos and sales pitches cannot obscure one inconvenient truth about the proposed project at Parkmerced: It will never happen – at least not as it is being promised. The question is whether city leaders have the vision and courage to protect San Francisco from this ill-conceived project, and whether they will act now to prevent the displacement of thousands of tenants and the destruction of this unique rental community of approximately 8,000 residents.

The proposed project is so massive that it is hard to know where to begin in analyzing it. It takes a while to wrap your brain around what is being proposed. When you do, you'll find many aspects of the proposal disturbing.

First, there is no solid phasing plan and no detail on when demolitions will occur. Second, there is no adequate explanation for how the project, as proposed, makes any financial sense, unless one believes that they will be able to sell $800,000 high rise condo units at Parkmerced and attract financing for a project that City consultants conclude isn't financially viable.

Third, the project threatens the very existence of a unique, historically significant community, triggering objections from a broad range of preservation groups. Fourth, the project proposes to demolish over 1500 units of rent controlled housing in violation of common sense and city policy. Fifth, there are serious questions about the enforceability of the promises being made to tenants about their right to rent controlled replacement housing, including what happens if the owner, or subsequent owner, invokes the Ellis Act to kick out all tenants.

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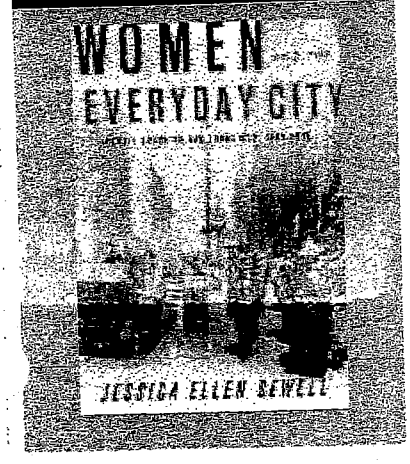


This project is a fairy tale from a prior decade – a time when investors naively believed everything they were being promised by real estate speculators. If approved, there is no doubt that the current owners will sell off the project with the entitlements. If they find a buyer, it will be a buyer who will only be able to attract funding by reneging on the promises made to tenants and the city.

Background – What is Going On At Parkmerced?

Parkmerced was built by the Metropolitan Life Insurance Company (MetLife) after World War II. Met Life also built similar complexes in New York City (the Riverton Houses, Stuyvesant Town and Peter Cooper Village) and other large U.S. cities. For decades, these developments have provided stable housing for middle-class renters in increasingly expensive urban real estate markets.

In 2005, a partnership of Stellar Management and Rockpoint Group purchased San Francisco's Parkmerced and New York's Riverton. The complexes were purchased for sums that could not be justified by the existing rental income on the properties. Instead, as noted in a recent *New York Times* article, "just like Riverton and Stuyvesant Town, the owners of Parkmerced sought to take advantage of a roaring market to replace rent-regulated residents with tenants able to pay far higher rates."

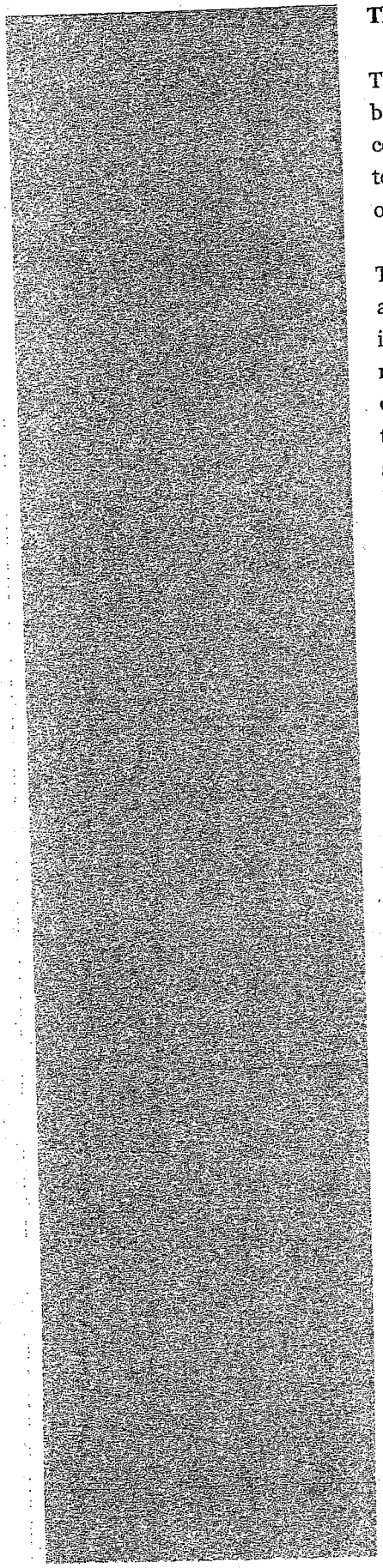
These schemes, called "predatory equity" deals, were popular among investors when the real estate market was booming and developers promised huge returns that would be made on the backs of rent regulated tenants. Due to a combination of tenant resistance and a crashing real estate market, nearly all of these speculative projects ended up defaulting on their mortgages.

Parkmerced's owners defaulted on their loans in 2010. Foreclosure was apparently averted by an October 2010 investment from Fortress Investment Group, which reportedly acquired a controlling interest in the ownership group, so the project is on life-support for now. The owners continue to press development plans, knowing that obtaining entitlements to this project will help them sell it before they go belly up.

Parkmerced is the largest rent controlled complex in San Francisco. There are a total of 3,221 rental units at Parkmerced, including 1683 units in eleven 13-story towers and 1538 units in two-story townhouses called the "garden apartments." Nearly two thirds of the Parkmerced units are 2-Bedroom or bigger. The proposed development promises a total of 8900 units – some owned, some rented -- by increasing density.

The developer's website describes its vision for the project as follows:

The New Parkmerced Vision. Imagine a once-in-a lifetime opportunity to transform an aging housing complex and the surrounding area into a vibrant neighborhood. Imagine a shared commitment to turn a blighted landscape into



The Project Is Not Financially Viable

This project fits squarely in the category of speculative real estate deals that have been crashing around the nation. Clearly something is wrong when even the City's consultant concludes that "based on current and reasonably foreseeable short-term market conditions, the Project may not be economically feasible." City officials should take a close look at the consultant's report.

The report concludes that the Internal Rate of Return (IRR) is approximately 17%, a figure far less than the 20-25% typically required in the industry to attract investment for this kind of project. Absent the rent control commitments, the IRR rises to approximately 19%, providing ample incentive for the owners, or future owners, to shirk their obligations and drive out rent control tenants. In addition, the projections are based on the developers' assumptions that they will be able to sell high-rise condo units at Parkmerced for nearly $800,000 each. This is wildly optimistic.

Why should tenants care if the project is not financially feasible? One answer is that as the financing falls apart, the pressure increases on the owner (current or future) to find ways to displace low-rent tenants. Thus, regardless of what is promised to tenants, an unscrupulous owner will harass tenants to push them out.

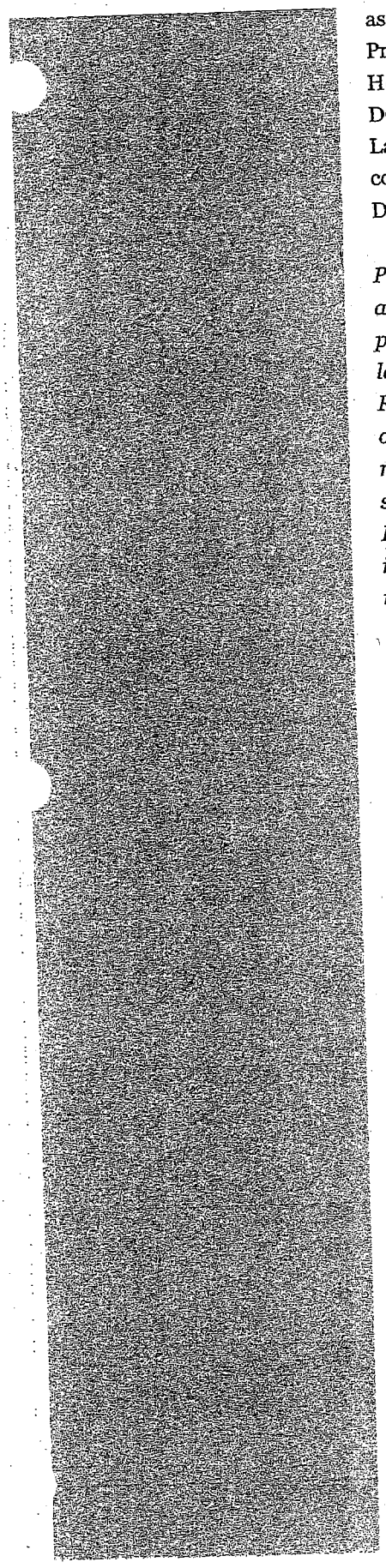
Anyone who experienced the Lembi's (CitiApartments) regime in San Francisco understands this all too well. Lembi overpaid for properties, paying rates that only made sense if they could successfully harass tenants into moving out. The same thing happened in East Palo Alto, where Page Mill Properties displaced a massive number of tenants in a predatory equity scheme to redevelop rent controlled properties.

Given that the city is justifying this project by the supposed benefits it will bring, it is entirely appropriate to look at the likelihood that the developer will ever be able to deliver on the promises. This inquiry needs to happen before permission is given to bulldoze this community and its 1500 rent controlled homes.

Project Threatens a Unique, Historically Significant Community of over 8,000 people

As the tenants of Parkmerced know, this is a vibrant community of working families, seniors and tenants from every walk of life. Parkmerced has a unique mix of larger apartments, allowing families more rental options. Parkmerced has treasured open space. Tenants have lived for decades, some over 50 years, at Parkmerced. Despite the self-serving claims by the owners to community groups that there was no significant opposition to the project, Parkmerced residents have turned out in force to oppose the project at recent Planning Commission hearings.

It is not only tenants and housing advocates who oppose the project. In a letter to the Planning Commission dated January 28, 2011, six preservation organizations



asserted their concerns about this project. The National Trust for Historic Preservation, California Preservation Foundation, San Francisco Architectural Heritage, The Cultural Landscape Foundation, Northern California Chapter of DOCOMOMO-US, and Northern California Chapter of Historic American Landscape Survey wrote "the historic preservation community remains deeply concerned about the destructive impact of the Project on the Parkmerced Historic District." The letter continues:

Parkmerced was determined eligible for the National Register of Historic Places and the California Register of Historical Resources as a significant example of planned residential development in San Francisco and the work of master landscape architect Thomas Dolliver Church and his celebrated colleague Robert Royston. According to the Cultural Landscape Foundation, Parkmerced is one of only four remaining examples of large-scale, pre- and post-World War II residential developments in the country and is without question of national significance. The Foundation has identified Parkmerced as a potential National Historic Landmark candidate — an elite group of less than 2,600 such properties in America. As one of Thomas Church's largest and most publicly accessible works, Parkmerced is also an important community resource.

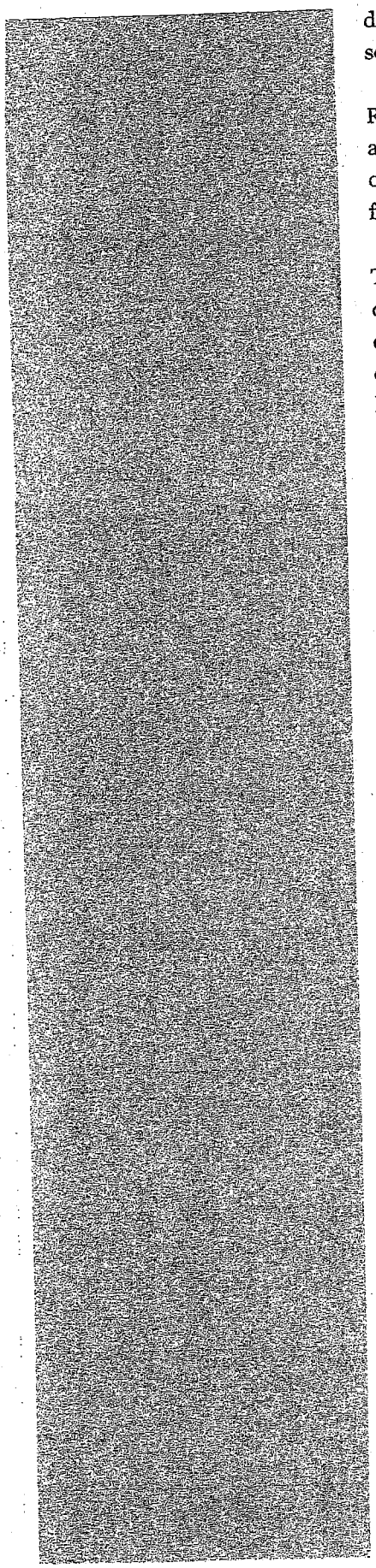
The six undersigned local, state, regional, and national historic preservation organizations urge the City of San Francisco to adopt Project alternatives or components of alternatives that maximize preservation of the Parkmerced Historic District and retain its eligibility for the California Register of Historical Resources and the National Register of Historic Places. We question the consistency of the proposed Project with San Francisco's Planning Code Priority Policies and urge the City to require additional, more substantive mitigation measures for the severe impact to historic resources that could result from the Parkmerced Project.

Despite the historical significance of this community, the project has not even been before San Francisco's Historic Preservation Commission. Apparently, the rush to have this project approved has precluded meaningful review of the unique, historical resource at stake.

Project Would Demolish Over 1500 Units of Sound, Rent-Controlled Housing

The demolition of 1500 sound, rent-controlled units is the craziest part of the project. With our city's rental housing scarcity, San Francisco needs to preserve, not demolish, its rent-controlled housing units. That's why San Francisco has a policy against demolishing sound rent-controlled housing. The City's Planning Code makes this clear.

The City's Planning Department reiterates the point: "Under requirements of the General Plan, the Department is predisposed to discourage the demolition of sound housing." Yet Yarne of the Mayor's Office at a recent meeting acted more like an interrogator of tenant advocates who dared to challenge the wisdom of the



demolition than a public servant "predisposed to discourage the demolition of sound housing."

Remarkably, the City has not even required the developer to propose, as an alternative, a project in which new units were developed without the demolition of the garden apartments. We are asked to believe that such an alternative is not feasible, without ever having such a proposal developed.

The problem is compounded by state law. As discussed below, there are serious questions about the enforceability of promises to apply rent control to newly constructed housing. Unless and until state law is clarified, the city should not even consider approving the large-scale demolition of sound, rent controlled housing.

If this project to demolish over 1500 units of rent controlled housing were proposed anywhere else in San Francisco, it would be dead on arrival. But because Parkmerced is physically removed from much of the city's densely populated areas, this project remains under consideration.

Promises to Tenants May Not Be Enforceable

Now that California's Court of Appeal has expanded the Costa-Hawkins Rental Housing Act to bar most rent-restrictions on new housing, even as part of inclusionary housing laws, proposed rent restrictions on replacement housing would likely be challenged in court by the owners, or subsequent owners, of Parkmerced. While Costa Hawkins recognizes a limited exception for certain types of development agreements, the 2009 *Palmer v. Sixth Street* court decision shows that cities cannot rely on the Courts to interpret Costa Hawkins to allow rent-restrictions on new housing.

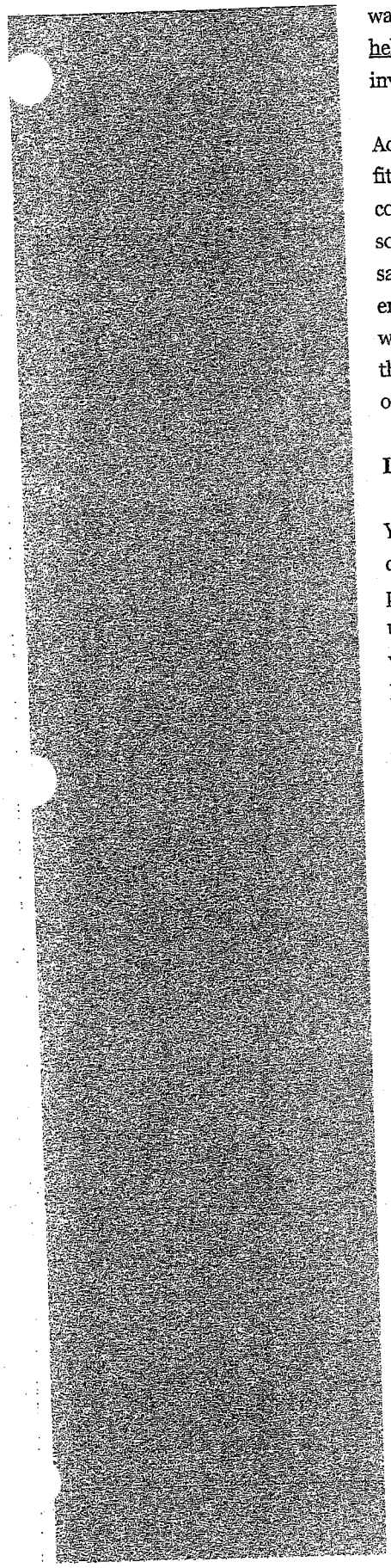
Furthermore, regardless of the promises, the San Francisco Rent Board will not have jurisdiction over these units, meaning they would be an inferior class of "rent-controlled" units when compared with what the tenants currently have. Tenants would not be able to obtain relief from the Rent Board for decreased services, illegal rent increases, wrongful eviction attempts, improper capital improvement pass-through charges and other issues.

City officials have also been curiously silent about the possibility that the Ellis Act could be invoked at the property.

The Ellis Act and Parkmerced

Lost in the discussion of the project to date is California's Ellis Act, a draconian law that has been misused repeatedly by real estate speculators and expanded by the courts to nullify tenant protections in rent control jurisdictions.

As a result of a 2009 court ruling, the City's ability to stop a developer from invoking the Act at Parkmerced is uncertain, even where the developer agrees to



waive rights under the Ellis Act. In *Embassy v. City of Santa Monica*, the Court held that a landlord's written waiver of the right to invoke the Ellis Act was invalid.

According to the court, only contractual waivers between landlords and cities that fit within the narrow exception to the Ellis Act can be enforced. Those are contracts where a city is providing a direct financial incentive for the project, something absent from the Parkmerced proposal. Even if San Francisco tries to satisfy this exception by including a token payment to the developer to try to ensure that the developer's waiver of Ellis Act rights is enforceable, there is no way of knowing how a court will view such an arrangement. History teaches us that the state courts will expand the scope of the Ellis Act at every possible opportunity.

Lincoln Place Déjà vu

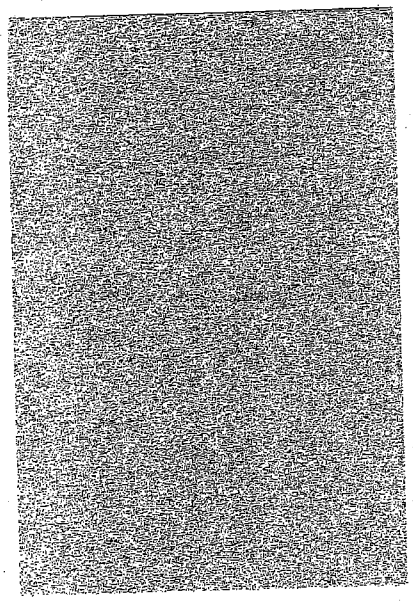
Yarne acknowledges that there is always risk, but claims that the risk of rent control promises not being enforced is so small that it is outweighed by the project's benefits. He insists that tenants and housing advocates are being unrealistic – compares us to climate change deniers – by focusing on what he views as the remote possibility that the developer will violate promises in the Development Agreement.

The problem, of course, is that the real world experience gives cause for concern. For example, in Los Angeles, AIMCO abused the Ellis Act in circumstances much like Parkmerced proposal. AIMCO acquired the Lincoln Place complex, obtained project approval based on a written agreement with the city not to displace residents, and then invoked the Ellis Act in 2005 to evict hundreds of rent controlled households. The trial courts denied the tenant association's efforts to stop the evictions and refused to allow individual tenants to defend against evictions based on AIMCO's promises. Hundreds of tenants lost their homes. At Parkmerced, it would be thousands.

As San Francisco considers approving the demolition of over 1500 rent controlled homes based on a developer's promises to keep residents housed, every city official should watch this video from 2006 about the Lincoln Place situation: http://www.youtube.com/watch?v=UngEHGXlHbo.

The law has grown worse since the Lincoln Place fiasco. State courts are increasingly hostile to tenants' rights. The *Embassy* case, while unclear in its scope, shows that the court is perfectly willing to throw out contractual waivers of the right to invoke the Ellis Act. If the fate of Parkmerced residents ends up in a California courtroom, the tenants are in deep trouble.

It is time for Mayor Ed Lee, the Board of Supervisors and the Planning Commission to take a hard look at this project and pull the plug before it is too late.



Dean Preston is the Executive Director of Tenants Together, California's statewide organization for renters rights. For more information about Tenants Together, visit www.TenantsTogether.org.

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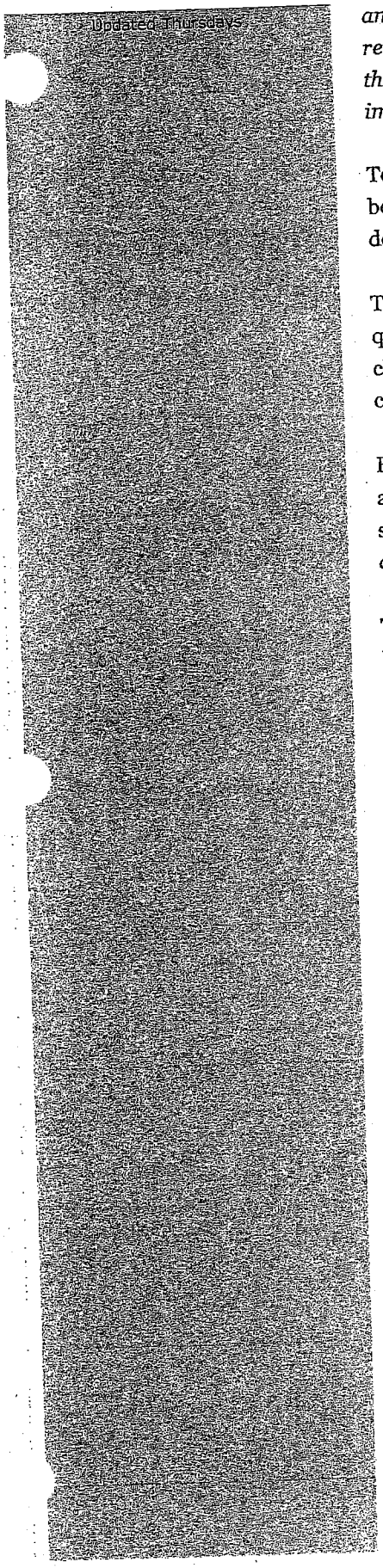

an international model of urban sustainability. Imagine that vision is becoming reality. Parkmerced will become a cleaner, safer, healthier living community that residents will be proud to call home, and will have a significant, positive impact on the city and the residents of San Francisco.

Touting the "green" nature of the development, while promising community benefits, appears to be the strategy. City officials, under pressure to meet green development goals, are receptive to this type of pitch.

The owners' characterization of Parkmerced as a "blighted landscape" leads one to question whether they have actually visited their own property. Certainly the word choice is designed to make it seem as if demolition would be a good thing for this community. The developer echoes this theme at hearings.

However, the residents know that Parkmerced is not blighted and that it already is a vibrant community. Supervisors who will end up casting votes on the project should visit the site and see for themselves whether this is a "blighted" community.

The Proposal Lacks Critical Details: No Meaningful Phasing, No Estimated Time for Demolition

The Parkmerced project is projected to take 20-30 years. While there are extensive promises about what will be built in the end, there are few details about what will occur when. The developers would be free to develop any part of the project at any time. This is unheard of for a project of this magnitude.

The consultant's review notes that although phases are addressed in the proposal, "the draft Parkmerced Development Agreement specifically provides the developer flexibility in the order and timing of the proposed private development, including allowing discretion in what amount of net new development will be included in each."

Why is strict phasing not being required of this project? The question has caused concern for at least one Planning Commissioner, Kathrin Moore, who has emphasized this flaw in the proposal. Why not divide the project into clearly defined phases, grant authorization to move forward on Phase One *only* (preferably a phase with no demolition), and condition approval of any future phases on compliance with all conditions of the first phase? Remarkably, no such plan has been proposed to date.

Likewise, there is no timeline presented for the demolition of the currently occupied housing. Michael Yarne, the Mayor's Office official most knowledgeable about the project, recently acknowledged that he could not even tell the residents in what decade their home would be bulldozed. Yarne assures them they will have a place to move into, but cannot inform the tenants if their homes will be bulldozed in two years, ten years or twenty years.

San Francisco, California March 2, 2011

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Re: Letter of Appeal to San Francisco Planning Commission decision
Case No: 2008.0021E - Parkmerced Project, 3711 19th Avenue
Planning Commission Motion No. 18629 Environmental Impact
Report Certification dated February 10, 2011

Honorable Members of the Board of Supervisors,

I am writing this Letter of Appeal as a Parkmerced tenant since 1993. My name is María Elena Guerrero Engber.

I oppose the Parkmerced Project as presented by the Project Sponsor, Seth Mallen, Stellar Management.

My arguments against the Certification of the above referenced Parkmerced Project Environmental Impact Report are:

1.

The Mayor of San Francisco, the Planning Commission and the Board of Supervisors have not been presented with a full picture of this issue. Mr. Michael Yarne, from the Mayor's Office of Economic and Workforce Development, has spoken extensively of all the "money", (I think, he mentioned half a billion dollars), the City will be getting if this Project is approved. A Project that is mostly based on assumptions that have not been resolved, like Rent Control and the Muni-M Oceanview realignment.

Supervisors, please let me present to you a more complete picture, one that is based on facts, not on assumptions.

There is a well known legal precedent, backed by an existing legal ruling, coming from a past judicial decision where P G & E paid 333 million to 600 residents of a community in Hinkley, California, that got sick by groundwater contamination with chromium 6.

That sum is about a little over half a million dollars per affected resident of that area. Now if you multiply half a million dollars for 8,000 or more Parkmerced residents, that will suffer serious health illnesses caused by the ensuing contamination produced

by the construction and demolition of their homes for three decades, that means, the City and the Developer will have to pay about 4.4 billion dollars when the case goes to court.

The sum of 4.4 billion will certainly wipe out the half a billion the City is expecting to get from the Project and will certainly make any corporation, bank, or individual that may want to invest in Parkmerced, think twice about investing in such a risky Project, that even with the "interim income" provided by the present tenants, the 17.8 % Internal Rate of Return, (per the Mayor's office own figures), will be way below the 20 to 25% IRR considered acceptable by any investor.

If tenants at Parkmerced get sick due to contamination, they will go to court, and that is precisely what I am trying to avoid here. An outcome of catastrophic proportions, not only for Parkmerced tenants, but for the City, that is in no position to afford, or divert any monies with the present and future budget deficits facing not only San Francisco, but also the State.

There are far more efficient and less controversial ways for the City to generate revenue, Parkmerced is not one of them.

2.

Finding # 7 of the above mentioned Motion No.18629. And I quote "The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective..." end of quote....

Considering that the FEIR analysis is neither **independent,** nor **objective**, as the City will be paid by the Developer $229m In-Lieu fee to the Mayor's Office of Housing, as established on the General Plan: Housing Element Policies of the Parkmerced Planning Commission, Informational Presentation, dated December 16, 2010. In case the third alternative is chosen by the Developer. I quote:

"Proposed Project at a minimum will provide at least 1/3 of required BMR units (approx 271 units) on-site

All on-site:	**approx. 812 BMR (Below Market Rate) units on-site**
1/3 on-site + 2/3 off-site:	**approx 271 BMR on-site, 731 BMR off-site (1,002 BMR total)**
1/3 on-site + In-Lieu Fee:	**approx 271 BMR on-site, $229m in-Lieu-fee". End of quote.**

Letter of Appeal by María Elena Guerrero Engber
Parkmerced Project
March 2, 2011

Considering that there is a flagrant conflict of interest between the City and the Developer, working together on this Project, only for this reason, this Certification should be null and void. The City, a corporation, will make a considerable amount of money if the Project is approved, therefore the FEIR cannot possibly reflect the City's independent judgment and analysis.

Considering that if the Project is approved by the Supervisors, this money must go to Parkmerced present tenants and not to the City. It should be kept in a trust fund to be paid to all Parkmerced leaseholders, those who decide to stay and those that for any reason will be displaced, or that cannot stay for health reasons, or any other cause, during the duration of the Project.

Considering that the Parkmerced tenants, some of them having paid rent for decades, permitting the different landlords owning the property get a considerable Internal Rate of Return (IRR), over 20%, throughout the last six decades, all tenants affected by the demolition, occupying the town-homes to be demolished and the towers, including those who cannot stay at Parkmerced for health reasons due to the contamination that will occur if the Project is approved, should be the ones to be monetary compensated for **"laesio enormis".** We are the ones who have kept Parkmereed going strong and profitable for sixty years.

Considering that, if the Project is approved, the affected tenants, if they decide to leave **"by any reason",** should be paid a minimum of twice the amount that each resident has paid in rent for the numbers of years he/she has occupied the rental unit as a lease holder.

The $14,000 relocation costs mentioned by Michael Yarne from the Mayor's Office of Economic and Workforce Development is a sum that I consider, ridiculous, offensive and out of touch with reality. What can you do in San Francisco with $14,000, perhaps, at the most, get a rental unit for a few months at an exorbitant price that actual Parkmerced residents, now protected by rent control cannot afford, and then what?

But this is not about money, this is about **"survival".** I know for a fact that my health and the health of my family and my community will be in serious danger from the horrifying consequences that contamination brings to any community. I do not need to be an expert to know that I am part of my environment and that if my water, my air and my soil are polluted I will get very sick by the actions and omissions of those who are here to protect me, like for example, the City.

I do not understand how the City can allow the Parkmerced Vision logo on the Planning Department website, stating on page 5 of 6: The Vision Plan .....I quote... transforming

the existing Parkmerced housing development into a **"21st century model of a healthy neighborhood."**

Considering that this is a model community established for the last sixty years that should be preserved, not destroyed. Every one is welcomed here, we all live in peace.

We represent freedom of choice, we represent **integration** and not **segregation,** the elderly living at Parkmerced do not want to go to nursing homes, I can understand that as I will never accept on my own free will to go to a nursing home in thirty or forty years.

We live in a community where all of us have a place, the children, the students, the elderly, the families, and the adults of all incomes and backgrounds.

We are and we represent, the spirit of freedom. I guess that is what bothers the City and the Developer so much, that they have decided to come with their bull-dozers to wipe us out, transforming this peaceful community into a place just like any other, plagued with the problems that we do not have here.

The children playing in the courtyards and the children who attend the Montessori School. We are people of all ages, languages and backgrounds living in harmony. The students at SFSU are also part of our community. This is a low to medium income community that is under attack. I wonder what the parents of the students will have to say? Will they be willing to sent their sons and daughters to study at the University and to live at Parkmerced if the Project is approved?

Considering that the present residents of Parkmered have been completely ignored by the City and by the Developer on these proceedings. We are a part of this equation and we have constitutional rights that have been violated, by excluding us from the FEIR and the Development Agreement between the City and the Developer.

Considering that we have not been granted due process, by keeping us out of the meetings between the Developer's team and the City planners and have only been allowed to speak for up to three minutes, most of the time only for one minute at the Planning Commission Meetings, while the planners, the architect and the Developer's team, who are working in partnership with the City planners, have been allowed to present their side, that is, the Sponsor's "Vision Plan", without time limitations, if they choose to. I have waited hours and hours at the Planning Commission Meetings, only to be allowed to speak for one minute, if I am lucky for two or three minutes. The way these proceedings are conducted by the Planning Commission is not appropriate, especially to the elderly, the disabled and those tenants who speak a language other than English.

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Parkmerced Project
March 2, 2011

I request that these proceedings be null and void and that if the Developer would like to start all over again, we the tenants at Parkmerced be granted due process and equal time to present our views.

Considering that we, the Parkmerced tenants, are not "interim income", we are thousands of people, whose lives will be profoundly affected by the actions of the City and the Developer. Stop treating us like if we did not exist, or like if we did not matter. Please remember that we are American citizens who can vote.

3.

Considering that by approving the Planning Commission Motion No. 18629, Environmental Impact Report Certification, the City is proposing to create a traffic nightmare for years to come; a demolition and construction zone, in summary an environmental disaster that will last for three decades and will affect the physical and mental health of thousands of people by the level of contamination that will be produced by the Developer's and the City's actions, not only on the site, but in the surrounding areas.

The approval of this Motion was passed with only four votes out of seven, three Commissioners strongly disagreed and voted no. This Project does not have the backing of three Commissioners or the tenants of Parkmerced that when allowed to speak first, on December 9, 2010, strongly voiced their rejection.

4.

Considering the proposed Parkmerced Project will cause irreversible damage to my health, to my family's health and to the health of my entire community by the enormous amounts of toxic air contaminants that will be released into the air by such a massive demolition and construction, related to the release of asbestos contained inside the 1,538 town-houses that will be demolished if the Project is approved.

Even if normal precautions to handle asbestos are taken, this toxic substance may be released into the air, as the Sponsor cannot guarantee that an accidental release will not happen on such a massive undertaking.

Besides asbestos, this EIR has identified many other TACs, or "Toxic Air Contaminants" produced by the construction and demolition lasting for the next thirty years. The effect on humans, plants, birds and animals will be constant and cumulative.

Even if we take out the asbestos problem, as has been done here on this EIR, there will be massive releases of Toxic Air Contaminants, (TACs) and extremely loud construction noises, that after prolonged exposure cause deafness; there will be soil and water pollution and contamination, caused by the continuous construction and demolition for the next twenty to thirty years.

How are we, the over 8,000 present tenants, who now reside at Parkmerced, going to tolerate the physical assault on us of (TACs), toxic air contaminants, noise, air and soil pollution, constant construction, demolition, traffic jams and the impossibility to get to our homes due to streets being replaced all around us for the next thirty years, without having serious repercussions in terms of our physical and mental health?

I am quoting that we are 8,000 residents based on the fact that there are 3,221 rental units at Parkmerced. There could be more residents. I respectfully request to the Board of Supervisors to get the exact information from the Developer.

I am asking you Supervisors. Is this by any chance a horrifying experiment on the physical and mental health of 8,000 unsuspecting victims?

What the Developer is proposing here, is to create a war zone inside Parkmerced. No human being should be exposed to such brutal assault, the fact that the Sponsor is calling this assault on our health, a green and healthy Project is beyond absurd.

This is not only my opinion and the opinion of many other tenants who oppose this Project. We base our opposing views on the enormous amount of scientific data compiled by the City planners, establishing the level and amount of contaminants, clearly spelled out on this EIR, (Environmental Impact Report).

5.

I respectfully request from you, Supervisors, to examine carefully the eleven page document called Parkmerced Project EIR Errata dated February 3, 2011, a document that I have already submitted to you on my previous e-mails to the Mayor and the Board of Supervisors, I will quote here some excerpts:

February 3, 2011 Parkmerced Project Case No. 2008.0021E Errata Errata

"This section presents additional staff initiated text changes for the *Parkmerced Project Draft Environmental Impact Report*. These EIR text changes reflect revisions that have occurred subsequent the October 28, 2010 publication of the Comments and Responses document.

Impact AQ-11: The Proposed Project could result in construction-related impacts to regional air quality under the 2010 proposed guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

Criteria pollutant emissions from maximum daily use of construction equipment are quantified above (see Table V.G.4). The 2010 Draft BAAQMD CEQA Guidelines specifies that average daily construction emissions greater than 54 pounds per day of ROG, NOx, and $PM_{2.5}$, or 82 pounds per day PM_{10}, would be a significant increase. To be conservative, this analysis shows maximum daily construction-phase emissions in Table V.G.4. Because of the considerable levels of construction activities, the construction emissions under the 2010 Draft BAAQMD CEQA Guidelines would be significant. Mitigation Measure M-AQ-3 that is identified above would reduce construction exhaust emissions.

Given current technologies, Mitigation Measure M-AQ-3 would achieve a feasible level of NOx and ROG reductions, but this measure is unlikely to achieve a sufficient reduction in emissions to bring construction activities to a level below the daily thresholds for ROG, NOx, PM_{10}, and $PM_{2.5}$. Construction emissions of PM_{10} and $PM_{2.5}$ would be significant according to the 2010 draft guidelines, after incorporating dust control strategies (see Impact AQ-1) and feasible strategies to reduce emissions in construction equipment exhaust (Mitigation Measure M-AQ-3). Therefore, t the potential impacts of the Proposed Project with respect to the 2010 Draft BAAQMD CEQA Guidelines would be significant and unavoidable, even with implementation of mitigation.

Impact AQ-12: The Proposed Project could result in construction-related impacts of toxic air contaminants and adverse health effects under the 2010 proposed guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

The Proposed Project could increase cancer risk from exposure to emissions of DPM and other TACs associated with off-road construction equipment and on-road haul trucks used during construction of the Proposed Project, as these emissions would occur within 1,000 feet of existing residential units and educational facilities within and adjacent to the Project Site. The 2010 Draft BAAQMD CEQA Guidelines thresholds for TACs are similar to the current recommendations, with the addition of $PM_{2.5}$ as a pollutant of health risk concern.

Emissions of $PM_{2.5}$ from construction activities would occur at regionally significant levels, as described above. Additionally, health risks due to $PM_{2.5}$ emissions would be considered significant under 2010 Draft BAAQMD CEQA Guidelines for construction activities causing concentrations of $PM_{2.5}$ over an annualized threshold of 0.3 micrograms per cubic meter ($\mu g/m_3$). This annualized threshold is applicable during any single year of construction activity, as opposed to the cancer risk threshold, which is based on lifetime exposure. Construction-related exhaust emissions and fugitive dust emissions would contribute to total $PM_{2.5}$ concentrations at nearby

receptors. With construction-related annual total $PM_{2.5}$ emissions exceeding the BAAQMD threshold of 10 tons per year, local $PM_{2.5}$ concentrations would likely be above the BAAQMD 2010 proposed threshold of 0.3 $\mu g/m^3$ on an annualized basis during some years of construction, depending on the intensity of activity and proximity of receptors. Existing residential units and educational facilities within 1,000 feet of construction activities would be most likely to experience this impact.

The 2010 Draft BAAQMD CEQA Guidelines of May 2010 include a "Draft Construction Health Risk Screening Table" that provides an approximate minimum offset distance for typical construction projects of various sizes.1 For the phased and high-density development of the Proposed Project, up to about 40 acres could be under construction at any one time (given four major phases across the 152-acre Project Site). According to the draft construction screening approach tables, the minimum offset distance (buffer distance) to ensure that a sensitive receptor would have a less than significant impact would be 300 meters (984 feet). Existing and planned residential units and educational facilities within this distance would experience a potentially significant impact due to construction-related TAC and $PM_{2.5}$." End of quote.

6.

Considering that findings No. 8 through 17 of Motion No. 18629 unequivocally establish the horrendous environmental and traffic impacts that this Motion will create if approved by the Board of Supervisors, I hereby respectfully request from you, Supervisors, to deny this motion and leave Parkmerced intact the way it has been for the last sixty years and to declare it an historic site to be preserved under "Rent Control", for future generations of San Francisco's low and middle income renters.

7.

Considering that I am also basing my opposition to this Planning Commission Motion No.18629, Environmental Impact Report Certification on the following proven scientific facts contained on the fifty eight page document revised February 3, 2011, written by the City Planners entitled:

Attachment A
Parkmerced Project
California Environmental Quality Act Findings:
Findings of Fact, Evaluation of Mitigation Measures and Alternatives, and Statements of Overriding Considerations San Francisco Planning Commission
(Revised: February 3, 2011.

Letter of Appeal by María Elena Guerrero Engber
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March 2, 2011

I will not include this document as an attachment on my Appeal due to the length of Attachment A (fifty eight pages), but I will request to the Board of Supervisors to carefully review it, especially **section IV:**

SECTION IV (FROM PAGES 22 THROUGH 42) This is a total of twenty pages, nearly a third of this document proving that:

SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS THAN SIGNIFICAN LEVEL

I will only quote here pages No.1 and 4 an 22 of Attachment A to demonstrate my opposing arguments:

Page No. 1 of

ATTACHMENT A
PARKMERCED PROJECT
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:
FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS
SAN FRANCISCO PLANNING COMMISSION
(Revised: February 3, 2011)

In determining to approve the Parkmerced Project ("Project") described in Section I, Project Description below, the San Francisco Planning Commission makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

This document is organized as follows:

Section I provides a description of the Project proposed for adoption, and, in the alternative, the No Muni Realignment Alternative, the environmental review process for the Project, the approval actions to be taken and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures; (I underlined and highlighted bolded Section IV).

Section V identifies mitigation measures proposed but rejected as infeasible for economic, legal, social, technological, or other considerations;

Section VI evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof, analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the Project.

Attachment A - Page No. 4

A design variant studied under the No Muni Realignment Alternative is an analysis of the Project without Muni or any of the improvements identified along 19th Avenue. There would be minimal land use changes from the No Muni Realignment Alternative as a result of having no transit improvements implemented along 19th Avenue.

As with the Project, implementation of a sustainability plan would provide for a variety of new infrastructure improvements intended to reduce the alternative's per-unit use of electricity, natural gas, water, and the City's wastewater conveyance and treatment systems. A combination of renewable energy sources, including wind turbines and photovoltaic cells, would be used to meet a portion of this alternative's energy demand. In addition, stormwater runoff from buildings and streets would be captured and filtered through a series of bioswales, ponds, and other natural filtration systems. As with the Proposed Project, the filtered stormwater would then either percolate into the groundwater that feeds theWestside groundwater basin and Lake Merced or be released directly into Lake Merced.

The Commission approves the No Muni Realignment Alternative in the alternative to the Project, in the event that any non-City agency (such as Caltrans and the CPUC) disapproves the realignment of the M Ocean View line in the manner proposed by the Project. Although the Project is preferable to the No Muni Realignment Alternative, the Commission makes such approval in the alternative, because, overall, the Muni realignment is not a mitigation measure, the No Muni Realignment Alternative is identical to the Project in all other respects and therefore provides all the other major public benefits of the Project, and the Project Development Agreement requires that an alternate transportation improvement of equivalent economic value be identified and implemented if the Project's proposed realignment of the M Ocean View light rail line is not approved by all necessary non-City agencies.

C. Project Objectives

The Final EIR discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

• Adopt a land use program for Parkmerced that provides an innovative model of environmentally sustainable design practices, to, among other things maximize walking, bicycling and use of public transportation, and minimize the impacts and use of private automobiles by implementing a land use program with increased residential density and a commercial neighborhood core located within comfortable walking distance of transit service and residences.

• Increase the supply of housing near a new neighborhood core containing new neighborhood serving retail, office, transit,

• Reconfigure the existing open space at Parkmerced to provide larger and more usable open spaces such as a major new park, athletic playing fields, organic farm, walking and bicycling paths, and community gardens. End of quote, end of page No. 4.

These are my counter arguments to the Planning Commission arguments on Attachment A:

I.

In order for any argument or document that we may write, to be valid and accepted, it must be based on **logic**.

For example you cannot say that two plus two are five and present it as a valid argument stating that it overrides any consideration based on substantial evidence, etc. That argument will not fly or be accepted or acceptable to anyone for obvious reasons.

You cannot override or suppress the truth, or proven scientific facts to accommodate them to your particular needs.

Therefore, the Planning Commission arguments intending to override Section IV are invalid, because either the impacts described on Section IV of the document, are true statements based on scientific facts, or they are not, and if they are, they must prevail.

I quote on page 1 of Attachment A:

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures; (I underlined and highlighted Section IV to prove my point). End of quote.

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II.

I quote from page No. 4 of Attachment A:

As with the Project, implementation of a sustainability plan would provide for a variety of new infrastructure improvements intended to reduce the alternative's per-unit use of electricity, natural gas, water, and the City's wastewater conveyance and treatment systems. End of quote.

The preceding sentence is not a true statement based on facts. How can you reduce the alternative's per-unit use of electricity, natural gas, water and the City's wastewater conveyance and treatment systems by increasing the units from 3,221 to 8,900? That is impossible, you will certainly use a lot more energy and resources on 8,900 units than in 3,221. Some of the arguments and statements contained on the mountains of documents produced by the Planning Commission since 2009, are not based on logic, therefore they are not solid arguments that will stand the scrutiny of a well informed person, or of any reasonable person reading these documents.

III.

I quote from page No. 4 of Attachment A:

C. Project Objectives

The Final EIR discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

• Adopt a land use program for Parkmerced that provides an innovative model of environmentally sustainable design practices, to, among other things maximize walking, bicycling and use of public transportation, and minimize the impacts and use of private automobiles by implementing a land use program with increased residential density and a commercial neighborhood core located within comfortable walking distance of transit service and residences. End of quote.

This is one of the most absurd statements that I have ever heard, how can it be possible that this Project will minimize the impacts and use of private automobiles, if you will be building another 6,000 parking spaces, one space per new unit and you will be increasing the density to 5,900 new units and the same amount of **new** parking spaces. How can you possibly think that if this EIR is contested in a court of law, you will get away with this type of reasoning.

Attachment A Page No. 22 of 58

Based on the analysis contained within the Final EIR, other considerations in the record, and the significance criteria identified in the Final EIR, the Planning Commission finds that because some aspects of the Proposed Project could cause potentially significant impacts for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, those

impacts are significant and unavoidable. The Planning Commission recognizes that although mitigation measures are identified in the Final EIR that would reduce some significant impacts, the measures are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

I could continue presenting many more arguments against the Certification of the Parkmerced EIR due to environmental reasons. But I will stop here for the sake of the time that I have allocated to write this letter of Appeal.

8.

Considering that I have appeared before the Planning Commission, expressing my total opposition to this Project, since I received a letter from the San Francisco Planning Department dated May 20, 2009 notifying me that a Notice of Preparation (NOP), for the above-referenced Project, had been issued by the Planning Department with a Public Scooping Meeting, on the Environmental Impact Report (EIR) to be held on June 8, 2009 at the YMCA Annex, 3150 20th Avenue, San Francisco, CA 94132 from 6:00 pm to 8:00 pm. I attended that meeting and strongly opposed the Project.

9.

From June 8, 2009 through February 10, 2011, I have appeared before the Planning Commission to present my oral and written arguments opposing the Parkmerced Project. I will enclose some of those written comments that are on file at the Planning Commission. The oral arguments presented by the public, are on tape, for your information and review.

10.

Considering that the public has been misled with an orchestrated publicity campaign meant to hide the brutal truth and the brutal facts: permission from the City to the Developer to get the Parkmerced tenants sick by replacing the oxygen producing trees with massive amounts or air, soil and water contaminants for the next three decades and disguising it as a green, healthy and environmentally sound Project. **To prove my point, attached herewith please find copy of a pamphlet entitled Imagine, produced by Parkmerced, stating just that.**

I strongly believe that there is a well orchestrated campaign to suppress any opposition to the Parkmerced Project at any cost. As an example I will mention the take over of the PRO organization. The Board members had to leave the PRO (Parkmerced Residents Organization) in 2010, and form another organization. That fact has been well documented.

on tape by the PRO Board members speaking in public about that matter before the Planning Commission. What I am stating here is a matter of public record.

11.

I will not present arguments here on the Rent Control issue, as the attorneys specializing in Rent Control opposing the Parkmerced Project and the Developer's legal counsel have presented to the Planning Commission their expert opinion on this subject.

Therefore I will only express to you, my personal opinion, as an interested party.

The City, the Developer and the attorneys representing both corporations, have no authority, or jurisdiction, to decide on the matter of Rent Control, **only** the **Courts** may decide, and have jurisdiction to determine if the Rent Control Agreement established in the Development Agreement contract to be signed by the City and the Developer, on the Parkmerced Project if it is approved, **will hold** in a Court of Law, **or not.**

In case this Project is approved and new units are built, the City and the Developer, should not be assuring the displaced tenants whose homes will be demolished, that Rent Control will remain in place on their new units, because this assurance is not based on fact but on an assumption that the Courts will confirm their legal opinion on Rent Control.

The same argument applies to the Muni Metro M-Oceanview train extension being re-routed from 19th Avenue into Parkmerced. The City and the Developer, do not decide as they do not have jurisdiction to do so, Caltrans rules on this subject.

My opinion on the issue of Rent Control and on the Muni Metro M-Oceanview Realignment is: I am one hundred percent in favor of rent control and I am opposed to the Muni Metro M-Oceanview re-alignment into Parkmerced, and to the senseless destruction of our beautiful and tranquil Avenues and Streets.

To finalize my letter of Appeal, I would like to point out that on my written presentation to the Planning Commission on February 10, 2011, I have requested the nullification of the Proceedings that led to the FEIR Certification from 2009 to date and from 2008 when the case was filed by the Developer to date, based on the fact that not one word of the documentation from the Developer or the City Planners has been translated into Chinese or Spanish, preventing the Parkmerced residents who only speak Chinese or Spanish to exercise their First Amendments Rights of Free Speech guaranteed by the Constitution.

I also requested an investigation to Ms. Linda Avery, Secretary to the Planning Commissioners with copy to Mr. Rick Cooper of the proceedings of February 10, 2011. where the rules and regulations were violated and the Commissioners granted 10 minutes to a speaker who presented a written request from a group representing the Developer, when the allocated time should have been granted to the opposing side if they had presented a request in writing. I am enclosing copy of my emails to Ms. Avery and Cooper. Ms. Avery told me she will get back to me on this issue.

I will appreciate Supervisors that you investigate this matter, and find out if there is probable cause to nullify the decision reached by the Planning Commission February 10, 2011.

Kindly check the public tape of 2011, where Ms. Avery explains to the public The Planning Commission rules and regulations concerning this matter.

These irregularities should be resolved, before any further consideration of the Parkmerced Project.

I am enclosing a list of documents for your consideration, among them a letter that I found outside my door in the morning of February 10, 2011, before the Commissioners certified the EIR, on the very same day of the Planning Commission Special Meeting on February 10, 2011, signed by Mr. Polacci as the Director of Community Outreach, and Government Relations for the Developer.

I will also attach a letter by Mr. Polacci dated July 28, 1999. From 2000 to 2005 Carmel Parters and Olympic View Realty sold big chunks of Parkmerced to several buyers, as a result the tenants lost the tennis court, 262 rental units and parking spaces, plus 8.5 acres on Brotherhood Way.

The arrival of Carmel Partners and Mr. Polacci in 1999 as representative of the previous landlord, Olympic View Realty LLC, has not been good for me, or my family.

I have spent countless hours reading documents, writing public comments to the Planning Commission and attending the Meetings.

Most of the tenants are concentrating on the Rent Control issue, **I am not.** The real issue here, besides Rent Control, is the environmental catastrophe that we are facing if the Parkmerced Project is approved and how it will severely impact our health for the next three decades.

Letter of Appeal by María Elena Guerrero Engber
Parkmerced Project
March 2, 2011

It is a good strategy of the Developer to talk just about Rent Control, to deviate attention from the real danger that our community is facing: contamination and pollution.

I think that we as tenants opposing this Project have not been treated fairly, by the City or the Developer, especially that so much is at stake here for us, financially and in terms of our future, our health and our right to live in a healthy and quiet environment.

Thank you so much Supervisors, for listening to my concerns.

Sincerely,

María E Guerrero E.

María Elena Guerrero Engber
Parkmerced tenant since 1993
Cc: Mr. Bill Wycko, San Francisco Planning Department

List of documents enclosed herewith:

1.

Planning Commission Motion No. 18629 Environmental Impact Report Certification

2.

Copy of an email to Mayor Lee and the Board of Supervisors dated February 11, 2011, attaching my five page public comment that I filed with the Planning Commission on February 10, 2011, when I spoke for three minutes.

3.

Parkmerced Project EIR Errata (eleven pages)

4.

Parmerced Imagine Pamplet (1 two sided page)

5.

My e-mail dated February 18, 2011 to Ms. Linda Avery and Mr. Rick Cooper, with enclosed two page letter. Responses to my e-mail from Ms. Avery on February 18 and Mr. Cooper on February 22, 2011.

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List of documents enclosed herewith, continuation…

6.

San Francisco Planning Commission: III Hearing Procedures (one page document).

7.

My six page public comments revised document, Planning Commission Special Meeting Thursday December 9, 2010 accompanied with memo dated February 13, 2011.

8.

My four page public comments dated November 18, 2010, on Items #s 2, 4 and 21 of 21 Planning Commission Meeting of the same date.

9.

My one page public comments dated November 4, 2010. Planning Commission Meeting of the same date. One page enclosure letter from PRO Board Members dated October 26, 2011, Residents United to Save Parkmerced.

10.

My two page public comments dated October 21, 2010. Planning Commission Meeting of the same date.

11.

My ~~(eleven)~~ **nine** page document dated June 25, 2010, sent by registered mail to Mr. Bill Wycko, Environmental Review Officer, San Francisco Planning Department, on June 28, (~~2011~~) **2010**.

SAN FRANCISCO
PLANNING DEPARTMENT

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Planning Commission Motion No. 18629
Environmental Impact Report Certification

Hearing Date:	February 10, 2011
Case No.:	2008.0021E
Project Address:	3711 19th Avenue
Zoning:	RM-4, RM-1 and RH-1(D) 40-X and 1Height and Bulk District
Block/Lot:	7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
Project Sponsor:	Seth Mallen, Stellar Management 3711 19th Avenue San Francisco, CA 94132
Staff Contact:	Rick Cooper – (415) 575-9027 rick.cooper@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKMERCED PROJECT

MOVED, that the San Francisco Planning Commission ("Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0021E, Parkmerced Project, 3711 19th Avenue ("Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department ("Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, Section 15000 *et seq.*, ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

   A. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 20, 2009.

B. On May 12, 2010, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on May 12, 2010.

D. On May 12, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 12, 2010.

2. The Commission held a duly noticed public hearing on the DEIR on June 17, 2010, and received public comment. The period for acceptance of written comments ended on July 12, 2010.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received and based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on October 28, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to the public at the Department at 1650 Mission Street.

4. The Department has prepared a Final Environmental Impact Report (FEIR), consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law.

5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.

6. On February 10, 2011 the Commission reviewed and considered the FEIR and finds that the contents of the FEIR and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

7. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and

hereby CERTIFIES THE COMPLETION of the FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of the FEIR, finds that the project described in it:

A. Will result in the following significant and unavoidable project-specific environmental impacts:

1) Elimination of a visual/scenic resource of the built environment through the demolition of the existing garden apartment buildings and the removal of the existing landscaping;

2) Impairment of the significance of the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features on the Project Site;

3) Construction-related transportation impacts in the project vicinity due to construction vehicle traffic and road construction associated with the realignment of the existing light rail tracks;

4) Traffic impacts at 8 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive – Significant contribution to LOS F conditions during the weekday PM peak hour and weekend midday peak hour;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp – Significant contribution to LOS F conditions during the weekday PM peak hour;
- 19th Avenue/Sloat Boulevard – LOS E to LOS F in the AM peak hour;
- 19th Avenue/Winston Drive – LOS D to LOS E in the weekend midday peak hour and significant contribution to LOS F conditions during the PM peak hour;
- Sunset Boulevard/Lake Merced Boulevard – LOS C to LOS E in the PM peak hour;
- Lake Merced Boulevard/Winston Drive – LOS C to LOS E in the AM peak hour and LOS D to LOS F in the PM peak hour;
- Lake Merced Boulevard/Font Boulevard – LOS D to LOS F in the AM peak hour and LOS C to LOS F in the PM peak hour; and
- Lake Merced Boulevard/Brotherhood Way – LOS D to LOS E in the AM peak hour, LOS C to LOS F in the PM peak hour, and LOS C to LOS E in the weekend midday peak hour;

5) Traffic impacts on the following freeway segments:

- Southbound State Route 1 (Junipero Serra Boulevard) weaving segment between the on-ramp from Brotherhood Way and the off-ramp to John Daly Boulevard – Significant contribution to LOS E conditions during the AM peak hour, and LOS E to LOS F during the PM peak hour; and

- Northbound State Route 1 (Junipero Serra Boulevard) weaving segment between the Brotherhood Way on-ramp and Brotherhood Way off-ramp, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction.

6) Potential transit impacts due to the exceedance of the available transit capacity of Muni transit routes serving the Project Study Area, due to uncertainty of proposed mitigation to provide additional transit vehicles, which is subject to SFMTA's jurisdiction;

7) Potential transit impacts to the M Ocean View light rail due to route realignment and subsequent increased travel time, due to uncertainty of proposed mitigation to provide additional light rail vehicles or install transit signal priority, which are both subject to the SFMTA's jurisdiction;

8) Potential transit impacts due to increased vehicular traffic resulting in increased travel times for operations of the Muni 17-Parkmerced, 18-48th Avenue, 28-19th Avenue, 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor, due to uncertainty of proposed mitigation to provide additional transit vehicles or install transit preferential treatments, which are both subject to SFMTA's jurisdiction;

9) Transit impacts due to increased travel times and effects to operations of the Muni 17-Parkmerced, 28-19th Avenue and 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor;

10) Noise impacts due to increased traffic;

11) Light rail noise and vibration impacts;

12) Noise impacts due to operation of stationary noise sources potentially exceeding noise level standards;

13) Construction-related toxic air contaminates impact;

14) Operational regional air quality impacts;

15) Temporary wind impacts during phased construction;

16) Potential wind impacts due to the proposed Special Use District, which could result in exceedances of the wind hazard criterion or increases in the area subject to winds greater than 26 mph;

17): Operational biological impacts to special-status species, including interference with bird or bat movement and migration corridors and raptor nest sites due to operation of the 51 wind turbines on the western periphery of the Project Site;

B. Will contribute considerably to the following cumulative environmental impacts:

1) A cumulative impact to the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features.

2) Cumulative traffic impacts at 13 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francis Boulevard/Portola Drive;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp;
- 19th Avenue/Sloat Boulevard;
- 19th Avenue/Winston Drive;
- 19th Avenue/Holloway Avenue;
- Brotherhood Way/Chumasero Drive;
- Sunset Boulevard/Lake Merced Boulevard;
- Lake Merced Boulevard/Winston Drive;
- Lake Merced Boulevard/Font Boulevard;
- Lake Merced Boulevard/Brotherhood Way;
- Lake Merced Boulevard/John Muir Drive;
- John Daly Boulevard/Lake Merced Boulevard; and
- Lake Merced Boulevard/Gonzalez Drive;

3) Cumulative impacts to traffic at four freeway segments on State Route 1 (Junipero Serra Boulevard):

- Southbound between the Brotherhood Way on-ramp and John Daly Boulevard off-ramp;
- Northbound between the off-ramp to Northbound I-280 and the John Daly Boulevard on-ramp;
- Northbound between the John Daly Boulevard on-ramp and the Alemany Boulevard off-ramp; and
- Northbound between the Brotherhood Way loop on- and off-ramps, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction;

4) Cumulative impact to transit capacity under 2030 cumulative conditions by contributing transit ridership to screenlines expected to exceed available transit capacity;

5) Cumulative noise impacts due to increases in traffic from the Project in combination with other development; and

6) Cumulative air quality impacts.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 10, 2011.

Linda Avery
Commission Secretary

AYES:	Commissioners Antonini, Borden, Fong, Miguel
NOES:	Commissioners Olague, Moore, Sugaya
ABSENT:	None
ADOPTED:	February 10, 2011

From: guerreromege <guerreromege@aol.com>
To: mayoredwinlee <mayoredwinlee@sfgov.org>; john.avalos <john.avalos@sfgov.org>; david.campos <david.campos@sfgov.org>; david.chiu <david.chiu@sfgov.org>; carmen.chu <carmen.chu@sfgov.org>; malia.cohen <malia.cohen@sfgov.org>; sean.elsbernd <sean.elsbernd@sfgov.org>; mark.farrell <mark.farrell@sfgov.org>; jane.kim <jane.kim@sfgov.org>; eric.l.mar <eric.l.mar@sfgov.org>; ross.mirkami <ross.mirkami@sfgov.org>; scott.wiener <scott.wiener@sfgov.org>
Subject: Comments on Parkmerced Project by tenant opposing the Project
Date: Fri, Feb 11, 2011 12:07 pm
Attachments: 2-10-2011_Final_Planning_Commission_Meeting_on_Parkmerced_Project.doc (44K)

Mayor Edwin Lee and San Francisco Supervisors,

Enclosed please find the revised copy of my public comments that I presented yesterday, Thursday February 10, 2011 at the Planning Commission Special Meeting on the Parkmerced Project.

I could only read two paragraphs of my five page document in the short time allocated to me. I hope you will take the time to read my comments.

To date, the tenants opposing this Project have not have due process dealing with the City planners, who have completely ignored us, and are working in partnership with the Developer on this Project. Their arrogance is only equal to their lack of knowledge of our diverse community of 8,000 people.

We are a community that has existed for sixty years, and we are being compared by Mr. Yarne, from the Mayor's Office of Economic Development with a shipyard somewhere in the City. That is a cruel analogy, we are people, we are trying to take care of our families the best way we know how and now this catastrophic event is turning our lives upside down.

While the Developer and the City planners have met for years and are allowed to speak without time limitations at the Planning Commission Meetings, the public is given only one minute, two minutes or three minutes at the most.

I have no experience dealing with public officials and I am absolutely amazed at the way the citizens have so little say on any matter of importance to us.

For me, this is a matter of life or death, as my health and my mother's fragile health are in serious risk if this Project is approved by the Board of Supervisors. Please see my letter for a more detailed explanation on why I have been opposing this Project from day one.

I am a Parkmerced tenant who suddenly has been forced to participate in the political process in order to preserve my home, my health and my peaceful way of life.

I have no experience at City Hall and I would be very grateful in any of you could kindly indicate to me how to file an appeal with the Board of Supervisors. Is that possible? Is it necessary?

There is a thorny constitutional issue on these proceedings that I presented on the first page of my letter. I think that this matter has to be dealt with by Mayor Lee and by the City Supervisors before the Project comes to the Board of Supervisors.

Respectfully submitted,

Maria Elena Guerrero Engber
Parkmerced tenant since 1993

San Francisco Planning Commission

Special Meeting at City Hall on Thursday February 10, 2011
Room 400 at 3:30 pm

Parkmerced Project 3711 Nineteenth Avenue, San Francisco, CA 94132
2008.0021EIKMPTWZ

Good evening Commissioners,

My name is María Elena Guerrero Engber
I am a Parkmerced tenant since 1993

I am here to confirm to you, once more, my total opposition to the Parkmerced Project as presented by the Developer.

The only acceptable alternative to me is the No Project Alternative, leaving Parkmerced intact, as is now.

Considering that the First Amendment to the Constitution of the United States, the freedom of speech, has been violated on these proceedings, due to the fact that two very important communities residing at Parkmerced, the Chinese and the Spanish speaking communities who **only** speak Chinese or Spanish, have not been considered by the Planning Department since the initiation of the NOP in 2009, as not one word of the thousands of pages of documents produced by the Planning Department has been translated into Chinese or Spanish, for these two important communities to exercise their constitutional freedom of speech, guaranteed by the Constitution to every citizen of this country.

I am hereby respectfully requesting to the Commissioners that these procedures be immediately annulled, and initiated all over again, from 2009 to date, that all documents produced to date, be translated into Chinese and Spanish, that every Chinese or Spanish **"only"** speaking resident of Parkmerced be notified in writing when the new procedures will start so they will be able to participate in these proceedings, once they have access to the translated documents in order for them to make an informed decision.

My opposition to the Parkmerced Project is based on the catastrophic and irreversible effects on my health and the health of my community and the surrounding areas that this Project will have during the next twenty to thirty years, due to the toxic air contaminants that will be released into the atmosphere by such a massive construction undertaking.

Cutting 1,500 sixty plus year old gigantic trees that even though some are diseased, these trees green leaves, through the biological process of photosynthesis, are still capable of converting the carbon dioxide that we humans exhale when we breathe into oxygen, that we absolutely need to breathe in order to stay alive.

Planning Commission Special Meeting
Thursday February 10, 2011

What will happen to all of us when we loose the oxygen from the trees, and in exchange get massive amounts of **"Toxic Air and Soil Contaminants" (TAC),** please review the Parkmerced Project EIR Errata dated February 3, 2011, where these facts are fully documented. I am not trying to scare anyone here, I am merely stating well documented facts that have been ignored by the City planners and by the Developer.

Commissioners, if you approve this Project you will be offering 8,000 residents on a silver platter to be sacrificed to a Developer for the next three decades. What is the real reason behind this Project, this Project is pure evil, artfully disguised as "environmentally green" and "good for our health and well being".

It is a biological fact that six molecules of water plus six molecules of carbon dioxide produce one molecule of sugar plus six molecules of oxygen. Do not take away our beautiful oxygen producing trees at Parkmerced. Our very own existence depends on these beautiful giant old trees remaining at Parkmerced.

"If necessary, and only as a last resort, cut the diseased trees still producing the green pigment chlorophyll, when another tree has been planted and has grown to the same size and years as the diseased tree.

The City planners state, and I quote: "**the addition** of 310,000 square feet of new neighborhood serving retail and office space**; 68 acres of "new" and re-configured open spaces**... etc." That **is impossible** on this particular site, you cannot add **new** open space at Parkmerced.

This type of reasoning by City planners and the Developer could be construed as funny in its absurdity, if it were not for the tragic and dire consequences that their actions will have on all of us, approximately 8,000 or more people now residing at Parkmerced.

Concerning the addition of new retail and office space. I have this to say, I have lived at Parkmerced for two decades now, and I have never seen a retail business succeed here. Most of the time the small business at Chumasero, open and close, except for the Parkmerced supermarket, a dry cleaners and a hairdresser shop that I think, to the best of my recollection, have been opened since I first moved to Parkmerced.

Why are the City planners completely oblivious of their own conclusions, and I quote: "The Draft EIR identifies potentially significant, unavoidable environmental impacts, on aesthetic, historic architectural resources, transportation, noise, air quality, wind and biological resources." End of quote.

Why are the residents of Parkmerced and the public at large been kept ignorant of these facts and out of the loop of what is really happening here.

Planning Commission Special Meeting
Thursday February 10, 2011

You cannot in good conscience say, that this Project is environmentally "**safe and green**", when in fact, it will be a horrifying experiment on how soon and how often, the unsuspecting residents of this complex get sick by your actions and omissions.

City planners and Mayor's Office of Economic Development, what you are doing here is unconscionable. I am here to strongly protest and denounce this assault on myself, my family and my community. If I did not stand before you opposing this Project, my conscience will never let me sleep at night for the rest of my natural life.

I want you to explain to me in detail what do you mean on you item C. Special Calendar

2.a Adoption of CEQA findings, please explain to me and to the other Parkmerced tenants how do you expect to circumvent the regulations in place by CEQA to protect us, the unsuspecting public from the ecological and environmental disaster that we will be facing if this Project is approved.

You are feeding us with a massive amount of data that is mind boggling. I am trying to read it, understand it, question it, and finally act upon it to prevent this Project.

The fate of 8,000 residents of Parkmerced and the surrounding community is in the Commissioner's hands now; with their final recommendation going to the Board of Supervisors for their consideration and review.

Today, this morning, when I opened my door, I found a letter signed by Mr. Bert Polacci, the same Mr. Polacci that signed a letter that I still have, dated July 28, 1999 announcing to me that on that day Parkmerced had been purchased by Carmel Development & Management Co from the Helmsley organization.

From that day on, my life has been hell for me and my elderly and disabled mother at Park Merced, with the constant petitions presented by Mr. Polacci as the landlord representative before the San Francisco Rent and Stabilization Board to raise my rent through capital improvements pass-troughs from years 2000 to 2005.

And the loss of nearly forty four acres of Parkmerced, sold to private parties and to San Francisco State University that bought nearly 290 something rental units with the parking spaces that we the tenants lost forever. This deal was made without the tenants knowledge until it was "a fait accompli" as the French would put it, or cooked behind closed doors, in the wonderful American jargon.

How dare you, Mr. Polacci, place a letter on my door without even having the courtesy of mailing it to me, telling me that I have been subject to scare tactics meant to scare me into opposing the Parkmerced Plan as you call it.

Planning Commission Special Meeting
Thursday February 10, 2011

What do you take me for, Mr. Polacci, a weak woman, that gets easily scared, that, let me assure to you, I am not. I do not need to meet with you to get as you call it "accurate information".

I am getting all the facts on the Parkmerced Project from the horse's mouth, the City planners the City's Attorney's Office and the Planning Commission. I always go to the source to get my facts straight.

On your letter of today, you are announcing that Initial Construction Phase O will be started on my neck of the woods, around building number forty where I reside.

Thank you, Mr. Polacci, for letting me know that I will be one of the first tenants to be surrounded by a cloud of dust, pollution, and toxic waste materials on two sides of my building, for the next foreseeable future, if the Parkmerced Project is approved. This is if I read the drawing accompanying your letter correctly, I am not a City planner or an architect.

In case you want to refute my argument, Mr. Polacci, please read the eleven page document dated 2/3/2011 entitled "Parkmerced Project EIR Errata" written by the City planner's office. That is where I got the information I needed to write the previous paragraph.

Let me tell you this, Mr. Polacci, presently, I am a very healthy woman, I have never been sick in my life, thanks to my careful planning to remain in such good health, a plan that I started when I was very young girl.

The results I got are fabulous, if you are as lucky as I am, to be born in perfect health, it is possible to remain in perfect health until a very advanced age; I am living proof of it. Think for a moment, all the money the government would save in health care costs, if people born healthy were taught to plan their good health for decades, like I did.

I am telling you this Mr. Polacci, because if the Park Merced Project is approved as presented by the Developer, and I get sick with lung cancer caused by asbestos exposure or any other kind of serious illness caused by toxic air or soil exposure, or contaminated water, produced by the constant construction, pollution, or noise around my home, you, as an individual, the City of San Francisco, the City planners and the Developer will have to face me in a court of law, as since 2009 when the City planners first notified me of the NOP of the Parkmerced Project, I have tried to prevent, to the best of my ability, what I consider the most horrible assault on my health and the health of my community. To me this is the equivalent of someone trying to convince me that smoking cigarettes will be very good for my health.

Planning Commission Special Meeting
Thursday February 10, 2011

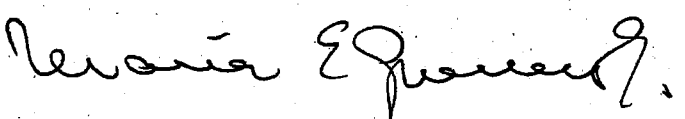
Some residents opposing the Project are concentrating on the rent control issue. That issue will be decided by the Judicial Branch of our government. I have always been a great believer in the separation of powers.

Neither you, Mr. Polacci, nor the City of San Francisco have the power, or the jurisdiction to decide on the rent control issue. Therefore, to offer the tenants whose homes will be demolished that there will indeed be rent control for their units at Parkmerced, is not appropriate until the courts have issued a final decision on this matter.

The same argument applies to the Muni M-realignment. Until official approval from the entity with jurisdiction on that matter, then, an only then, we will be dealing with a fact, not with an "assumption" that may, or may not happen.

This finalizes my comments of today.

Respectfully submitted to the Planning Commission by



María Elena Guerrero Engber
Parkmerced Tenant since 1993 at
310 Arballo Drive, Apartment # 11 D
San Francisco, CA 94132
Telephone: (415) 586-2701
E-mail:guerreromege@aol.com

Parkmerced

February 8, 2011

Dear Resident:

On Saturday, February 5, 2011, Parkmerced held a community workshop at 345 Vidal to discuss the Long Range Vision and how it affects you, our residents. We are anxious to provide you with reliable and accurate information as we continue through the entitlement process.

At the workshop on Saturday, Michael Yarne from the Mayor's Office of Economic and Workforce Development interacted with approximately thirty residents speaking about the Development Agreement, Tenant Protections in the event that an apartment is slated for replacement, and the Relocation Process. Many of the attending residents' fears and concerns were alleviated by this honest and open dialogue. All of the dialogue comes from the Development Agreement documents which are posted on the San Francisco Planning Department's website at http://www.sf-planning.org.

I know there are residents who have been the recipients of inaccurate and misleading flyers and subjected to tactics that are meant to scare them into opposing the Parkmerced Plan.

I would like to offer you the opportunity to meet and discuss these and other issues with me about the Plan and to hopefully give you accurate and valuable information for you to make an informed decision. I would be happy to meet with you at any time that is convenient. Please email me or call me at the below contact information.

Enclosed is a Relocation Flyer that was distributed at the Saturday meeting for your review.

Sincerely,

Bert Polacci

Bert Polacci
Director of Community Outreach & Government Relations
bpolacci@stellarmanagement.com
415-584-4149

New Home. Same Rent.

February 2011

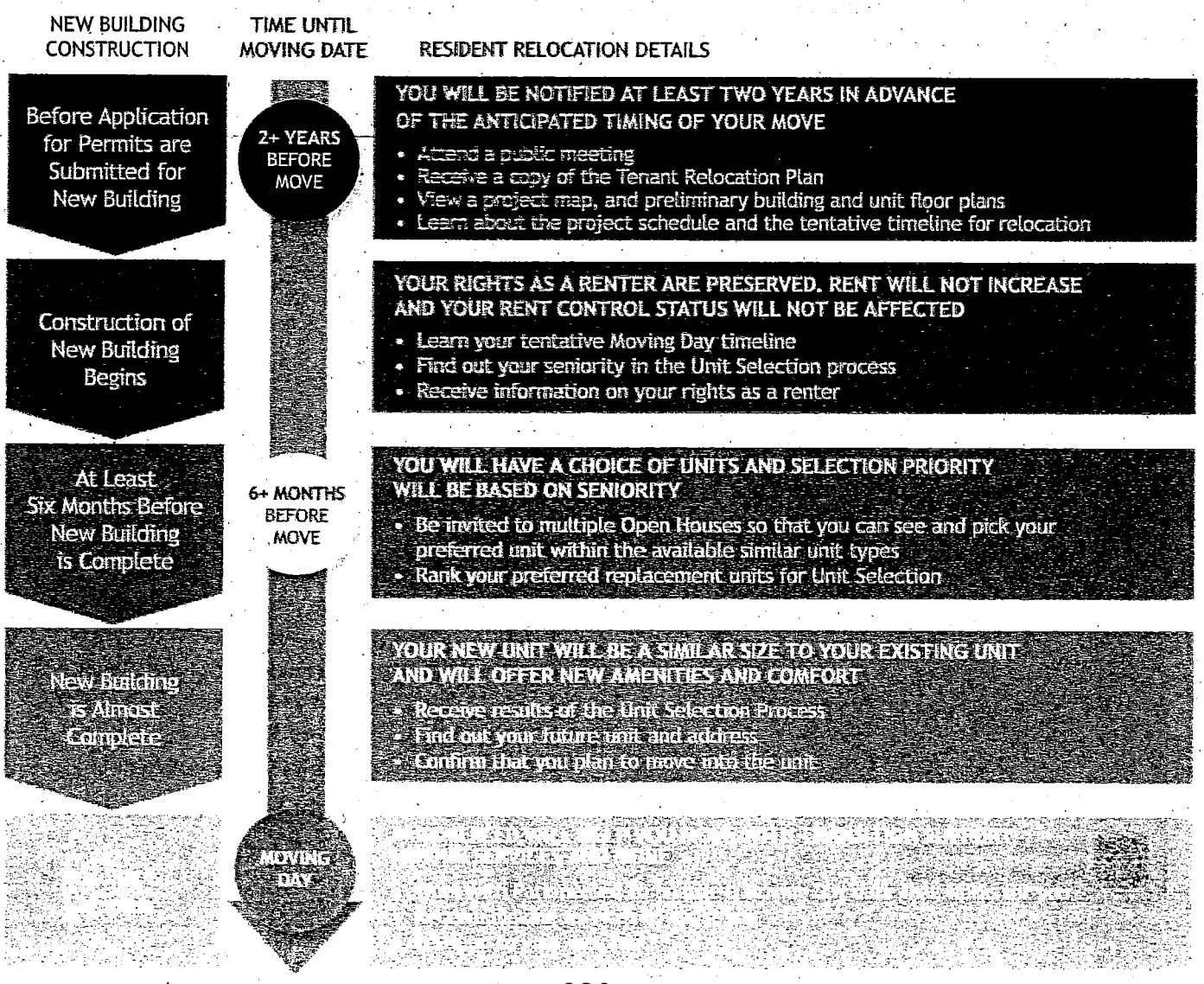
Dear Garden Unit Resident,

As part of the community long-range redevelopment plan, Parkmerced plans to build new homes to replace the garden homes over the next 20-30 years. Some residents have received misinformation and been frightened into thinking they will lose their homes. This is not true. We have worked with the City of San Francisco to enforce our commitment to provide new homes at the same rent with the same rent-control protections for existing residents in units slated for replacement. This is a fundamental commitment to our residents and is part of our pledge to you.

With this in mind, we would like to keep you informed about the general process for future tenant relocations. Inside, you'll also learn more about the preliminary and illustrative phased construction and relocations. Most importantly, we hope you will stay involved by attending Parkmerced public meetings. Please feel free to contact us if you have any questions about your home, your neighborhood and our long-range revitalization plans.

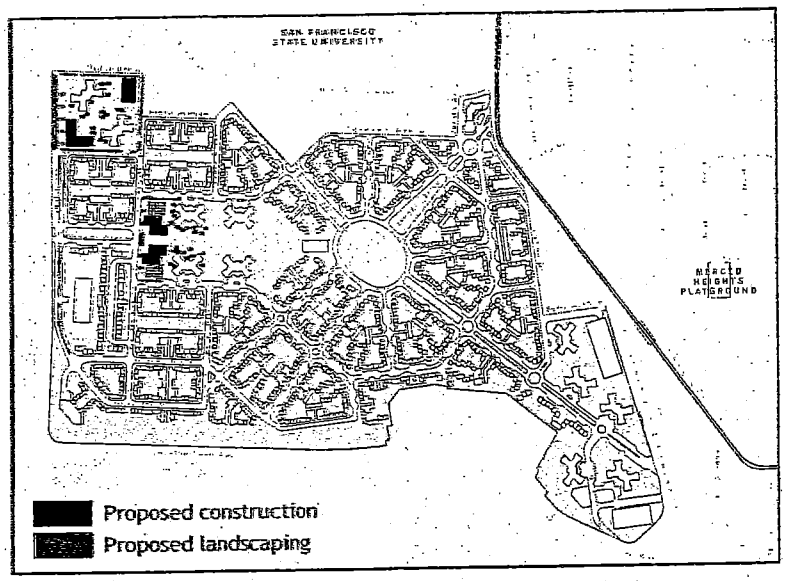
Bert Polacci, 415-227-0630

TENANT RELOCATION PROCESS



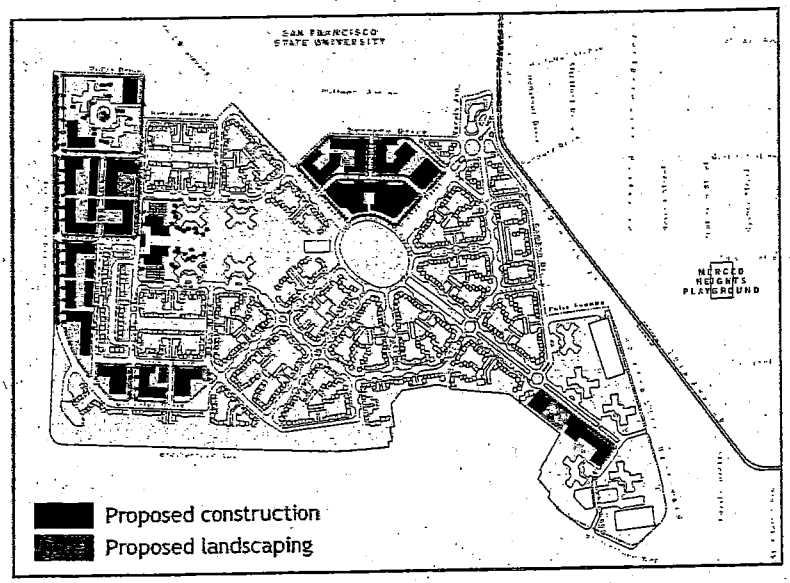
Residents will receive new units as they are built.

Parkmerced is committed to supporting its current residents throughout the redevelopment process. The proposed, illustrative phasing plans described below show that the construction of new residential units will be phased so that existing residents will be able to move directly into a brand-new unit, without moving to a temporary unit or off-site during construction. Transportation, infrastructure and landscaping improvements would occur in tandem as the respective areas are developed, following the proposed, illustrative phasing plans.



Initial Construction/Phase 0

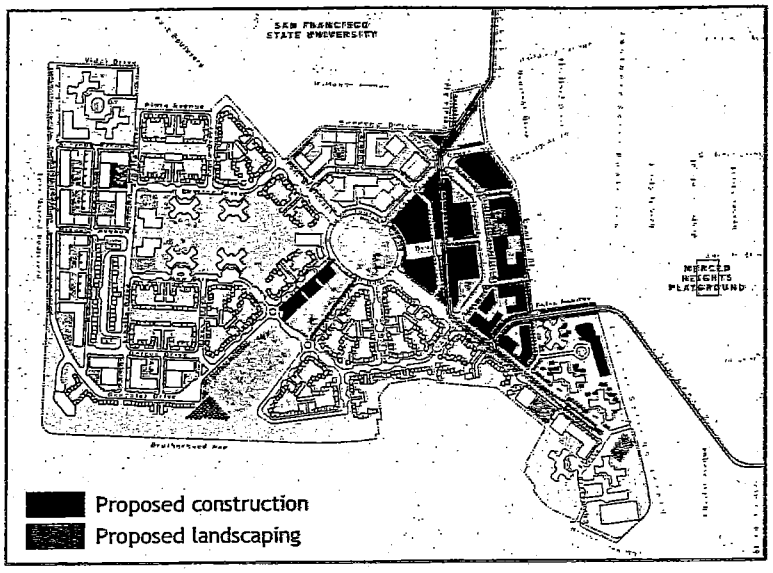
Phase 0 could begin with construction of new residential units located in low-to mid-rise buildings and towers in the western portion of Parkmerced. Construction of these new residential buildings could be accomplished without the removal of any existing residences and would allow for existing residents to relocate to new units prior to the removal of their existing units.



Phase 1

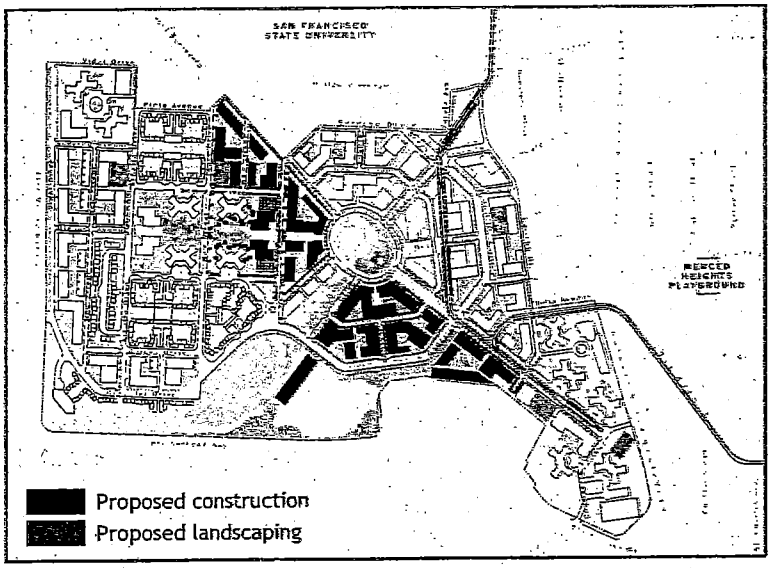
Phase 1 could continue with construction of additional new residential units located in the western portion of Parkmerced. Beginning at this phase, the team could begin the phased process of removing existing uninhabited garden units.

Note: Parkmerced expects the phasing of the development to occur over 20-30 years.



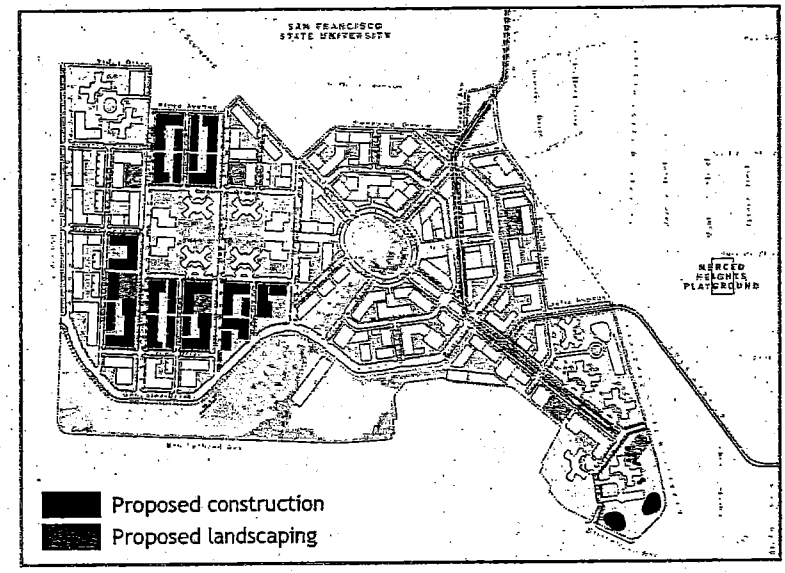
Phase 2

Phase 2 could focus in the east and northeast portions of Parkmerced. Much of the planned retail and office space could be constructed during this phase, as well as new residential units. Phase 2 also includes the Pre K-5 school and daycare facility, and the organic farm in the west-central and southern portions of the site. It is anticipated that the Muni M Ocean View light rail line could be realigned into Parkmerced at this time, so new light rail stations could be constructed.



Phase 3

Phase 3 could focus in the west-central and southern portions of Parkmerced. This phase could include the construction of the fitness center and adjacent athletic playing fields in the southern portion of Parkmerced, just north of Brotherhood Way.



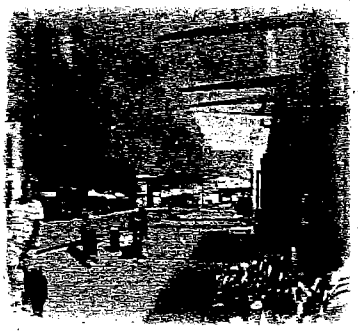
Phase 4

The final phase, Phase 4, could focus on construction activities primarily in the western half of Parkmerced, except for new tower construction primarily in the southeast corner of the site. A new outdoor recreational area, including picnic and walking paths, could be provided in the southwest corner of Parkmerced.

Our Pledge to You

Any existing resident who lives in a building slated for replacement will be provided a Brand New Unit...at the same rent-controlled rate with the same rent control protections as their existing apartment at the time of relocation.

- Equivalent size
- Same number of bedrooms & bathrooms
- Choice of locations
- Improved accessibility
- All new appliances & fixtures including dishwasher and washer/dryer
- Lower utility bills
- Comfort due to well insulated walls & windows
- Meet or exceed all current code and seismic requirements



Neighborhood shops will create a more vibrant neighborhood



New units will feature brand-new kitchens with dishwasher

COMMUNITY INVOLVEMENT

Parkmerced is committed to keeping residents informed about the revitalization process. Since late 2006, we have held over 250 meetings with our residents, neighbors, and other stakeholders to gather input and share our vision for revitalizing Parkmerced for the future. These have ranged from small group briefings to large public workshops, always with the goal of working with our community. As we continue to refine the Parkmerced Vision, we look forward to continued discussions with our residents and neighbors.

For more information about the long-range planning, our Resident Pledge and or the relocation plan:

Long-range improvements

- call 415-227-0630
- info@parkmercedvision.com
- www.parkmercedvision.com

Current operational issues

- call 415-405-4690
- services@parkmerced.com



New landscaping will enhance the outdoor experience



Community involvement has shaped the future of Parkmerced

CARMEL
COMPANIES

July 28, 1999

Dear Parkmerced Resident:

We are pleased to announce that today Carmel Development & Management Co. purchased Parkmerced from the Helmsley organization. As the new owners and managers, we would like to proudly introduce ourselves and announce that we are at your service.

Parkmerced is one of San Francisco's most storied communities. We also believe it is a pretty nice place to live. We want to make it better.

We plan to establish a concierge service to assist residents in making their living experience a little more comfortable. And, we plan to fix any leaky roofs – before the start of the rainy season. We are also planning to improve and significantly beautify the Parkmerced landscaping and update the Tower lobbies, corridors and elevators. Carmel will also expand its administrative staff to better serve the residents.

I would like to take this opportunity to introduce our new General Manager, Pauletta Borroughs. Ms. Borroughs is a certified property manager with more than 16 years of experience. She and her staff will be on hand to assist you with your daily concerns.

The transition in ownership and management will affect you very little. You will still benefit from the same terms of your lease. Please be assured, we will strictly comply with the rent control laws of the City of San Francisco.

Carmel has a great deal of experience managing residential communities. We oversee nearly 15,000 units in the western United States.

As the leader of the new Carmel management team, let me assure you, our job is to make your living environment the best it can possibly be. Should you have any questions or comments about anything occurring at Parkmerced please do not hesitate to call me or Pauletta at (415) 587-6322.

We're pleased to serve you.

Sincerely,

Bert Polacci

Bert Polacci
Chief Operating Officer

PARKMERCED PROJECT EIR ERRATA

This section presents additional staff initiated text changes for the *Parkmerced Project Draft Environmental Impact Report.* These EIR text changes reflect revisions that have occurred subsequent the October 28, 2010 publication of the Comments and Responses document. The revisions are organized by EIR section and deleted text is ~~struck through~~ and new text is underlined. The text additions and revisions presented below clarify and expand the information presented in the Draft EIR and Comments and Responses document. The revised text does not provide new information that identifies new significant environmental impacts; the clarified and expanded information does not identify mitigation measures that, if implemented, would result in significant environmental impacts; and considerably different alternatives and/or mitigation measures were not identified that would clearly lessen the significant environmental impacts of the proposed project. In sum, the staff-initiated text changes provided below do not change any of the conclusions reached in the Draft EIR and Comments and Responses documents, but rather clarify, update, and provide additional relevant information.

CHAPTER V, ENVIRONMENTAL SETTING AND IMPACTS

Section V.E, Transportation and Circulation

A text change has been made to Mitigation Measure M-TR-2B, on p. V.E.65 of the Draft EIR:

> **M-TR-2B: Install a traffic signal at Sunset Boulevard/Lake Merced Boulevard.** ~~Installation of the signal shall be the responsibility of the SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility. The SFMTA shall design and implement the measure as necessary.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2C, on p. V.E.65 of the Draft EIR:

> **M-TR-2C: Construct a dedicated northbound right-turn lane from Lake Merced Boulevard to eastbound Winston Drive.** This improvement would provide a dedicated lane for the relatively large number of vehicles expected to execute the northbound right-turn movement. Implementation of the roadway improvement would require roadway widening to the east, which necessitates relocation of the sidewalk, a utility box, a signal mast, and several other elements.
>
> ~~Implementation shall be the responsibility of SFMTA, and shall be completed prior to completion of the Project or as otherwise specified in the Development Agreement. SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2D, on p. V.E.66 of the Draft EIR:

M-TR-2D: Provide a third northbound through lane and a second southbound left-turn lane at the Lake Merced Boulevard/Font Boulevard intersection. This mitigation measure would require restriping the northbound right-turn lane at the Lake Merced Boulevard/State Drive intersection as a through lane and removing the on-street parking on the north side of the intersection to recreate the dedicated right-turn lane (assuming that it is required for acceptable operations at this intersection).

Additionally, providing a second southbound left-turn lane at this intersection would require removal of on-street parking on the south side of Font Boulevard to create a second receiving lane, as well as the removal of some spaces on the west side of Lake Merced Boulevard and shifting the through travel lanes to the west to make room for the second southbound left-turn lane.

Implementation would require significant roadway restriping and signal optimization and coordination at multiple intersections, as well as the removal of approximately 25 parking spaces. ~~If feasible, implementation of this measure shall be the responsibility of SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility. SFMTA shall design and implement the measure as necessary.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2E, on p. V.E.66 of the Draft EIR:

M-TR-2E: Reconfigure the westbound right-turn and southbound left-turn as the primary movements of the intersection at the Lake Merced Boulevard/Brotherhood Way. This would convert the northbound approach of Lake Merced Boulevard into the "minor" approach to the intersection. Although the configuration may be able to fit within the existing right-of-way at the intersection, further study is needed to determine the feasibility of this measure. A conceptual intersection configuration is presented in the Project's Transportation Study.

~~If implemented, the intersection reconfiguration shall be the responsibility of SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement. SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-21A, on p. V.E.88 of the Draft EIR:

M-TR-21A: Purchase an additional two-car light rail vehicle for the M Ocean View. Purchase and insert another light-rail vehicle into the system in order to maintain headways. This will allow Muni to maintain proposed headways on the M Ocean View with a slightly longer route. The procurement of the new light rail vehicles shall be completed by SFMTA, and shall be completed prior to operating the rerouted system. However, the new transit vehicles required to serve the Proposed Project shall not be the financial responsibility of SFMTA.

A text change has been made to Mitigation Measure M-TR-22B, on pp. V.E.90-V.E.91 of the Draft EIR:

> **M-TR-22B: Maintain the proposed headways of the 18 46th Avenue.** The Project Sponsor in cooperation with SFMTA shall conduct a study to evaluate the effectiveness and feasibility of the following improvements which could reduce Project impacts on transit operations along the Lake Merced Boulevard corridor, generally between Brotherhood Way and Winston Drive. The study shall create a monitoring program to determine the implementation extent and schedule (as identified below) to maintain the proposed headways of transit lines impacted by the Project.
>
> - A transit-only queue-jump lane should be considered on Lake Merced Boulevard at Font Boulevard. This treatment could be constructed within the existing curb-to-curb right of way for the northbound direction.
> - Southbound queue-jumps are viable at State Drive and Font Boulevard with removal of on-street parking. However, these treatments may conflict with mitigation measures M-TR-2C~~, M-TR-2D, and M-TR-2E~~ (collectively summarized in M-TR-22A), which has ~~have~~ been designed to reduce the Project's traffic impacts.
>
> These improvements would collectively benefit not only the 18 46th Avenue prior to the TEP improvements, but also SamTrans Route 122, and the proposed "shopper shuttle."
>
> ~~SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor. The Project Sponsor shall fully fund the costs of implementing the transit priority improvements (either the improvements identified above, or alternative improvements of equal or greater effectiveness and comparable cost) as determined by the study and the monitoring program. Other options to be evaluated in the study could include comprehensive replacement of stop-controlled intersections with interconnected traffic signals equipped with transit priority elements.

A text change has been made to Mitigation Measure M-TR-22C, on p. V.E.91 of the Draft EIR:

M-TR-22C: Purchase additional transit vehicles as necessary to mitigate the Project impacts to headways on the 18 46th Avenue. Should mitigation measures M-TR-22A or M-TR-22B not be feasible or effective, the Project Sponsor shall work with SFMTA to purchase additional transit vehicles and contribute to operating costs and facility improvements as necessary to mitigate the Project impacts to headways for the transit line. ~~While this mitigation measure would allow headways to be maintained, it does not mitigate the transit travel time delay. The procurement of new transit vehicles shall be completed by SFMTA. However, new transit vehicles required to serve the Proposed Project shall not be the financial responsibility of SFMTA.~~ The Project Sponsor shall be responsible for the procurement and financing of the new transit vehicles.

A text change has been made to Mitigation Measure M-TR-25B, on p. V.E.94 of the Draft EIR:

> **M-TR-25B: Maintain the proposed headways of the 29 Sunset.** The Project Sponsor in cooperation with SFMTA shall conduct a study to evaluate the effectiveness and feasibility of installing transit priority elements along Lake Merced Boulevard, between

Winston Drive and Sunset Boulevard. This may include, but is not limited to, queue-jump lanes and transit-only lanes. ~~SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor. The Project Sponsor shall fully fund the costs of implementing the transit priority improvements (either the improvements identified above, or alternative improvements of equal or greater effectiveness and comparable cost) as determined by the study and the monitoring program.

A text change has been made to Mitigation Measure M-TR-36C, on p. IV.17 of the Comments and Responses document:

M-TR-36C: Install a traffic signal at Lake Merced Boulevard/John Muir Drive. Installation of a traffic signal at the intersection of Lake Merced Boulevard/John Muir Drive would improve operations to acceptable levels. ~~Implementation of the signal installation shall be the responsibility of SFMTA, and shall be implemented prior to copmpletion of the Project or as otherwise specified in the Development Agreement. The SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or evaluating its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

Section V.G, Air Quality

The BAAQMD recently updated their 1999 CEQA Air Quality Guidelines and adopted new CEQA significance thresholds for air quality. The updated BAAQMD CEQA Guidelines include quantitative CEQA significance thresholds for construction-related and operational criteria pollutant emissions, precursor emissions, and health risks (from emissions of toxic air contaminants [TACs]). According to the BAAQMD, these recently adopted thresholds of significance are only intended to apply to environmental analyses that began on or after June 2, 2010, and thresholds pertaining to the health risks to new sensitive receptors are only intended to apply to environmental analyses that began on or after January 1, 2011. Even though the environmental analysis of the proposed project began well in advance of June 2, 2010, the analysis in this EIR conservatively relies on the recently adopted significance thresholds and mitigation strategies.

Therefore, the following text changes are made to the Air Quality section of the Draft EIR, starting at the first paragraph on p. V.G.33, though the last paragraph on p. V.G.40. These changes reflect the adoption of the new guidelines, but do not change any of the substantive conclusions of the Draft EIR or Comments and Responses documents.

~~Draft~~ BAAQMD CEQA Air Quality Guidelines and ~~Proposed~~ Adopted 2010 Thresholds

BAAQMD recently updated ~~is currently in the process of updating~~ its CEQA Air Quality Guidelines, which ~~will~~ includes revised thresholds of significance for criteria air pollutants and precursors, community risk and hazards related to TACs, and greenhouse gases (GHGs) (see Section V.H, Greenhouse Gas Emissions of this EIR for a discussion of proposed thresholds for

GHGs). BAAQMD ~~is considering~~ adopted two sets of thresholds, one that would apply to specific development projects, such as the Proposed Project, and another threshold that would apply to plan-level CEQA analyses. ~~Should the~~ The BAAQMD adopted the new CEQA thresholds on June 2, 2010. It is BAAQMD's policy that the new thresholds apply to projects for which the Notice of Preparation (NOP) was prepared on or after June 2, 2010 for all adopted thresholds except the thresholds for exposing sensitive receptors to health risks and hazards. It is BAAQMD's policy that the health risk and hazard thresholds apply to NOP's published after May 1, 2011. ~~It is be adopted before this EIR is certified, the new thresholds could apply to the Proposed Project. The draft guidelines have yet to be formally adopted by BAAQMD and therefore cannot yet be formally adopted by the City and County of San Francisco should it choose to do so.~~

Criteria Related to Construction Impacts

Quantification of construction emissions is appropriate for analysis under the 2010 ~~proposed Draft~~ BAAQMD CEQA Air Quality Guidelines. A project would have a significant air quality impact if it would result in total construction-related emissions of ROG, NOx, or $PM_{2.5}$ (non-inclusive of fugitive dust) of 10 tons per year or greater or 54 pounds (25 kilograms) per day or greater. The ~~draft~~ guidelines have a separate emission threshold for PM_{10} (non-inclusive of fugitive dust) of 15 tons per year or greater or 82 pounds (37 kilograms) per day.

Under the 2010 ~~proposed~~ BAAQMD guidance, a ~~Plan or~~ project would also have a significant air quality impact if construction activities would result in an incremental increase in localized annual average concentrations of $PM_{2.5}$ exceeding 0.3 micrograms per cubic meter.

Additionally, construction associated with a ~~Plan or~~ project would have a significant air quality impact if it would result expose persons to substantial levels of TACs, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or if it would expose persons to TAC's such that a non-cancer Hazard Index of 1.0 would be exceeded.

Criteria for Project-Level Operational Impacts

The 2010 ~~Draft~~ BAAQMD CEQA Guidelines recommend lower threshold levels for determining significance of operational emissions of ROG, NOx, or PM_{10} including $PM_{2.5}$. For ROG, NOx and $PM_{2.5}$, a net increase of 54 pounds per day is considered significant, while for PM_{10} a net increase of 82 pounds per day is considered significant.

The ~~proposed~~ guidance expands on the existing health risk thresholds by adding thresholds related to the incremental ambient $PM_{2.5}$ increases associated with a project or ~~and~~ by requiring a determination of consistency with a Qualified Risk Reduction Plan, if applicable. A project would ~~also~~ have a significant air quality impact if it would result in an incremental increase in or exposure of receptors to localized annual average concentrations of $PM_{2.5}$ exceeding 0.3 micrograms per cubic meter ($\mu g/m^3$), or expose persons to substantial levels of TACs, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or if it would expose persons to TAC's such that a non-cancer Hazard Index of 1.0 would be exceeded from project operations.

Criteria for Cumulative Impacts

Cumulative impacts are based on ~~the~~ a project's emissions and the potential for the project to expose sensitive receptors to health risks and the potential for the project to contribute to regional air pollution. As with the existing BAAQMD guidance, if a project results in an increase in ROG, NOx, PM_{10}, or $PM_{2.5}$ of more than their respective daily mass thresholds, then it would ~~also~~ be considered to contribute considerably to a significant cumulative effect.

Characterizing cumulative air quality impacts relative to emissions of $PM_{2.5}$ and TAC relies on cumulative assessment methodologies that are still in development by BAAQMD. Establishing a consistent methodology for cumulative health risk assessment will affect decisions on what sources to consider in a cumulative analysis and how to obtain emission data for sources that are beyond the bounds of a project.

With regard to cumulative impacts (both construction and operations) from $PM_{2.5}$, the ~~proposed~~ guidance indicates that a significant cumulative air quality impact would occur if localized annual average concentrations of $PM_{2.5}$ would exceed 0.8 micrograms per cubic meter ($\mu g/m^3$) from project operations in addition to existing emission sources and cumulative emissions sources within 1,000 feet of the project. However, background annual average concentrations of $PM_{2.5}$ currently exceed ten times this level for all previous years, as shown in Table V.G.1.

With regard to cumulative impacts from TACs, a significant cumulative air quality impact would occur if the probability of contracting cancer for the MEI defined above, would exceed 100 in one million or if would expose persons to TACs such that a non-cancer Hazard Index of 10.0 would be exceeded as a result of project operations, in addition to existing emission sources and cumulative emissions sources within a 1,000 foot radius of the project site.

~~Proposed~~ BAAQMD CEQA Adopted Thresholds, Impact Evaluation

Impact AQ-10: The Proposed Project could result in localized construction dust-related air quality impacts under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) (Criteria G.b, G.d)

Under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, implementation of Best Management Practices for fugitive dust would reduce the impact of construction dust to a less-than-significant level, as required by the San Francisco Construction Dust Control Ordinance (see Impact AQ-1 above).

Impact AQ-11: The Proposed Project could result in construction-related impacts to regional air quality under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

Criteria pollutant emissions from maximum daily use of construction equipment are quantified above (see Table V.G.4). The 2010 ~~Draft~~ BAAQMD CEQA Guidelines specifies that average daily construction emissions greater than 54 pounds per day of ROG, NOx, and $PM_{2.5}$, or 82 pounds per day PM_{10}, would be a significant increase. To be conservative, this analysis shows maximum daily construction-phase emissions in Table V.G.4. Because of the considerable levels of construction activities, the construction emissions under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would be significant. Mitigation Measure M-AQ-3 that is identified above would reduce construction exhaust emissions.

Given current technologies, Mitigation Measure M-AQ-3 would achieve a feasible level of NOx and ROG reductions, but this measure is unlikely to achieve a sufficient reduction in emissions to bring construction activities to a level below the daily thresholds for ROG, NOx, PM_{10}, and $PM_{2.5}$. Construction emissions of PM_{10} and $PM_{2.5}$ would be significant according to the 2010 ~~draft~~ guidelines, after incorporating dust control strategies (see Impact AQ-1) and feasible strategies to reduce emissions in construction equipment exhaust (Mitigation Measure M-AQ-3). Therefore, the ~~potential~~ impacts of the Proposed Project with respect to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would be significant and unavoidable, even with implementation of mitigation.

Impact AQ-12: The Proposed Project could result in construction-related impacts of toxic air contaminants and adverse health effects under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

The Proposed Project could increase cancer risk from exposure to emissions of DPM and other TACs associated with off-road construction equipment and on-road haul trucks used during construction of the Proposed Project, as these emissions would occur within 1,000 feet of existing residential units and educational facilities within and adjacent to the Project Site. The 2010 ~~Draft~~ BAAQMD CEQA Guidelines thresholds for TACs are similar to the current recommendations, with the addition of $PM_{2.5}$ as a pollutant of health risk concern.

Emissions of $PM_{2.5}$ from construction activities would occur at regionally significant levels, as described above. Additionally, health risks due to $PM_{2.5}$ emissions would be considered significant under 2010 ~~Draft~~ BAAQMD CEQA Guidelines for construction activities causing concentrations of $PM_{2.5}$ over an annualized threshold of 0.3 micrograms per cubic meter ($\mu g/m^3$). This annualized threshold is applicable during any single year of construction activity, as opposed to the cancer risk threshold, which is based on lifetime exposure. Construction-related exhaust emissions and fugitive dust emissions would contribute to total $PM_{2.5}$ concentrations at nearby receptors. With construction-related annual total $PM_{2.5}$ emissions exceeding the BAAQMD threshold of 10 tons per year, local $PM_{2.5}$ concentrations would likely be above the BAAQMD 2010 ~~proposed~~ threshold of 0.3 $\mu g/m^3$ on an annualized basis during some years of construction, depending on the intensity of activity and proximity of receptors. Existing residential units and educational facilities within 1,000 feet of construction activities would be most likely to experience this impact.

The 2010 ~~Draft~~ BAAQMD CEQA Guidelines ~~of May 2010~~ include a "Draft Construction Health Risk Screening Table" that provides an approximate minimum offset distance for typical construction projects of various sizes.[1] For the phased and high-density development of the Proposed Project, up to about 40 acres could be under construction at any one time (given four major phases across the 152-acre Project Site). According to the ~~draft~~ construction screening approach ~~tables~~, the minimum offset distance (buffer distance) to ensure that a sensitive receptor would have a less than significant impact would be 300 meters (984 feet). Existing and planned residential units and educational facilities within this distance would experience a ~~potentially~~ significant impact due to construction-related TAC and $PM_{2.5}$.

[1] BAAQMD, *Draft CEQA Guidelines, Screening Tables for Air Toxics Evaluation During Construction, Version 1.0*, May 2010.

Reducing this impact could involve reducing construction equipment emissions or providing sufficient offset distances between construction and occupied land uses. Although implementation of the construction emission control measures (including Mitigation Measure M-AQ-3) would reduce TAC, including DPM, exhaust emissions by implementing feasible controls and requiring up-to-date equipment, adverse TAC and $PM_{2.5}$ health effects during construction would remain. Due to the high-density surroundings, individuals would occasionally be essentially adjacent to construction activity. It would be practically impossible to phase construction or restrict public access in such a manner to eliminate the potential risks to individuals occupying and visiting areas within 1,000 feet of the proposed construction activities. Due to uncertainty in quantifying the construction-related incremental cancer risk and non-cancer health impacts, the impact is considered significant and unavoidable under the 2010 ~~Draft~~ BAAQMD Guidelines for existing residential units and educational facilities within the Project Site and within 1,000 feet of the Proposed Project.

Impact AQ-13: The Proposed Project could result in operation-related impacts to regional air quality under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

Table V.G.5 shows that the Proposed Project would result in an increase in criteria pollutant emissions that would be considered significant according to the 2010 ~~proposed~~ BAAQMD significance thresholds of ROG, NOx, or $PM_{2.5}$ greater than 54 pounds per day or PM_{10} greater than 82 pounds per day. This impact would occur with the project incorporating feasible emission reduction measures within its extensive TDM program and Sustainability Plan. As such, this impact would be significant and unavoidable.

Impact AQ-14: The Proposed Project could result in operation-related impacts to CO ambient air quality standards under the 2010 ~~proposed~~ guidelines. (*Less than Significant*) (Criterion G.d)

The significance of localized CO emissions from mobile sources is determined via a screening assessment methodology from the ~~proposed~~ 2010 ~~Draft~~ BAAMQD CEQA Guidelines. According to the 2010 ~~proposed~~ approach, a project would result in a less-than-significant impact to localized CO concentrations if the following three criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans. The Draft II Transportation Impact Analysis for the Proposed Project indicates that the proposed Parkmerced Transportation Demand Management (TDM) Plan would be consistent with City and County of San Francisco agency policies (Fehr & Peers, February 2010).
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. The Draft II Transportation Impact Analysis for the Proposed Project indicates that the study intersections with the highest volumes would experience approximately 20,000 vehicles per peak hour under the Proposed Project and cumulative scenarios (Fehr & Peers, February 2010).
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon,

below-grade roadway). The Proposed Project would not introduce or increase traffic to these levels for any of the proposed underground parking garages.

This discussion of the screening criteria analysis indicates that violations of the state and federal one-hour and eight-hour standards for CO would not be expected at any study intersections during worst-case atmospheric conditions (wintertime conditions when CO concentrations are typically greatest). Therefore, the Proposed Project would continue to have a less than significant impact on local CO concentrations.

Impact AQ-15: The Proposed Project could result in operation-related impacts to sensitive receptors and substantial pollutant concentrations of toxic air contaminants under ~~proposed~~ 2010 guidelines. *(Significant and Unavoidable) (Criterion G.d)*

Local community risk and hazard impacts are a focus of the 2010 ~~Draft~~ BAAQMD Guidelines. The ~~proposed~~ 2010 guidelines emphasize a focus on "impacted communities" including Eastern San Francisco, which is not within or adjacent to the Project Site. Existing local air quality is affected by numerous sources of DPM, other TACs, and criteria pollutants, including traffic on roadways and some stationary sources within 1,000 feet that are permitted but not considered major under BAAQMD rules (see Setting). The primary major roadway within 1,000 feet of the Project Site is Highway 1 (Junipero Serra Boulevard and 19th Avenue).

Operation of the Proposed Project operation would cause increases in traffic emitting DPM, other TACs, and $PM_{2.5}$ and would increase the density of residential uses in an area exposed to these emissions. The ~~May 2010 Draft~~ 2010 BAAQMD Thresholds include screening tables (updated October 2010) identifying potential cancer risk and non-cancer health hazards experienced by sensitive receptors along Highway 1 (Junipero Serra Boulevard and 19th Avenue).[2] According to the new BAAQMD screening tables, sensitive receptors are exposed to potentially significant concentrations of TAC and $PM_{2.5}$ (exceeding 0.3 $\mu g/m^3$) within 200 feet east or west of Highway 1. The new BAAQMD screening tables also indicate that the estimated incremental lifetime cancer risk (70-year lifespan) due to traffic on Highway 1 is greater than 10 cases per million people for locations within 200 ~~400~~ feet east or west of the roadway. Health risks from all roadways are dominated by the effects of DPM, a TAC, and $PM_{2.5}$.

The Proposed Project would include new residential uses within 1,000 feet of existing stationary sources of TACs and within 200 ~~400~~ feet of Highway 1, which could expose new sensitive receptors to concentrations of DPM, other TACs, and $PM_{2.5}$ considered ~~potentially~~ significant under the ~~proposed~~ 2010 guidelines. To address this issue, ~~potential~~ mitigation could be provided in the form of air filtration for the impacted new residential development near traffic causing elevated DPM and $PM_{2.5}$. This would reduce the impact of exposing new receptors to elevated concentrations near roadways, but it would not avoid the impact of placing new receptors near Highway 1 and other existing sources of TACs typical of urban environments. Because of

[2] BAAQMD, *Draft CEQA Guidelines, San Francisco County Screening Tables for Roadways*, October 2010 ~~May 2010~~.

uncertain effectiveness and feasibility of implementing this measure, the impact under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would remain significant and unavoidable.

Mitigation Measure M-AQ-15: Mechanical Ventilation Systems for New Residential Uses. ~~Potential Mitigation Under the Proposed Guidelines for Health Effects from Roadways:~~ New residential uses within 200 ~~400~~ feet from the edge of the Project Site boundary along Junipero Serra Boulevard, including ramps on Brotherhood Way, 19th Avenue, or Brotherhood Way shall incorporate mechanical ventilation systems. If the project anticipates operable windows or other sources of infiltration of ambient air, the residences shall be provided with a central HVAC (heating, ventilation and air conditioning) system that includes high efficiency filters for particulates (MERV-13 or higher). The system should operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors. Alternatively, if the development limits infiltration though non-operable windows and other techniques, the residences shall be provided with a ventilation and filtration system that meets the following specifications: (1) ASHRAE MERV-13 supply air filters; (2) >= 1 air exchanges per hour of fresh outside filtered air; (3) >= 4 air exchanges / hour recirculation; and (4) <= 0.25 air exchanges per hour in unfiltered infiltration.

Impact AQ-16: The Proposed Project could result in impacts related to odors under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) (*Criterion G.e*)

The 2010 ~~proposed~~ BAAQMD thresholds for odor impacts would not alter this discussion or the conclusion illustrated above that the Proposed Project would result in a less-than-significant impact related to odors.

Impact AQ-17: The Proposed Project could result in conflicts with adopted plans related to air quality under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) (*Criterion G.a*)

The 2010 ~~proposed~~ BAAQMD thresholds of analysis for determining consistency with the most recently adopted Clean Air Plan would not alter this discussion or the conclusion illustrated above that the Proposed Project would not exceed the population or VMT assumptions contained in the CAP and that the project would implement applicable TCMs, resulting in a less-than-significant impact related ~~potential~~ conflicts with regional air quality management plans.

Cumulative air quality impacts under ~~proposed~~ 2010 guidelines. (*Criteria Gb, Gc, Gd*)

Impact AQ-18: The Proposed Project could result in cumulative construction impacts under ~~proposed~~ the 2010 guidelines. (*Significant and Unavoidable*)

Impact AQ-2 identifies the emission increases attributable to construction of the Proposed Project. As indicated in Table V.G.4, p. V.G.20, the Proposed Project would exceed the BAAQMD's adopted ~~proposed~~ significance thresholds for construction-related ROG, NOx, PM_{10}, and $PM_{2.5}$. Consequently, under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the project construction would result in a significant cumulative impact with regard to these emissions.

Impact AQ-19: The Proposed Project could result in cumulative criteria pollutant impacts under ~~proposed~~ 2010 guidelines. (*Significant and Unavoidable*)

Table V.G.5, p. V.G.28. identifies increases in the regional emission inventory that would be caused by the Proposed Project, with levels exceeding the 2010 ~~proposed~~ BAAQMD significance thresholds. According to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the Proposed Project operational emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Additional analysis to assess cumulative impacts is deemed unnecessary by BAAQMD, and the Proposed Project would result in a significant cumulative impact with regard to ROG, NOx, PM_{10}, and $PM_{2.5}$ emissions.

Impact AQ-20: The Proposed Project could result in cumulative DPM, $PM_{2.5}$, and TAC impacts under ~~proposed~~ the 2010 guidelines. (*Significant and Unavoidable*)

The Proposed Project would cause DPM, $PM_{2.5}$, and TAC impacts having adverse health effects due to mobile source activity generated by the existing and proposed land uses, but the Proposed Project does not include any new major stationary sources of DPM, $PM_{2.5}$, or TACs. Any notable or non-exempt emissions from stationary sources such as the proposed boilers and cogeneration system would be subject to additional review including BAAQMD New Source Review requirements, which requires sources to install the best available control technology and be subject to health risk screening for toxic air contaminants (see Impact AQ-4).

Impact AQ-6 shows that, according to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the operational impacts due to exposure of receptors to DPM and TACs would be significant and unavoidable because the Proposed Project would expose planned receptors to substantial concentrations of DPM or other TACs. With no additional foreseeable sources of DPM or TACs identified for the cumulative conditions, the cumulative impact would be similar to that described for the Proposed Project. Roadside $PM_{2.5}$ exposure levels found by the analysis performed by the DPH would not exceed the ~~proposed~~ 2010 BAAQMD significance threshold for a cumulatively considerable contribution of $PM_{2.5}$ at 0.8 $\mu g/m^3$. No additional $PM_{2.5}$ impacts are identified for the cumulative conditions. Cumulative projects in the area are not anticipated to contribute considerable emissions in addition to the project. However, due to health risks caused by existing sources of TACs including nearby major roadways (Highway 1), the project-related DPM, $PM_{2.5}$, and TAC exposures would result in a significant and unavoidable cumulative impact.

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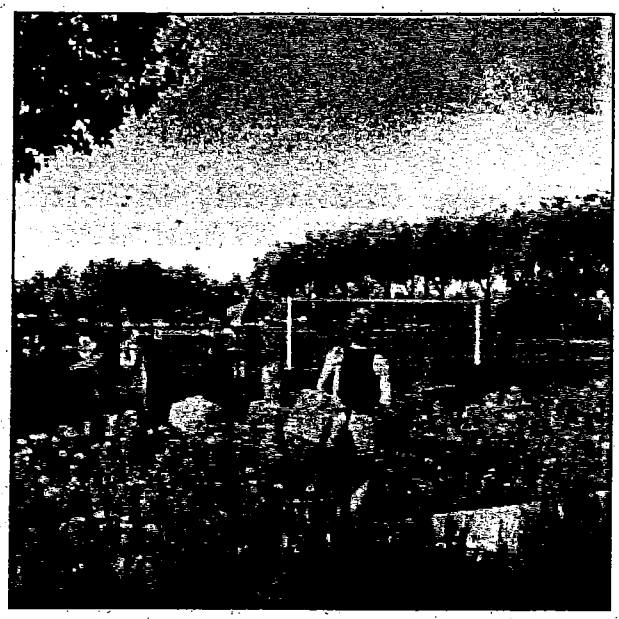
A SAFER PLACE TO LIVE

A COMPREHENSIVE TRANSPORTATION NETWORK that focuses on pedestrian comfort and safety and addresses urban mobility with a multi-faceted strategy, including web-based networking and multiple transit connections for residents. Parkmerced is committed to a per-home 50% reduction in automobile trips.

IMPROVED ACCESS TO TRANSPORTATION that includes the relocation of the Muni light rail system onto the Parkmerced property. The new Muni pattern will put all Parkmerced homes within a ten-minute walk of public transportation, and a new Parkmerced shuttle will provide direct and convenient access to BART and shopping.



HEALTHIER LIVING

A CULTURE OF COMMUNITY to bring residents together and improve the social vitality and richness of Parkmerced. The new public spaces will encourage a sense of community and environmental stewardship, most notably with a three-acre ORGANIC FARM that will serve local markets and restaurants and new state-of-the-art fitness center, playing fields and community center.

SUSTAINABILITY - All public spaces will be designed to enhance resident comfort and promote WATER CONSERVATION, NATURAL FORMS of WATER CLEANSING and BIODIVERSITY. This includes spaces shared by building residents and intimate neighborhood parks. The current unusable and highly consumptive lawns will be replaced by accessible spaces with native and climate-appropriate planting.



A STRONGER ECONOMY

MORE JOBS - The Parkmerced project will help create more than 7,500 much needed new jobs for San Francisco.

SMART GROWTH AND TRANSIT-ORIENTED DEVELOPMENT at Parkmerced will create a revitalized economy in San Francisco and will dramatically increase revenues to the city and state, as well as directly to the area, while providing much needed for-rent and for-sale housing adjacent to multiple major transit and transportation corridors.

From: guerreromege <guerreromege@aol.com>
To: linda.avery <linda.avery@sfgov.org>; rick.cooper <rick.cooper@sfgov.org>
Subject: Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project
Date: Fri, Feb 18, 2011 11:58 am
Attachments: 2-18-2011_email_to_L_Avery_-__R_Cooper_Planning_Commission.doc (26K)

Dear Ms. Avery and Mr. Cooper,

Attached please find my letter concerning the Parkmerced Project. I would be grateful if you could respond to my questions on the appeal process procedure and a question on the Planning Commission rules.

Sincerely,

Maria Elena Guerrero Engber
Parkmerced tenant since 1993
Telephone: (415) 586-2701

Friday February 18, 2011

Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project

Dear Ms. Avery and Mr. Cooper,

I spoke with Ms. Patricia Gerber, secretary to Ms. Avery yesterday, and she recommended that I contact Mr. Cooper.

My position on this matter is: I oppose the Parkmerced Project as presented by the Developer.

I am considering my options, whether I should file an appeal concerning the Planning Commission decision of February 10, 2011, on the Parkmerced Project.

I need to know if it is even possible for me to file such an appeal before the Planning Commission on the above mentioned matter?

If such an appeal is possible at the Planning Commission level, what is the deadline to appeal? How are the days counted for the appeal, do they include the week-ends, or only working days? What is the procedure to follow to file an appeal? Is there a fee to file an appeal? Where can I find information on the appeal process and how does it work?

Finally, I would like to get information on why the regulations of the Planning Commission were not followed at the Planning Commission Meeting of February 10, 2011? This is concerning the speaker who commented for ten minutes representing eighty five people if my recollection is correct. This speaker was granted ten minutes and he spoke in favor of the Developer of the Parkmerced Project. (Please check your tape for verification purposes).

When reviewing the tape of that Planning Commission Meeting, held on Thursday February 10, 2011, I heard Ms. Avery stating that there was a Planning Commission regulation dating from five years ago that allowed a speaker to comment for 10 minutes if he/she was representing a group, but only if the group was **opposing** the Project in discussion, and not if the speaker was **in favor** of the Project like what happened in this case. Ms. Avery added that the group requesting to speak from ten to fifteen minutes had to send their request to the Planning Commission in writing **prior** to the Planning Commission Meeting and that the right to speak for ten or fifteen minutes could not be granted at the Meeting.

There was a restriction to this rule, only one member of the group could speak for up to fifteen minutes, the rest of the group had to give up their right to speak at the Meeting.

Was the City attorney consulted on this issue?; (please check your tape for clarification), if he/she (the City Attorney), was consulted, why then, was the speaker allowed to present his comments in favor of the Developer, in violation of the Planning Commission rules?

This issue came up as one of the groups present at the Meeting opposing the Parkmerced Project, requested to speak for 10 minutes and was told the request had to be send in writing prior to the Meeting, so their verbal request to speak for ten minutes at the Meeting was denied.

It seems that groups opposing the Parkmerced Project were not aware that this Planning Commission rule even existed, then why was it utilized by the group supporting the Developer in violation of the Planning Commission rules.

Is the violation of a Planning Commission rule probable cause to cancel or annul a Meeting?

I would be grateful if you could clarify this matter to me before I pursue it any further.

Sincerely,

María Elena Guerrero Engber
Parkmerced tenant since 1993

From: Linda.Avery <Linda.Avery@sfgov.org>
To: guerreromege <guerreromege@aol.com>
Cc: rick.cooper <rick.cooper@sfgov.org>
Subject: Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project
Date: Fri, Feb 18, 2011 2:42 pm
Attachments: 2-18-2011_email_to_L_Avery_-__R_Cooper_Planning_Commission.doc (26K)

Ms. Maria Elena Guerrero Engber,

To the best of my knowledge, there is no mechanism for the Planning Commission to consider appeals of its actions.
I believe you would have to appeal the actions of the Planning Commission regarding Park Merced at the Board of Supervisors.
You should contact that office to obtain answers to the questions you have on appeals.

Regarding the Commission's Rules and Regulations, the Commission is scheduled to consider amending its Rules and Regulations on March 3rd or a later date. I don't know if a violation of a Commission rule is probable cause to cancel or annul a meeting, but I will check with the City Attorney's Office and get back to you.

Linda D. Avery-Herbert
Director of Commission Affairs
SAN FRANCISCO PLANNING COMMISSION &
SAN FRANCISCO HISTORIC PRESERVATION COMMISSION
1650 MISSION STREET - SUITE 400
SAN FRANCISCO, CA 94103-2414
TEL: 415.558.6407 - FAX: 415.558.6409
WEBSITE: www.sfgov.org/planning

guerreromege@aol.com
02/18/2011 11:58 AM

To: linda.avery@sfgov.org, rick.cooper@sfgov.org
cc:
Subject: Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project

Dear Ms. Avery and Mr. Cooper,

Attached please find my letter concerning the Parkmerced Project. I would be grateful if you could respond
to my questions on the appeal process procedure and a question on the Planning Commission rules.

Sincerely,

Maria Elena Guerrero Engber
Parkmerced tenant since 1993
Telephone: (415) 586-2701(See attached file: 2-18-2011 email to L Avery - R Cooper Planning Commission.doc)

Tuesday February 22, 2011

Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project

Rick.Cooper to you and linda.avery - 1 hr agoMore Details
Add to: To Do, Calendar

2008.0021E_3711_19th_Ave_EIR_Certification.pdf, 2-18-2011_email_to_L_Avery_-_R_Cooper_Planning_Commission.doc I18N YGP.SaveAll I18N YGP.SaveProgress I18N YGP.ViewAfterSave

Dear Ms. Guerrero Engber -

Per our conversation this morning regarding how to appeal the Planning Commission's decision to certify the Parkmerced EIR. some information on appeal of EIRs can be found on page 5 of the Department's "Environmental Review Process Summary" which can be found at the following link: http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=3961

As we discussed, EIR appeals are done at the Board of Supervisors, not the Planning Commission. Please contact the Clerk of the Board 415-554-4184 in order to find out their specific requirements for filing appeals.

Per your request, attached is a pdf copy of the motion certifying the EIR

I hope this information is helpful. Please feel free to contact me at any time if you have further questions..

Thank you -
(See attached file: 2008.0021E_3711 19th Ave_EIR Certification.pdf)

Rick Cooper, Senior Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Tel: 415.575.9027
e-mail: rick.cooper@sfgov.org

guerreromege@aol.com

02/18/2011 11:58 AM

To: linda.avery@sfgov.org, rick.cooper@sfgov.org

cc:

Subject: Re: Planning Commission decision dated 2/10/2011 concerning the Parkmerced Project

Dear Ms. Avery and Mr. Cooper,

Attached please find my letter concerning the Parkmerced Project. I would be grateful if you could respond
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Sincerely,

Maria Elena Guerrero Engber
Parkmerced tenant since 1993
Telephone: (415) 586-2701(See attached file: 2-18-2011 email to L Avery - R Cooper Planning Commission.doc)

SAN FRANCISCO PLANNING COMMISSION HEARING PROCEDURES

III. **Hearing Procedures:**

a. A thorough description of the issue by the Director or a member of the staff

b. A presentation of the proposal by the project sponsor(s) team (includes sponsor (or their designee), lawyers, architects, engineers, expediters, and/or other advisors) would be for a period not to exceed 15 minutes.

c. A presentation of opposition to the proposal by organized opposition for a period not to exceed 15 minutes. Organized opposition will be recognized only upon written application to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s).

d. Public testimony from proponents of the proposal: An individual may speak for a period not to exceed three (3) minutes. An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.

e. Public testimony from opponents of the proposal: An individual may speak for a period not to exceed three (3) minutes. An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.

f. The project sponsor or applicant (or their designee) will be given a period not to exceed five (5) minutes, within which to clarify any questions raised in previous testimony.

g. Organized opposition, recognized in accordance with # III c above, will be given a period not to exceed five (5) minutes within which to clarify any questions raised in previous testimony.

h. Director's preliminary recommendation must be prepared in writing.

i. Action by the Commission on the matter before it.

j. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.

k. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her **discretion on procedures for the conduct of public hearings.**

NOTE: **As a policy issue, the Commission strongly discourages members of the public, project sponsors, architects, lawyers, etc. to cross the railing that separates the Commission and staff from the public seating area to engage in conversation with staff or the members of the Commission while a meeting is in session.**

ADOPTED: **May 8, 2008**

Date: Thursday, January 13, 2010

To: San Francisco Planning Commissioners

From: Maria Elena Guerrero Engber
310 Arballo Drive, Apt., 11 D
San Francisco, CA 94132
E-mail:guerreromege@aol.com

Re: Parkmerced Project

Kindly accept this revised copy of the public comment that I presented to you on Thursday, December 9, 2010 at the Planning Commission Special Meeting, held at San Francisco State University from 6:00 pm to 10:00 pm.

Please disregard the copy that I presented to you on December 9, 2010 and replace it with this document.

Thank you very much.

San Francisco Planning Commission

Special Meeting: Thursday December 9, 2010 6:00 pm

at San Francisco State University

A. Special Calendar

J. Switzky: (415) 575-6815

Parkmerced mixed-use project overview and Draft Development Agreement of 11/03/2010 – Informational only

Good evening Commissioners,

My name is María Elena Guerrero Engber. I am a Parkmerced resident since 1993.

Please Commissioners do not approve this Project, leave our homes the way they are now, under only one owner.

I oppose the Draft Development Agreement dated 11/03/2010 by and between the City and County of San Francisco and Parkmerced Investors LLC, relative to the Development known as the Parkmerced Development Project as presented by the Developer for the following reasons:

1.

This Agreement is nothing more than a blank check handed by the City to the Developer by which Parkmerced will be sold in parcels and pieces as soon as this Agreement is approved. It is unconscionable to expose 8,000 honest and hardworking residents of Parkmerced by leaving them hostage to one or more Developers and to a chaotic and uncertain future. I based my argument on Page # 67 of the Agreement and I quote:

"11.1 Permitted Transfer of this Agreement.

11.1.1 At any time Developer shall have the right to transfer the entirety of its rights, title, and interest in and to the Project Site together with all rights and obligations of this Agreement without the City's consent. Developer shall also have the right, at any time, without the City's consent to sell developable lots or parcels within the Project Site for vertical development not requiring the Construction of Community Improvements, etc".

As of July of 1999 Parkmerced was comprised of 196 acres, 47 blocks and 3,483 rental units.

The City planners have not taken in consideration that blocks 1, 2, 5, 6, 41 and 42 are part of town-houses and parking spaces that Carmel Partners sold to San Francisco State University from 2000 to 2005.

How is Parmerced going to demolish these town-houses and parking spaces that are part of the Parkmerced complex if now this property belongs to the University?

This Project makes sense only if the University is planning to expand and buy half of Parkmerced, by acquiring the parcels adjacent to the ones they already own for example on Font Blvd from Arballo to the end of Font Blvd, and to the parking garages on Arballo and Pinto and on Font Blvd, between Tapia and Arballo.

The tenants of Parkmerced have already lost a big chunk of Parkmerced in terms of acres, open space, tennis court, rental control units and parking garages from 2000 to 2005 and now the final blow to us, divide Parkmerced in many pieces and sell it, increasing the density by building 5,900 new units and over 6,000 additional parking garages.

Due to the impossibility of some of us to tolerate to live in a construction and demolition site for the rest of our lives, we are going to be displaced and thrown out of our own homes and parking spaces. There will be a massive displacement of the elderly, of the families and children of Parkmerced tenants. Most of us cannot afford today's market rent prices and move elsewhere. Where are we going to go?

This Parkmerced Project and Vision Plan as presented by the Developer and by the City is not only defective and lacking in a truthful presentation of the facts, but as I see it, immoral and damaging to thousands of innocent people whose health and financial future will be irretrievably damaged for decades to come if this Project is approved.

I strongly believe that by writing thousands of pages on any project, or by discussing it extensively does not make it legal, or morally right, no matter who approves such a Project.

In this particular case the Parkmerced Project will cause great damage to many people, therefore it should be rejected on its entirety.

The no Project alternative is the right choice in this case. Please, let us continue living in peace and quiet in our beautiful little village by the sea called Parkmerced.

Parkmerced is so unique, is such a wonderful alternative of a decent lifestyle for so many families who will never be able to own a home in San Francisco, that I think it should be preserved as is now, for future generations.

2.

I oppose:

A. Determination of Public Benefits. A, A1 to A10 of the Agreement.

There will be absolutely no Public Benefits to the present over 8,000 residents now living at Parkmerced.

The argument that there will be more usable open space by increasing the density by 5,679 new units and over 6,200 new parking spaces and augmenting the number of units from 3,221 to 8,900 is beyond absurd and illogical. You cannot argue as fact and make the above statement, that goes against the known laws of Physics. Is by statements like the one above quoted as a fact, that the City's and the Developer's Vision Plan and arguments will be thrown out of court if there is a legal challenge.

How can the City claim that making me and the other 8,0000 residents of Parkmerced, sick with cancer, by exposing us to asbestos and other cancer causing substances that we all know are in the buildings being demolished is a good thing for all of us. That the fact that we will be subject to the constant construction noise, and other air and water pollutants for the next thirty years of our life is for the Public Good? According to the EIR asbestos is not part of the EIR and is ignored on the Draft EIR. How can asbestos not be an essential part of any Environmental Impact Report is beyond my comprehension, and one of the most absurd statements that I have ever heard.

3.

The fact is that the existence of over 8,000 human beings, the present tenants residing at Parkmerced today, who are trying to survive in this daunting economy, is completely ignored by the City and the Developer on this Project. The tenants have no rights under this Agreement.

The tenants of Parkmerced need to be offered alternatives that ought to be included on this Project by the Developer, such as a buy-out for residents who cannot stay for health reasons living under such harsh conditions for the next twenty to thirty years.

4.

The majority of the 8,000 tenants presently renting at Parkmerced are not even aware of the scope of the Project.

Parkmerced Investors, LLC has never informed the tenants of the Planning Commission Meetings at City Hall except yesterday, when I received an e-mail from Parkmerced notifying me of this meeting, and it was only because there were flayers not distributed by Parkmerced on the complex, notifying the residents of this Meeting.

5.

I received an e-mail on November 23, 2010 with an enclosed letter dated November 22, 2010, signed by Ms. Didi MacDonald, Parkmerced General Manager, (a copy of this letter was e-mailed to you on 11/23/2010), Parkmerced claims that to that date, they have held over 253 community meetings. On June 19, 2009 I received a letter from Parkmerced signed by Mr. Bert Polacci, talking about the weather and stating that they had held more than 160 community meetings. Suddenly the meetings jumped from 160, which I very much doubt, to over 253. Over 93 Meetings from June 19, 2009 to November 22, 2010?

Some of the statements presented by Parkmerced in the documentation concerning this Project do not make any sense. The one described above is just one example.

At your request, I will send you a copy of the Parkmerced letter dated June 19, 2009.

Even if the Developer had held 1,000 meetings to date, it does not mean anything, as the physical capacity of the facilities where these meetings are held does not allow for more than one hundred people to fit in at one time and we are more than 8,000 residents. This is according to Parkmerced's Management own admission on an e-mail, dated Tuesday, December 7, 2010 that I received, concerning the Planning Commission Hearing of December 9, 2010, that is the reason according to them and I quote: "Since Parkmerced does not have the space to accommodate a meeting of this size, the hearing will be at San Francisco State University, etc", end of quote.

There is no substance on the Parkmerced Vision Plan meetings. I attended one or two of these meetings, and the Parkmerced Project was not even mentioned. Parkmerced has not been clear and forthcoming on the real implications that this Project will have on the day to day lives of all of us, presently residing at Parkmerced.

6.

Parkmerced is claiming that they have started informing the tenants of this Project for the last four years. I doubt that very much, as the first time that I was aware that such a Project existed was when I received a Notice of Preparation of an Environmental Impact Report from the Planning Department dated May 20, 2009 and I attended the Public Scoping Meeting on June 8, 2009 on the EIR (Environmental Impact Report) at the YMCA Annex, 3150 20th Avenue, San Francisco, CA 94132 from 6:00 to 8:00 pm.

This is confirmed by the letter of June 19, 2009 signed by Parkmerced representative Mr. Bert Polacci, stating that, and I quote: "In January 2008 we submitted an environmental evaluation application to the City of San Francisco Planning Department." End of quote. Why was I not informed on January 2008, of Parkmerced's plans and intentions for the complex? For Parkmerced it would be very easy to inform all the residents, of the Planning Commission Meetings, and I am hereby respectfully requesting to the Commissioners, that they request the Developer to send notices to every resident of the 3,221 units when such Meetings are taking place at City Hall, or elsewhere.

The Developer claims that they are protecting the tenants and that they will be providing a brand-new home, paying the same rent-control rate, and a new washer, dryer and dishwasher, to consol the tenants whose beautiful town homes will be demolished and their beautiful courtyards will be gone forever and replaced by three pieces of machinery. It is absurd to pretend to replace the wonders of nature with all the benefits that we get for our health and well being, by a washer, a dryer and a dishwasher. It offends me just to hear this ridiculous argument. Machines prevailing over nature. I feel deeply sorry for the tenants occupying the town homes and also for myself and the residents of the towers. Our future looks bleak.

As expressed by many knowledgeable people attending today's Planning Commission Meeting at SFSU, these famous new "rent control replacement units will be considered as new units" by the Judicial Courts, therefore, the Agreement between the City and the Developer is legally **"unenforceable"**, unless the prevailing Rent Control Laws are changed, the tenants will have to pay market price rent and their new units will not be subject to rent control. Does the City realizes that San Francisco renters will be loosing 1,538 rent control units, that will be gone forever if this Project is approved?

7.

I am opposing this Project as I have already suffered, and I am still suffering the consequences of Parkmerced total disregard for my health and well being. Since 2005 they have remodeled my tower for months with me inside and paying full rent. When I go to sleep at night I do not know if the fire alarm is going to wake me up at 3:00 am or 4:00 am. Is like living in a war zone. I am very concerned that the cumulative effect of the noise caused by the fire alarms, will have an adverse effect on my hearing for years to come. Not once there has been a fire on my building since the new noisy fire alarms were installed. Only in 2009 there have been more than a dozen fire alarms on tower # 40 where I live.

Is because we did not say anything when Parkmerced remodeled the towers that now Stellar Management and the new owners, think we will continue to put up in silence with the constant demolition, construction, pollution and noise everywhere in Parkmerced if the Project is approved, for the next 30 years. This idea of having a construction site for decades, with thousands of people living on the site, is as

many tenants and public put it on their verbal comments of today before the Planning Commission, "insane".

How are we going to circulate if some of the streets will be eliminated, others constructed, a total chaos. But for the Developer we do not exist, we only pay our rents.

I am saying enough is enough, if little frogs and other endangered animal species are being protected and their environment spared future development of any kind, why can we 8,000 humans now living at Parkmerced receive the same treatment?

We have lived in San Francisco, some of us for decades, paid taxes and raised our families here. We deserve to be treated with respect by the City and by the Developer.

In my particular case, I cannot afford to pay a higher rent if the Developer decides to make structural changes to my tower, and pass the financial cost to me by filing petitions with the San Francisco Rent and Stabilization Board.

8.

Today, Commissioners, you have heard loud and clear the voices of the Parkmerced tenants opposing this Project. Our community spoke for four hours, from 6:00 pm to 10:00 pm and the majority of people are strongly opposing this absurd Project. For the first time since this Project was initiated a good part of the residents, although not all of them were informed of the Developer's plans for the next three decades. This is a democracy and the majority has spoken today, at this meeting by opposing this Project.

Sincerely,

María Elena Guerrero Engber
310 Arballo Drive, Apt., 11 D
San Francisco, CA 94132

November 18, 2010

Good Afternoon Commissioners,

Planning Commission Item # 2 of 21 on the Agenda of November 18, 2010

Parkmerced 2008.0021EMTZW J. Switzky (415) 575-6815

Initiate Planning Code, Zoning Map, and General Plan Amendments as Part of Parkmerced's Development Project.

My name is Maria Elena Guerrero Engber, I am a Parkmerced Resident since 1993.

A Resolution of intention to initiate Amendments to the Planning Code, Zoning Maps and General Plan related to the Parkmerced Development Project as proposed by Mr. Switzky should not be presented to the Planning Commission before the EIR is certified by the Commissioners and approved by the Board of Supervisors.

According to the Planning Commission regulations, even though item # 2 is proposed for continuance on December 16, 2010, the Planning Commission may choose to continue the item to the date proposed, to continue the item to another date, or to hear the item on this calendar.

Does Mr. Switzky know for a fact that the Project will be approved? If that is the case, then what are we all doing here? To proceed with the Resolution of intention before the final vote, could be looked upon at the very least, as an irrational way of conducting official business on the part of City Planners.

I am challenging the way the Planners are proceeding on this Project, they should at least wait to see how the Commission and the Board of Supervisors will vote on the Parkmerced Project before they initiate this Resolution of intention.

Do not demolish 1,538 perfectly graceful townhouses with beautiful courtyards and say that because the Sponsor is providing a washer and a dryer on the new units that justifies the elimination of the courtyards. Visit the site, see how peaceful and beautiful the interior courtyards are, with the flowers and grass. Do not destroy the lives of 8,000 Parkmerced residents by rushing to have this Project approved, with total disregard for human life, we live here, Parkmerced is our home, and we must be taken in consideration.

Why has this Project, that will have such an adverse effect on so many lives, for years to come, (thirty years) been rushed in such a way? I used to admire the way the City of San Francisco would examine and determine if a new door, or a new window will be built so it will not affect the environment. The City Planners are treating Parkmerced like a small project that must be approved at all cost and are showing no regard for human life.

In your request for Planning Code Text Amendments you mention that you will establish specific use categories that include open space districts, Mr. Switzky, we the residents at Parkmerced live here precisely for the open space that we enjoy now, and you propose to diminish that open space by increasing the density from 3,221 units to 8,900 units. What you are advocating for here, is illogical, and according to the known laws of physics, impossible. How can the PMSUD provide more open space districts by increasing the density of the proposed site from 3,221 units to 8,900 units?

You are proposing on your Preliminary Recommendation: Approve a draft Resolution to initiate amendments to the Planning Code, Zoning Maps, and General Plan and schedule a public hearing to consider the amendments. Judging by your recommendation, you have already decided what the outcome will be here, why then bother to schedule a public hearing? To show us how little our opinion counts on these hearings?

It would be nice too if we were allocated the same amount of time that you are being allowed to present your item. The public is only given two or three minutes to speak. Not nearly enough considering what is at stake here for the tenants.

We love this place, many of us have spent years here, many people have raised families here, we have seen our loved ones depart forever from here. And now a Developer is coming to destroy our beautiful and peaceful community? Do not we have a say here? I think we do.

If you were living at Parkmerced you would know that this place is already overcrowded, that the street parking is already taken by the students at SFSU. The population increases every day by thousands of students coming to classes every day. We are plagued by vandalism and other problems, we really cannot absorb any more units being built on this site. Do not you think that building another 5,679 units and parking spaces, will only exacerbate the problems in terms of density, that we already have?

If you are going to destroy my way of life and my home, I want to know why? I want to know who is behind this Project? I need to know why the rush? You cannot justify the unjustifiable by mentioning a Planning Code Section that will forever change so many lives and not for the better.

Thank you so much, Commissioners, for listening to my concerns,

María Elena Guerrero Engber
Parkmerced resident since 1993
310 Arballo Drive, Apt., No.11 D
San Francisco, CA 94132

November 18, 2010

Good Afternoon Commissioners,

My name is Maria Elena Guerrero Engber, I am a Parkmerced Resident since 1993.

Planning Commission Item # 4 of 21 on the Agenda of November 18, 2010

Parkmerced 2008.0021E R. Cooper (415) 575-9027

PARKMERCED PROJECT, 3711 NINETEENTH AVENUE, **Certification of the Final Environmental Impact Report –**

According to Mr. Cooper the City Planner, the Draft EIR identified potentially significant, unavoidable environmental impacts on aesthetics, historic architectural resources, transportation, noise, air quality, wind and biological resources. If that is the case, why is this Project even considered by the Planning Commission? In spite of the above mentioned adverse findings, why opt for the wrong conclusion? The Preliminary Recommendation to Certify the Environmental Impact Report.

This EIR has not taken into account the 8,000 people that already live on this site. What will be the impact on the residents now living at Parkmerced? If the Developer and the City want to build 5,679 new units, empty the space first. Relocate the 3,221 tenants. Offer choices and adequate financial compensation to each resident.

Once we have all left, close the site and build anything you want for the next one hundred years if you so desire. But do not experiment on us. Do not bring upon us the horrendous effects on our health that the constant construction noise, that day after day, year after year we will have to endure. The pollution on the air we will be breathing for years to come. Only those two factors should alert the health authorities that this Project cannot and should never be approved. Any rational Project built anywhere should not last more than two to three years, to minimize the effect on an environment that is already heavily populated.

Why twenty to thirty years duration? That is absurd. To leave a whole population at the mercy of a Developer for three decades, subject to a Development Agreement by which one of the parties involved claims no responsibility. I wish I could sign a contract and claim that I am not responsible for what I am signing and agreeing to do.

This is such an enormous undertaking that it should be decided by the voters of San Francisco and by the residents of Parkmerced.

Thank you very much, Commissioners for listening to my concerns,

María Elena Guerrero Engber
Parkmerced resident since 1993
310 Arballo Drive, Apt., No.11 D
San Francisco, CA 94132

November 18, 2010

Good Evening Commissioners,

My name is Maria Elena Guerrero Engber, I am a Parkmerced Resident since 1993

Planning Commission Item # 21 of 21 on the Agenda of November 18, 2010

Parkmerced 2008.0021EMTZW J. Switzky (415) 575-6815

PARKMERCED DEVELOPMENT PROJECT - OVERVIEW AND DEVELOPMENT AGREEMENT (INFORMATIONAL ONLY)

According to Mr. Switzky's own words, the draft Development Agreement would become the binding legal contract between the City and the Developer, Parkmerced Investors LLC and would memorialize all of the public benefits and obligations of the Developer and associated agreements between both parties toward implementation of the Project.

This contract is missing some essential components to make it legal, for instance, it does not include the agreement of the people now living at Parkmerced.

By definition, a contract is an agreement between two or more parties that is set up to create one or more obligations among them. I do not see the 8,000 residents of Parkmerced agreeing to anything in this contract. You cannot ignore them or claim to represent them.

This draft contract will not stand in a court of law because you cannot agree to sign a contract that is illegal. To enter into a legally binding contract claiming that it will benefit the public, when in fact it will do the contrary, by causing an irreversible damage to the environment and to the population of Parkmerced. Only for this reason, this draft Development Agreement or contract has no legal validity.

To make my point clear, I am quoting here Mr. Cooper the City Planner, the Draft EIR identified potentially significant, unavoidable environmental impacts on aesthetics, historic architectural resources, transportation, noise, air quality, wind and biological resources.

Thank you very much, Commissioners for listening to my concerns,

María Elena Guerrero Engber
Parkmerced resident since 1993
310 Arballo Drive, Apt., No.11 D
San Francisco, CA 94132

Thursday November 4, 2010

Good Afternoon Commissioners,

My name is Maria Elena Guerrero Engber. I have lived at Parkmerced since 1993 to date. This Informational Meeting on Parkmerced Project 2008.0021E, as well as the other Meetings held on this Project are completely ignoring me and the other thousands of tenants at Parkmerced.

The only acceptable alternative to me is the "**No Project Alternative**". Leave Parkmerced as is now, a park like setting and a beautiful and quiet place for all of us to enjoy.

The Draft Development Agreement between the City and the Developer is fundamentally flawed, as is ignoring an essential component of this equation, "We the People" presently living at Parkmerced who are opposing this Project. Our opinion matters too.

In order for this Project to be approved with any semblance of legality, the majority of the 3,221 tenants residing at Parkmerced should have been consulted on this matter, this is not the case here. The Environmental Review Officers drafting the Project, or the Developer, ought to be mailing letters to every resident, informing them of these procedures every time that there is a Meeting scheduled by the Planning Commission. The cost of the mass mailing should be paid by the Sponsor.

On each Meeting, the City Attorney's Office is representing the Planning Commission as their legal counsel, the developer sponsoring this Project is also represented by legal counsel. "**Only**" the tenants, opposing the Project, like me, are coming to these hearings without legal representation or counsel. I am asking the attorneys present on this and the other meetings, how do you think that this undeniable fact and the legality of these proceedings will look in any court of law?

Why are the planners treating Parkmerced as if it were an uninhabited and empty site, instead of a fully developed Project? I want you to know that your actions will have a profound and negative impact in all of us residing at Parkmerced. I will not sit and watch as you destroy my home and my habitat and pretend that I do not care, the least I can do is tell you that what you are doing to us is ethically wrong, you are treating us like if we did not exist or matter. The City cannot deal with the Sponsor without consulting us first.

Please Commissioners, do not certify this Project on November 18th without taking the time you need to talk to the thousands of tenants at Parkmerced, get to know them, and their stories, in order to vote in good conscience whether to approve or reject this monstrosity of a Project that if certified and approved, will disrupt and forever change in a very negative way, the lives of all of us that call this place home. Please allow that little children continue playing safely inside the courtyards at Parkmerced, and that the elderly and the hard working people of San Francisco continue to find a safe and affordable place to live for generations to come.

Thank you for listening to my concerns,

María Elena Guerrero Engber
310 Arballo Drive, Apt No. 11 D
San Francisco, CA 94132
Telephone (415) 586-2701
Enclosure: Copy of a letter from the Board of Parkmerced Residents Organization that was handed to me on the PRO Meeting on Saturday 10/30/2010

RESIDENTS UNITED TO SAVE PARKMERCED

We would like to document for the record that Parkmerced Residents Organization/PRO no longer represents the interest of the residents under the current President Daniel Phillips.

On October 26th,2010 the PRO BOARD OF DIRECTORS voted to dissolve PRO by a majority vote. The vote was as follows———FOUR in favor. One in abstension.

If you want an organization that truly supports your rights and interests please join us RESIDENTS UNITED TO SAVE PARKMERCED!

ADDRESS: 106 CRESPI DRIVE
SAN FRANCISCO,CALIF, 94132 - 2424
E-MAIL ADDRESS
residents united @ earthlink.net
PHONE NUMBER (415) 586 - 2768

CLIP & MAIL_____
NAME_____
ADDRESS_____
TELEPHONE_____
E-MAIL_____

DONATION=ONE DOLLAR OR OTHER

October 21, 2010

Good evening Commissioners,

My name is María Elena Guerrero Engber.

Parkmerced has been my home for the last seventeen years, since 1993. My reasons to oppose the Parkmerced Project as presented by the Sponsor are so many, that I will only be able to mention a few here.

This Environmental Impact Report has not stressed enough the effects that this Project, if approved will have on the current over 7,260 Parkmerced residents' health and quality of life.

I am convinced that if this Project is approved, it will cause me and my family to get sick by the pollution and air contamination produced by the constant demolition and construction around my home for years to come. Even if the 3,221 existing units are kept as they are now and 5,679 new units are built, this alternative **is also unacceptable to me for the same reasons.**

According to phase # 1 of this Project, (Volume 1 - Chapter VII.7) several other buildings will be built from 2010 to 2015 around building # 40 where I live.

Please ask yourselves how would you like to live in a massive construction and demolition site for the next twenty to thirty years? Would you expose your own families to asbestos and other cancer causing substances produced by air pollution and to constant and excessive traffic and construction noise?

Why do the Present owners of Parkmerced and the San Francisco Planning Department, want to destroy the beautiful Avenues at Parkmerced by changing the Muni-M route, building rails and bringing a train inside the complex that will cause so much destruction, noise and pollution in our beautiful and peaceful Avenues and Streets at Parkmerced?

Can you even fit 8,900 units, cars and pets in a place where there were 3,221 units before? I sincerely think that it is not possible. There is only so much density that can be placed in a pre-determined space, if not try to pour two gallons of water in a one gallon container.

The actions of the two last owners of Parkmerced since 1999 and 2005 to date, have infringed on my rights and their actions have had a profound and negative effect on me and my family.

Life at Parkmerced is much worse for me now, if that is possible, since a new alarm system was installed in 2007, with the constant false fire alarms, especially at 3:00 am or 4:00 am. I fear that I will get deaf by the cumulative effect of the deafening sound coming straight from my bedroom closet.

October 21, 2010
Public comment on Parkmerced Project

The two day testing of the alarms in October of each year can be heard all around Parkmerced and there is no escape.

There is also second hand smoking coming through the bathroom duct. I am a non smoker.

Thank you very much for listening to my concerns.

María Elena Guerrero Engber
Marigen Hellen Engber de Guerrero
Residents at 310 Arballo Drive, Apt., 11 D
San Francisco, CA 94132
Telephone (415) 486-2701

June 25, 2010

Bill Wycko,
Environmental Review Officer,
San Francisco Planning Department,
1650 Mission Street, Suite 400,
San Francisco, CA 94103

Re: Draft EIR Parkmerced Project, 3711 Nineteenth Avenue

Dear Mr. Wycko,

My name is María Elena Guerrero Engber.

My family and I are long time Parkmerced residents. I have lived in one of the towers, on building No. 40 at 310 Arballo Drive, Apartment No.11 D, since July 1993, for the last seventeen years to present date.

I am writing this letter to express **my total opposition** to the City and County of San Francisco Planning Department, Draft Environmental Impact Report for Parkmerced Project, located at 3711 Nineteenth Avenue, San Francisco, CA 94132.
Planning Department Case No. 2008.0021E.
State Clearinghouse No. 2009052073.
Publication Date May 12, 2010.

My reasons to oppose the Parkmerced Project are so many, that I will only be able to mention a few here.

According to the Draft EIR, Parkmerced has 3,221 units, with 1,683 units in eleven towers and 170 two-story buildings with 1,538 units that if the Project is approved will be demolished in a period of twenty to thirty years. At the end of the Project there will be 8,900 units, an increase in density of 5,679 units.

I do not think Parkmerced will be able to absorb such an increase in population and extra parking that will be needed, (one parking space per unit). The present parking situation is impossible now, with the students of SFSU utilizing most of the available street parking. Besides, in accordance with the present regulations initiated in year 2000 by the previous owners, pets are allowed in Parkmerced units, so we are talking here of an increase in the pet population of 5,679 more pets, (one pet per every new unit), that will be allowed to live with the tenants.

The 1,683 units from the eleven tower apartments will remain subject to rent control. The 1,538 new units that will be built, will also be considered as rent control units by the present owners who have stated in writing that the residents of the two story town-homes with rent control status will keep their status when moving to their new units.

June 25, 2010
Public comments on Parkmerced EIR Draft

At the Planning Commission Hearing of June 17, 2010, some members of the public presented valid arguments concerning the decision of the owners to treat the new units as rent control units and to allow the 1,538 displaced renters to move to the newly built units keeping their rent control status. Some of the speakers argued that this goes against the Rent Control Ordinance in San Francisco, and therefore it will be unenforceable. Another speaker stated that there is legal precedence that the court rejected this argument presented by a landlord in a previous case. The end result is that Parkmerced will be involved in litigation for years to come.

This Environmental Impact Report has not stressed enough the effects that this Project, if approved will have on the current over 7,260 Parkmerced residents, how will this Project affect our health and quality of life?

According to the Draft EIR and I quote on: "Volume I, Chapter II. 47, Table II.3: Comparison of Project and Alternative Impacts, if the Full Buildout with Transit Options Alternative is approved, the Impact on:

HISTORIC AND ARCHITECTURAL RESOURCES, TRANSPORTATION, CIRCULATION, NOISE AND AIR QUALITY WILL BE SIGNIFICANT AND UNAVOIDABLE.

THE IMPACT ON WIND WILL BE POTENTIALLY SIGNIFICANT AND UNAVOIDABLE. I BELIEVE THESE TWO CONCLUSIONS TO BE TRUE FACTS.

So how come that on these two other environmental topics, you came to the wrong conclusion:

LAND USE,
POPULATION AND HOUSING WILL BE LESS THAN SIGNIFICANT IN ALL ALTERNATIVES.

HOW DID YOU COME UP WITH THIS CONCLUSION? WHAT ARE THE BASIS FOR YOUR REASONING?

MY OPINION IS THAT YOUR ESTIMATE IS WRONG AS THE IMPACT ON THE ABOVE MENTIONED ALTERNATIVES, WILL BE SIGNIFICANT AND UNAVOIDABLE. (EXCEPT THE NO PROJECT ALTERNATIVE WHERE THERE WILL BE NO IMPACT, THIS IS THE ONLY ALTERNATIVE ACCEPTABLE TO ME).

June 25, 2010
Public comments on Parkmerced EIR Draft

This is what I think on:

Land Use: The use of the land will be modified and replaced with cement and buildings, the gardens, the trees, the habitat of the birds nesting on those trees, the plants and shrubbery as well as the meadows will disappear, gone and the peace and quiet that we all enjoy at Parkmerced will be replaced by the constant noise and vibration of the Muni trains and by the considerable increase in noise level in general. **How can you say that the impact on all alternatives will be less than significant.**

Population and Housing: Parkmerced population will be increased three times, housing density will be incremented by 5,679 more units. **And you still say that the impact will be less than significant.**

Please re-think your estimate on these items, give us alternatives reflecting the real impact on the site of the Project concerning "Land Use and Population and Housing".

On Volume 1 Chapter V, Page VG-24 of the Parkmerced EIR, I quote: "Impact AQ-3 Construction of the Proposed Project could expose persons to substantial levels of toxic air contaminants, which may lead to adverse health effects. (Significant and Unavoidable). (Criteria G.b, G.d)". I believe this conclusion to be a true fact.

I am convinced that if this Project is approved, and I decide to stay for the duration, it will cause me to get sick by the pollution, noise and air contamination produced by the constant demolition and construction activities around my home for years to come. According to Phase No. 1 of this EIR Project, on Volume 1 - Chapter VII.7, from 2010 to 2015 there are six other buildings that will be built around building No. 40 where I live.

Another concern that has not been sufficiently addressed on this EIR is how the significant asbestos problem is going to be dealt with by the City and by the present or future Owners of Parkmerced.

If 1,538 units of the 170 two-story buildings are demolished, even in four phases, what is the amount of asbestos contained on these constructions that will be released into the air and how are the parties involved going to prevent that the cancer causing asbestos particles remain suspended in the air? How will they avoid that the thousands of old and new Parkmerced residents and staff, as well as young students, teachers and staff at next door SFSU, get sick with lung cancer caused by asbestos exposure? How many contractors will be needed to remove the asbestos safely in so many units at once? What about the financial cost of such an undertaking? Are there enough asbestos contractors in San Francisco for a project of this magnitude? There are too many questions that remain unanswered and issues that this EIR has failed to address.

June 25, 2010
Public comments on Parkmerced EIR Draft

What about the legal implications if people start to get not only sick by the asbestos and other air pollutants, but deaf by the constant construction, demolition and traffic noise around their homes that according to the EIR may last for decades?

Is the City of San Francisco, the Planning Department and the Sponsor of the Project prepared for such an eventuality?

According to a publication in the Chronicle and to public comments on the Hearing of June 17, 2010 is public knowledge that the present Parkmerced owners are in default on their loan due in October 2010. On May 25, 2010, I received an e-mail from Parkmerced notifying me that a special servicer had been engaged to support the payments of the loan on the property.

How are the Owners planning to come up with the 1.3 billion dollars to finance the plan they presented, to triple the number of homes at Parkmerced, where is the money needed to finance a Project of this magnitude going to come from if they cannot meet their present financial obligations with their lenders? Who will want to lend them money for this Project now when the asset value has fallen considerably?

What will happen to the Project if Parkmerced goes to the auction block, if the debt cannot be restructured by the present owners? In this scenario will the new owners want to continue with such an undertaking? Even if the entitlements follow the property and not the owners, who will want to buy the complex under those terms? Will Parkmerced remain in limbo?

I do not see in reality, how can they continue to proceed with their Project, if in the near future is possible that Parkmerced will be auctioned and sold to the best bidder.

If there are so many empty units at Parkmerced now, due to the high rents for newly occupied units, what will happen if another 5,679 units are built? No working class person or student can afford to rent in San Francisco at the present market value.

I have resided in San Francisco since 1981, and I am a tax payer. I have lived at Parkmerced most of that time. I hope that you will think of your own families when you decide about this Project.

I would like to know how the SFSU Master Plan comes into play in this Project, which involves purchasing **over** 1,000 units of rent control housing. The only units available that will remain subject to rent control will be the 1,638 apartments located on the eleven towers. Where will these 1,000 rent control units be coming from? I hope not at the expense of the tenants on the eleven towers. I am one of those tenants.

June 25, 2010
Public comments on Parkmerced EIR Draft

Please ask yourselves how would you like to live in a massive construction and demolition site for the next twenty to thirty years? Would you expose your own families to asbestos and other cancer causing substances produced by air pollution and to constant and excessive traffic and construction noise?

For me the approval of this Project will mean that if I stay I will have to live under these harsh conditions for the rest of my life.

Why do the Present owners of Parkmerced and the San Francisco Planning Department, want to destroy the beautiful Avenues at Parkmerced by changing the Muni route and building rails and a train that will cause so much destruction, noise and pollution in our peaceful Avenues and Streets at Parkmerced, when public transportation is already in place and available by Muni at Holloway and 19th Avenue and by the No. 17 bus inside Parkmerced. They do not live here, they will not have to deal with the consequences of their actions. We, the present and future residents will have to pay the price of this folly, if such an ill advised Project, that has not even been financed is approved.

What will happen to the gardens, trees, flowers, parks, meadows and shrubbery that will disappear to give place to blocks and blocks of cement instead?

How could the City Planning Department even considered drafting and EIR on a project of this magnitude without inquiring and making sure that the money that will pay for all this new construction is already there? This is beyond my comprehension.

If the Project is approved and demolition starts, and subsequently Parkmerced is sold and the new owners cannot continue with the construction for financial reasons, does it mean that the 7,260 residents including myself and my mother, will be left with a Parkmerced that is polluted and in ruins?

All the talk about caring for the environment is pure show off to cover up the real motives of this Project, that are: putting as many people in one place as they can possibly get away with, **("after all density, is the name of the game here"),** to make as much money as the market will allow, by circumventing the Rent Control Ordinance in San Francisco, without any concern for the health and well being of the present residents.

I think this "**Imagine**" campaign launched by the owners, is an insult to our intelligence, trying to sell us the absurd concept that increasing the density of the place more than three times, converting Parkmerced in a noisy construction and demolition site for the next thirty years and endangering our health is the best thing that can happen to us.

This Project does not make any rational sense, from any angle that you may want to analyze it.

June 25, 2010
Public comments on Parkmerced EIR Draft

Can you even fit 8,900 units, cars and pets in a place where there were 3,221 units before? I sincerely think that it is not possible. As we all know space in the city of San Francisco is limited. There is only so much density that we can place in a pre-determined space, if not try to pour two gallons of water in a one gallon container.

I think this Project is unethical. Is guided only by greed and profit, from owners who do not reside in San Francisco and think they have found a new way to circumvent the Rent Control Ordinance that has permitted thousands of us, long time San Francisco residents and tax payers like me, to remain in our homes.

The only option that is acceptable to me on this EIR is the one that leaves Parkmerced intact, the way is now, without any changes or new construction and to declare it a landmark historical site.

We should be proud that such a place exists and that we have the privilege of living here, and not give in to mercenary interests trying to convert this beautiful landscape and magnificent design into a Muni station surrounded by overcrowded high rise buildings in a few words a nightmare to come home after a day of work.

The option presented on this EIR of leaving the 3,221 units intact, and building thousands of new units around Parkmerced is even a much worse option than the previous one, as if that could be possible, the blunt of construction on Phase One of the Project from 2010 to 2015 will be built around building No. 40 where I live.

I am totally opposed to any new construction being built anywhere at Parkmerced. The only alternative acceptable to me is the: No Project Alternative.

I need to know as a citizen and tax payer who is financing this massive EIR Draft preparation that has been going on for years now. This must have already cost millions of dollars spent in salaries to the Planning Department staff, and to pay for all the studies ordered in this Project. Is this money coming from taxpayers dollars? If yes, who has so much power to order such an undertaking without consulting it first with the San Francisco voters.

I know one fact for sure here. Nobody, absolutely nobody, will ever decide for me where and in what conditions I am supposed to live in order to accommodate economic interests that are only looking to profit at the expense of my misery; what density my dwelling is suppose to have, now that over 500 square feet is considered "normal". If we let this go by in a few years we will be told that 50 hundred square feet for each of us is normal and we will have to take it.

June 25, 2010
Public comments on Parkmerced EIR Draft

In order to keep our bodies and our minds in good health, we need ample space to move around, homes with big windows full of day light coming in, we need sunlight, we need nature surrounding and nurturing us, we need clean air and water, clean and organic food, and most of all we need freedom to decide for ourselves what is best for us.

Since July 28, 1999, when the previous owners of Parkmerced bought the property, year after year, I have had to put up with the previous owners trying to get our rents constantly raised by filing petitions with the Rent Board and getting away with it. And now the final blow comes, the "brilliant and genial idea" of converting Parkmerced into a construction and demolition site for decades to come, demolishing the old units and taking thousands of units out of the San Francisco Rent Control Ordinance. I say stop it, enough is enough. We pay our rents on time, we are good tenants. Let us live in peace and quiet, we deserve it. Everybody deserves a quiet and peaceful life with no conflicts and in good health to enjoy it.

I believe that voicing my total opposition to this Project is the least that I can do for Parkmerced, a place that I love and that I have called home for so many years, with an enchanting and magical ever changing landscape, full of trees and green areas, at times shrouded by fog and other times flooded with sunlight. Where else will we be able to enjoy the different species of birds flying pass our windows, the moon being reflected on the ocean at night. I will pick nature over cement and overcrowding any time.

Please help us keep Parkmerced the place it is now for all of us and for future generations of modest income renters like me and my family.

In Europe, they keep their buildings for centuries, and they show them with pride to the millions of tourists coming to visit.

We cannot continue ignoring the fatal and irreversible consequences that our actions have in our environment.

My ninety one year old mother and I, cannot afford to pay today's market price rents in San Francisco, or move elsewhere.

I would like to see a Plan put in place by the present Owners and the City of San Francisco to financially compensate adequately, the residents that cannot remain in their units for health reasons, or who do not wish to live in a construction site for the next thirty years if the Proposal is approved. I hope that if such a plan is put in place the money granted as compensation to the displaced residents will be sufficient and will not remain in the hands of the institution in charged of distributing the funds, "for administrative costs" while the tenants are given a pittance, as it usually happens in these cases.

We should not be forced by financial reasons to stay here, because we will not be able to find an affordable unit at the present rent rates. In today's San Francisco, even Public Housing lists are closed, and Section 8 lists have been closed since 2001. We ought to be offered alternatives to move out of Parkmerced if the Project is approved.

Finally, I would like to call your attention to a letter addressed to all Parkmerced residents, that I received a few years ago, dated July 28, 1999, signed by Mr. Bert Polacci, as Chief Operating Officer of Carmel Development and Management Co., informing me that as of that day Carmel Development and Management Co., had purchased Parkmerced from the Helmsley organization.

As of that day, the complex encompassed 196 acres and contained 3,483 residential units and 47 blocks. After that date, the new landlord Olympic View Realty, LLC, sold 44 acres of land leaving the present 152 acres of land and also sold block No. 1of 47, with twenty seven rental units, blocks two, five and six with 153 rent control units. **These transactions did not occur over decades, as you state on your EIR, they happened from July 28, 1999 to September 2005 when Olympic View Realty LLC, sold Parkmerced to the present owners. So please correct this information on your EIR.**

As a tenant and interested party I was never informed that a big chunk of Parkmerced had been sold to third parties and that the tenants had lost hundreds of rent control units and 44 acres of land, I ignored that such transactions were taking place at that time in order for me to voice my opposition.

I only learned about them when on August 15, 2002, I received one of the many decisions by the San Francisco Rent Control Board dated August 13, 2002, informing me that 46 petitions had been filed on January 24, 2001 by the landlord, Olympic View Realty LLC, to raise my rent "above established limitations based on increased operating and maintenance costs for 2,702 of 3,456 residential rental units in the Parkmerced apartment complex. Since the purchase of the property on July 28, 1999 the property has been managed by Carmel Development and Management Corporation, LLC".

Parkmerced is subject to the San Francisco Rent Control Ordinance, how was it possible to divide the property and sell so many **Rent Control** units under the nose of the competent authorities without informing the public? Why were Parkmerced residents kept ignorant of what was taking place, until it was too late to voice our opposition? There are too many unanswered questions here that defy all logic.

On Thursday, August 15, 2002, I received a decision by the Residential Rent Stabilization and Arbitration Board, City and County of San Francisco, dated August 13, 2002 signed by the Administrative Law Judge. Under Findings of Facts, I quote excerpts from the sixty one page document:

June 25, 2010
Public comments on Parkmerced EIR Draft

" When the landlord purchased the property in July 1999 there were 3,483 residential rental units. There were 47 blocks at the time the landlord purchased the property. In February 2000, prior to filing these petitions, the landlord sold the 27 residential units in Block # 1 (tax parcel 7306) to San Francisco State University Foundation".

"On January 14, 2002, the Rent Board received a letter from some of the tenant respondents indicating that Blocks 2,5 and 6 (153 units total) were sold to San Francisco State University Foundation after the conclusion of the hearings, etc."

Other private third parties also bought land and buildings from the Parkmerced complex between 1999 to 2005. Please request this information from the Rent Board, or other public sources if you need it.

Please think on the thousands and thousands of hard working San Francisco residents in need of affordable housing when deciding to eliminate or not, one of the last places protected by the San Francisco Rent Control Ordinance, where a working class person can still afford to live with dignity in this beautiful city.

On behalf of my mother and myself, I thank you very much for listening to my concerns.

Sincerely,

María Elena Guerrero Engber
Marigen Hellen Engber de Guerrero
Residents at 310 Arballo Drive, Apt., 11 D
San Francisco, CA 94132
Telephone (415) 586-2701

Cc: San Francisco Supervisors Elsbernd and Daly

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 24 PM 2:39

March 24, 2011

HAND DELIVERY

Joy Lamug
Legislation Clerk
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Re: Corrections on enclosures pages number 16 and 17 Parkmerced Appeal filed 3/2/2011

Dear Ms. Lamug,

Thank you so much for your kind assistance in providing me with the information necessary to file my Appeal to the San Francisco Planning Commission, Motion No.18629 Environmental Impact Report Certification, Case No. 2008.0021E, Parkmerced Project, adopted February 10, 2011.

Per our telephone conversation of yesterday, attached herewith please find pages No.16 and 17 of the Appeal with the following corrections on enclosures numbers 2, 7 and 9. I submitted to you correction on enclosure number 11 on March 3, 2011. Deleted text is double struck through and new text is underlined.

The Appeal that I filed to the Board of Supervisors on March 2, 2011, has 17 pages plus the attachments.

Sincerely,

María E Guerrero E.

María Elena Guerrero Engber
Parkmerced tenant since 1993
Enclosure: Pages No. 16 and 17 of the above mentioned Appeal

Letter of Appeal by María Elena Guerrero Engber
Parkmerced Project
March 2, 2011

It is a good strategy of the Developer to talk just about Rent Control, to deviate attention from the real danger that our community is facing: contamination and pollution.

I think that we as tenants opposing this Project have not been treated fairly, by the City or the Developer, especially that so much is at stake here for us, financially and in terms of our future, our health and our right to live in a healthy and quiet environment.

Thank you so much Supervisors, for listening to my concerns.

Sincerely,

María E Guerrero E.

María Elena Guerrero Engber
Parkmerced tenant since 1993
Cc: Mr. Bill Wycko, San Francisco Planning Department

List of documents enclosed herewith:

1.

Planning Commission Motion No. 18629 Environmental Impact Report Certification.

2.

Copy of an email to Mayor Lee and the Board of Supervisors dated February 11, 2011, attaching my five page public comment that I filed with the Planning Commission, February 10, 2011, when I spoke for three minutes.

Two letters addressed to me and signed by Mr. Bert Polacci that are relevant, as I mentioned these letters and commented on their content, on my document of 2/10/2011. First letter dated February 8, 2011 with an enclosed four page pamphlet, second letter is one page, dated July 28, 1999. I added this paragraph on March 23, 2011, but the enclosures were already included on the Appeal that I filed on March 2, 2011.

3.

Parkmerced Project EIR Errata (eleven pages)

Letter of Appeal by María Elena Guerrero Engber
Parkmerced Project
March 2, 2011

List of documents enclosed herewith, continuation...

4.

Parkmerced Imagine leaflet, (1 two sided page).

5.

My e-mail dated February 18, 2011 to Ms. Linda Avery and Mr. Rick Cooper, with enclosed two page letter. Responses to my e-mail from Ms. Avery on February 18 and Mr. Cooper on February 22, 2011.

6.

San Francisco Planning Commission: III Hearing Procedures (one page document).

7.

My six page public comments revised document, Planning Commission Special Meeting Thursday December 9, 2010 accompanied with memo dated ~~February~~ January 13, ~~2011~~ 2010. Corrections made on March 24, 2011.

8.

My four page public comments dated November 18, 2010, on items numbers 2, 4 and 21 of 21 Planning Commission Meeting of the same date.

9.

My one page public comments dated November 4, 2010. Planning Commission Meeting of the same date. One page enclosure letter from PRO Board Members dated October 26, ~~2011~~ 2010, Residents United to Save Parkmerced. Correction made on March 24, 2011.

10.

My two page public comments dated October 21, 2010. Planning Commission Meeting of the same date.

11.

My ~~eleven~~ nine page document dated June 25, 2010, sent by registered mail to Mr. Bill Wycko, Environmental Review Officer, San Francisco Planning Department on June 28, ~~2011~~ 2010. Corrections made on March 3, 2011.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 PM 12: 06
BY AK

SAN FRANCISCO
PLANNING DEPARTMENT **MEMO**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

APPEAL OF EIR CERTIFICATION

Parkmerced Project

DATE: March 21, 2011

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bill Wycko, Environmental Review Officer – (415) 575-9048
Rick Cooper, Senior Planner – (415) 575-3027

RE: BOS File No. 110206, Planning Department Case No. 2008.0021E
Parkmerced Project EIR

HEARING DATE: March 29, 2011

ATTACHMENTS: A – Appeal Letters

PROJECT SPONSOR: Parkmerced Investors, LLC

APPELLANTS: Julian P. Lagos, Coalition to Save Parkmerced

Healani Ting, President, Parkmerced Action Coalition

Bernard Choden, Chair Planning, on behalf of Jennifer Clary, President, San Francisco Tomorrow

Maria Elena Guerrero Engber

INTRODUCTION

The decision before the Board is whether to uphold the Planning Commission's decision to certify the Final EIR or to overturn the Commission's decision and return the EIR to the Planning Department for additional analysis.

PROJECT DESCRIPTION

Parkmerced is an existing residential neighborhood with 3,221 residential units on approximately 152 acres of land in the southwest portion of San Francisco adjacent to Lake Merced (Project Site). The existing on-site residential units are located in 11 13-story towers and 170 two-story buildings. The proposed Parkmerced Project is a long-term mixed-use development program to comprehensively replan and redesign the site. The Proposed Project would increase residential density, provide a neighborhood core with new commercial and retail services, modify transit facilities, and improve utilities within the development site. A new Pre K-5 school and day care facility, a fitness center, and new open space uses, including athletic playing fields, walking and biking paths, an approximately 2-acre farm, and community gardens, would also be provided. About 1,683 of the existing apartments located in 11 tower buildings

would be retained. Over a period of approximately 20 years, the remaining 1,538 existing apartments would be demolished in phases and fully replaced, and an additional 5,679 net new units would be added to the Project Site, resulting in a total of about 8,900 units on the Project Site.

The Proposed Project includes construction of (or provides financing for construction of) a series of transportation improvements, which include rerouting the existing Muni Metro M Ocean View line from its current alignment along 19th Avenue. As currently envisioned, the new alignment would leave 19th Avenue at Holloway Avenue and proceed through the neighborhood core in Parkmerced. The Muni M line trains would then travel alternately along one of two alignments: trains would either re-enter 19th Avenue south of Felix Avenue, and terminate at the existing Balboa Park station, or they would terminate at a new station, with full layover and terminal facilities, constructed on the Project Site at the intersection of Font Boulevard and Chumasero Drive.

The Proposed Project also includes a series of infrastructure improvements, including the installation of a combination of renewable energy sources, such as wind turbines and photovoltaic cells, to meet a portion of the Proposed Project's energy demand. In addition, stormwater runoff from buildings and streets would be captured and filtered through a series of bioswales, ponds, and other natural filtration systems. The filtered stormwater would then either percolate into the groundwater that feeds the Upper Westside groundwater basin and Lake Merced or be released directly into Lake Merced.

The Proposed Project would require amendments to the San Francisco Planning Code and the *San Francisco General Plan.* The Planning Code amendments would change the Height and Bulk District Zoning Map and would add a Special Use District (SUD) applicable to the entire Project Site, which would include an overlay of density and uses within the SUD. A Development Agreement (DA) is also proposed, which would be accompanied by the proposed *Parkmerced Design Standards and Guidelines* with specific development guidelines. The transportation improvements would require approval of the San Francisco Municipal Transit Authority, the California Public Utilities Commission, and Caltrans.

PROCEDURAL BACKGROUND

2008 Environmental Evaluation Application

On January 8, 2008, the Project Sponsor, Parkmerced Investors, LLC, filed Environmental Evaluation Application No. 2008.0021E with the Planning Department requesting review of the Proposed Project pursuant to the California Environmental Quality Act (CEQA).

2009 Notice of Preparation of an Environmental Impact Report and Public Scoping

The Planning Department determined that an Environmental Impact Report (EIR) was required on the Proposed Project, and on May 20, 2009, published a Notice of Preparation of an EIR and Notice of a Public Scoping Meeting. The Planning Department provided public notice thereof by publication in a newspaper of general circulation and by mail to interested agencies, groups, and individuals, to solicit comments regarding the content of the EIR to be prepared. The Planning Department held one public scoping meeting on June 8, 2009, to receive oral comments and accepted written comments through June 19, 2009, regarding the proposed scope of the EIR analysis.

2010 Draft Environmental Impact Report

The Planning Department published a Draft EIR on May 12, 2010, and copies of the Draft EIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners, and to affected governmental agencies. The Planning Department provided public notice of the availability of the Draft EIR by publication in a newspaper of general circulation; by mail to interested agencies, groups, and individuals; and by posting notices on and around the Project Site. The Planning Department accepted comments on the Draft EIR for a 61-day public comment period from May 12 through July 12, 2010. During this public review period, the Planning Commission held a duly noticed public hearing on June 17, 2010.

2010 Comments and Responses Document

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing during the public comment period for the Draft EIR, prepared revisions to the text of the Draft EIR in response to comments or based on additional information that became available after publication of the Draft EIR, and corrected minor errors in the Draft EIR text. This material was presented in a Comments and Responses document, published on October 28, 2010, and mailed or otherwise delivered to all parties who commented on the Draft EIR and to other interested parties. The Parkmerced Project EIR Errata were distributed to the Planning Commission and were available to the public on the Planning Department's web site on February 3, 2011 for the February 10, 2011 EIR Certification hearing. The Errata identify EIR minor text changes that occurred subsequent to the October 28, 2010 publication of the Comments and Responses document, but that did not change the analysis or conclusions of the EIR.

Neither the Comments and Responses document nor the EIR Errata document substantially revise the Draft EIR; thus recirculation was not required pursuant to CEQA Guidelines Section 15073.3.

2011 Environmental Impact Report Certification

On February 10, 2011, the Planning Commission reviewed and considered the Final EIR, comprised of the Draft EIR, comments received on the Draft EIR and responses to those comments, and revisions to the text of the Draft EIR. The Commission found that the contents of said report and the procedures through which the Final EIR was prepared, noticed, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and certified the Final EIR as adequate, accurate, and objective, and in compliance with CEQA and the CEQA Guidelines, in Planning Commission Motion No. 18629.

SUMMARY OF ISSUES ON APPEAL AND PLANNING DEPARTMENT RESPONSES

Four letters appealing certification of the Final EIR were received by the Clerk of the Board of Supervisors, on March 1, 2011 from Appellant Coalition to Save Parkmerced, and on March 2, 2011 from Appellants Parkmerced Action Coalition, San Francisco Tomorrow, and Maria Elena Guerrero Engber. The concerns raised in the four appeal letters fall into several broad categories, discussed here. Responses to individual issues and concerns follow, in the order of the concerns presented by the Appellants in the appeal letters.

Some of the appeal letters include duplicate copies of comment letters and written versions of oral testimony that were formally submitted as comments on the Draft EIR. These comment letters and the oral testimony presented at the Planning Commission hearing were fully responded to in the Comments and Responses document published on October 28, 2010. These letters and oral comments do not themselves raise new issues requiring further response. Specific responses to appeal comments that include comments on the Draft EIR, presented below, refer to the location where the formal responses to these duplicate comments can be found in the Comments and Responses document.

Substantial numbers of the comments in the appeal letters express opposition to the Proposed Project or critique features of the Proposed Project. These comments do not raise questions about the adequacy or accuracy of the information in the Final EIR. They are appropriately considered by decision-makers in their consideration of the proposed DA and other project approvals but are not germane to the proposed Project's environmental review or this appeal.

Some comments in the appeal letters raise concerns about the Planning Commission's findings related to its action to approve the Proposed Project, including the separate findings required by CEQA Guidelines Section 15091. These findings are not the subject of the appeal before this Board because they are legally required project approval findings, not findings related to the adequacy of the environmental review. The provision in CEQA Section 21151(c), CEQA Guidelines Section 15090(b), and San Francisco Administrative Code Section 31.16, providing for an appeal of the Planning Commission's certification of an EIR to the Board of Supervisors, limit the appeal to the certification of the Final EIR. Section 31.16 specifically states that the appeal shall be limited to issues related to the adequacy, accuracy, and objectiveness of the Final EIR, including but not limited to the sufficiency of the Final EIR as an informational document and the correctness of its conclusions, and the correctness of the findings contained in the Planning Commission certification of the EIR.

A few new comments have been made in the appeal letters that were not raised previously, such as allegation that the EIR Project Description is inadequate and requests for analysis of safety impacts of the existing, adjacent PG&E pipelines. But none of the new comments identify any new significant impacts or new feasible mitigation measures that should be included in the Proposed Project.

CONCLUSION

The Planning Department conducted an in-depth and thorough analysis of the potential physical environmental effects of the proposed Parkmerced Project, consistent with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The Appellants have not provided any substantial evidence to refute the conclusions of the Planning Department or the Planning Commission in its certification action.

For the reasons provided in this response to the appeals, the Planning Department believes that the Final EIR complies with the requirements of CEQA and the CEQA Guidelines, and provides an adequate, accurate, and objective analysis of the potential impacts of the Proposed Project. Further, the Planning Commission adopted appropriate findings to support its certification decision. Therefore, the Planning Department respectfully recommends that the Board uphold the Planning Commission's certification of the Final EIR.

CONCERNS RAISED BY JULIAN P. LAGOS, COALITION TO SAVE PARKMERCED, AND PLANNING DEPARTMENT RESPONSES

The issues raised in the March 1, 2011 Appeal Letter by Julian P. Lagos, on behalf of the Coalition to Save Parkmerced, are summarized below. Each issue is followed by a Planning Department response.

The March 1, 2011 appeal states that the Planning Commission overlooked critical information in their vote to certify the EIR on February 10, 21011. To the contrary, the Planning Commission was presented with all the necessary information and documents in accordance with the Department's environmental checklist and Consultant Guidelines, and pursuant to CEQA and the State CEQA Guidelines.

Issue #1.1: The Appellant states that the Proposed Project would result in a loss of rent controlled housing, open space, and trees and that the Planning Commission overlooked this in certifying the Final EIR, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #1.1: As described in EIR Chapter III, Project Description, p. III. 15, development of the Proposed Project would not result in a loss of rent controlled units. Under the terms of the proposed Development Agreement (DA), residents of existing apartments that are proposed to be replaced would be provided with the opportunity to move to a new apartment before their unit is demolished. The proposed DA would also require that these new apartments be rented at the same rent-controlled rate as the residents' existing apartments prior to demolition and would be covered by the same restrictions on rent increases as contained in the San Francisco Rent Control Ordinance. The new units not intended for existing residents would be a mix of rental and for-sale units. A portion of the new units would be provided at below market rate rents or sale prices, in accordance with the applicable Affordable Inclusionary Housing Ordinance, or as set forth in the proposed DA and the accompanying SUD rezoning for the Proposed Project. See also Response #2.5.6, below, for a similar discussion of this topic.

As described on EIR p. III.16, the Project Site currently has about 75 acres (3,269,300 square feet) of open space. The Proposed Project would reduce the total amount of existing open space by about 7 acres (305,100 square feet), to about 68 acres (2,964,200 square feet). The Proposed Project would provide open space in a network of publicly accessible neighborhood parks, public plazas, and greenways.

As described on EIR p. III.23, most of the approximately 1,500 trees on the Project Site, excluding those along the southern slope adjacent to Brotherhood Way, would need to be removed or relocated due to the proposed construction and grading activities. Any tree removal activity would be phased, corresponding to one of the four construction phasing periods described on EIR pp. III.54-III.65. Prior to removal, trees would be assessed for their condition and suitability for possible relocation. In addition, a tree replacement plan is included in the Proposed Project as part of a future landscape design plan. Proposed tree species would likely be native species and/or species closely adapted to the climate conditions of the Project Site.

All of this information was before the Planning Commission and part of the Project's administrative

record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.2: The Appellant states that the carbon footprint caused by demolition with future construction of housing units runs counter-productive to public policy of controlling greenhouse gas (GHG) emissions, and that the Planning Commission overlooked this in certifying the Final EIR.

Response #1.2: This issue does not address the adequacy of the Final EIR's analysis of air quality impact related to GHGs, but raises a policy-based challenge to the Project's approval. EIR Section V.H, Greenhouse Gas Emissions, identifies the construction phase and demolition GHG emissions, as well as the various public plans, policies, and regulations currently in place to manage carbon dioxide and other GHG emissions. The San Francisco policies and regulations that apply to the new construction as part of this Project include the Green Building Ordinance, a Zero Waste strategy, and a Construction and Demolition Debris Recovery Ordinance. The Project's potential to conflict with these policies and regulations is disclosed in Impact GC-2 (EIR pp. V.H.20-V.H.22) and determined to be less than significant. One consideration in the EIR conclusion is that the energy and greenhouse gas emissions embodied in waste material, or "stored energy," and generated by demolition and construction activities for the Project would be partly or wholly offset by the more energy-efficient operation of the new structures and by the reduced per capita transportation energy consumption that could result from increased residential density. The Project's construction and operational GHG emissions per service population would not exceed the guideline level established by the Bay Area Air Quality Management District (see EIR p. V.H.22). See also Response 17.28 on pp. III.C.17.15-III.C.17.16 of the Comments and Responses.

All of this information was before the Planning Commission and part of the administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making

Issue #1.3: The Appellant states that the increased density arising from San Francisco State University's (SFSU) expansion plans were overlooked in the Planning Commission's decision to certify the EIR, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #1.3: As described in EIR Section V.A, Land Use, on p. V.A.1, the following reasonably foreseeable development proposals under consideration in the Project Site vicinity are included in the cumulative impacts analysis in the EIR: 800 Brotherhood Way; 77-111 Cambon Drive; 700 Font Boulevard; 445 Wawona Street (the Arden Wood site); the *2007-2020 San Francisco State University Campus Master Plan* (SFSUCMP); Stonestown Galleria; and 1150 Ocean Avenue, which is within the area of the *Balboa Park Station Area Plan.* Three of these development proposals have current entitlements (800 Brotherhood Way, SFSUCMP, and 1150 Ocean Avenue). The SFSUCMP project, including its plans for student housing and the planned Performing Arts Center, is analyzed in the EIR under cumulative scenarios for the topics of V.A, Land Use; V.B, Aesthetics; V.C, Population and Housing; V.D, Cultural Resources; V.E, Transportation and Circulation; V.F, Noise; V.G, Air Quality; V.I, Wind and Shadow; V.J, Recreation; V.K, Utilities and Services Systems; V.L, Public Services; V.M,

Biological Resources; V.N, Geology and Soils; V.O, Hydrology and Water Quality; and V.P, Hazards and Hazardous Materials.

As described on EIR p. V.A.1, the following reasonably foreseeable development proposals under consideration in the Project Site vicinity are included in the cumulative impacts analysis in the Draft EIR: 800 Brotherhood Way; 77-111 Cambon Drive; 700 Font Boulevard; 445 Wawona Street (the Arden Wood site); the *2007-2020 San Francisco State University Campus Master Plan* (SFSUCMP); Stonestown Galleria; and 1150 Ocean Avenue, which is within the *Balboa Park Station Area Plan.*

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.4: The Appellant states that the Proposed Project, along with the planned 800 Brotherhood Way development, would result in destruction of open space and wildlife habitats, and that the Planning Commission overlooked this in certifying the Final EIR.

Response #1.4: The 800 Brotherhood Way project is identified and analyzed throughout the EIR as one of the six cumulative development projects in the vicinity of the Project Site. The 800 Brotherhood Way site does not contain any publicly accessible open space. EIR Section V.J, Recreation, analyzes cumulative impacts of the Proposed Project and concludes on p. V.J.10 that the Proposed Project would not contribute to any cumulative adverse impacts on recreation.

EIR Section V.M, Biological Resources, analyzes the Proposed Project's impacts on wildlife. EIR p. V.M.36 concludes that the increase in development and population resulting from the cumulative impacts of the Proposed Project and the adjacent 800 Brotherhood Way project would not create greater biological impacts than those already created by the Proposed Project. Thus, the EIR found that the Proposed Project would not have cumulatively considerable impacts on biological resources in the project area.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making

Issue #1.5: The Appellant asserts that in approving the EIR the Planning Commission overlooked the fact that the EIR discloses a number of significant and unavoidable impacts on traffic congestion.

Response #1.5: The number of projected significant and unavoidable traffic impacts due to the Proposed Project was fully disclosed in the Draft EIR and discussed in additional detail in the Comments and Responses. As summarized in Section 3.4, Number of Significant and Unavoidable Impacts, in Master Response A2, Transportation and Circulation, on pp. III.A.29-III.A.30 of the Comments and Responses, comments regarding the number and severity of significant and unavoidable impacts disclosed in the EIR generally express opposition to the Proposed Project, but do not raise substantive comments related to the adequacy and accuracy of the EIR or its conclusions. Furthermore, the Planning Commission had this information, as well as all comments expressing concern related to the number of significant and unavoidable impacts, at the time it certified the EIR. The fact that an EIR identifies and analyzes

significant unavoidable impacts that cannot be mitigated to a less-than-significant level is not evidence of that EIR's inadequacy.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making

Issue #1.6: The Appellant states that the dangers to human, wildlife, and marine life exposure due to increased levels of air, water, and noise pollutants as a result of increases in population levels from the Proposed Project were overlooked in the Planning Commission's decision to certify the EIR, but does not raise any specific concerns regarding the adequacy and accuracy of the analysis presented in the EIR.

Response #1.6: Project-related pollutant impacts are adequately analyzed in the EIR in relation to the significance criteria in the topics of V.G, Air Quality, pp. V.G.19-V.G.40; V.F, Noise, pp. V.F.17-V.F.35; V.M, Biology, pp. V.M.23-V.M.36; and V.O, Hydrology and Water Quality, pp. V.O.10-V.O.17. This analysis did not identify any significant and unavoidable impacts related to noise or hydrology and water quality that could not be mitigated to less-than-significant levels with mitigation. The Final EIR did identify significant and unavoidable impacts related to biological resources and air quality, and this information was before the Planning Commission when it made its decision to certify the Final EIR.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making

Issue #1.7: The Appellant states that the dangers to human, wildlife, and marine life exposure due to dispersal of carcinogenic contaminants, coupled with other air, water, and noise pollutants during the construction phases, were overlooked in the Planning Commission's decision to certify the EIR, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #1.7: As noted above in Response #1.6, Project-related pollutant impacts, including those related to carcinogenic toxic air contaminants (TACs), are adequately analyzed in the EIR under the provisions of CEQA and the City's checklist in relation to the significance criteria in the topics of V.G, Air Quality, pp. V.G.19-V.G.40; V.F, Noise, pp. V.F.1-V.F.35; V.M, Biology, pp. V.M.23-V.M.36; and V.O, Hydrology and Water Quality, pp. V.O.10-V.O.17. Response #1.18, below, further discusses TACs.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.8: The Appellant asserts that in approving the EIR, the Planning Commission overlooked the effects of wind turbine operation and increased density on wildlife species.

Response #1.8: Biological Resources impacts were analyzed in Parkmerced Project EIR in conformance with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (California Public Resources Code Sections 21000 et seq., and California Code of Regulations Title 14, Section 1500 et seq., "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code.

The EIR identifies significant and unavoidable impacts from wind turbine operation on wildlife species (see the discussion of Impact BI-8 in EIR Section V.M, Biological Resources, on pp. V.M.30-V.M.31). Response 45.11, on p. III.C.45.10 of the Comments and Responses, further discusses the potential impacts of wind turbines on bird and bat movement and migration corridors.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.9: The Appellant states that in approving the EIR, the Planning Commission overlooked the effects of earthquake-induced soil liquefaction and the attendant risks of greater loss of life and property at the Project Site in certifying the Final EIR.

Response #1.9: Seismically induced ground failure is discussed in Master Response A.3, Seismic Hazards, in the Comments and Responses, specifically on pp. III.A.32-III.A.34. That discussion concludes that while the Project Site (like all other sites in the City) is within a seismically active region and certain earthquake induced hazards can be expected, compliance with local and state codes and implementation of recommendations to prepare site-specific soils reports as part of the permit review process would ensure that no significant adverse impacts due to seismic hazards would occur due to the Proposed Project. See also Response #2.14, below.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.10: The Appellant asserts that the Planning Commission overlooked the loss of historic architectural and archaeological resources in certifying the Final EIR.

Response #1.10: The EIR discusses historic architectural resources in detail in Section V.D.a, Historic Architectural Resources, pp. V.D.1-V.D.29. That section concludes that the Parkmerced complex is eligible for inclusion in the California Register of Historical Resources based on its historic and architectural significance, and is therefore considered an "historical resource" for the purposes of CEQA. The EIR further concludes that the proposed demolition of the existing apartment buildings and removal of landscape features would result in significant and unavoidable direct and cumulative impacts on the Parkmerced historic district historical resource.

The EIR discusses archaeological resources in detail in Section V.D.b, Archaeological and Paleontological Resources, pp. V.D.30-V.D.51. That section identifies the potential archaeological resources that may be present within Project Site, and concludes that project construction activities could disturb significant archaeological features if present within the Project Site. The EIR provides mitigation measures that would reduce potential direct and cumulative impacts on archaeological resources to a less-than-significant level.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #1.11: The Appellant provides a written version of comments he made at the Planning Commission's hearing on the Draft EIR, which contend that the EIR fails to legally address the issue of significant impacts on many topics, such as quality of life and traffic, and fails to address whether the project sponsors can carry through on financing.

Response #1.11: The Appellant does not provide any information or allegations that these comments were not adequately addressed in the Comments and Responses document. Responses TR.8.1, TR.8.2, and TR.8.4, on pp. III.B.8-III.B.9 of the Comments and Responses, address these concerns.

Issue #1.12: The Appellant submitted a copy of a letter dated July 17, 2010, presenting his comments on the Draft EIR. In this letter, the Appellant states that there are multiple instances in the Draft EIR where significant effects are identified without feasible mitigation measures and asserts this is a violation of CEQA; that the EIR fails to explain how proposed mitigation measures address the Proposed Project's significant and unavoidable impacts; that the Draft EIR fails to address the Project Site's proximity to fault zones; that the Draft EIR erroneously states that the current rent controlled units would still be protected by local rent control ordinances and /or state housing laws; and that there is concern over the Project Sponsor's financial ability to complete the Proposed Project.

Response #1.12: The comment letter is identified as Letter 50 in the Comments and Responses and was fully responded to there. The Appellant does not indicate how this letter was not fully addressed in that document. No new issues are raised in this copy of the letter. Responses 50.1, 50.2, 50.3, 50.4, and 50.5, on pp. III.C.50.3-III.C.50.6 of the Comments and Responses, address these concerns.

Issue #1.13: The Appellant submitted a copy of a letter dated December 9, 2010, addressed to the Planning Commission and presented at its informational workshop held that day to discuss the Proposed Project. The letter states that the plan to demolish the garden apartments in Parkmerced should not move forward.

Response #1.13: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #1.14: The Appellant submitted a copy of a letter dated January 13, 2011, addressed to the Planning Commission and presented at its informational workshop held that day to continue discussing the Proposed Project. The letter states that the Project Sponsor may not be financially capable of completing the project.

Response #1.14: This comment expresses opposition to the Project but does not raise any specific comment on the adequacy or accuracy of the Final EIR. Response TR.1.2, on pp. III.B.1-III.B.2 of the Comments and Responses, addresses this concern.

Issue #1.15: The Appellant states that the Proposed Project was never reviewed by the Historic Preservation Commission, that the Parkmerced complex may be eligible for historic landmark status, and that the EIR does not address how the proposed project would affect the eligibility for landmark status.

Response #1.15: On June 2, 2010, the Historic Preservation Commission held a public hearing to review and comment on the Draft EIR. The Historic Preservation Commission discussed the Draft EIR, took public comment, and provided its comments on the Draft EIR in a letter dated July 17, 2010.

None of Parkmerced is within a locally-designated landmark district and no individually landmarked buildings are located on the Project Site. The potential designation of Parkmerced as a local historic district under Article 10 of the Planning Code is not currently included in the Historic Preservation Commission's or Planning Department's work plan. In any event, the EIR determined that the Parkmerced complex meets the criteria for inclusion in the California Register of Historical Resources. As such, the EIR considers the complex an "historical resource" for the purposes of CEQA (CEQA Guidelines 15064.5(a)(4)) and analyzes impacts on the significance of the historical resource, notwithstanding its lack of local landmark designation under Article 10.

Issue #1.16: The Appellant states that the EIR does not adequately address major traffic congestion; that Muni will not be able to operate service assumed in the analysis given budget constraints; and that adding lanes and traffic lights as proposed by the project and in various mitigation measures will not be effective at reducing the severity of impacts.

Response #1.16: The traffic operational impacts associated with the Proposed Project were forecasted and analyzed using techniques, such as those defined in the *Highway Capacity Manual*, that are based on the latest scientific research in the field and are commonly used to analyze traffic conditions, to identify transportation-related impacts, and to evaluate the effectiveness of transportation mitigation measures. Mitigation measures to reduce the severity of significant traffic-related impacts were identified and discussed, although, as noted in the EIR, some measures were deemed infeasible and some significant impacts are projected to remain significant and unavoidable. The comment asserts that even for those project elements or mitigation measures that were deemed feasible, the identified measures would not be effective in reducing impacts. However, the comment does not explain in which way(s) the analysis of transportation impacts is not accurate.

The comment also notes that Muni is currently facing severe budget shortfalls and questions whether it is realistic to assume improved service in the future given these budget concerns. Section 2.5, Future Muni Service, in Master Response A2, Transportation and Circulation, on pp. III.A.21-III.A.24 of the Comments and Responses, discusses the adequacy of the baseline transit service assumed, in light of Muni's current and anticipated budget situation. Further, as noted in Response TR.29.3 on p. III.B.25 in the Comments and Responses, the capital funding for relocating the M Ocean View line into the Project Site would be provided by the Project Sponsor. Operating costs would be funded through the City's

annual budget process by revenues to the City generated by the Proposed Project, such as sales taxes, property taxes, parking fees and fines, etc.[1]

Issue #1.17: The Appellant asserts that air pollution from major traffic congestion is not adequately addressed in the EIR.

Response #1.17: Although the Appellant expresses concerns about the adequacy of the analysis of air quality impacts in the EIR, no information is provided to indicate what the alleged inadequacies are. EIR Section V.G, Air Quality, thoroughly describes the regulatory framework for traffic-related air pollution, the emissions due to operational motor vehicles (see EIR Table V.G.5: Estimated Daily Emissions for the Proposed Project, on p. V.G.28), and feasible mitigation measures. The Planning Department believes that the project-related direct and cumulative traffic-related air pollution impacts are appropriately identified and described in the EIR.

Issue #1.18: The Appellant asserts that toxic air contaminants emitted during construction are not adequately addressed in the EIR, and that the types of toxic air contaminants should be identified and potential adverse health effects to residents described.

Response #1.18: Although the Appellant expresses concerns about the adequacy of the analysis of toxic air contaminant (TAC) impacts in the EIR, no information is provided to indicate what the alleged inadequacies are. EIR Section V.G, Air Quality, identifies various construction-related air quality impacts, including those of TACs that may lead to adverse health effects. The kinds of TACs and ranges of health effects are described on pp. V.G.6-V.G.9, and Table V.G.2: Annual Average Ambient Concentrations of Carcinogenic TACs Measured at BAAQMD Monitoring Station, 10 Arkansas Street, San Francisco, on p. V.G.7, lists gaseous and particulate TACs and their concentrations at the Bay Area Air Quality Management District's San Francisco monitoring station. After considering implementation of feasible mitigation measures, the EIR identified the impacts (Impact AQ-3 on pp. V.G.24-V.G.26 and Impact AQ-12 on pp. V.G.35-V.G.36) as significant and unavoidable, finding that the most exposed would be those residents who remain closest to the construction activities over multi-year durations. (See also the EIR Errata document submitted to the Planning Commission on February 3, 2011, which provides minor updates to EIR Section V.G. This document is available on the Planning Department web site at the February 3, 2011 Planning Commission agenda. Note that these errata do not change any of the analysis or conclusions in the EIR.) The Planning Department believes that the impact of TACs during construction is appropriately analyzed and identified in the EIR as a basis for analyzing the environmental changes that would result from implementation of the Project. See also Responses 36.7 and 36.8 on pp. III.C.36.11-III.C.36.12 of the Comments and Responses.

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[1] Fehr & Peers, *Transit Operating Plan*, prepared for the City and County of San Francisco, October 2010. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2008.0021E.

Issue #1.19: The Appellant states that noise pollution during construction is not adequately addressed in the EIR.

Response #1.19: Although the Appellant expresses concern about the adequacy of the analysis of noise impacts in the EIR, no information is provided to indicate what the alleged inadequacies are. EIR Section V.F, Noise, thoroughly describes the regulatory framework for noise, the typical noise levels from construction equipment, and feasible mitigation measures. The Planning Department believes that construction noise impacts are appropriately identified and described in the EIR. See also Response 35.4 on p. III.C.35.4 of the Comments and Responses.

CONCERNS RAISED BY HEALANI TING, PRESIDENT, PARKMERCED ACTION COALITION, AND PLANNING DEPARTMENT RESPONSES

The issues raised in the March 2, 2011 Appeal Letter by Healani Ting, President, Parkmerced Action Coalition, are summarized below. Each issue is followed by a Planning Department response.

Issue #2.1: The Appellant contends that the Parkmerced EIR does not identify, analyze, or mitigate impacts, listing all EIR topics, and does not identify, analyze, or mitigation construction impacts during the 30-year construction period. The comment also states that the findings by the Planning Commission are inadequate and incorrect.

Response #2.1: The EIR provides detailed analyses of all topics listed in the comment, and all topics included in the City's CEQA Checklist. The EIR identifies significant and less-than-significant impacts based on the analyses presented, as well as mitigation measures for all significant impacts when feasible measures are available. Construction impacts are discussed for all relevant topics in the EIR (see also Response #3.22, below). The Commission's findings in their motion to certify the Final EIR list all significant and unavoidable project-specific and cumulative environmental impacts identified in the EIR. If the comment is intended to refer to the approval of the Proposed Project's Commission's CEQA findings pursuant to the requirements of CEQA Guidelines Section 15901, these are not appropriately subject to the appeal of EIR certification, as explained in the discussion in the Summary of Issues on Appeal and Planning Department Responses, above.

Issue #2.2: The Appellant provides examples purporting to show inadequacies in the EIR in six specific areas. They are summarized and responded to individually, as follows:

Issue #2.2.1: The Appellant asserts that the Project Description is inadequate for failing to describe the destruction of a community of 5,000 people, and that impacts on humans requires a mandatory finding of significance.

Response #2.2.1: The 67-page Project Description in EIR Chapter III describes demolition of about one-half of the existing residential units on pp. III.1 and III.15, and again by phase on pp. III.54 and III.65.

EIR Section V.C, Population and Housing, presents the estimated population at Parkmerced in 2010 on p. V.C.4, and analyzes the project-specific and cumulative change in population as a result of the Proposed Project on pp. V.C.13-V.C.18. Impacts on humans are discussed throughout the EIR; significant impacts are identified where supported by the analysis. The mandatory finding of significance in CEQA Section 21083 (CEQA Guidelines Section 15065) referred to by the Appellant in stating that "substantial adverse effects on human beings" requires a finding of significant impacts is one of four enumerated conditions that require preparation of an EIR. This section of CEQA does not mandate any particular finding of significant impact in an EIR, rather that the lead agency must prepare an EIR if "the environmental effects of a project will cause substantial adverse effects on human beings." Therefore, the subject EIR was prepared for the proposed Parkmerced Project.

Issue #2.2.2: The Appellant states that the EIR Project Description fails to specify the duration of the Project and fails to describe dates of implementation, phasing, and duration of phases.

Response #2.2.2: The "duration" of the Parkmerced Project is dependent in part on how long the existing buildings to be retained and the proposed new buildings last before they are replaced at some unknown time in the future. Assuming the Appellant is referring to the construction and development period of approximately 20 to 30 years, rather than the duration of the overall project, the EIR explains on the first page of Chapter III, Project Description, that the analysis is based on an assumed buildout period of 20 years, although it could take longer (see EIR p. III.1, footnote 1; p. III.2; p. III.54, footnote 16; and Response TR.37.1 on p. III.B.35 of the Comments and Responses). However, for purposes of providing the appropriate analysis, different buildout periods are used. For example, in Section V.C, Population and Housing, the EIR identifies a 20-year time frame for replacing the demolished units (p. V.C.8); Section V.E, Transportation and Circulation, uses the year 2030 to assess future cumulative transportation conditions (see p. V.E.23); and Section V.H, Greenhouse Gas Emissions, analyzes the emissions from construction over a 20-year period (see p. V.H.11). It is typical of major redevelopment of a multi-acre site such as Parkmerced to take approximately 20 to 30 years to fully build out. The EIR analysis uses a 20-year time frame because population and transportation forecasts for San Francisco and the region that form part of the bases for the analyses are made through the year 2030 and are typically made for a 20-year period, and because assuming the site is built out and occupied in 20 years concentrates the impacts into a shorter period, thus providing for a more conservative analysis of environmental impacts.

Representative phasing of demolition and construction activities is described in EIR Chapter III on pp. III.54-III.65, with graphics illustrating these representative phases. Approximate dates and durations are given for each of the expected four phases. Thus the EIR specifically provides the information the Appellant contends is missing.

Issue #2.2.3: The Appellant states that because the Project includes infrastructure features that must be approved and/or constructed by agencies outside the control of the City, specifically citing the California Department of Transportation (Caltrans), the analysis in the EIR is based on a faulty premise of proposing a "transit village" that may not materialize.

Response #2.2.3: The Proposed Project includes relocation of the Muni M Ocean View light rail line from 19th Avenue, a State Highway, into the Project Site. Realigning the tracks to cross 19th Avenue at new locations would require approval by Caltrans. An alternative is analyzed in the EIR that would not include this element of the Proposed Project, precisely because approval of the M-line relocation may not be approved by Caltrans (see Alternative F, No Muni Realignment Alternative, in Chapter VII, Alternatives to the Proposed Project, on pp. VII.61-VII.74). This alternative also includes a variant that does not make other improvements along 19th Avenue that would require Caltrans' approval.

The EIR does not identify the Project as a "transit village," as suggested by Appellant. The EIR indicates that some of the project features are intended by the Project Sponsor to reduce automobile use and encourage bicycling, walking, and transit use (see, for example, EIR Chapter III, Project Description, p. III.53). The Proposed Project includes several features to reduce automobile use in addition to relocating the M-line into the Project Site, such as pedestrian-oriented nodes for neighborhood services and amenities, a retail core within walking distance of the residences, new sidewalks and bicycle routes, a reoriented street grid to provide more direct pedestrian routes to transit stops, and a shuttle service to BART and Stonestown Galleria shopping center. These features would not require approval by entities outside the jurisdiction of the City.

Issue #2.2.4: The appeal comment notes that the four development phases in the EIR do not match the development phases in the DA. It also states that the document omits the dates of the phases and therefore the EIR fails to analyze the impacts of construction on Parkmerced residents and surrounding neighborhoods, asserting that the construction impacts and human impacts require a "mandatory finding of significance."

Response #2.2.4: The EIR presents representative construction phases in Chapter III, Project Description, on pp. III.54-III.65, as noted in Response #2.2.2, above. As noted, the Project Sponsor expects the phasing of the Proposed Project to occur over 20 years, but the full development could extend for a longer period. Consequently, the DA would likely cover a 30-year projected buildout. It is typical of major redevelopment of a multi-acre site such as Parkmerced to take approximately 20 to 30 years to fully build out. The EIR analyses use a 20-year time frame because population and transportation forecasts for San Francisco and the region that form part of the bases for the analyses are made through the year 2030 and are typically made for a 20-year period, and because assuming the site is built out and occupied in 20 years concentrates the impacts into a shorter period.

As explained in Response #2.2.1, above, "mandatory findings of significance" are listed in CEQA and the CEQA Guidelines to identify the criteria for preparation of an EIR, not to establish which impacts in an EIR are appropriately identified as significant.

The EIR fully analyzes construction impacts, and makes conclusions regarding the significance of these impacts for relevant CEQA topics. For example, Impact LU-1, in EIR Section V.A, Land Use, on pp. V.A.10-V.A.11, discusses construction impacts on surrounding land uses and finds that although construction phases would result in substantial physical changes on the Project Site and would cause temporary physical disruptions of the existing residential community, the impact would not be significant

because Parkmerced is already physically separated from other residential communities and the Project would not further isolate the existing residential community from adjacent uses. Impact TR-1, in EIR Section V.E, Transportation and Circulation, on pp. V.E.50-V.E.53, regarding construction traffic, would be significant and unavoidable with implementation of Mitigation Measure M-TR-1 to provide a construction traffic management program. Construction air quality Impact AQ-1, in EIR Section V.G, Air Quality, on pp. V.G.19-V.G.23, analyzes dust from construction activities over a 20-year construction period and finds that the impact would be less than significant with implementation of the City's Construction Dust Control Ordinance. Impact AQ-3, on EIR pp. V.G.24-V.G.26, analyzes emissions of toxic air contaminants and shows that the impact would be significant and unavoidable even with implementation of Mitigation Measure M-AQ-3. Most of the impact topics in the EIR relate to impacts on people and therefore do address human impacts.

Issue #2.2.5: The Appellant states that the EIR fails to analyze and mitigate the impacts of the DA.

Response #2.2.5: The EIR analyzes the Proposed Project, including any components of the DA that related to physical changes in the environment. The comment does not provide any specifics as to what in the DA may be different from the Project analyzed in the EIR, other than the buildout period of 20 years, which is different from the DA, in that it allows for a 30-year buildout period. This difference is discussed above and is explained in the EIR Chapter III, Project Description, on p. III.1. See also Response #2.4, below. The specific text of the DA, which is subject to amendment and approval by the Board of Supervisors, need not be included within the EIR itself as long as the components of the DA that relate to physical changes in the environment are analyzed in the EIR, as was done here.

Issue #2.2.6: The Appellant states that the EIR is inconsistent in its treatment of the 11 towers at Parkmerced that are proposed to be retained.

Response #2.2.6: The existing residential towers on the Project Site are included in the EIR as part of the existing Project setting and the baseline for the analysis, because they are not proposed to be demolished as part of the Proposed Project. The residential units in the towers will continue to be on the Project Site and therefore these units are appropriately included in the total number of residential units at completion of the Proposed Project. It is not appropriate under CEQA to analyze and/or mitigate pre-existing conditions that are not affected by the project.

As described in Chapter III, Project Description, on p. III.1, about 1,683 of the apartment units located in the 11 existing tower buildings would be retained as part of the Proposed Project. These towers, and associated units, are considered and analyzed in the EIR as existing, or baseline, conditions. In appropriate topics of the EIR, such as aesthetics, wind, and shadow, they are analyzed alongside the proposed representative building configurations to provide accurate descriptions of existing site conditions and analyses of impacts. For example, for the EIR's wind tunnel tests and analysis, the existing towers are included in the existing conditions configuration (Section V.Ia, Wind, pp. V.I.4-V.I.5, and Appendix C: Wind), as well as the proposed representative project configuration conditions (which consists of the existing 13-story buildings on the Project Site that would be retained as part of the

Proposed Project, the proposed representative building configurations identified as part of the Proposed Project, and existing buildings in the vicinity of the Project Site). Modeling the existing towers alongside the proposed building configuration was necessary to determine if the Proposed Project would result in a significant wind impact to both on- and off-site existing conditions, and proposed conditions under the Proposed Project, and proposed cumulative conditions under the Proposed Project and other cumulative development projects.

In other EIR topics, such as Population and Housing, Transportation and Circulation, Noise, Air Quality, Recreation, Utilities, Public Services, and Hydrology and Water Quality, the exiting 1,683 apartment units located in the 11 existing tower buildings are also considered in the baseline analysis. Though there would be a total of 8,900 units at buildout on the Project Site, 5,679 net new units would be added under the Proposed Project (see Section V.C, Population and Housing, EIR p. V.C.5). It is the net new number of units (which is the difference between the existing number of units [3,221] and the total planned number of units [8,900]) that was used to analyze project-related impacts throughout the EIR. The Transportation Impact Analysis Report (TIA) prepared for the EIR included counts of existing traffic conditions that account for travel by current residents of Parkmerced, including those who live in the towers. This travel was subtracted from the existing travel network before the forecast of person trips from the Proposed Project was added, to account for travel from the existing residences that would remain on the Project Site (this information is available in Section 5.2 of the TIA). The towers are also specifically identified as part of the existing conditions in the discussion of impacts due to ground shaking in Impact GE-3 in EIR Section V.N, Geology and Soils, on p. V.N.13-V.N.14.

All of this information was before the Planning Commission and part of the Project's administrative record when the Commission certified the Final EIR, and thus was not overlooked in its decision-making.

Issue #2.3: The Appellant asserts that the baseline in the EIR is described inadequately.

Response #2.3: Although the Appellant lists many of the topics analyzed in the EIR in stating that the existing conditions descriptions are inadequate, no information is provided to indicate what the inadequacies are. The EIR thoroughly describes the existing conditions on the Project Site, in the surrounding neighborhood, and in the rest of the City and region where applicable, in each of the topic sections in Chapter V, Environmental Setting and Impacts. The Planning Department believes that the baseline is appropriately identified and described as a basis for analyzing the environmental changes that would result from implementation of the Proposed Project.

Issue #2.4: The Appellant states that the EIR fails to identify all mitigation measures and that it identifies transportation mitigation measures but fails to adopt them where implementation cannot be guaranteed due to uncertainty regarding feasibility or certainty of implementation. The Appellant also states that the EIR does not identify funding sources for mitigation measures, and does not include mitigation measures that are in the DA.

Response #2.4: The EIR identifies all feasible mitigation measures for significant environmental impacts. The fact that a funding source is not identified for a mitigation measure does not mean that it is not technically capable of being accomplished in a successful manner, although lack of funding may be a basis for decision-makers to reject an otherwise feasible measure when taking a project approval action. The EIR, however, does not reject any mitigation measures on the basis that they are financially infeasible. The portion of this comment that raises transportation issues is similar to comments made on the Draft EIR and is addressed in Master Response A.2, Transportation and Circulation, on pp. III.A.17-III.A.30 of the Comments and Responses.

Specifically, Section 3.3, Mitigation Measures, of this Master Response discusses the fact that the EIR includes an extensive analysis of potential mitigation measures for significant project-related impacts. As noted in the Master Response, many of these mitigation measures were identified but determined to be infeasible (see, specifically, pp. III.A.28-III.A.29). Generally, these measures fell into one of three categories: (1) conflicted with City policies and/or would create secondary impacts; (2) required construction of infrastructure well beyond the scope of the Proposed Project; or (3) lacked institutional consensus regarding the feasibility of improvements. As discussed in the Master Response, mitigation measures that fell into one of the first two categories were found infeasible due to their conflicts with other City policies or their magnitude in relation to impacts caused by the Proposed Project. For example, the significant traffic impact at the intersection of Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive could be mitigated with additional travel lanes; however, this would require demolition of existing structures and acquisition of substantial right-of-way. Widening the roadway would increase pedestrian crossing distances, reducing pedestrian safety. Therefore, feasible mitigation measures are not available for this traffic impact (see EIR Section V.E, Transportation and Circulation, pp. V.E.67-V.E.68). However, mitigation measures that fall into the third category will be evaluated and considered by San Francisco Metropolitan Transportation Agency (SFMTA) at an appropriate time. If the SFMTA determines that these measures are feasible and consistent with City policy, the Project Sponsor will be responsible for funding their implementation. The Mitigation Monitoring and Reporting Program (MMRP) includes specific levels of development at which evaluations must be conducted. These levels of development are prior to the anticipated levels of development at which the relevant significant impacts are projected to occur. If determined to be feasible, the measures must be funded by the Project Sponsor and implemented prior to the construction of any additional development (see, for example, Measure M-TR-22B on EIR pp. V.E.90-V.E.91, which states that Project Sponsor shall fully fund the costs of implementing the measure).

The specific language of the DA does not need to be included in the EIR for the EIR to be accurate and complete and for it to adequately analyze the Proposed Project and identify feasible mitigation measures to reduce significant impacts. All components of the DA relevant to the environmental analysis of the Project were included in the Project Description and analyzed in the Final EIR. The DA does not include new mitigation measures that are not discussed either in the Draft EIR or in the Comments and Responses. Although the DA includes additional conditions of approval, including some improvement measures, these additional requirements were not required as mitigation to address significant impacts under CEQA, and thus are more appropriately included as contractual terms in the DA.

Issue #2.5.1: The Appellant contends that the EIR fails to describe, analyze, and mitigate the Proposed Project's physical impacts from the demolition of the garden apartments, and fails to address consistency issues with the Housing Element of the San Francisco General Plan.

Response #2.5.1: Physical impacts as a result of demolition of the garden apartment buildings are discussed in applicable sections of the EIR in the topics of V.A, Land Use, pp. V.A.10-V.A.13; V.B; Aesthetics, pp. V.B.20-V.B.21; V.C, Population and Housing, pp. V.C.12-V.C.13; V.D, Historic Architectural Resources, pp. V.D.27-V.D.29; V.E, Transportation and Circulation, pp. V.E.50-V.E.53; V.F, Noise, pp. V.F-17-V.F.21; Air Quality, pp. V.G.19-V.G.40; V.F, Noise, pp. V.F.1-V.F.35; and V.G, Air Quality, pp. V.G.19-V.G.26. As described in the EIR, Chapter IV.A, Plans and Policies, pp. IV.2-IV.3, as part of their consideration of proposed projects, City decision-makers, such as the Planning Commission and Board of Supervisors, evaluate whether to approve proposed projects in light of their consistency with the policies of the *General Plan*. Physical environmental impacts that may relate to policies of the *General Plan*, such as those that would occur as a result of demolition of existing housing at Parkmerced, are evaluated and reported in the relevant sections of the EIR. This concern does not relate to the adequacy and accuracy of the Parkmerced EIR.

Issue #2.5.2: The Appellant asserts that the EIR fails to disclose or analyze impacts related to the residents who would be displaced from their homes prior to demolition.

Response #2.5.2: Development of the Proposed Project would not displace existing Parkmerced residents. As described in EIR Chapter III, Project Description, on p. III.15, under the terms of the proposed DA, all residents of existing apartments that are proposed to be replaced who continue to be residents at the time that demolition is proposed would be provided with the opportunity to move to a new apartment before their unit is demolished. Construction and demolition would be phased to ensure that the residents of the units to be demolished would be required to move only once. Under the proposed DA, these new apartments would be rented at the same rent-controlled rate as the residents' existing apartments prior to demolition and would be covered by the same restrictions on rent increases as contained in the San Francisco Rent Stabilization and Arbitration Ordinance. Existing residents would not be required to move off site at any point during any phase of the Proposed Project. The proposed DA, which is part of the Proposed Project, sets forth these requirements. The issue of displacement is also addressed in Response TR.2.2 on pp. III.B.2-III.B.3 of the Comments and Responses.

As explained in Response #2.2.1, the mandatory findings of significance do not mandate any particular finding of significant impacts in an EIR; rather, they require that the lead agency prepare an EIR if a proposed project would result in one or more significant impacts in the areas listed in *CEQA Guidelines* Section 15065.

Issue #2.5.3: The Appellant contends that the City and Developer will not comply with the applicable state relocation law and that this lack of compliance with state law should be noted in the EIR.

Response #2.5.3: The Appellant's statement is incorrect. CEQA does not require an EIR to state that a project will comply with applicable state laws, although an EIR often does so when compliance would reduce an otherwise significant effect to a less-than-significant level. The Proposed Project would not displace existing residents, as explained in Response #2.5.2, above, and therefore, no significant impact was identified. Note that the proposed Parkmerced Project is not a project being directly undertaken by a public entity nor is the Project Site being acquired by a public entity.

Issue #2.5.4: The Appellant states that the EIR fails to identify the direct and indirect impacts of the loss of rent-controlled units at Parkmerced and within the City and County of San Francisco. The comment also states that the EIR fails to analyze and mitigate cumulative land use impacts.

Response #2.5.4: This comment is similar to comments made on the Draft EIR and is discussed in the Comments and Responses. Please refer to Response TR.2.2, on pp. III.B.2-III.B.3 of the Comments and Responses, for a discussion of the loss of rent-controlled housing. See also Response #1.1, above.

Cumulative land use impacts are discussed in EIR Section V.A, Land Use, p. V.A.13. As described in the EIR, the Proposed Project would not combine with the other cumulative projects to create cumulative land use impacts on established communities. Therefore, cumulative land use impacts would be less than significant.

As explained in Response #2.2.1, the mandatory findings of significance do not mandate any particular finding of significant impacts in an EIR; rather, they require that the lead agency prepare an EIR if a proposed project would result in one or more significant impacts in the areas listed in CEQA Guidelines Section 15065.

Issue #2.5.5: The Appellant contends that the EIR identifies the proposed new rent controlled units as a benefit of the Proposed Project, but fails to identify housing displacement impacts.

Response #2.5.5: The discussion in Impact PH-3 in EIR Section C, Population and Housing, pp. V.C.12-V.C.13, accurately concludes that the Proposed Project would not displace substantial numbers of people because all residents of existing apartments that are proposed to be replaced within the Project Site would be provided with the opportunity to move to a new apartment on the Project Site before their unit is demolished. (See Response #2.5.2, above.) The EIR does not identify potential benefits of a proposed project. The purpose of an EIR is to identify potential adverse physical environmental effects, rather than evaluate or weigh benefits and impacts of a proposed project.

Issue #2.5.6: The Appellant states that the EIR fails to identify the demolition of housing as an impact of the Project.

Response #2.5.6: The demolition of 1,538 existing residential units is not an impact of the Project, but is part of the Proposed Project itself, as is the construction of the replacement units. The resulting environmental impacts of the demolition and new construction are thoroughly analyzed in the Final EIR.

Moreover, as described in EIR Chapter III, Project Description, p. III.15, and further described in Response TR.20.2 on p. III.B.17 of the Comments and Responses, under the proposed DA, newly constructed apartments that are provided to residents of existing units would be rented at the same rent-controlled rate as the residents' existing apartments prior to demolition and would be covered by the same restrictions on rent increases as contained in the San Francisco Rent Stabilization and Arbitration Ordinance. The San Francisco ordinance does not require the construction of replacement units when existing apartment units are demolished. Under the terms of the proposed DA between the City and the Project Sponsor, all 1,583 replacement units would be subject to the same terms as the San Francisco Rent Stabilization and Arbitration Ordinance for the life of the building regardless of the tenant occupying the unit. A DA is a contractual agreement between the City and the Project Sponsor or any subsequent property owner. Thus, while newly-constructed replacement units would not be subject to the actual Rent Stabilization and Arbitration Ordinance because of their age, they would be subject to a contractual agreement setting forth the same protections.

Issue #2.6: The Appellant states that the EIR fails to address Land Use impacts.

Response #2.6: Section V.A of the EIR is devoted to the topic of Land Use, and three Land Use impacts are discussed on EIR pp. V.A.10-V.A.13. All of these impacts were found to be less than significant.

Issue #2.7: The Appellant opines that the Proposed Project is not consistent with several policies of the Housing Element of the *San Francisco General Plan.*

Response #2.7: As described in EIR Chapter IV.A, Plans and Policies, on pp IV.2-IV.3, as part of their consideration of proposed projects, City decision-makers, such as the Planning Commission and Board of Supervisors, evaluate whether to approve proposed projects in light of their consistency with the policies of the *General Plan.* Physical environmental impacts that may relate to policies of the *General Plan,* such as those that would occur as a result of demolition of existing housing at Parkmerced, are evaluated and reported in the relevant sections of the EIR. This concern does not relate to the adequacy and accuracy of the EIR.

Issue #2.8: The EIR identifies a number of significant traffic impacts, including impacts to intersections along 19th Avenue, and fails to adequately analyze mitigation measures that could reduce these impacts and concludes many mitigation measures are infeasible, without providing substantial evidence.

Response #2.8: As summarized in Response #2.4, above, and also in Section 3.3, Mitigation Measures, in Master Response A2, Transportation and Circulation, on pp. III.A.28-III.A.29 of the Comments and Responses, the EIR includes a thorough discussion of each potential mitigation measure and for those that were deemed infeasible, the EIR provides a detailed explanation as to how and why that conclusion was reached. In most cases, mitigation measures were deemed infeasible due to inconsistency with City policies or due to the fact that substantial additional study–and in some cases approval by outside agencies, such as Caltrans–is required prior to the City's ability to implement such measures. (For

example, Caltrans approval is required for all intersections along 19th Avenue, which is within Caltrans jurisdiction as part of State Route 1 [Pacific Coast Highway]). Since the City cannot guarantee these measures would be adopted due to the need for future studies and additional coordination, they must be considered infeasible at this time. However, as noted in the EIR, if these measures are ultimately determined to be feasible, their implementation would be required and funding would be provided by the Project Sponsor. The Mitigation Monitoring and Reporting Program (MMRP) includes specific levels of development at which evaluations must be conducted. These levels of development are prior to the anticipated levels of development at which the relevant significant impacts are projected to occur. If determined to be feasible, the measures must be funded by the Project Sponsor and implemented prior to the construction of any additional development.

Issue #2.9: The Appellant states that the EIR identifies capacity and delay impacts to transit but fails to identify and analyze mitigation measures.

Response #2.9: This comment is similar to comments made on the Draft EIR and is discussed in the Comments and Responses. Specifically, Section 2.5, Future Muni Service, in Master Response A2, Transportation and Circulation, on pp. III.A.21-III.A.24 of the Comments and Responses, discusses the fact that the Proposed Project would result in significant impacts to capacity on the M Ocean View light rail line and would cause significant delays to other transit routes. Mitigation measures for this impact were identified in the EIR (Mitigation Measure M-TR-21, pp. V.E.88-V.E.89), and generally involve increased capacity on the M Ocean View route. As noted in the Master Response, the ability to provide additional capacity on the M Ocean View is uncertain due to capacity constraints in the subway tube that runs along Market Street. That section of the route is currently at or near its capacity during peak periods because each light rail line in the City converges and operates along this single route. Therefore, to provide additional service along the M Ocean View route, service would need to be reduced on other lines or new technology would be required to increase the overall capacity of the main line underneath Market Street. Just as the current route structure is the product of extensive study and public outreach, substantial modifications to several light rail lines would require additional study and public outreach. Further, evaluation of potential technology enhancements to improve capacity in the subway tube is inconclusive and cannot be guaranteed by SFMTA. Thus, additional study, public outreach, and evaluation are required to determine whether such improvements are possible. Ultimately, as noted in Mitigation Measure M-TR-21, if these improvements are deemed feasible, the Project Sponsor will be required to fund a fair-share contribution toward increasing capacity along the M Ocean View light rail line.

Mitigation measures for significant impacts to transit travel times were identified and discussed in detail in the EIR. Similar to the mitigation measures identified to reduce significant traffic-related impacts, the feasibility of many of these measures is uncertain and cannot be guaranteed by the City. The EIR measures require additional study at the appropriate time and based on the best information available at that time, if the improvements are deemed feasible, the Project Sponsor will be responsible for funding the implementation prior to the approval of additional development at the Project Site. However, the

discussion and conclusions in the EIR, which formed the basis for the Planning Commission's evaluation, are based on the worst-case scenario in which none of these measures are found to be feasible.

Issue #2.10: The Appellant asserts that the EIR fails to recommend adoption of mitigation measures because additional study is needed by SFMTA. The evaluation of feasibility of transportation mitigation measures should be completed prior to finalization of the EIR.

Response #2.10: The purpose of an EIR is not to recommend adoption or rejection of mitigation measures or components of a proposed project. Rather, an EIR's purpose is to objectively analyze the direct and cumulative effects of a proposed project, determine whether those effects would result in significant impacts based on criteria established by the City, and identify mitigation measures, where technically feasible, that could lessen the severity of significant environmental impacts. It is the decision-makers who determine whether the information and conclusions in the EIR are adequate and accurate, to impose or reject mitigation measures identified in the EIR. Findings regarding rejected mitigation measures must explain why the measure is infeasible, pursuant to CEQA Section 21002 and CEQA Guidelines Section 15091. The Planning Commission's CEQA Findings are not an appropriate subject for this appeal of EIR Certification, as explained in the Summary of Issues on Appeal and Planning Department Response, p, 4, above.

The EIR does identify a number of mitigation measures that, while physically and technically feasible, either lack institutional consensus or require outside action by another party such that the City cannot be assured that mitigation can be implemented. Many of the measures are likely to be required at some point in the future as the Proposed Project builds out over 20 years or more. Since conditions may change during that time that affect the feasibility of the specified measures, and it would be speculative for the EIR to predict what those changes may be, the determination of feasibility is best formulated closer to the time of implementation. The Mitigation Monitoring and Reporting Program (MMRP) identifies specific development levels at which points evaluation and the implementation of mitigation measures will occur. These "trigger points" have been specified to occur prior to the anticipated levels of development that would create the associated significant impacts. Further, the MMRP specifies that no additional development will be permitted beyond those points until either a) the feasibility study concludes that the mitigation measure is infeasible, or b) the study determines that the measures are feasible, the Project Sponsor funds implementation, and the measures are implemented, thereby ensuring that all feasible mitigation measures will be implemented by the Project Sponsor.

Issue #2.11: The Appellant asserts that the EIR does not identify the traffic impacts of providing new parking at the site.

Response #2.11: The travel demand forecasts prepared for the Proposed Project's impact analysis accurately project the vehicular trip generation of the Proposed Project, and account for all features of the Proposed Project. Specifically, the analysis projects an increase of 1,621 net new vehicle trips in the AM peak hour, 3,101 net new vehicle trips in the PM peak hour, and 3,087 net new vehicle trips during the weekend midday peak hour (see EIR Chapter V.E, Transportation and Circulation, p. V.E.44).

Although, parking supply is not directly used as a factor in forecasting travel demand, it is accounted for indirectly. For the Parkmerced Project EIR, the forecasted transit usage is based on similar neighborhoods in San Francisco, many of which have similar parking supply ratios to those of the Proposed Project. Thus, the effect that parking supply has on mode choice and therefore, vehicular trip generation, is accounted for in the mode share analysis. Additional discussion of this issue is provided in Section 2.3, Project Parking Demand, in Master Response A.2, Transportation and Circulation, on p. III.A.20 of the Comments and Responses.

Issue #2.12: The Appellant states that while the EIR finds significant adverse impacts on wildlife as result of operation of the proposed wind turbines, it fails to suggest mitigation measures that would prevent the impact, including relocation of the wind turbines away from Lake Merced and the Pacific Flyway.

Response #2.12: The intended purpose of an EIR is to inform public agency decision-makers and the public of the significant environmental effects of a defined project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR does not redefine a proposed project, thus deletion of the wind turbines from the Proposed Proejct is not the purview of an EIR. The Parkmerced Project EIR includes analysis of impacts related operation of the 51 wind turbines. As analyzed in EIR Section V.M, Biological Resources, pp. V.M.30-V.M.34, it is not possible to design a mitigation program that could be demonstrated to reduce impacts from the operation of wind turbines to less-than-significant levels. Mitigation Measures M-BI-8a through M-BI-8e, which require bird surveys, a monitoring program, management or compensation strategies, and an application for an incidental take permit, may reduce the impact, but impacts would remain potentially significant and unavoidable.

The EIR analyzed alternatives that do not include wind turbines. Please see the discussion of Alternative B: Buildout Under Current Zoning Alternative, and Alternative C: Retention of the Historic District Central Core Alternative, in Chapter VII, Alternatives to the Proposed Project.

Issue #2.13: The Appellant asserts that the EIR analysis of greenhouse gas (GHG) emissions and global climate change is deficient and "does not properly compare" the Proposed Project GHG emissions with the Bay Area Air Quality Management District (BAAQMD) thresholds, claiming that the EIR conclusion is based on "unexplained adjustments" that may be inconsistent with BAAQMD-recommended methodologies.

Response #2.13: The Appellant is concerned about "adjustments" to the GHG inventory prepared for the Proposed Project, but the appeal comment does not suggest how the analysis is deficient or what improvements could be made to provide additional substantiation of the EIR conclusions regarding GHGs. All assumptions for the inventory are documented in the EIR (EIR Section V, Greenhouse Gas Emissions, pp. V.H.10-V.H.14).

Because the Notice of Preparation and Draft EIR were released to the public on May 12, 2010, before the date that the BAAQMD adopted its 2010 CEQA Air Quality Guidelines in June of that year, the EIR

included a separate analysis of impacts under the Draft or Proposed BAAQMD CEQA Guidelines, as they were not finalized at the time of the Draft EIR. The GHG thresholds ultimately adopted in June 2010 were not different from those identified in the EIR under the heading "BAAQMD Draft GHG Thresholds" on pp.V.H.21-V.H.22. The GHG inventory prepared for the Proposed Project includes source categories in addition to those specified by the BAAQMD for comparison to the thresholds. Notably, the Project construction-phase GHG emissions are included in the Proposed Project inventory in the EIR to conservatively estimate project GHG emissions. This is in contrast to the BAAQMD CEQA Guidelines, which do not have any adopted threshold of significance for construction-related GHG emissions. If the adopted BAAQMD thresholds were used, the results would exclude the construction-phase emissions from the comparison against the threshold. See also Response 17.28 on pp. III.C.17.15-III.C.17.16 of the Comments and Responses.

Issue #2.14: The Appellant contends that the EIR fails to analyze the seismic impacts on the existing 11 towers. The Appellant also asserts that San Francisco Planning Department Staff incorrectly states that the towers are not included as part of the Proposed Project analyzed in the EIR.

Response #2.14: It is not appropriate under CEQA to analyze and/or mitigate pre-existing conditions that are not affected by the project. The CEQA criteria address whether a proposed project would expose people to undue life safety risks as the result of a proposed project. The seismic conditions of existing buildings to remain on the Project Site would not be affected by the Proposed Project. The EIR does describe the risk of major earthquakes at the site but does not find these to be significant impacts, as the proposed new buildings and existing towers that would remain on the Project Site would meet applicable life safety codes.

Section 3, Safety of the Existing Residential Towers, in Master Response A.3, Seismic Hazards, pp. III.A.34-III.A.36 of the Comments and Responses, adds additional information on the existing conditions of the residential towers, how these buildings performed during past seismic events, and how they would be expected to perform in future events. As explained in this Master Response, the towers have been evaluated and found to be sound.

As described in EIR Chapter III, Project Description, p. III.1, about 1,683 of the apartment units located in the 11 existing tower buildings would be retained as part of the Proposed Project. These towers, and associated units, are considered and analyzed in the EIR as existing, or baseline conditions. In appropriate topics of the EIR, such as aesthetics, wind, and shadow, they are analyzed alongside the proposed representative building configurations to provide accurate Project Site conditions and analysis. For example, for the EIR's wind tunnel tests and analysis, the existing towers are included in the existing conditions configuration (Section V.Ia, Wind, pp. V.I.4-V.I.5, and Appendix C: Wind), as well as the proposed representative project configuration conditions, which consists of the existing 13-story buildings on the Project Site that would be retained as part of the Proposed Project, the proposed representative building configurations identified as part of the Proposed Project, and existing buildings in the vicinity of the Project Site. See Response #2.2.6, above.

Issue #2.15: The Appellant asserts that the findings adopted by the Planning Commission are incorrect and insufficient and that the EIR fails to propose and analyze mitigation measures for each significant impact identified in the EIR. Therefore, the Appellant asserts that the EIR's conclusions of unavoidability are inadequate and unsupported by substantial evidence.

Response #2.15: The Planning Commission's CEQA approval findings and statements of overriding considerations are not an appropriate subject for an appeal of EIR certification, as explained in the Summary of Issues on Appeal and Planning Department Responses, on p. 4, above.

Regarding the need to provide and analyze mitigation measures for each significant impact, an EIR is required to present feasible mitigation measures for impacts identified as significant impacts on the physical environment. This was done for the subject EIR. In some cases, mitigation measures would not reduce impacts to a less-than-significant level, and the impact remains significant and unavoidable even with mitigation. For example, the demolition of the garden apartments and removal of existing landscape features is identified as a significant impact on the historical district resource even with implementation of Mitigation Measure M-CR-1 to provide documentation and interpretation prior to demolition (see EIR Section V.D.a, Historic Architectural Resources, pp. V.D.27-V.D.28). In another example, operation of wind turbines would result in significant impacts on special status bird and bat species, discussed in Impact BI-8, in EIR Section V.M. Biological Resources, on pp. V.M.30-V.M.31. A detailed program of two years of surveys to be undertaken immediately prior to final approval and installation of the wind turbines, with monitoring for a period of two years after installation, is included in Mitigation Measure M-BI-8; however, it cannot be demonstrated that the measure would reduce the impact to a less-than-significant level. Therefore this impact was identified in the EIR as significant and unavoidable even with mitigation (see EIR pp. V.M.30-V.M.33).

In a few cases, no feasible mitigation measures are available to reduce the significant impact, as discussed above in Response #2.4.

Issue #2.16: The Appellant states that the EIR fails identify the net loss of seven acres of open space as a significant impact, but does not raise any specific comment recreation and open space analysis presented in the EIR.

Response #2.16: In accordance with the City's CEQA checklist and significance criteria identified in EIR Section V.J, Recreation, p. V.J.7, for purposes of analysis in the EIR, parks are generally defined as areas of land set aside for various recreational opportunities for the public. Recreational facilities are those structures and/or improvements that are built at parks (e.g., benches, picnic tables, tennis courts, dog runs, gardens, etc.). Open space is generally defined as an undeveloped open area that may have a planted area not actively maintained by the department and is neither an actively used park land nor a designated natural area, such as right of way patches or unimproved lots. Therefore, parks and recreational facilities are typically used interchangeably, whereas open space areas refer to those areas where the land is either kept in its natural state or being managed in order to return the land to its natural state. In determining whether the Proposed Project would have a significant adverse impact on recreational facilities, the analysis considers the surrounding recreational facilities, the existing capacity

of those facilities, and the expected recreational improvements that would be included as part of the Proposed Project. The analysis in the EIR assumes that if there are a variety of recreational facilities within a service distance with sufficient capacity, there would not be a significant adverse effect. Therefore, though the Proposed Project would result in a net loss of seven acres of publicly accessible private open space, much of which is grassy lawns, the EIR concludes this reduction would not result in a significant impact due to the amount and variety of the proposed on-site system of privately maintained parks, playgrounds, and open space amenities, and given the large amount of public open space in the vicinity of the Project Site.

Issue #2.17: The Appellant contends that the EIR does not identify and analyze a No Demolition Alternative.

Response #2.17: EIR Chapter VII, Alternatives to the Proposed Project, includes a No Project Alternative, as required by CEQA, in Section VII.A (pp. VII.1-VII3); this alternative would involve no demolition on the Project Site. Additionally, CEQA requires that alternatives to a proposed project be tailored to reduce or eliminate the significant impacts of the project as proposed. Here, alternatives were analyzed that could potentially reduce or eliminate one of the most significant impacts of demolition—the impact to historic resources due to demolition of the potential Parkmerced historic district historic resource. Section VII.G, Details of Alternatives Considered and Rejected, on pp. VII.74-VII.75, discusses two alternatives – the Infill Development within the Historic District alternative, and the West Side - Partial Historic District alternative – that would require less demolition and retain more buildings and landscape features than the Proposed Project would. These alternatives were rejected from further consideration because they did not meet project objectives, would not reduce project impacts, or would result in greater impacts than the Proposed Project. Specifically, the Infill Development within the Historic District Alternative was rejected from further consideration because it would still have significant impacts to the historic resource. These alternatives are also discussed in the Comments and Responses in Master Response A.4, Alternatives, in Section 2.3, Alternatives Considered but Rejected, on p. III.A.41.

Issue #2.18: The Appellant states that the EIR fails to consider a full range of alternatives that would eliminate the Proposed Project's impacts, including an off-site alternative.

Response #2.18: Master Response A.4, Alternatives, in the Comments and Responses considers alternatives suggested in comments on the EIR, including an alternative location for the Proposed Project. An alternative location is discussed on p. III.A.43 of that response introduced on that page.

Issue #2.19: The Appellant asserts that the CEQA Findings and Statement of Overriding Considerations are inadequate due to inadequate information about feasibility of mitigation measures in the EIR and due to inadequate alternatives in the EIR.

Response #2.19: See the discussion in the Summary of Issues on Appeal and Planning Department Responses, in the Introduction, above, explaining that the CEQA findings are not before the Board as part of the appeal of EIR certification. Regarding feasibility of mitigation measures, all of the mitigation measures presented in the EIR are technically feasible, although some may not be operationally or economically feasible due to special circumstances. The ultimate findings of feasibility or lack of feasibility related to mitigation measures are made in the CEQA Approval Findings required in CEQA Guidelines Section 15091, not in the EIR, and are made as part of the Project approval process, which is not on appeal here. Although information in the EIR can provide the necessary substantial evidence to support these findings, other documents available to decision-makers in the administrative record can also support findings.

The EIR includes a reasonable range of alternatives to the Proposed Project, as discussed in Master Response A.4, Alternatives, on pp. III.A.37-III.A.45 in the Comments and Responses. See also the discussions of feasibility of mitigation measures in Responses #2.10 and #2.15, above.

Issue #2.20: The Appellant asserts that City staff were not objective in preparing the EIR or other materials related to the Project because the project sponsors paid for some of the costs to the city of staff time spent analyzing the project.

Response #2.20: All sponsors of private development proposals pay fees to the City to cover the time and materials spent processing the entitlement applications and environmental review. These fees include the costs related to Environmental Reviews, some of which is related to staff work. No payments are made directly to any individual City staff members for the Parkmerced or any other development project. The fact that the Parkmerced Project Sponsor paid for staff hours expended in no way affects the staff's independent analysis of the impacts of the Proposed Project, including determinations of significant impacts and identification of mitigation measures and alternatives in the EIR.

Issue #2.21: The Appellant asserts that the public has not been afforded meaningful opportunities to provide input into the draft findings and legislation presented to the Planning Commission and acted on at the Commission's public hearing on February 10, 2011.

Response #2.21: As explained above, the only issue before the Board is the appeal of the EIR certification action by the Planning Commission, not the actions by the Commission to approve the project or its supporting approval findings. A 61-day public comment period was provided on the Draft EIR, extended from the original 45 days. The Planning Commission held a duly noticed public hearing on the Draft EIR on June 17, 2010, and took public comment. Public comment was received regarding whether the EIR should be certified during the February 10, 2011, Planning Commission meeting. This is in addition to a series of informational presentations on the Proposed Project conducted by the Planning Commission where public hearings were conducted.

CONCERNS RAISED BY BERNARD CHODEN, CHAIR PLANNING, ON BEHALF OF JENNIFER CLARY, PRESIDENT, SAN FRANCISCO TOMORROW, AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the March 2, 2011 Appeal Letter by Bernard Choden, Chair Planning, on behalf of Jennifer Clary, President, San Francisco Tomorrow, are summarized below. Each issue is followed by a Planning Department response.

Issue #3.1: The Appellant states that the EIR fails to include and analyze an alternative that preserves the low-rise, affordable housing.

Response #3.1: As described in Master Response A.4, Alternatives, on pp. A.4.37-A.4.41 of the Comments and Responses, an EIR is required to analyze a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives, and would avoid or substantially lessen one or more of the significant environmental effects of the Proposed Project (see State CEQA Guidelines Section 15126.6). The alternatives need not meet all of the project objectives. An EIR need not consider every conceivable alternative to a project, but must include a reasonable range of potentially feasible alternatives. The main purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any significant effects of the proposed project identified in the EIR, and to foster informed decision-making and public participation. For example, the Parkmerced EIR includes a preservation alternative that fully mitigates the impact to the historic resources, as well as an alternative that reduces, but does not fully mitigate that impact so that decision-makers can compare the policy trade-offs among these two alternatives and the Proposed Project.

The EIR analyzed five alternatives to the Proposed Project in addition to the No Project Alternative: Alternative B, Buildout Under Current Zoning Regulations; C, Retention of the Historic District Central Core; D, Partial Historic District; E, Full Project Buildout with Transit Options; and F, No Muni Realignment. A graphic illustrating each alternative is presented in the EIR (see Figures VII.1-VII.6, in EIR Chapter VII, Alternatives to the Proposed Project, pp. VII.3, VII.7, VII.23, VII.37, VII.49, and VII.63, respectively). The alternatives analyzed in the EIR were developed in part to identify those that could avoid or substantially lessen one or more of the significant impacts identified for the Proposed Project. Some alternatives, including B, Current Zoning Alternative, and C, Retention of the Historic District Central Core, would reduce or eliminate some of the identified significant impacts. Alternatives C and D would preserve some or all of the existing low-rise buildings and surrounding landscaping in their present configuration. Thus, the Appellant's request is already met in the EIR.

An alternative that would retain all existing low rise buildings, including much of the existing landscape, and add residential density with infill development was considered during preparation of the Draft EIR (see pp. VII.74-VII.77). Locations for infill development were selected, ultimately resulting in possible 1- to 4-story buildings in the carports between existing garden apartments and 14-story towers adjacent to existing towers. These are shown in Figure VII.7 on p. VII.75. The alternative would add about 1,400

residential units to the 3,221 existing units. No new retail/commercial space or new recreational facilities would be provided. The reasons that this alternative was not analyzed in detail in the EIR are presented on p. VII.78. In particular, an evaluation of this infill development alternative showed that the infill development would result in the same significant impacts on the Parkmerced historic district resource, without fulfilling the Project Sponsor's basic objectives of providing high-density housing near a commercial core.

Issue #3.2: The Appellant asserts that the Project includes a "non-viable continuation of rent stabilization as a mitigation."

Response #3.2: The Parkmerced Project EIR does not identify "continuation of rent stabilization" as a mitigation measure. The issue of rent stabilization is an economic and social issue that is not required by CEQA to be addressed in an EIR (see Response TR.20.3 on p. III.B.18 of the Comments and Responses). The Project as proposed, under the terms of the proposed DA, includes provision of replacement units for tenants of units that would be demolished and the replacement apartments would be rented at the same rent-controlled rate as the existing units. This project feature is not identified as a mitigation measure, as it is a component of the Proposed Project. The discussion and analysis of population and housing impacts in EIR Section V.C, Population and Housing, does not find significant housing impacts of the Proposed Project. Therefore, no mitigation measures are required. (See EIR pp. V.C.12-V.C.13.) As explained in Response TR.20.2 on p. III.B.17 of the Comments and Responses, the terms of the proposed DA between the City and Project Sponsor include a provision that all 1,583 replacement units would be subject to the same rental requirements as those in the City's rent stabilization ordinance for the life of the building, regardless of the tenant occupying the unit. This is an element of the Proposed Project, not a mitigation measure.

Issue #3.3: The Appellant states that the EIR fails to consider PG&E pipeline safety impacts.

Response #3.3: The EIR did not discuss PG&E pipeline safety because the City and County of San Francisco is not in possession of and has not been presented with any data or evidence that PG&E pipelines in the vicinity of the Project Site pose a hazard to the existing residents or visitors or to the new residents and visitors that would result from implementation of the Proposed Project. According to data from the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Pipeline and Hazardous Materials Safety Administration's (PHMSA) National Pipeline Mapping System, which shows gas transmission pipelines and hazardous liquid trunklines for every county in the United States, the closest gas transmission line to the Project Site is PG&E's Line 109, which generally follows Alemany Boulevard.[2] Pursuant to Public Resources Code Section 21082.2, and CEQA Guidelines Section 15064(f)(5), a public agency is not required to analyze impacts that are speculative, and

[2] PG&E website: www.pge.com/myhome/edusafety/systemworks/gas/transmissionpipelines/, accessed March 15, 2011.

"argument, speculation, unsubstantiated opinion" does not constitute substantial evidence for the purposes of determining whether an impact may be potentially significant.

According to the PHMSA, gas pipeline incidents in California are rare.[3] The PHMSA defines "significant incidents" as those incidents reported by pipeline operators when any of the following conditions are met: 1) fatality or injury requiring in-patient hospitalization, 2) $50,000 or more in total costs, measured in 1984 dollars, 3) highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more, 4) liquid releases resulting in an unintentional fire or explosion. In California, the 10-year average (2001-2010) of significant incidents relating to gas distribution pipelines is 6 incidents, 0 fatalities, 1 injury, and $1,438,746 worth of property damage per year based across 102,659 miles of pipeline. The 10-year (2001-2010) average of significant incidents relating to gas transmission incidents is 2 incidents, 1 fatality, 5 injuries, and $1,240,998 in property per damage per year. This average, taken over a 10-year period, includes 1 fatality that occurred in 2003, and 8 fatalities that occurred in San Bruno in 2010.[4] Furthermore, according to data from PHMSA, when incidents do occur, most injuries due to gas transmission pipeline incidents were to pipeline operator employees or operator contractors, and not to the general public in the vicinity of the pipeline.

Issue #3.4: Among its reasons for appeal, the Appellant lists the failure to protect the "architectural heritage and commodiousness" of the Parkmerced complex.

Response #3.4: The EIR discusses historic architectural resources in detail in Section V.D.a, Historic Architectural Resources, pp. V.D.1-V.D.29. That section concludes that the Parkmerced complex is eligible for inclusion in the California Register of Historical Resources based on its s historic and architectural significance, and is therefore considered an "historical resource" for the purposes of CEQA. The EIR further concludes that the proposed demolition of the existing apartment buildings and removal of landscape features would result in significant and unavoidable project and cumulative impacts on the Parkmerced historic district historical resource.

Likewise, consistent with Section V.D.a, Historic Architectural Resources, EIR Section B, Aesthetics, pp. V.B.1-V.B.32, concludes that the Parkmerced complex is a visual/scenic resource of the built environment and that demolition of the existing apartment buildings and removal of landscape features would result in significant and unavoidable project and cumulative impacts on the visual/scenic resource.

The EIR found that no feasible mitigation measures were available that would preserve the essential historic and visual character of the Project Site, yet allow the Proposed Project to be substantially implemented (EIR pp. V.D.27-V.D.28; and EIR pp. V.B.20-V.B.21). However, EIR Chapter VII, Alternatives to the Proposed Project, identified Alternative C, pp. VII.22-VII.36, which would preserve the essential historic character and distinctive visual qualities of the historic central core of the

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[3] U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration website: http://primis.phmsa.dot.gov/comm/reports/safety/CA_detail1.html#_OuterPanel_tab_2, accessed March 14, 2011.
[4] U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, California Significant Indicants and Mileage Overview, table 'California Significant Incidents', http://primis.phmsa.dot.gov/comm/reports/safety/CA_detail1.html#_OuterPanel_tab_2, accessed March 15, 2011.

Parkmerced complex while allowing some new development to proceed at the periphery of the Project Site.

Issue #3.5: The Appellant asserts that the EIR fails to describe area-wide transportation impacts.

Response #3.5: The potential transportation direct and cumulative impacts were adequately and accurately analyzed and described in the EIR. The transportation analysis addressed impacts on local streets and intersections in and surrounding the Parkmerced site, intersections along major travel routes in the project vicinity (a total of 34 intersections, listed in EIR Section V.E, Transportation and Circulation, on pp. V.E.1-V.E.4 and shown on Figure V.E.1), and nine freeway segments and three freeway merge/diverge sections on State Route 1. Where feasible, mitigation measures were identified to reduce significant impacts to less than significant levels. However, many significant impacts are projected to remain at significant levels with implementation of the Proposed Project. These significant and unavoidable impacts were identified and disclosed in the EIR. As discussed in Section 3.4, Number of Significant and Unavoidable Impacts, in Master Response A2, Transportation and Circulation, on pp. III.A.29-III.A.30 of the Comments and Responses, comments noting the number and severity of significant and unavoidable impacts disclosed in the EIR generally express opposition to the Proposed Project, but do not raise substantive comments related to the adequacy and accuracy of the EIR or its conclusions.

Issue #3.6: The Appellant asserts that an unresolved issue is the question as to whether there has been "sufficient economic area analysis to ensure the developer and city will have implementable timely mitigation measures."

Response #3.6: Insofar as this comment may refer to the Project Sponsor's financial status and ability to carry out the Project, including mitigation measures imposed as conditions of approval, see Response TR.1.2 on p. III.B.1 of the Comments and Responses. As noted there, even if the current Project Sponsor were to sell the Project Site, the mitigation measures and other conditions of approval would apply to any subsequent owner.

An EIR is not required to include analysis of economic impacts except insofar as economic information is useful in determining the significance of a physical environmental impact (see CEQA Guidelines Sections 15064(e) and 15134). Economic information is used to determine feasibility of mitigation measures. For example, Mitigation Measure M-TR-12 explains that one way to provide additional transit capacity to serve the additional ridership generated by the Project would be to add a third car to some M Ocean View light rail trains during peak commute hours, but notes that surface stations are not configured to serve three-car trains and the cost of upgrading all the stations along the line would be substantial. This is one basis for this approach to mitigation being considered infeasible (see Master Response A.2, Transportation, in the Comments and Responses, p. III.A.23, and Final EIR p. V.E.80).

Issue #3.7: The Appellant contends that the actions of the Planning Commission did not follow due process as required by the City Charter and normative legal procedures.

Response #3.7: The Appellant does not specify how the actions of the Planning Commission failed to follow City Charter and other legal procedures. The Commission held required public hearings, at which it received public testimony, as explained in Response #2.21, above. Additionally, as explained in the Summary of Issues on Appeal and Planning Department Responses section of the Introduction, the Planning Commission's actions to certify the EIR and approve the Proposed Project are not the subject of an appeal of EIR certification to the Board of Supervisors.

Issue #3.8: The Appellant states that the description of existing low-rise buildings as being in substandard condition is unsupported by substantial evidence.

Response #3.8: The EIR does not describe the low-rise buildings on the Project Site as "substandard." This term was used by Commissioner Moore during the Planning Commission's deliberations, but is not used in the EIR, the EIR Certification Motion, or the CEQA Findings. The EIR describes the existing buildings in detail in Section D.a, Historic Architectural Resources, but does not describe them as being in poor condition or substandard (see EIR pp. V.D.4-V.D.29). The EIR notes on pp. V.D.4-V.D.5 that buildings built during World War II that were supposed to be constructed of concrete were instead constructed of wood frame and stucco. "Thus, the quality of materials was less durable than originally planned." This statement does not suggest or state that the buildings are substandard or of poor quality.

Issue #3.9: The Appellant states that the EIR fails to describe the project area and existing conditions, and fails to delineate accurately the original boundaries of Parkmerced as a designed landscape site.

Response #3.9: The EIR provides sufficient description of the project area and existing conditions, including the boundaries of the potential historic district and its associated character-defining features in the various Setting subsections in Chapter V, Environmental Setting and Impacts. The Parkmerced Project site and existing conditions are also described in Chapter III, Project Description, pp. III.4-III.15. The original Parkmerced site is described in the Setting subsection of Section D.a, Historic Architectural Resources (see, in particular, p. V.D.9). Additional details about the original Parkmerced site boundaries are described in Master Response A.1, Master Response, Historic Resources, pp. A.1.2-A.1.8 of the Comments and Responses.

Issue #3.10: The Appellant contends that the EIR fails to accurately state the condition of the 11 existing towers and fails to acknowledge the need to renovate or replace these towers.

Response #3.10: Master Response A.3, Seismic Hazards, pp. III.A.34-III.A.36 of the Comments and Responses, includes information on the existing conditions of the residential towers, how these buildings performed during past seismic events, and how they would be expected to perform in future events. As explained in this Master Response, the towers were evaluated and found to be seismically sound.

Issue #3.11: The Appellant asserts that the EIR does not adequately describe the existing open space on the Project Site in relation to San Francisco's overall "greenbelt".

Response #3.11: The EIR analyzes the Proposed Project's impacts on recreation and open space in accordance with CEQA and the City's checklist. As described in Section V.J, Recreation, p. V.J.7, in determining whether the Proposed Project would have a significant adverse impact on recreational facilities, the analysis considered the surrounding recreational facilities, the existing capacity of those facilities, and the expected recreational improvements that would be included as part of the Proposed Project. As described on pp. V.J.7-V.J.8, the subneighborhood-, neighborhood-, and City-serving recreation facilities within a quarter mile of the Project Site include Merced Heights Park, Brotherhood/Chester Mini-Park, the Peace Park open space, and the Lake Merced Complex. These areas provide a ratio of approximately 30 acres of public parkland per 1,000 residents. This ratio is higher than the current Citywide ratio of 7.5 acres of public parkland per 1,000 residents as well as the objective of 5.5 acres of public parkland per 1,000 residents identified in the City's *General Plan*. Thus, given the wide variety and quantity of nearby public open space and recreational opportunities, the anticipated on-site population with the Proposed Project (about 22,120) would not increase the use of these public facilities such that substantial physical deterioration of existing facilities would occur or be accelerated. Therefore, the Proposed Project's impacts on existing public open space and recreational facilities were found in the EIR to be less than significant.

Issue #3.12: The Appellant asserts that the EIR does not adequately describe the historic value of the existing buildings and the entire landscape design.

Response #3.12: The Appellant provides no support for the assertion that the EIR's description and evaluation of the buildings and landscape are inadequate. The EIR Section D.a, Historic Architectural Resources, on p. V.D.26, concludes with respect to the historic significance of the Parkmerced complex that:

> Parkmerced is eligible for inclusion in the California Register of Historical Resources as a historic district under Criterion 1 (Events) and Criterion 3 (Design/Construction) with a period of significance from 1941 to 1951. Most of the features at Parkmerced retain integrity from MetLife's period of ownership and together the buildings, landscapes, and associated features of Parkmerced reflect the original design and functionality of this planned residential community. This conclusion was reached through comprehensive research of the property's history, associated historic contexts, an existing conditions survey, and cultural landscape evaluation. As a property eligible for inclusion in the California Register, the property is considered a historical resource for the purposes of review under CEQA.

This conclusion is supported by substantial evidence of the resource's historic and architectural significance, presented on EIR pp. V.D.2-V.D.26.

Issue #3.13: The Appellant asserts that the EIR does not accurately delineate usable open space on the site, which encompasses private/public open space areas. As a result, the loss of usable open space for tenants is not reported.

Response #3.13: The current amount of open space on the Project Site is 75 acres. The loss of 7 acres of open space, or 305,100 square feet, amounts to a 10 percent reduction in the amount of open space provided on the Project Site. As described in EIR Section V.J, Recreation, on p. V.J.9, the total amount of on-site open space that would be provided under the proposed development program is about 3.4 acres of open space per 1,000 residents. This would be a reduction of approximately 6.8 acres of open space per 1,000 residents (based on 75 existing acres of open space and approximately 7,340 existing residents), as identified in Section V.C, Population and Housing, on p. V.C.4. Thus, under the proposed development program there would be a reduction in the amount of open space per unit, per resident, and per 1,000 residents. Nevertheless, as shown in the EIR Chapter III, Project Description, in Figure III.8: Proposed Publicly Accessible Open Space Plan, p. III.21, and as described in EIR Section V.J on pp. V.J.7-V.J.10, the proposed mix of recreation facilities and open space, i.e., more playgrounds and athletic fields, streams, ponds, community gardens, and a farm, and the geographic distribution of the new open space and recreation facilities across the Project Site, the Proposed Project would provide greater accessibility to recreational resources. This would reduce the already less-than-significant impacts on existing open space facilities. Furthermore, as described under Impact RE-1 on pp. V.J.7-V.J.10, access to nearby recreational facilities, especially the Lake Merced Complex and Fort Funston to the west, are important site planning and design concepts that would better connect the Parkmerced neighborhood to other City open space and recreational resources. A similar comment was raised during the 61-day EIR public review period. Please see Response 28.5 on pp. III.C.28.4-III.C.28.5 in the Comments and Responses.

Issue #3.14: The Appellant asserts that the project description is inaccurate and inconsistent in its description of the duration of project implementation as 20 or 30 years.

Response #3.14: Similar comments were raised about project phasing and buildout period in other appeals. Please see Responses #2.2.2 and #2.2.4, above.

Issue #3.15: The Appellant asserts that the EIR is inconsistent when describing whether the 11 existing tower buildings are included as part of the Proposed Project.

Response #3.15: A similar comment was raised in the March 2, 2011 Parkmerced Action Coalition appeal letter. Please refer to Response #2.14, above, for a discussion of this issue.

Issue # 3.16: The Appellant states that the EIR does not provide an explanation of how replacement housing for existing tenants can be provided in a legally binding manner that will apply to future owners of the site.

Response # 3.16: The EIR describes the Project as proposed, including provisions to provide replacement housing at rents equivalent to those in rent-controlled units. This provision of the Project would be enforced through a proposed Development Agreement between the City and the Project Sponsor. See Responses TR.2.2 and TR.20.2 on pp. III.B.2-III.B.3 and III.B.17 of the Comments and Responses for further discussion of this issue.

Issue # 3.17: The Appellant asserts that it is a violation of the requirements of CEQA to have identified impacts as significant and unavoidable when there are feasible mitigation measures or alternatives presented by members of the community that would reduce the impacts to less-than-significant levels, citing specifically visual and historic impacts of removing landscaping and buildings that comprise the potential historic district.

Response # 3.17: A project or cumulative impact is identified as significant and unavoidable in an EIR when there are no feasible mitigation measures to reduce the impact to a less-than-significant level. Thus, Impacts AE-1 regarding visual/scenic resources and CR-1 and CR-2 regarding the Parkmerced historic district and cultural landscape resources, are identified as significant and unavoidable in the EIR (see EIR Section V.B, Aesthetics, pp. V.B.20-V.B.21, and EIR Section D.a, Historic Architectural Resources, pp. V.D.27-V.D.29). No feasible mitigation measures for these impacts were presented during public comment on the Draft EIR. Alternatives that would reduce these significant impacts are described and analyzed in the EIR in Chapter VII, Alternatives (see especially the analysis of Alternative C, Retention of Historic District Central Core Alternative on pp. VII.22-VII.36, and the discussion of infill development within the historic core in Section G, Details of Alternatives Considered and Rejected on EIR pp. VII.74-VII.76). Alternatives do not "mitigate" impacts of a proposed project. Instead, they present other development options that would change a proposed project and thereby reduce or eliminate one or more significant impacts. Thus, the EIR complies with the requirements of CEQA and the CEQA Guidelines in identifying significant, unavoidable impacts in the areas of visual and historic architectural resources, in spite of the availability of alternatives that could reduce these impacts.

Comments on the Draft EIR purported to present feasible alternatives different from those described and analyzed in the EIR that would also reduce or eliminate significant impacts on visual or historic architectural resources. These comments are addressed in the Comments and Responses. In particular, Aaron Goodman presented several different configurations of the Project Site, some including surrounding areas not owned by the Project Sponsor, that are referred to as "alternatives" in the comments. These and other comments related to alternatives considered feasible by commenters are addressed in Master Response A.4, Alternatives, on pp. III.A.37-III.A.45 of the Comments and Responses. In summary, the Master Response explains that the EIR includes a reasonable range of alternatives, as required by CEQA. Many of the comments suggested different ways to configure an alternative that would meet the Secretary of the Interior's Standards for Historic Preservation (Secretary's Standards). Alternative C meets the Secretary's Standards, and there is no requirement to present multiple approaches to a preservation alternative, although the EIR includes a partial preservation alternative and explains why two other potential preservation alternatives were not considered in detail. Several alternatives suggested in comments include property outside of the Project Site; as explained on

p. III.A.43 of the Comments and Responses, the Project Sponsor does not own any of the properties suggested and has no plans to acquire any of them, and several of the suggested locations have other development programs proposed or approved for them.

Issue #3.18: The Appellant asserts that the EIR is inadequate because it does not identify a mitigation measure to avoid transit impacts that would provide an improved bus connection to Daly City or the Balboa Park BART station, rather than move the Muni M-line oto the Project Site.

Response #3.18: See Response 2.2.3, above. As noted there, the EIR includes an alternative that does not relocate the M Ocean View line into the Project Site. The Proposed Project already includes a new shuttle bus connection between the Project Site and the Daly City BART station, as suggested in the comment. Therefore, the scenario proposed in the appeal has already been considered and evaluated in the EIR. The Planning Commission in its CEQA Findings acknowledge that Caltrans might not grant approval of the proposed alterations in 19th Avenue, and adopted the No Muni Realignment Alternative if Caltrans approval is not obtained.

Issue #3.19: The Appellant states that SFPUC [SFMTA]findings state clearly that "grade separation" is a preferred solution to the M Ocean View realignment, yet such is not considered as a design solution.

Response #3.19: Grade separation of the M Ocean View at its crossing of 19th Avenue is not part of the Proposed Project, nor is it necessary as mitigation to reduce significant project-related impacts. Therefore, it was not considered in this EIR. However, Section 3.1, Scenarios, in Master Response A2, Transportation and Circulation, in the Comments and Responses (see particularly pp. III.A.26-III.A.27) includes a discussion of the relationship between the EIR and the *19th Avenue Corridor Study.* That study included four tiers of improvements associated with funded and planned improvements in the area, and will include future long-term major improvements to the study area, as part of a fifth tier. Future large-scale projects proposed as part of Tier 5 in the *19th Avenue Corridor Study* could include major improvements such as grade-separation of the M Ocean View crossings at 19th Avenue, extension of the M Ocean View to the Daly City BART Station, or relocation the M Ocean View to the west side of 19th Avenue for its entire route. As noted in the Master Response, Tier 5 was not analyzed in the EIR because it would represent an "optimistic" scenario, rather than one that is reasonably foreseeable, as required by CEQA. As a result, if the improvements ultimately identified as part of Tier 5 were assumed in the Parkmerced Project analysis, the analysis could have understated the impacts of the Proposed Project.

Issue #3.20: The Appellant asserts that Tier 5 improvements should be fully funded and implemented prior to development.

Response #3.20: "Tier 5" refers to a series of long-term, large scale future improvements along the 19th Avenue corridor that are being studied by the San Francisco Municipal Transportation Agency and other City departments. See Response #3.19, above, for additional information about Tier 5. The improvements likely to be included as part of Tier 5 encompass large-scale, area-wide improvements that

are still under study; they are intended to represent an "optimistic" scenario, and not necessarily one that can be completely and immediately implemented. Full funding for these improvements would fall outside the reasonable burden of the Project Sponsor, due to the scope and scale of the Tier 5 improvements. See also Section 3.1,Scenarios, in Master Response A2, Transportation and Circulation, on pp. III.A.25-III.A.28 of the Comments and Responses, which includes a discussion of the relationship between the EIR and the *19th Avenue Corridor Study*, including the Tier 5 improvements.

Issue #3.21: The Appellant asserts that traffic impacts could be avoided through a reduced-scale alternative or an alternative site closer to an existing transit station where limitations on private autos could be employed.

Response #3.21: EIR Chapter VII, Alternatives to the Proposed Project, includes several alternatives with less overall new development than the Proposed Project. Alternative C, Retention of the Historic District Central Core Alternative, is a reduced-scale alternative analyzed in the EIR. It would have about 3,330 fewer residential units and approximately 170,000 sq. ft. less retail and office space than the Proposed Project. This alternative would result in significant traffic impacts but would reduce the number of intersections experiencing significant impacts by four intersections under Existing plus Project conditions and by six intersections under 2030 Cumulative conditions (see EIR pp. VII.27-VII.29). Alternative D, Partial Historic District Alternative, would also reduce the number of residential units but only by about 360 units, and would have the same amount of retail and office space. It would not result in reductions in any transportation impacts (see EIR pp. VII.36-VII.43).

As described in Master Response A.4, Alternatives, on p. III.A.43 of the Comments and Responses, no alternative location has been considered for the Proposed Project. The Project Sponsor does not own an alternative site and has no plans to acquire a similarly-sized property (see pp. III.A.42-III.A.43). Moreover, the Project proposed is one to redesign and reconstruct an existing site, already owned and operated by the Project Sponsor. The EIR is not required to randomly select another site to analyze when none is owned by a project sponsor, particularly when there are relatively few 152-acre sites in the City that would accommodate the proposed density, and no sites of this size are located on the west side of the City.

It is not clear that a reduced-scale alternative or alternative site would allow imposition of specific limitations on the number of private automobiles associated with a project, even if such an alternative were identified and found feasible. Limitations on numbers of parking spaces would not necessarily limit the number of automobiles or the number of vehicle trips associated with a project, as it is often possible to obtain parking elsewhere.

Issue #3.22: The Appellant contends that the EIR fails to adequately describe and provide mitigation for construction impacts.

Response #3.22: Project-related construction impacts are described and analyzed in accordance with the City of San Francisco's significance criteria in the applicable sections of the EIR. Mitigation measures

are identified where appropriate. The following EIR topics analyze the Proposed Project's construction-related impacts: V.D.b, Archaeological Resources, pp. V.D.43-V.D.50; V.E, Transportation and Circulation, pp. V.E.50-v.E.53; V.F, Noise, pp. V.F.17-V.F.21; V.G, Air Quality, pp. V.G.19-V.G.26; and V.P, V.O, Hydrology and Water Quality, pp. V.O.16-V.O-17; and V.P, Hazards and Hazardous Materials, pp. V.P.10-V.P.17.

Issue #3.23: The Appellant states that the EIR fails to identify seismic safety impacts of building a major high-rise residential development in close proximity to the San Andreas fault, and fails to provide mitigation for the existing seismically unsound towers.

Response #3.23: As described in EIR Section V.N, Geology and Soils, pp. V.N.8-V.N.9, surface rupture is the most easily avoided seismic hazard. There are no mapped Alquist-Priolo earthquake fault zones in the City. Therefore, the Proposed Project would not be subject to the Act. As analyzed on pp. V.N.12-V.N.13, the EIR found that the Proposed Project would result in less-than-significant seismic safety impacts, specifically from exposure of people or structures to potential adverse effects due to ground shaking, ground failure or liquefaction.

A similar comment about the soundness of the existing towers was raised in the March 2, 2011 Parkmerced Action Coalition appeal letter. Please refer to Response #2.14, for a discussion on this issue.

Issue #3.24: The Appellant contends that the EIR fails to consider life-safety impacts from building in close proximity to a high-pressure PG&E gas pipeline.

Response #3.24: A similar comment was raised earlier in this appeal letter. Please see Response #3.3, above.

Issue #3.25: The Appellant asserts that the EIR fails to identify significant impacts related to greenhouse gas (GHG) emissions of carbon dioxide (CO_2), and that GHG emissions impacts "have been improperly downplayed" by failing to take into account various foreseeable activities related to construction and operation of the Proposed Project.

Response #3.25: The Appellant is concerned about "fully and properly" accounting for activities that are included in the GHG inventory in the EIR, but the appeal comment does not suggest how the analysis is deficient or what improvements could be made to the analysis in order to provide additional substantiation of the EIR conclusions regarding GHG. All assumptions made in preparing the inventory are documented in the EIR (see Section IV.H, Greenhouse Gas Emissions, pp. V.H.10-V.H.14).

EIR Section V.H identifies the construction phase and demolition GHG emissions and emissions from other Project activities, including the electricity and natural gas use by occupants of future residential units. The EIR identifies the policies and regulations that apply to the new construction as part of this project include the Green Building Ordinance, a Zero Waste strategy, and a Construction and Demolition Debris Recovery Ordinance. The GHG inventory (EIR Table V.H.2 on p. V.H.17) quantifies

construction-related emissions; the GHG values presented in the EIR includes the activities of demolition, disposal of solid waste generated during construction and demolition, use of construction equipment for grading the site, and installation of landscaping. Electricity use due to new, energy-efficient appliances in the units is also accounted for in the GHG emissions (p. V.H.13). Potential changes in sequestration are also described in the EIR (p. V.H.12). The Planning Department believes that the GHG inventory is appropriately identified and described as a basis for analyzing the environmental impacts that would result from implementation of the Proposed Project.

Issue #3.26: The Appellant contends that the EIR fails to identify significant land use impacts for a major housing project being proposed in the absence of a valid *General Plan*.

Response #3.26: As stated in Section V.A, Land Use, pp. V.A.9-V.A.13, the DEIR concluded that the Proposed Project would result in less-than-significant impacts on land use. The Proposed Project would not physically divide an established community, would not have a substantial adverse impact on the character of the vicinity, and, when combined with other cumulative projects, would not create incompatible cumulative land use impacts on established communities.

As stated in Chapter IV, Plans and Policies, the Draft EIR identified conflicts between the Proposed Project and the *General Plan*, specifically the Urban Design Element. The Proposed Project does not conflict with either the 1990 Residence Element, the policies and objectives of the 2004 Housing Element that were not enjoined by the court as part of ongoing litigation regarding the environmental review of that element, or with the proposed 2009 Housing Element, which is currently undergoing environmental review and has not yet been formally adopted.

Issue #3.27: The Appellant states that the Proposed Project is fundamentally inconsistent with many of the Proposition M Priority Policies and that the EIR fails to identify significant impacts in regards to these inconsistencies, specifically Priority Policy 2 regarding conservation and protection of existing housing and neighborhood character in order to protect the cultural and economic diversity of the neighborhood; Priority Policy 3 regarding preservation and enhancement of the City's supply of affordable housing; Priority Policy 6 regarding preparedness to protect against injury and the loss of life in an earthquake; Priority Policy 7 regarding preservation of landmarks and historic buildings; and Priority Policy 8 regarding protection of parks and open space and their access to sunlight and vistas.

Response #3.27: As stated in EIR Chapter IV, Plans and Policies, pp. IV.1-IV.2, the Proposed Project was reviewed against the Priority Policies and no inconsistencies were identified. Additional analysis regarding consistency with Priority Policies 2, 7, and 8 is presented in Response TR.34.1 on pp. III.B.30-III.B.31 of the Comments and Responses; no inconsistencies were identified.

No inconsistency was found with Priority Policy 3, since under the terms of the proposed DA between the City and the Project Sponsor, all 1,583 replacement units would be subject to the same terms as the San Francisco Rent Stabilization and Arbitration Ordinance for the life of the building regardless of the tenant occupying the unit.

No inconsistency was found with Priority Policy 6, since the EIR found that the Proposed Project would not expose people or structures to potential adverse effects due to seismic hazards. Section V.N, Geology and Soils, pp. V.N12-V.N.13, describes the Proposed Project's potential adverse effects due to ground shaking, ground failure, or liquefaction and concludes that they would be less than significant.

Issue # 3.28: The Appellant asserts that the EIR fails to identify a significant impact because it does not state that the Project is inconsistent with the 1991 Housing Element of the *San Francisco General Plan.*

Response # 3.28: Inconsistency with provisions of a general plan is not the basis for a determination of significant impact (see CEQA Guidelines Section 15125, which states that inconsistencies between the proposed project and an applicable general plan are to be discussed in the Environmental Setting sections of an EIR). As described in EIR Chapter IV, Plans and Policies, on p. IV.3, City decision-makers, such as the Planning Commission and Board of Supervisors, would evaluate whether to approve a proposed project in light of their consistency with the policies of the *General Plan.* Physical environmental impacts that may relate to policies of the *General Plan*, such as demolition of existing housing, are evaluated in the relevant sections of the EIR, such as historic resources, air quality and noise. The case report and approval motions for the consideration of approval of proposed projects contain the analysis and findings regarding a proposed project's consistency with the policies of the *General Plan.*

Issues related to affordability are economic and socioeconomic issues that are not required to be addressed in an EIR unless they may lead to indirect physical changes in the environment. (See also Response # 3.6, above).

Issue #3.29: The Appellant asserts that allowing existing residents a right of first refusal for replacement units at similar rents is not an effective mitigation measure and is not feasible because the provision is not enforceable.

Response #3.29: The opportunity for residents to relocate to new units at the same rental rates as the rent-controlled rates of the existing units is not identified in the EIR as a mitigation measure, but as part of the Proposed Project. See Response #3.2, above, regarding the enforceability of the provisions of rents in the replacement units.

Issue #3.30: The Appellant asserts that the EIR is incorrect when it states that affordable housing will not be lost because existing housing to be demolished will be replaced and offered at the same rents as those of the existing rent-controlled units only until the tenants of the existing units vacate.

Response #3.30: As explained in Response TR.20.2, on p. III.B.17 of the Comments and Responses, provisions in the proposed DA require that the replacement units be subject to provisions similar to those in the Rent Stabilization and Arbitration Ordinance regardless of a tenant occupying the unit. Under the Ordinance, which applies to the existing units, landlords can raise rates on existing units when they are vacated and landlords can pass along capital, infrastructure, and utility improvement costs to tenants. Moreover, the existing site currently contains no dedicated affordable units, only rent controlled units.

Because San Francisco's Inclusionary Housing Ordinance would apply to the construction of new units at the Project Site, the proposed Project will result in 15 percent of the new housing units being affordable units. Therefore, the provisions of the DA provide for more affordable housing than the existing units. See also Response #3.2, above.

Issue #3.31: The Appellant asserts that there is no assurance of the feasibility of mitigation measures to support the claim that the project will not increase greenhouse gas emissions.

Response #3.31: EIR Section V.H, Greenhouse Gas Emissions, clearly states that the Proposed Project would result in an increase in GHG emissions. Contrary to the assertion in the appeal comment, the EIR characterizes the impact of these GHG emissions as less than significant, without the need for additional mitigation. The suggestion made in the appeal comment to limit the occupants' ownership or use of private automobiles would likely prove to be infeasible, as it is not within the City's jurisdiction to restrict private automobile ownership. Limiting parking could limit auto ownership but it is often possible to obtain parking elsewhere, so parking controls alone are not a guaranteed way to limit ownership. Features included in the Proposed Project, along with the various public plans, policies, and regulations put in place to manage carbon dioxide and other GHG emissions, provide the basis for the EIR conclusion of less than significant without mitigation (p. V.H.20).

Issue #3.32: The Appellant asserts that the Final EIR states that an alternative that rebuilds and/or rehabilitates existing low-rise housing units is financially infeasible. The Appellant also suggests alternative financing mechanisms such as a limited-equity cooperative.

Response #3.32: See Response TR.2.3 on p. III.B.4 of the Comments and Responses for a response to the proposed financing mechanism. In addition, the EIR does not discuss or analyze rehabilitation of existing buildings because it is not considered a component of the Proposed Project, and therefore makes no finding that rehabilitation would be financially infeasible. The EIR analyzed alternatives that include preservation of the historic district core, including many of the low-rise buidlings. Please see the discussion of Alternative C: Retention of the Historic District Central Core Alternative, in Chapter VII, Alternatives. The Alternatives Chapter also discusses alternatives to the Proposed Project that were considered but not analyzed further because they were rejected as infeasible or failed to meet key Project Sponsor objectives, and they did not avoid a significant, adverse impact on the historic district resource. These include an Infill Development within the Historic District Alternative, and a West-Side Partial Historic District Alternative (pp. VII.74-VII.80).

Issue #3.33: The Appellant states that the FEIR does not include an off-site alternative that would place the Proposed Project in a more appropriate location. Additionally, the comment states that there were several alternatives that were put forward by the community, which were not recognized by the Planning Department and majority of the Planning Commission.

Response #3.33: As described in Master Response A.4, Alternatives, on p. III.A.43 of the Comments and Responses, no alternative location has been considered for the Proposed Project. The Proposed Project would rehabilitate and reconstruct an existing project site, already owned and operated by the Project Sponsor. The Project Sponsor does not own other property in the City and County of San Francisco, and does not expect to acquire property of similar size to the Project Site. There are relatively few alternative locations in the City of over 150 acres in single ownership that would accommodate a similar increased density to provide for about 8,900 residential units, over 200,000 square feet of retail/commercial space, and 68 acres of recreational and open space uses, and none are located on the west side of the City.

Regarding the range of alternatives analyzed by the Planning Department, and ultimately considered by the Planning Commission, a similar comment was raised earlier in this appeal letter. Please refer to Response #3.1, above.

Issue #3.34: The Appellant asserts that the FEIR conceals impacts associated with implementation of the San Francisco State University Campus Master Plan, specifically the proposed Performing Arts Center, which will exacerbate identified significant and unavoidable traffic impacts.

Response #3.34: As described in EIR Section V.A, Land Use, p. V.A.1, the following reasonably foreseeable development proposals under consideration in the Project Site vicinity are included in the cumulative impacts analysis in the DEIR: 800 Brotherhood Way; 77-111 Cambon Drive; 700 Font Boulevard; 445 Wawona Street (the Arden Wood site); the *2007-2020 San Francisco State University Campus Master Plan* (SFSUCMP); Stonestown Galleria; and 1150 Ocean Avenue, which is within the *Balboa Park Station Area Plan.*

The SFSUCMP development program information was obtained from the August 2007 Final EIR; the planned Performing Arts Center, which the appellant refers to, is included in the Campus's development program, and therefore is included in the Parkmerced Project EIR cumulative analysis. The SFSUCMP project, including its plans for a performing arts center, is analyzed under cumulative scenarios for the topics of V.A, Land Use; V.B, Aesthetics; V.C, Population and Housing; V.D, Cultural Resources; V.E, Transportation and Circulation; V.F, Noise; V.G, Air Quality; V.I, Wind and Shadow; V.J, Recreation; V.K, Utilities and Services Systems; V.L, Public Services; V.M, Biological Resources; V.N. Geology and Soils; V.O, Hydrology and Water Quality; and V.P, Hazards and Hazardous Materials.

Issue #3.35: The Appellant states that action was taken on the Project when amendments were made minutes before the hearing ended late in the evening without sufficient time for public review.

Response #3.35: This is not an issue related to certification of the EIR. As explained in the Summary of Issues on Appeal and Planning Department Responses of the Introduction, the Planning Commission's actions to approve the Proposed Project are not the subject of an appeal of EIR certification. See Responses # 2.15, #2.19, #2.21, and #3.7, above.

Issue #3.36: The Appellant states that due to the timing of the meeting and management of the public comment at the Planning Commission, members of the public were not afforded their due process rights. Appellant makes several requests regarding the scheduling of and allotment of time for speakers at the appeal hearing at the Board of Supervisors.

Response #3.36: Although not required by CEQA, the Planning Commission takes testimony from the public regarding whether to certify an EIR that is before them. The Appellant does not specify how the management of the Planning Commission meeting resulted in a denial of opportunities to speak. Public comments are managed by the chair of the meeting, in this case the President of the Planning Commission, and every effort is made to give members of the public an opportunity to speak.

As the instant appeal is now before the Board of Supervisors, it is subject to the rules of the Board that relate to how it conducts appeals, including scheduling and allotment of time for all speakers, including members of the public, City staff and project sponsors. Procedures and amounts of time for appellants and their supporters to make presentations, as well as for the Planning Department and Project Sponsor and persons opposing an appeal are found in the Board of Supervisors' Meeting Information Guide, available at www.sfbos.org/Modules/ShowDocument.aspx?documentid=34252, on the Board of Supervisors' website. For additional discussion on this topic, see Responses # 2.15, #2.19, #3.7, and #3.35.

Issue #3.37: The Appellant contends that the EIR fails to include and analyze an alternative that preserves the low-rise, affordable housing.

Response #3.37: Regarding the range of alternatives analyzed by the Planning Department, and ultimately considered by the Planning Commission, a similar comment was raised in this appeal letter. Please refer to Response #3.1, above.

Issue #3.38: The Appellant states that a right of first refusal offered to existing residents as a mitigation measure for displacement is not a feasible mitigation measure because it cannot be enforced.

Response #3.38: See Response # 3.30, above, which raises the same issue.

Issue #3.39: The Appellant states that the EIR fails to consider PG&E pipeline safety impacts.

Response #3.39: A similar comment was raised in this letter. Please see Response #3.3, above.

Issue #3.40: The Appellant asserts that the EIR does not protect historic resources.

Response #3.40: See Response #3.4, above.

Issue #3.41: The Appellant asserts that the EIR did not account for the proposed addition to the San Francisco State University Arts Center when evaluating cumulative impacts.

Response #3.41: The EIR did account for the cumulative impacts associated with the Proposed Project, including the SFSU performing arts center referenced in this comment, and other planned and reasonably foreseeable development in the study area. As noted in EIR Section V.E, Transportation and Circulation, on p. V.E.49, the transportation impact analysis accounted for a number of anticipated projects in the study area, including full buildout of the SFSU Master Plan. The creative arts center referenced in the comment is one component of the SFSU Master Plan, and was therefore included in the cumulative impact analysis. See also Response #3.34, above.

Issue #3.42: The Appellant raises a number of issues regarding the proposed transit service changes included as part of the Parkmerced Project:

- The M Ocean View should be extended to Daly City BART and should not enter Parkmerced; instead, a people-mover should be constructed between the development and the east side of 19th Avenue. These improvements should be funded by the Project Sponsor.
- The dead-end of the M Ocean View in the project site would add to transit system delay times.
- Transit improvements will require large capital outlays by the City.
- The City's transit system does not have the means to operate proposed service.

Response #3.42: Although some elements of these issues are opinions on the merits of various elements of the Proposed Project and not on the adequacy or accuracy of the information in the EIR, each of the points is discussed below.

The Appellant suggests that the M Ocean View light rail line should be extended to the Daly City BART station and that the proposed realignment of the M Ocean View into the Project Site from the center of 19th Avenue should not be completed. The Proposed Project includes a direct shuttle from the Project Site to the Daly City BART station (see EIR Chapter III, Project Description, p. III.37, and EIR Section V.E, Transportation and Circulation, p. V.E.44). Because this shuttle would be direct, point-to-point service, it would likely be faster for residents of the Proposed Project than an extended M Ocean View route, because the shuttle would not have to make stops once it leaves the Project Site. Therefore, while extending the M Ocean View to the Daly City BART station may be desirable from a regional perspective, it is unlikely that such an extension would cause more project-generated trips to be made by transit than are projected in the EIR. Therefore, such an extension would not reduce Project-related transportation impacts and is therefore more appropriate as a potential Tier 5 improvement in the *19th Avenue Corridor Study* (see Response #3.19 for additional information about Tier 5). Section 3.1, Scenarios, in Master Response A2, Transportation and Circulation, in the Comments and Responses, includes a discussion of the relationship between the EIR and the *19th Avenue Corridor Study.*

The comment also suggests that the proposed dead-end of the M Ocean View would add to system-wide delay times. This is a comment on the merits of the Proposed Project, and the associated service proposals, and not on the adequacy or accuracy of the EIR. This impact is identified and analyzed in

Impact TR-21 on EIR p. V.E.88, and mitigation measures that could reduce the impact are presented on pp. V.E.88-V.E.89. The M-line currently terminates at the Balboa Park BART station. As described in the EIR on pp. V.E.29-V.E.30,without the Proposed Project, under the SFMTA Transit Effectiveness Project proposals, each M Ocean View train would terminate (or "dead-end") at San Francisco State University and each J Church train would extend from the Balboa Park BART station, and terminate at San Francisco State University. Under the Proposed Project, the J Church trains would continue to terminate at the Balboa Park BART station, as they currently do, and some M Ocean View trains would continue to travel past San Francisco State University to the Balboa Park BART station, while others would terminate within the Parkmerced site, just south of San Francisco State University.

The comment further suggests that transit service modifications, including the re-alignment of the M Ocean View from the center of 19th Avenue into the Project Site, would require large capital outlays by the City. This statement is incorrect. Capital improvements associated with the realignment of the M Ocean View would be fully funded by the Project Sponsor (see EIR Chapter III, Project Description, and specifically p. III.30, and Section V.E, Transportation and Circulation, pp. V.E.32-V.E.34).

Finally, the comment notes that the City's, and specifically SFMTA's, current budget situation make it questionable whether the City can continue to provide the amount of transit service anticipated in the EIR analysis. Section 2.5, Future Muni Service, in Master Response A2, Transportation and Circulation, on pp. III.A.21-III.A.24 of the Comments and Responses, discusses the adequacy of the baseline transit service assumed, in light of Muni's current and anticipated budget situation. Further, as noted in Response TR.29.3 on p. III.B.25 of the Comments and Responses, the capital funding for relocating the M Ocean View line into the Proposed Project site would be provided by the Project Sponsor. Operating costs would be funded through the City's annual budget process by revenues generated to the City by the Proposed Project, such as sales taxes, property taxes, parking fees and fines, etc.

Issue #3.43: The Appellant states that implementation of the Proposed Project would result in underfunded or unsustained public services, including schools, police, fire, and emergency services.

Response #3.43: As stated in the EIR in Section V.L, Public Services, the EIR concluded that the Proposed Project would result in less-than-significant impacts on public services. These conclusions are summarized below:

Schools: As summarized in the EIR on pp. V.L.24-V.L.25, under current policies, the SFUSD would collect developer fees from the Proposed Project to help finance expansion of existing schools, construction of new schools, and rental of temporary classroom facilities. The collection of these fees is considered under SB 50 to fully mitigate any potential effects on schools associated with implementation of the Proposed Project. The approximately 1,150 new students would have an impact on school enrollment and exacerbate any existing capacity problems. However, with payment of the SFUSD-imposed school development fees, the Proposed Project's impact on schools is considered to be less than significant, and no mitigation would be required.

Police: As summarized in the EIR on pp. V.L.7-V.L.9, the Proposed Project includes space for a police substation within one of the new buildings that would be constructed in the neighborhood core. The exact

location and timing of construction would be negotiated with the SFPD as part of a provision identified in the proposed DA. Therefore, the Proposed Project would not result in a significant impact on police protection, and no mitigation is required.

Fire and Emergency Services: As summarized in the EIR on pp. V.L.14-V.L.16, the Proposed Project would include an approximately 1,000-gross-square-foot (gsf) fire substation near the transit plaza, within one of the new buildings that would be constructed in the neighborhood core of the Project Site. If the need to construct a new Fire Station is ultimately determined, its future site would likely be located in the southern portion of the Project Site. The exact location and timing of construction for the substation and, if needed, a Fire Station would be negotiated with the SFFD as part of a provision in the proposed DA. Although buildout of the Proposed Project may result in a demand for additional SFFD staff and increased response times, that alone would not result in a significant physical environmental effect. Therefore, with the provision of a substation and/or fire station on the Project Site, the Proposed Project would not result in a significant impact on fire protection and emergency medical services.

Issue #3.44: The Appellant asserts that the EIR did not address the cumulative effects of the Proposed Project with those of other projects in the study area, including San Francisco State University, Stonestown, City parks, and development proposed for the opposite (eastern) side of 19th Avenue. The Appellant also asserts that the analysis assumed that automobile use would be curtailed somewhat due to features of the project and the surrounding transit system, and that the project does not include adequate parking (a ratio of 3 spaces : 1,000 square feet of retail was suggested). Finally, the Appellant states that the analysis is based on unsupported opinion.

Response #3.44: As described on EIR Section V.E, Transportation and Circulation, p. V.E.49, the cumulative impact analysis does include the cumulative effects of the Proposed Project in combination with the other projects listed in the comment as well as other reasonably foreseeable projects in the study area (see also Response #3.41, above).

The Appellant also questions whether various Travel Demand Management strategies, including the proposed parking ratios, transit service, and the mix and density of land uses, will be as effective at reducing automobile travel as projected in the EIR. The Proposed Project's travel demand forecasts, including the forecasts of transit usage (and corresponding reductions to vehicle trip generation), are based on a statistical regression analysis based on travel survey results from other similar neighborhoods in San Francisco. Section 2.2, Project Mode Share, in Master Response A.2, Transportation and Circulation, on pp. III.A.18-III.A.20 of the Comments and Responses, includes a discussion regarding the development of the transit mode share forecasts.

The Appellant also suggests that the proposed parking supply for retail uses inadequate parking ratios. As noted on EIR pp. V.E.103-V.E.104, parking supply, and specifically parking shortfalls, are not considered environmental issues. This section of the EIR also explains that the transportation analysis accounted for the secondary effects, if any, of potential parking shortfalls.

The transportation analysis in the EIR is based on technical analyses and data from locally-appropriate sources, as explained on pp. III.A.18-III.A.19 in the Comments and Responses, not on unsupported opinions.

Issue #3.45: The Appellant asserts that the EIR needs to show that financial resources exist to mitigate impacts and that the EIR insufficiently analyzes impacts on adjoining areas. The Appellant also states that the City and Project Sponsor have missed the opportunity to use tax-increment financing.

Response #3.45: An EIR is not required to determine sources of funding for proposed mitigation measures, as stated in Response #2.4, above. The Parkmerced Project EIR identifies all feasible mitigation measures for significant environmental impacts. The fact that a funding source is not identified for a mitigation measure does not mean that it is not technically capable of being accomplished in a successful manner, although lack of funding may be a basis for decision-makers to reject an otherwise feasible measure when taking a project approval action. The EIR, however, does not reject any mitigation measures on the basis that they are financially infeasible. The Proposed Project does not involve designation of a redevelopment area, and therefore could not use tax-increment financing mechanisms to support mitigation measures.

The EIR provides a full and complete analysis of impacts on adjoining areas, and includes San Francisco State University and the Stonestown Galleria in its analysis of cumulative impacts (see Responses #3.34 and #3.41, above).

Issue #3.46: The Appellant expresses the belief that the Planning Commission did not follow due process in its certification of the EIR, including lack of public notice, impedance of public testimony at a prior hearing, lack of staff review of expert public testimony and withholding of information that indicates a bias on the part of the Planning Department staff.

Response #3.46: The Planning Department has followed and in some circumstances exceeded the legal requirements found in CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code regarding the submittal and presentation of the EIR before the Planning Commission. The January public hearing, which the Appellant believes did not provide members of the public adequate time to comment on the EIR, was an informational presentation on the Proposed Project, not on the EIR. Regarding information provided by members of the public, the Planning Commission may at any point request the staff to respond to or evaluate testimony. Although Commissioner Sugaya may have expressed interest in this, he did not so request. Finally, the Major Environmental Analysis section of the Planning Department maintains its independence in order to ensure objectivity in its environmental review of projects and did not in any way withhold information regarding proposed San Francisco State University projects, as these were evaluated as part of the SFSU Master Plan in the cumulative analysis completed for the EIR.

Issue #3.47: The Appellant asserts that the Planning Commission's decision to certify the EIR lacks a professional, legally justifiable relationship with the *San Francisco General Plan.*

Response #3.47: The comment does not provide specific examples of the adequacy or accuracy of the analysis in the EIR, nor does it cite to any specific inconsistencies with the *General Plan.* City decision-makers, such as the Planning Commission and Board of Supervisors, evaluate whether to approve proposed projects in light of their consistency with the policies of the *General Plan*, among other factors. Physical environmental impacts that may relate to policies of the *General Plan* are evaluated and reported in the relevant sections of the EIR. A discussion of consistency with City and regional plans and policies is provided in EIR Chapter IV, Plans and Policies. See also Responses #2.5.1, #3.26, and #3.28, above. The comment appears to also suggest that the City's *General Plan* is lacking state-mandated features and other necessary elements and is therefore inadequate, and that the proposed zoning is also lacking "performance criteria." These are not topics that are appropriate or necessary to be analyzed in the Parkmerced Project EIR and does not directly relate to the adequacy or accuracy of the EIR.

Issue #3.48: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which state that the EIR describes the project construction duration as 20 years, yet other City documents provide a 30-year duration.

Response #3.48: As described in EIR Chapter III, Project Description, pp. III.54-III.65, the EIR assumes that development would be phased over an approximately 20-year period, with anticipated completion expected to occur in 2030. The Project Sponsor expects the phasing of the Proposed Project to occur over 20 years, but full development could extend for a longer period (see footnote 1 in the Draft EIR on p. III.1 and footnote 16 on p. III.54). Consequently, the proposed DA covers a 30-year projected buildout. It is typical of major redevelopment of a multi-acre site such as Parkmerced to take approximately 20 to 30 years to fully build out. The EIR analyses use a 20-year time frame because population and transportation forecasts for San Francisco and the region that form part of the basis for the analyses are made through the year 2030 and are typically made for a 20-year period, and because assuming the site is built out and occupied in 20 years concentrates the impacts into a shorter period. (See also Response #2.2.2, above.)

Issue #3.49: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which express concerns over the seismic safety of the 11 existing towers and states that they should be include the 11 existing tower buildings in all descriptions and as part of the Proposed Project.

Response #3.49: As described in Response #3.10, above, Master Response A.3, Seismic Hazards, pp. III.A.34-III.A.36 of the Comments and Responses, includes information on the existing conditions of the residential towers, how these buildings performed during past seismic events, and how they would be expected to perform in future events. As explained in this Master Response, the towers have been evaluated and found to be sound.

Regarding whether the existing towers should be included as part of the Proposed Project, a similar comment was raised in the March 2, 2011 Parkmerced Action Coalition appeal letter. Please refer to Response #2.14, above, for a discussion of this issue.

Issue #3.50: The Appellant has attached comments made by Planning Commissioner Kathrin Moore, dated February 10, 2011, which state that the EIR's description of construction phasing is inadequate because such phasing is not included as a requirement of the DA.

Response #3.50: The construction phasing schedule described in the EIR was provided as a representative phasing schedule illustrating how development would likely occur on the Project Site, but not as a required development plan. As stated in the EIR Chapter III, Project Description, on p. III.54, "Proposed Phasing Plans are estimates and are described generally." Because the Proposed Project is privately funded, on privately owned land, there is no public incentive to require that the Proposed Project proceed on any particular timeline, or at all. The City does have an obligation under CEQA to ensure that as the Proposed Project is constructed, applicable mitigation measures are imposed. Thus, for example, certain transit and transportation–related mitigation measures are triggered by defined levels of Project build-out (See, e.g., Mitigation Measure M-TR-2C, to construct a dedicated northbound right-turn lane from Lake Merced Boulevard to eastbound Winston Drive, which would be constructed if found to be feasible based on a feasibility study to be conducted prior to the issuance of a certificate of occupancy for any building that, after completion, would make the total number of net new PM peak hour trips at Parkmerced exceed 930, as identified in the Schedule column of the Mitigation Monitoring and Reporting Program for the Parkmerced Project on pp. 9-10). This and similar triggers are included in the MMRP, and require construction of certain mitigation measures as levels of Project build-out are achieved, regardless of the details of the ultimate phasing of the Project.

Issue #3.51: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which state that construction impacts should be identified by type and phase through the length of the project.

Response #3.51: As described in Response TR.26.1 on pp. III.B.22-III.B.23 of the Comments and Responses, the EIR appropriately analyzes environmental impacts as a result of all phases of the Proposed Project. Judgments were made in the course of preparing the EIR about how to best present the information; however, the intent in the EIR is to provide clear information to decision-makers and the public in the most accessible format. An EIR that analyzes the impacts of interim phases of the Proposed Project, as well as full buildout, would be much longer and more complex than this EIR and would include redundant information. In general, impacts of individual phases may be less than those of the Proposed Project at buildout; however, there would be topics where impacts would be temporary but resolved and removed during later phases. This additional analysis would not make the document smaller, less complex, or easier to understand.

As stated in Response #3.22, above, project-related construction impacts are described and analyzed in accordance with the City of San Francisco's significance criteria in the applicable sections of the EIR.

Mitigation measures are identified where appropriate. The following EIR topics analyze the Proposed Project's construction-related impacts: V.D.b, Archaeological Resources, pp. V.D.43-V.D.50; V.E, Transportation and Circulation, pp. V.E.50-v.E.53; V.F, Noise, pp. V.F.17-V.F.21; V.G, Air Quality, pp. V.G.19-V.G.26; and V.P, V.O, Hydrology and Water Quality, pp. V.O.16-V.O-17; and Hazards and Hazardous Materials, pp. V.P.10-V.P.17.

Issue #3.52: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which question whether the Project Sponsor's objectives for the project are viable, desirable, and realistic.

Response #3.52: The Project Sponsor's objectives are designed to capture the goals of the Project Sponsor, here a private developer, in applying for the Proposed Project. Whether those objectives are viable, desirable, and realistic is ultimately a determination made by the City's decision-makers in the course of deciding whether to approve the proposed Project. Additionally, CEQA does not require that the EIR conclude that the project sponsor's objectives can be met only by the proposed project. Instead, CEQA requires that the EIR contain project alternatives that are able to implement some or all of the project sponsor objectives. Here, as discussed in Responses #2.17 and #3.1, above, the alternatives analyzed were designed to meet some, but not all, of the Project Sponsor's objectives, while reducing or eliminating the significant environmental impacts of the Proposed Project.

Issue #3.53: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which cite to the Proposed Project's sustainability plan and state that it repeatedly references SB 375 and AB 32, and is a misleading document since it does not contain actual mandates or justification to apply directly to the Proposed Project.

Response #3.53: This comment expresses general opposition to a component of the Proposed Project, specifically the Sustainability Plan, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. The legislative mandates SB 375 and AB 32 are discussed in the EIR in Section V.H, Greenhouse Gas Emissions, pp. V.H.3-V.H.5. The purpose of the EIR is not to evaluate the merits of the Proposed Project's Sustainability Plan, but to evaluate the impacts of the Proposed Project as a whole, including its Sustainability Plan.

Issue #3.54: The Appellant has attached comments of Planning Commissioner Kathrin Moore, made on February 10, 2011, which object to the CEQA approval findings, including the rejection of alternatives and the statement of overriding considerations, as presented to the Commission.

Response #3.54: As discussed in Responses #2.15 and #2.19, above, CEQA approval findings are not an appropriate subject for the appeal of the certification of a project's environmental impact report. This comment does not raise any concerns about the adequacy or accuracy of the analysis presented in the EIR.

Issue #3.55: The Appellant has attached comments made by Planning Commissioner Kathrin Moore on February 10, 2011, which express general concern over the consistency and presentation of the proposed *Parkmerced Design Standards and Guidelines.*

Response #3.55: This comment expresses general opposition to a component of the Proposed Project, specifically the proposed *Parkmerced Design Standards and Guidelines*, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. The proposed *Parkmerced Design Standards and Guidelines* are described in the EIR in Chapter III, Project Description, p. III.29, and are analyzed in Section V.B, Aesthetics, pp. V.B.23-V.B.31.

Issue #3.56: The Appellant attached a letter from Aaron Goodman to the Board of Supervisors, in opposition to the Proposed Project.

Response #3.56: This comment does not raise any specific concerns about the adequacy or accuracy of the analysis presented in the EIR, but objects to the project approval. As discussed above on p. 4 in "Summary of Issues on Appeal and Planning Department Responses," the decision regarding whether to approve the Proposed Project is not before the Board of Supervisors in this appeal. Rather, the Board is limited to determining whether the Planning Commission's certification of the EIR should be upheld. Some of the issues raised in opposition are similar to those raised earlier in this appeal letter; see, e.g., Response #3.47 regarding the adequacy of the *San Francisco General Plan* and Resonse 3.49 regarding seismic safety issues of the existing towers. See also Response #2.2.5 regarding analyzing the DA in the EIR.

Issue #3.57: The Appellant submits six photographs showing representative vantage points of the Parkmerced site, as further evidence that the Proposed Project should not be approved.

Response #3.57: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #3.58: The Appellant provides a copy of the February 10, 2011 letter from Coalition for San Francisco Neighborhoods, which expresses opposition to the Proposed Project.

Response #3.58: This comment expresses general opposition the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #3.59: The Appellant provides a copy of a memorandum submitted to the Planning Commission at its public hearing on February 10, 2011, that asserts that the EIR fails to consider PG&E pipeline safety impacts and adds that the Project Sponsor should undertake a performance bond and a moratorium on Proposed Project approvals until the danger is assessed and insured.

Response #3.59: A similar comment was raised in this appeal. Please see Response #3.3, above.

Issue #3.60: The Appellant provides a copy of a memorandum submitted to the Planning Commission at its public hearing on February 10, 2011, that asserts that it is incumbent upon the City to provide and review economic performance approaches such as using a limited equity cooperative that may affect the extent and need for development, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #3.60: An EIR is not required to include analysis of economic impacts except insofar as economic information is useful in determining the significance of a physical environmental impact (see CEQA Guidelines Sections 15064(e) and 15134). The suggested residential ownership using a limited equity cooperative is an alternative financing mechanim that the Project Sponsor is not considering and is not within the authority of the City to require.

Issue #3.61: The Appellant provides a copy of a memorandum submitted to the Planning Commission at its public hearing on February 10, 2011, that asserts that it is incumbent upon the City to present level of rents and services through an insurable performance bond underwriting future costs and services, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #3.61: As stated in Response #3.60, above, an EIR is not required to include analysis of economic impacts, including the appropriateness of using performance bonds to underwrite future costs to residents, except insofar as economic information is useful in determining the significance of a physical environmental impact (see CEQA Guidelines Sections 15064(e) and 15134). The presence or absence of such a performance bond underwriting future costs and services to residents would not result in a physical environmental impact. Rents for replacement units are addressed in the proposed DA.

Issue #3.62: The Appellant provides a copy of a memorandum submitted to the Planning Commission at its public hearing on February 10, 2011, that states that the City should explore environmental, service, and infrastructure impacts on adjacent areas, such as public land assembly and capital underwriting.

Response #3.62: The EIR does analyze environmental impacts of the Proposed Project on adjacent areas, including SFSU and Stonestown, as relevant, in the cumulative impact analyses. The EIR assesses impacts on public services and utilities, including stormwater, wastewater, and water supply infrastructure. As stated in Response #3.60, above, an EIR is not required to include analysis of economic impacts except insofar as economic information is useful in determining the significance of a physical environmental impact (see CEQA Guidelines Sections 15064(e) and 15134). Public land assembly is not proposed by and could not be carried out by the private sponsor of the Proposed Project.

Issue # 3.63: The Appellant states in material submitted to the Planning Commission at its public hearing on February 10, 2011, that because Parkmerced is recognized as a possible national landmark of an

existing dense residential design, the architects should be recognized as producing a "high standard of talent and expertise that can become the basis for the inevitable development necessary to offset the costs of the project's rehabilitation and area impacts."

Response #3.63: The original project architects are deceased. Use of the designs of the existing buildings as a basis for their rehabilitation would not apply to the Proposed Project, since exterior rehabilitation of buildings is not proposed. If the comment is suggesting that the existing low-rise buildings proposed for demolition instead be retained and rehabilitated based on the quality of the existing design, and that because the existing design is high quality, rents could be increased to cover the costs of rehabilitation, the entire site is covered by the San Francisco Rent Stabilization and Arbitration Ordinance, which imposes limitations on rent increases. In addition, Alternative C, Retention of the Historic District Central Core, would retain many of the existing low-rise buildings as well as the 11 high-rise towers on the project site. This alternative was not rejected by the Planning Commission due to potential costs of rehabilitating existing buildings, but because it would add fewer residential units to the City's housing stock, would add fewer residential units in an urban infill location, and would provide fewer opportunities for renewable energy generation, among other reasons (see Planning Commission Motion No. 18629 Attachment A, CEQA Findings p. 48). Insofar as the comment may be suggesting that the original design of buildings at Parkmerced provides a model for design of new structures because the Project Site has been identified as containing a potential historic district, it should be noted that the individual buildings on the Project Site were not found to be architecturally significant. As stated on EIR p. V.D.21, "The significance of Parkmerced under Criterion 3 is not premised on the design of its buildings....The value of the buildings at Parkmerced is in their overall site planning, massing, relation to landscape features, and variation, rather than their individual building features."

Issue #3.64: The Appellant states in its memorandum to the Planning Commission presented at its public hearing on February 10, 2011, that the Commission should seek legal counsel other than the City Attorney's Office, asserting that the City Attorney's Office has a conflict in offering legal opinions and protecting the City's legal indemnities.

Response #3.64: This is not a comment on the adequacy or accuracy of the analysis presented in the EIR. San Francisco Charter Section 6.102 establishes that the City Attorney shall provide legal counsel to the officers, department heads, board, commissions, and any other unit of government of the City and represent the City in any legal proceeding in which it has an interest.

Issue #3.65: The Appellant suggests reorganizing the Draft EIR so that the project is analyzed using shorter time frames.

Response #3.65: This comment was addressed in the Comments and Responses. Please see Response TR.26.1 on pp. III.B.22-III.B.23 of the Comments and Responses.

Issue #3.66: The Appellant asserts that there is no guarantee that affordable housing units will remain if the Proposed Project is approved and existing units are demolished.

Response #3.66: This comment was addressed in the Comments and Responses. Please see Response TR.2.2 on pp. III.B.2-III.B.3 of the Comments and Responses.

Issue #3.67: The Appellant states that the Project would result in the loss of the "stored energy," such as the materials of the existing buildings and the resources present in the buildings that are on the ground.

Response #3.67: EIR Section V.H, Greenhouse Gas Emissions, illustrates that even considering the loss of the existing buildings, the Proposed Project construction and operational GHG emissions per service population would not exceed the guideline level established by the Bay Area Air Quality Management District (p. V.H.22). The policies and regulations that apply to the new construction as part of this project include the Green Building Ordinance, a Zero Waste strategy, and a Construction and Demolition Debris Recovery Ordinance. The EIR appropriately considers and includes the GHG consequences of demolition along with the construction of the future residential units in accordance with BAAQMD guidelines. (See also Response 17.28 on pp. III.C.17.15-III.C.17.16 of the Comments and Responses.)

Issue #3.68: The Appellant asserts that the EIR does not provide sufficient massing photosimulations from within the Project Site to enable a reader to adequately compare the massing of proposed new development with existing onsite buildings. The comment also states that the Draft EIR Appendix contains promotional material.

Response #3.68: These comments were addressed in the Comments and Responses. Please see Responses 17.7 and 17.8 on p. III.C.17.9.

Issue #3.69: The Appellant states that the EIR identifies significant transportation impacts on 19th Avenue and Junipero Serra Boulevard due to population increases of the Project and other development, and that rerouting the M Ocean View will require an additional crossing of 19th Avenue that will slow down vehicular traffic. The Appellant suggests that shuttles could be provided into Parkmerced. The Appellant also states that continuing the parking requirement of 1 space per dwelling unit and increasing the number of streets is counter to the stated goal of reducing automobile dependency.

Response #3.69: These points are similar to some made in Letter 17, from San Francisco Tomorrow, commenting on the Draft EIR. Responses to comments in that letter are found on pp. III.C.17.7-III.C.17.17 of the Comments and Responses. Several of the points are addressed in Master Response A.2, Transportation and Circulation, on pp. III.A.17-III.A.30 of the Comments and Responses.

The Proposed Project includes automobile capacity improvements that would improve traffic conditions at the two intersections on 19th Avenue where the M Ocean View is proposed to cross into and out of the Parkmerced site, and would not increase traffic congestion at these locations, as suggested in the comment. As a result of the proposed re-routing of the M Ocean View into the Project Site, the M Ocean

View would cross the western half of 19th Avenue at two new locations: the intersections of 19th Avenue/Holloway Avenue and the 19th Avenue/Junipero Serra Boulevard. To safely accommodate these new crossings, both of these traffic signals are proposed to remain in an "all-red" phase for a short time each time a train crosses through the intersection. However, the Proposed Project also includes automobile capacity enhancements at these two intersections to compensate for the additional delay caused by the "all red" signal phases. As shown in Table V.E.11: Intersection Levels of Service – Existing, Existing plus Project, and 2030 Cumulative Conditions – AM Peak Hour, and Table V.E.12: Intersection Levels of Service – Existing, Existing plus Project, and 2030 Cumulative Conditions – PM Peak Hour, in EIR Section V.E, Transportation and Circulation, on pp. V.E.55-V.E.60, the two intersections would operate with less average vehicular delay under future conditions with the Proposed Project than under future conditions without the Proposed Project.

The Appellant suggests that shuttle service could be provided to reduce automobile impacts. As noted on EIR pp. V.E.33-V.E.34, the Proposed Project does include shuttles, which would connect to the Daly City BART station and to nearby shopping centers (see also Response #3.18, above). See Response 17.21 on p. III.C.17.14 in the Comments and Responses for a discussion of an alternative with grade separation on 19th Avenue.

The Appellant suggests that a parking requirement of 1 space per dwelling unit and an increase in the street density (i.e, the number of streets within a given area) is counter to the goal of reducing automobile dependency. Research has shown that a higher street density, particularly for streets that are designed with good pedestrian and bicycle amenities, can reduce vehicle trip generation because block lengths are shorter and walking or bicycling becomes a more desirable option. The street density was accounted for in the forecasts of the Proposed Project's travel demand, as described on EIR pp. V.E.40-V.E.45.

The EIR also adequately accounts for the proposed parking supply. Additional discussion of this issue is provided in Section 2.2, Project Mode Share, in Master Response A2, Transportation and Circulation, on pp. III.A.18-III.A.20 of the Comments and Responses.

Issue #3.70: The Appellant asserts a socio-economic transportation addendum should be prepared and evaluated in the EIR to compare affordability and identify institutional subsidies that may be required, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #3.70: An EIR is not required to include analysis of economic impacts except insofar as economic information may be useful in determining the significance of a physical environmental impact (see CEQA Guidelines Sections 15064(e) and 15134).

Issue #3.71: The Appellant provides an opinion that the destruction of the historic landscape would result in a significant, irreplaceable loss of a cultural resource, and states that Alternative C would result in decreased impacts and would retain a sizable part of the existing development.

Response #3.71: This issue does not address the adequacy or accuracy of the EIR. As discussed in EIR Section V.D.a, Historic Resources, the topic of Historic Resources concludes that the Proposed Project

would result in significant and unavoidable impacts to the potential Parkmerced historic district historical resource. Alternative C: Retention of the Historic District Core Alternative, is discussed in the EIR in Chapter VII, Alternatives to the Proposed Project, on pp. VII.22-VII.36.

Issue #3.72: The Appellant asserts that a study should be made of which trees might be retained even though none are landmark trees, because the loss of trees will take decades to replace.

Response #3.72: This comment was addressed in the Comments and Responses. Please see Response 17.18 on p. III.C.17.13 of that document.

Issue #3.73: The Appellant asserts that the analysis of Alternative C is inadequate.

Response #3.73: This comment was addressed in the Comments and Responses. Please see Master Response A.4, Alternatives, on pp. III.A.37-III.A.45 of that document.

Issue #3.74: The Appellant asserts that the additional alternatives should be analyzed.

Response #3.74: A similar comment was raised in Issue #3.1, above. Please refer to Response #3.1 for a discussion of this issue.

Issue #3.75: The Appellant provides a suggested mitigation measure for housing impacts, specifically that resources need to be available to achieve a stated mitigation.

Response #3.75: There are no significant housing-related impacts indentified in the EIR. Therefore, no mitigation is required to be identified.

Issue #3.76: The Appellant provides a suggested mitigation measure for seismic safety, specifically that special seismic safety construction should be required.

Response #3.76: There are no significant seismic-safety-related impacts indentified in the EIR. Therefore, no mitigation is required. As described in Section V.N, Geology and Soils, p. V.N.8, the Project Area is located in an area classified in the Califorina Building Code as Seismic Zone 4, the highest risk category of the four seismic zones designated in the United States. The San Francisco Bay Area is within Seismic Zone 4. The Project Area, along with all development sites in the Bay Area, therefore has the most stringent requirements for seismic design.

Issue #3.77: The Appellant duplicates comments raised in Issue #3.69.

Response #3.77: Please refer to Response #3.69, above.

Issue #3.78: The Appellant duplicates comments raised in Issue #3.70, above.

Response #3.78: Please refer to Response #3.70, above.

Issue #3.79: The Appellant provides a Golden Gate Express article dated February 24, 2011 about the proposed Mashouf Performing Arts Center planned at SFSU, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #3.79: A comment about the SFSU's planned performing arts center was also raised in Issue #3.34, above. Please refer to Response #3.34, above, for a discussion of this issue. See also Response #1.3.

Issue #3.80: The Appellant provides a copy of a Resolution of the San Francisco Democratic County Central Committee, calling for further review of the Parkmerced Project before final approval.

Response #3.80: This comment expresses general opposition to the Proposed Project, and requests further study. EIR Section V.L, Public Services, pp. V.L.1-V.L.26, discusses the Proposed Project in relation to police protection services, fire protection and emergency medical services, and schools, and determined that impacts would be less than significant. Funding for Project infrastructure improvements is discussed in the Comments and Responses in Master Response A.2, Transportation and Circulation, on p. III.A.30. As stated on that page, the EIR is not required to determine sources of funding for proposed mitigation measures, and to limit mitigation measures to those for which funding sources have been identified could constrain the identification and analysis of potentially feasible measures in the document. Seismically induced ground failure is discussed in the Comments and Responses in Master Response A.3, Seismic Hazards, specifically on pp. III.A.32-III.A.34. That discussion concludes that while the Project Site (like all other sites within the City) is within a seismically active region and certain earthquake induced hazards can be expected, compliance with local and state codes and implementation of recommendations of site-specific soils reports as part of the permit review process would ensure that no significant adverse impacts due to seismic hazards would occur due to the Proposed Project.

Issue #3.81: The National Trust for Historic Preservation letter dated January 28, 2011, addressed to the President of the Planning Commission and attached to the appeal letter suggests that, while the EIR has presented alternatives that reduce the impacts of the proposed project on historic resources as required by CEQA, the EIR does not provide enough information to justify the rejection of alternatives.

The letter states that the proposed project is inconsistent with the City's Priority Policy 7 and states that conclusions drawn in the EIR to support the EIR's conclusion provide a narrow interpretation of City policy.

Finally, the letter states that the mitigation measures proposed in the EIR are inadequate and adds that much stronger mitigation needs to be provided, including monetary compensation to pay for such items as historic resource surveys or payment to a preservation fund.

Response #3.81: An EIR must consider a reasonable range of alternatives that will foster informed decision-making and public participation. The Parkmerced EIR provides and analyzes a wide range of alternatives that address the significant impacts of the Proposed Project, including impacts on historic resources. EIR alternatives were determined to be "feasible" preliminarily on their face, in the sense that the alternatives address a significant impact and that some or most of the project objectives would be capable of being implemented. The secondary determination of feasibility in the context of whether to adopt an alternative (i.e., whether there are specific economic, legal, social, technological, or other considerations that make one of the alternatives analyzed in the EIR infeasible to adopt) is made by the decision-makers as part of their deliberations on whether to approve the proposed project. It is not a part of the EIR. Analysis of the feasibility of an alternative is typically presented in separate memoranda or reports made available to the decision-makers during considerations of approval actions on the proposal. Once an EIR is certified and complete, the decision-maker may choose to adopt an alternative presented in the EIR or one that is a combination of those alternatives, if such a decision is considered to be feasible.

The EIR examines the physical environmental effects of the Proposed Project, including those to historic resources. More importantly, however, as stated in EIR Chapter IV, Plans and Policies, on p. IV.2, the case report and approval motions that the Planning Commission considered after EIR certification contain the comprehensive analysis and findings regarding consistency of the project with the General Plan, including the priority policies.

The payments suggested by the National Trust letter would not reduce the impact of demolition of the resource to a less-than-significant level. Furthermore, pursuant to established law, any mitigation measures proposed must be proportional to the impact and there must be a clear nexus, or connection, between the impact and the mitigation. Such a measure would represent a significant departure from past mitigation measures consistently imposed in San Francisco for other projects that include demolition of historic resources.

Issue #3.82: The Appellant attaches a letter from the San Francisco Preservation Coalition dated March 1, 2011 addressed to the Board of Supervisors concurring in the appeal by San Francisco Tomorrow. The letter states that the Planning Commission's certification of the Parkmerced EIR should be rejected because significant, unavoidable impacts on historic architectural resources identified in the EIR could be significantly lessened by other feasible preservation alternatives.

Response #3.82: As stated in Master Response A.4, Alternatives, on p. III.A.42 of the Comments and Responses, under Section 3, Alternatives Suggested in Comments, EIR Alternative C, Retention of the Historic District Central Core, meets the Secretary's Standards and would retain enough of the existing buildings, landscaping, and site plan to preserve a historic district that would remain eligible for the California Register of Historical Resources. There is no requirement to present more than one preservation alternative, although the EIR includes consideration of a partial preservation alternative (EIR Chapter VII, Alternatives to the Proposed Project, pp. VII.36-VII.48), and explains why two other potential preservation alternatives were not considered in detail (pp. VII.74-VII.79).

Issue #3.83: The Appellant attaches a copy of a letter from the San Francisco Preservation Consortium dated October 21, 2010 submitted to the Planning Director regarding pending Planning Commission initiation of amendments to the Planning Code, Zoning Map and General Plan. The letter states that the Planning Commission should not approve a draft resolution to initiate amendments to the Planning Code, Zoning Maps, and General Plan until further hearings consider why usable, habitable dwelling units in a potentially historic landscape setting are to be demolished.

Response #3.83: This comment expresses an opinion about the merits of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. The purpose of an EIR is to objectively analyze the individual and cumulative effects of the Proposed Project, determine whether those effects would result in significant impacts based on criteria established by the City, and to identify mitigation measures, where technically feasible, that could lessen the severity of significant environmental impacts. It is up to decision-makers to determine whether the information and conclusions in the EIR are adequate and accurate and to impose or reject mitigation measures identified in the EIR. In addition, a reasonable range of alternatives were presented and analyzed in Chapter VII, Alternatives, of the EIR, which includes two alternatives that would preserve some of the existing structures on the site. Please refer to Alternative C: Retention of the Historic District Central Core Alternative, and Alternative D: Partial Historic District Alternative (pp. VII.22-VII.48).

Issue #3.84: The Appellant attaches the comment letter on the Draft EIR from San Francisco Architectural Heritage. In summary, this letter states that additional potentially feasible preservation options should be considered, including a new alternative with limited development along the periphery of the complex and limited infill development within the Historic District.

Response #3.84: This letter is a copy of Letter 16 presented in the Comments and Responses document. Responses to specific points raised in the letter were provided on pp. III.C.16.5-III.C.16.7 of the Comments and Responses. Response #3.82, above, addresses the issue of additional preservation alternatives.

Issue #3.85: The Appellant attaches an article from BeyondChron dated February 17, 2011. The article suggests that the existing homes and community at Parkmerced have been mischaracterized to justify demolition.

Response #3.85: The article expresses an opinion about the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #3.86: The Appellant attaches an article from BeyondChron dated February 3, 2011. The article suggests that the Proposed Project is not feasible, approvals are not enforceable, lacks meaningful phasing, and would negatively impact the existing residents living at Parkmerced.

Response #3.86: The article expresses an opinion about the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

CONCERNS RAISED BY MARIA ELENA GUERRERO ENGBER AND PLANNING DEPARTMENT RESPONSES

The issues raised in the March 2, 2011 Appeal Letter by Maria Elena Guerrero Engber are summarized below. Each issue is followed by a Planning Department response.

Issue #4.1: The Appellant expresses general opposition to the Project and that the Proposed Project's economic assumptions are not accurate.

Response #4.1: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.2: The Appellant contends that the analysis presented in the EIR is neither independent nor objective, particularly since the Project Sponsors will pay in-lieu fees to the City once the project is approved. The appellant further expresses general opposition to the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #4.2: The fact that the Project Sponsor may be required to pay an in-lieu fee for affordable housing units does not affect the ability of City staff or the Planning Commission to prepare an independent and objective analysis of the environmental impacts of the Proposed Project. See also Response #2.20. Rents for replacement units for existing tenants are discussed in Response #3.2. As noted in Response #3.61, these rents would be enforced through the proposed DA. The majority of the points in this comment express general opposition to the Proposed Project, but do not address the adequacy or accuracy of the analysis in the EIR.

Issue #4.3: The Appellant contends that approval of the Proposed Project and certification of the EIR will create a traffic nightmare.

Response #4.3: This is a comment on the merits of the Proposed Project and not on the adequacy of the EIR. As discussed in Section 3.4, Number of Significant and Unavoidable Impacts, in Master Response A2, Transportation and Circulation, on pp. III.A.29-III.A.30 of the Comments and Responses, comments noting the number and severity of significant and unavoidable impacts disclosed in the EIR generally express opposition to the Proposed Project, but do not raise substantive comments related to the adequacy and accuracy of the EIR or its conclusions.

Issue #4.4: The Appellant states that construction activity associated with the Proposed Project will affect the physical and mental health of people on the site and surrounding areas.

Response #4.4: As described in Response TR.17.4 on p. III.B.15-III.B.16 of the Comments and Responses, certain quantities of toxic air contaminants and reactive organic compounds are emitted as a result of any construction activity and any motor vehicle activity, and those related to the Proposed Project are identified throughout EIR Section V.G, Air Quality. In some cases, these impacts would be significant and unavoidable (for example, construction-related emissions in Impact AQ-3, p. V.G.24), and feasible mitigation is identified (Mitigation Measure M-AQ-3). See also Response #1.18, above.

Issue #4.5: The Appellant contends that the Proposed Project would cause irreversible health impacts due to toxic air contaminants and asbestos that would be released during construction activities. The comment also states that construction activities would result in noise impacts and water pollution.

Response #4.5: A similar comment about quantities of toxic air contaminants was raised in Issue #4.4 and is addressed in Response #4.4, above.

As described in Response TR.17.4 on pp. III.B.15-III.B.16 of the Comments and Responses, the potential for adverse health effects related to asbestos removal is discussed in EIR Section V.P, Hazards and Hazardous Materials, under Impact HZ-2, pp. V.P.10-V.P.17. As discussed on p. V.P.7, asbestos-containing materials (ACMs) were present in thermal system insulation and various miscellaneous materials such as roofing, flooring materials, and insulation materials. Over the past several years, the Parkmerced management has implemented an Asbestos Operations and Management program (prepared in 1999) to maintain and dispose of ACMs. Maintenance personnel periodically monitor the condition of ACMs and repair or dispose of ACMs as needed. When maintenance that would disturb ACMs is needed, an asbestos removal contractor is hired to remove the ACMs before work continues.

The Proposed Project involves demolition and removal of existing buildings. As stated on p. V.P.10, any activity that involves cutting, grinding, or drilling of ACMs during building renovation or demolition could release asbestos fibers, unless proper precautions are taken. Federal, state, and local regulations require testing of building materials that may contain asbestos prior to demolition or renovation. Any testing, removal, or disturbance of ACMs must be performed by licensed, qualified asbestos abatement personnel.

State law requires an applicant to demonstrate compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos, before a local agency (in this case, the City's Department of Building Inspection) issues a permit. The local office of CalOSHA must be notified of planned asbestos abatement.

The Bay Area Air Quality Management District (BAAQMD) has authority to regulate airborne pollutants, including asbestos, through both inspection and enforcement, and is to be notified 10 days in advance of any proposed demolition or abatement work. The BAAQMD inspects any removal operation for which a complaint has been received.

Asbestos abatement contractors must follow state regulations. Asbestos removal contractors must be certified by the Contractors Licensing Board of the State of California.

Therefore, compliance with the regulations and procedures described above would ensure that any potential impacts due to asbestos removal would be less than significant.

As described EIR Section V.F, Noise, pp. V.F.17-V.F.19, construction noise impacts would be reduced to less-than-significant levels with compliance of the City's noise ordinance and with implementation of project feasible mitigation measures intended to reduce noise levels at receptor locations.

As described in EIR Section V.O, Hydrology and Water Quality, pp. V.O.10-V.O.12, the Proposed Project would have less-than-significant impacts on water quality with implementation of the Stormwater Pollution Prevention Plan (SWPPP) with specified Best Management Practices (BMPs) would reduce pollution of surface water throughout the construction phases of the Proposed Project.

Issue #4.6: The appellant submits a copy of the February 3, 2011 Parkmerced Project EIR Errata document, specifically pertaining to Air Quality impacts under the recently updated CEQA significance thresholds, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #4.6: As described in the Parkmerced Project EIR Errata document distributed to Planning Commission for its February 10, 2011 hearing, text changes were made to Section V.G, Air Quality, of the Draft EIR, starting at the first paragraph on p. V.G.33, though the last paragraph on p. V.G.40. These changes were necessary since the BAAQMD adopted new CEQA Guidelines and significance thresholds for air quality in June 2010, after the Draft EIR was published in May 2010. The EIR air quality analyses used the applicable 1999 BAAQMD CEQA Guidelines as well as the proposed new analysis guidance and thresholds, as these were what was available at the time the EIR was prepared. As explained in Response #2.13, above, the thresholds adopted in June are the same as the proposed thresholds used in the EIR. Therefore, the Errata changed "proposed" to "2010" to indicate that the adopted new thresholds were actually used in the EIR.

Issue #4.7: The appellant urges the Board of Supervisions not to approve the Proposed Project, specifically due to the environmental impacts associated with traffic and demolition of an historic resource.

Response #4.7: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. Project-related historic resources and traffic and circulation impacts are identified in Sections V.D.a, Historic Resources, and V.E, Traffic and Circulation, of the EIR.

Issue #4.8: The appellant urges the Board of Supervisions not to approve the Proposed Project, and cites to a copy of a portion of the CEQA approval findings adopted by the Planning Commission.

Response #4.8: The Planning Commission's CEQA findings on approval of the Proposed Project are not appropriately considered by the Board of Supervisors in an appeal of EIR certification, as explained in the discussion in the Summary of Issues on Appeal and Planning Department Responses, p. 4, above.

Issue #4.9: The appellant cites to her previous spoken and written testimony in opposition to the Proposed Project, and urges the Board of Supervisions not to approve the Proposed Project.

Response #4.9: This comment expresses general opposition to the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.10: The appellant raises concerns about the proposed DA and contends that neither the City nor developer have the authority or jurisdiction to decide on matters of rent control, but does not raise concerns on the adequacy or accuracy of the analysis presented in the EIR.

Response #4.10: The proposed DA is not an appropriate subject for the appeal of certification of an EIR. For a discussion on the topic of rent control, please see Responses #1.1 and #3.30.

Issue #4.11: The Appellant expresses opposition to the rerouting of the M Ocean View Muni line from 19th Avenue into Parkmerced and states that the City does not have the authority to do so, but Caltrans does.

Response #4.11: This is not a comment on the adequacy or accuracy of the EIR. Operation of the M Ocean View light rail line is the responsibility of the City and County of San Francisco, specifically, the San Francisco Municipal Transportation Agency. Decisions as to the routing, frequency, and other operating characteristics of the City's transit system, including the light rail network, are solely the responsibility of the City. However, as described in the EIR, the proposed modifications to the M Ocean View light rail tracks and other physical facilities would include construction in and some traffic improvements associated with new crossings of 19th Avenue, which is under the jurisdiction of Caltrans. Therefore, while the City does maintain the discretion as to operating characteristics of the M Ocean View, including the proposed re-routing, the proposed new crossings of 19th Avenue and associated traffic improvements to 19th Avenue do require approval by Caltrans (see EIR Chapter III, Project Description, p. III.67). This is accounted for throughout the EIR, including presentation and analysis of an alternative that does not include rerouting this light rail line, as discussed in Responses #2.2.3 and #3.18, above.

Issue #4.12: The appellant comments that her requests to have the various documents translated were ignored by the Planning Department. The comment further states that the Planning Commission violated their rules and regulations when they limited speaker requests for additional time to speak at the February 10, 2011 hearing.

Response #4.12: The issues related to the Planning Commission's rules and regulations are not comments on the adequacy or accuracy of the EIR. The Planning Commission's rules, presented at the beginning of each Meeting Agenda, indicate that language translators are available if a request is received at least 48 hours prior to a hearing. Translators were available for the February 10, 2011 hearing.

Although not required by CEQA, the Planning Commission takes testimony from the public regarding whether to certify an EIR that is before them. Public comments are managed by the chair of the meeting, in this case the President of the Planning Commission, and every effort is made to give members of the public an opportunity to speak. The Commission's rules allow the President of the Commission to limit the amount of time each person can speak, to provide for an orderly meeting. There were no written requests from any organization opposing the Proposed Project for extra time presented to the Commission Secretary in advance of the public hearing where comments on EIR certification were accepted by the Commission. Had any such requests been received and granted by the President of the Commission, one representative of the group could have spoken for the extended period, but no other group members would have spoken. Instead, many members of the opposition groups testified at the Commission's February 10, 2011 hearing.

As the instant appeal is now before the Board of Supervisors, it is subject to the rules of the Board that relate to how it conducts appeals, including scheduling and allotment of time for all speakers, including members of the public, City staff, and those who oppose the appeal. See also Response #3.36 regarding the Board of Supervisor's procedures for appeal hearings.

Issue #4.13: The appellant expresses concerns about having limited speaking times at public hearings and the development review process, but does not raise concerns on the adequacy or accuracy of the analysis presented in the EIR.

Response #4.13: This is not a comment on the accuracy of the EIR. Issue #4.12 raises a similar comment about allotment of time for speakers during the Planning Commission hearings and the Board of Supervisor's procedures. Please also see Response #3.36, above.

Issue #4.14: The appellant expresses concerns about having her requests to have the various documents translated be ignored.

Response #4.14: This is not an issue related to the accuracy of the EIR. Please see Response #,4.12, above for a discussion on translation.

Issue #4.15: The Appellant expresses opposition to the Proposed Project, specifically due to impacts related to tree removal and toxic air contaminants.

Response #4.15: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. Tree removal impacts are discussed in EIR Section V.M, Biological Resources, on pp. V.M.27-

V.M.28. The appellant raises a similar comment about toxic air contaminants in Issue #4.4; please see Response #4.4, above, for a discussion of toxic air contaminants and reactive organic compounds that would be emitted as a result of any project-related construction and motor vehicle activities.

Issue #4.16: The Appellant expresses opposition to the Proposed Project, specifically about the proposed retail and office space.

Response #4.16: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.17: The Appellant states that the CEQA findings circumvent CEQA regulations.

Response #4.17: The Planning Commission's CEQA findings on approval of the Project are not an appropriate subject for an appeal of EIR certification, as explained in the discussion in the Summary of Issues on Appeal and Planning Department Responses, p. 4, above.

Issue #4.18: The Appellant expresses opposition to the Proposed Project, specifically about project-related information distributed to tenants by the Project Sponsor.

Response #4.18: This comment expresses general opposition to a component of the Proposed Project, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.19: The Appellant submits a copy of a February 8, 2011 letter from Bert Polacci, Director of Community Outreach and Government Relations for Stellar Management, describing a community workshop that was held to discuss the Proposed Project's entitlement process.

Response #4.19: This letter describes the Proposed Project's phasing and entitlement process, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.20: The Appellant submits a copy of a July 28, 1999 letter from Bert Polacci, Chief Operating Officer at Carmel Companies, describing an ownership change of the Parkmerced property.

Response #4.20: This letter describes a previous ownership change of the Parkmerced property, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.21: The Appellant submits a copy of the February 3, 2011 Parkmerced Project EIR Errata, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR.

Response #4.21: As noted in Response #4.6, above, EIR Errata was introduced at the February 10, 2011 Planning Commission meeting to identify EIR text changes that occurred subsequent to the October 28, 2010 publication of the Comments and Responses.

Issue #4.22: The Appellant submits a copy of *Parkmerced: Imagine*, which is a document distributed by the Project Sponsor describing the Proposed Parkmerced Project.

Response #4.22: This document does not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.23: The Appellant submits a copy of an email exchange between the appellant and Rick Cooper and Linda Avery of the Planning Department about the Planning Commission hearing rules and regulations and EIR certification appeal process.

Response #4.23: This letter does not raise any issues on the adequacy and accuracy of the analysis presented in the EIR. Please see Responses #3.36 and #4.12 for a discussion of the Planning Commission's rules and regulations.

Issue #4.24: The Appellant submits a copy of the San Francisco Planning Commission Hearing Procedures.

Response #4.24: This copy does not raise any issues on the adequacy and accuracy of the analysis presented in the EIR. Please see Responses #3.36 and #4.12 for a discussion of the Planning Commission's rules and regulations.

Issue #4.25: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the December 9, 2010 Planning Commission informational workshop.

Response #4.25: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.26: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the November 18, 2010 Planning Commission initiation hearing.

Response #4.26: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.27: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the November 18, 2010 Planning Commission hearing.

Response #4.27: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.28: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the November 18, 2010 Planning Commission informational hearing.

Response #4.28: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.29: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the November 4, 2010 Planning Commission hearing.

Response #4.29: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.30: The Appellant submits a copy of the notice to dissolve the Parkmerced Residents Organization.

Response #4.30: This notice does not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.31: The Appellant submits a copy of a letter addressed to the Planning Commission and presented at the October 21, 2010 Planning Commission hearing.

Response #4.31: These comments express opposition to the Proposed Project, but do not raise any issues on the adequacy and accuracy of the analysis presented in the EIR.

Issue #4.32: The Appellant submits a copy of the previously submitted June 25, 2010 comments on the Draft EIR, which was submitted during the 45-day circulation period of the EIR.

Response #4.32: All of these comments raised in the June 25, 2010 letter are addressed in Responses 36.1 through 36.17 on pp. III.C.36.10-III.C.36.13 of the Comments and Responses.

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PARKMERCED PROJECT EIR ERRATA

This section presents additional staff initiated text changes for the *Parkmerced Project Draft Environmental Impact Report*. These EIR text changes reflect revisions that have occurred subsequent the October 28, 2010 publication of the Comments and Responses document. The revisions are organized by EIR section and deleted text is ~~struck through~~ and new text is underlined. The text additions and revisions presented below clarify and expand the information presented in the Draft EIR and Comments and Responses document. The revised text does not provide new information that identifies new significant environmental impacts; the clarified and expanded information does not identify mitigation measures that, if implemented, would result in significant environmental impacts; and considerably different alternatives and/or mitigation measures were not identified that would clearly lessen the significant environmental impacts of the proposed project. In sum, the staff-initiated text changes provided below do not change any of the conclusions reached in the Draft EIR and Comments and Responses documents, but rather clarify, update, and provide additional relevant information.

CHAPTER V, ENVIRONMENTAL SETTING AND IMPACTS

Section V.E, Transportation and Circulation

A text change has been made to Mitigation Measure M-TR-2B, on p. V.E.65 of the Draft EIR:

> **M-TR-2B: Install a traffic signal at Sunset Boulevard/Lake Merced Boulevard.** ~~Installation of the signal shall be the responsibility of the SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility. The SFMTA shall design and implement the measure as necessary.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2C, on p. V.E.65 of the Draft EIR:

> **M-TR-2C: Construct a dedicated northbound right-turn lane from Lake Merced Boulevard to eastbound Winston Drive.** This improvement would provide a dedicated lane for the relatively large number of vehicles expected to execute the northbound right-turn movement. Implementation of the roadway improvement would require roadway widening to the east, which necessitates relocation of the sidewalk, a utility box, a signal mast, and several other elements.
>
> ~~Implementation shall be the responsibility of SFMTA, and shall be completed prior to completion of the Project or as otherwise specified in the Development Agreement. SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2D, on p. V.E.66 of the Draft EIR:

> **M-TR-2D: Provide a third northbound through lane and a second southbound left-turn lane at the Lake Merced Boulevard/Font Boulevard intersection.** This mitigation measure would require restriping the northbound right-turn lane at the Lake Merced Boulevard/State Drive intersection as a through lane and removing the on-street parking on the north side of the intersection to recreate the dedicated right-turn lane (assuming that it is required for acceptable operations at this intersection).
>
> Additionally, providing a second southbound left-turn lane at this intersection would require removal of on-street parking on the south side of Font Boulevard to create a second receiving lane, as well as the removal of some spaces on the west side of Lake Merced Boulevard and shifting the through travel lanes to the west to make room for the second southbound left-turn lane.
>
> Implementation would require significant roadway restriping and signal optimization and coordination at multiple intersections, as well as the removal of approximately 25 parking spaces. ~~If feasible, implementation of this measure shall be the responsibility of SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility. SFMTA shall design and implement the measure as necessary.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-2E, on p. V.E.66 of the Draft EIR:

> **M-TR-2E: Reconfigure the westbound right-turn and southbound left-turn as the primary movements of the intersection at the Lake Merced Boulevard/Brotherhood Way.** This would convert the northbound approach of Lake Merced Boulevard into the "minor" approach to the intersection. Although the configuration may be able to fit within the existing right-of-way at the intersection, further study is needed to determine the feasibility of this measure. A conceptual intersection configuration is presented in the Project's Transportation Study.
>
> ~~If implemented, the intersection reconfiguration shall be the responsibility of SFMTA, and shall be implemented prior to completion of the Project or as otherwise specified in the Development Agreement. SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility~~. Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

A text change has been made to Mitigation Measure M-TR-21A, on p. V.E.88 of the Draft EIR:

> **M-TR-21A: Purchase an additional two-car light rail vehicle for the M Ocean View.** Purchase and insert another light-rail vehicle into the system in order to maintain headways. This will allow Muni to maintain proposed headways on the M Ocean View with a slightly longer route. The procurement of the new light rail vehicles shall be completed by SFMTA, and shall be completed prior to operating the rerouted system. However, the new transit vehicles required to serve the Proposed Project shall not be the financial responsibility of SFMTA.

A text change has been made to Mitigation Measure M-TR-22B, on pp. V.E.90-V.E.91 of the Draft EIR:

M-TR-22B: Maintain the proposed headways of the 18 46th Avenue. The Project Sponsor in cooperation with SFMTA shall conduct a study to evaluate the effectiveness and feasibility of the following improvements which could reduce Project impacts on transit operations along the Lake Merced Boulevard corridor, generally between Brotherhood Way and Winston Drive. The study shall create a monitoring program to determine the implementation extent and schedule (as identified below) to maintain the proposed headways of transit lines impacted by the Project.

- A transit-only queue-jump lane should be considered on Lake Merced Boulevard at Font Boulevard. This treatment could be constructed within the existing curb-to-curb right of way for the northbound direction.
- Southbound queue-jumps are viable at State Drive and Font Boulevard with removal of on-street parking. However, these treatments may conflict with mitigation measures M-TR-2C~~, M-TR-2D, and M-TR-2E~~ (collectively summarized in M-TR-22A), which has ~~have~~ been designed to reduce the Project's traffic impacts.

These improvements would collectively benefit not only the 18 46th Avenue prior to the TEP improvements, but also SamTrans Route 122, and the proposed "shopper shuttle."

~~SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor. The Project Sponsor shall fully fund the costs of implementing the transit priority improvements (either the improvements identified above, or alternative improvements of equal or greater effectiveness and comparable cost) as determined by the study and the monitoring program. Other options to be evaluated in the study could include comprehensive replacement of stop-controlled intersections with interconnected traffic signals equipped with transit priority elements.

A text change has been made to Mitigation Measure M-TR-22C, on p. V.E.91 of the Draft EIR:

M-TR-22C: Purchase additional transit vehicles as necessary to mitigate the Project impacts to headways on the 18 46th Avenue. Should mitigation measures M-TR-22A or M-TR-22B not be feasible or effective, the Project Sponsor shall work with SFMTA to purchase additional transit vehicles and contribute to operating costs and facility improvements as necessary to mitigate the Project impacts to headways for the transit line. ~~While this mitigation measure would allow headways to be maintained, it does not mitigate the transit travel time delay. The procurement of new transit vehicles shall be completed by SFMTA. However, new transit vehicles required to serve the Proposed Project shall not be the financial responsibility of SFMTA.~~ The Project Sponsor shall be responsible for the procurement and financing of the new transit vehicles.

A text change has been made to Mitigation Measure M-TR-25B, on p. V.E.94 of the Draft EIR:

M-TR-25B: Maintain the proposed headways of the 29 Sunset. The Project Sponsor in cooperation with SFMTA shall conduct a study to evaluate the effectiveness and feasibility of installing transit priority elements along Lake Merced Boulevard, between

Winston Drive and Sunset Boulevard. This may include, but is not limited to, queue-jump lanes and transit-only lanes. ~~SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or the study of its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor. The Project Sponsor shall fully fund the costs of implementing the transit priority improvements (either the improvements identified above, or alternative improvements of equal or greater effectiveness and comparable cost) as determined by the study and the monitoring program.

A text change has been made to Mitigation Measure M-TR-36C, on p. IV.17 of the Comments and Responses document:

M-TR-36C: Install a traffic signal at Lake Merced Boulevard/John Muir Drive. Installation of a traffic signal at the intersection of Lake Merced Boulevard/John Muir Drive would improve operations to acceptable levels. ~~Implementation of the signal installation shall be the responsibility of SFMTA, and shall be implemented prior to copmpletion of the Project or as otherwise specified in the Development Agreement. The SFMTA shall design and implement the measure as necessary; however, SFMTA is not financially responsible for funding this improvement or evaluating its feasibility.~~ Funding, implementation, and construction of this measure shall be the responsibility of the Project Sponsor.

Section V.G, Air Quality

The BAAQMD recently updated their 1999 CEQA Air Quality Guidelines and adopted new CEQA significance thresholds for air quality. The updated BAAQMD CEQA Guidelines include quantitative CEQA significance thresholds for construction-related and operational criteria pollutant emissions, precursor emissions, and health risks (from emissions of toxic air contaminants [TACs]). According to the BAAQMD, these recently adopted thresholds of significance are only intended to apply to environmental analyses that began on or after June 2, 2010, and thresholds pertaining to the health risks to new sensitive receptors are only intended to apply to environmental analyses that began on or after January 1, 2011. Even though the environmental analysis of the proposed project began well in advance of June 2, 2010, the analysis in this EIR conservatively relies on the recently adopted significance thresholds and mitigation strategies.

Therefore, the following text changes are made to the Air Quality section of the Draft EIR, starting at the first paragraph on p. V.G.33, though the last paragraph on p. V.G.40. These changes reflect the adoption of the new guidelines, but do not change any of the substantive conclusions of the Draft EIR or Comments and Responses documents.

~~Draft~~ BAAQMD CEQA Air Quality Guidelines and ~~Proposed~~ Adopted 2010 Thresholds

BAAQMD recently updated ~~is currently in the process of updating~~ its CEQA Air Quality Guidelines, which ~~will~~ includes revised thresholds of significance for criteria air pollutants and precursors, community risk and hazards related to TACs, and greenhouse gases (GHGs) (see Section V.H, Greenhouse Gas Emissions of this EIR for a discussion of proposed thresholds for

GHGs). BAAQMD ~~is considering~~ adopted two sets of thresholds, one that would apply to specific development projects, such as the Proposed Project, and another threshold that would apply to plan-level CEQA analyses. ~~Should the~~ The ~~BAAQMD~~ adopted the new CEQA thresholds on June 2, 2010. It is BAAQMD's policy that the new thresholds apply to projects for which the Notice of Preparation (NOP) was prepared on or after June 2, 2010 for all adopted thresholds except the thresholds for exposing sensitive receptors to health risks and hazards. It is BAAQMD's policy that the health risk and hazard thresholds apply to NOP's published after May 1, 2011. ~~It is be adopted before this EIR is certified, the new thresholds could apply to the Proposed Project. The draft guidelines have yet to be formally adopted by BAAQMD and therefore cannot yet be formally adopted by the City and County of San Francisco should it choose to do so.~~

Criteria Related to Construction Impacts

Quantification of construction emissions is appropriate for analysis under the 2010 ~~proposed Draft~~ BAAQMD CEQA Air Quality Guidelines. A project would have a significant air quality impact if it would result in total construction-related emissions of ROG, NOx, or $PM_{2.5}$ (non-inclusive of fugitive dust) of 10 tons per year or greater or 54 pounds (25 kilograms) per day or greater. The ~~draft~~ guidelines have a separate emission threshold for PM_{10} (non-inclusive of fugitive dust) of 15 tons per year or greater or 82 pounds (37 kilograms) per day.

Under the 2010 ~~proposed~~ BAAQMD guidance, a ~~Plan or~~ project would also have a significant air quality impact if construction activities would result in an incremental increase in localized annual average concentrations of $PM_{2.5}$ exceeding 0.3 micrograms per cubic meter.

Additionally, construction associated with a ~~Plan or~~ project would have a significant air quality impact if it would result expose persons to substantial levels of TACs, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or if it would expose persons to TAC's such that a non-cancer Hazard Index of 1.0 would be exceeded.

Criteria for Project-Level Operational Impacts

The 2010 ~~Draft~~ BAAQMD CEQA Guidelines recommend lower threshold levels for determining significance of operational emissions of ROG, NOx, or PM_{10} including $PM_{2.5}$. For ROG, NOx and $PM_{2.5}$, a net increase of 54 pounds per day is considered significant, while for PM_{10} a net increase of 82 pounds per day is considered significant.

The ~~proposed~~ guidance expands on the existing health risk thresholds by adding thresholds related to the incremental ambient $PM_{2.5}$ increases associated with a project or ~~and~~ by requiring a determination of consistency with a Qualified Risk Reduction Plan, if applicable. A project would ~~also~~ have a significant air quality impact if it would result in an incremental increase in or exposure of receptors to localized annual average concentrations of $PM_{2.5}$ exceeding 0.3 micrograms per cubic meter ($\mu g/m^3$)), or expose persons to substantial levels of TACs, such that the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or if it would expose persons to TAC's such that a non-cancer Hazard Index of 1.0 would be exceeded from project operations.

Criteria for Cumulative Impacts

Cumulative impacts are based on ~~the~~ a project's emissions and the potential for the project to expose sensitive receptors to health risks and the potential for the project to contribute to regional air pollution. As with the existing BAAQMD guidance, if a project results in an increase in ROG, NOx, PM_{10}, or $PM_{2.5}$ of more than their respective daily mass thresholds, then it would ~~also~~ be considered to contribute considerably to a significant cumulative effect.

Characterizing cumulative air quality impacts relative to emissions of $PM_{2.5}$ and TAC relies on cumulative assessment methodologies that are still in development by BAAQMD. Establishing a consistent methodology for cumulative health risk assessment will affect decisions on what sources to consider in a cumulative analysis and how to obtain emission data for sources that are beyond the bounds of a project.

With regard to cumulative impacts (both construction and operations) from $PM_{2.5}$, the ~~proposed~~ guidance indicates that a significant cumulative air quality impact would occur if localized annual average concentrations of $PM_{2.5}$ would exceed 0.8 micrograms per cubic meter ($\mu g/m^3$) from project operations in addition to existing emission sources and cumulative emissions sources within 1,000 feet of the project. However, background annual average concentrations of $PM_{2.5}$ currently exceed ten times this level for all previous years, as shown in Table V.G.1.

With regard to cumulative impacts from TACs, a significant cumulative air quality impact would occur if the probability of contracting cancer for the MEI defined above, would exceed 100 in one million or if would expose persons to TACs such that a non-cancer Hazard Index of 10.0 would be exceeded as a result of project operations, in addition to existing emission sources and cumulative emissions sources within a 1,000 foot radius of the project site.

~~Proposed~~ BAAQMD CEQA Adopted Thresholds, Impact Evaluation

Impact AQ-10: The Proposed Project could result in localized construction dust-related air quality impacts under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) (Criteria G.b, G.d)

Under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, implementation of Best Management Practices for fugitive dust would reduce the impact of construction dust to a less-than-significant level, as required by the San Francisco Construction Dust Control Ordinance (see Impact AQ-1 above).

Impact AQ-11: The Proposed Project could result in construction-related impacts to regional air quality under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

Criteria pollutant emissions from maximum daily use of construction equipment are quantified above (see Table V.G.4). The 2010 ~~Draft~~ BAAQMD CEQA Guidelines specifies that average daily construction emissions greater than 54 pounds per day of ROG, NOx, and $PM_{2.5}$, or 82 pounds per day PM_{10}, would be a significant increase. To be conservative, this analysis shows maximum daily construction-phase emissions in Table V.G.4. Because of the considerable levels of construction activities, the construction emissions under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would be significant. Mitigation Measure M-AQ-3 that is identified above would reduce construction exhaust emissions.

Given current technologies, Mitigation Measure M-AQ-3 would achieve a feasible level of NOx and ROG reductions, but this measure is unlikely to achieve a sufficient reduction in emissions to bring construction activities to a level below the daily thresholds for ROG, NOx, PM_{10}, and $PM_{2.5}$. Construction emissions of PM_{10} and $PM_{2.5}$ would be significant according to the 2010 ~~draft~~ guidelines, after incorporating dust control strategies (see Impact AQ-1) and feasible strategies to reduce emissions in construction equipment exhaust (Mitigation Measure M-AQ-3). Therefore, the ~~potential~~ impacts of the Proposed Project with respect to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would be significant and unavoidable, even with implementation of mitigation.

Impact AQ-12: The Proposed Project could result in construction-related impacts of toxic air contaminants and adverse health effects under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

The Proposed Project could increase cancer risk from exposure to emissions of DPM and other TACs associated with off-road construction equipment and on-road haul trucks used during construction of the Proposed Project, as these emissions would occur within 1,000 feet of existing residential units and educational facilities within and adjacent to the Project Site. The 2010 ~~Draft~~ BAAQMD CEQA Guidelines thresholds for TACs are similar to the current recommendations, with the addition of $PM_{2.5}$ as a pollutant of health risk concern.

Emissions of $PM_{2.5}$ from construction activities would occur at regionally significant levels, as described above. Additionally, health risks due to $PM_{2.5}$ emissions would be considered significant under 2010 ~~Draft~~ BAAQMD CEQA Guidelines for construction activities causing concentrations of $PM_{2.5}$ over an annualized threshold of 0.3 micrograms per cubic meter ($\mu g/m^3$). This annualized threshold is applicable during any single year of construction activity, as opposed to the cancer risk threshold, which is based on lifetime exposure. Construction-related exhaust emissions and fugitive dust emissions would contribute to total $PM_{2.5}$ concentrations at nearby receptors. With construction-related annual total $PM_{2.5}$ emissions exceeding the BAAQMD threshold of 10 tons per year, local $PM_{2.5}$ concentrations would likely be above the BAAQMD 2010 ~~proposed~~ threshold of 0.3 $\mu g/m^3$ on an annualized basis during some years of construction, depending on the intensity of activity and proximity of receptors. Existing residential units and educational facilities within 1,000 feet of construction activities would be most likely to experience this impact.

The 2010 ~~Draft~~ BAAQMD CEQA Guidelines ~~of May 2010~~ include a "Draft Construction Health Risk Screening Table" that provides an approximate minimum offset distance for typical construction projects of various sizes.[1] For the phased and high-density development of the Proposed Project, up to about 40 acres could be under construction at any one time (given four major phases across the 152-acre Project Site). According to the ~~draft~~ construction screening approach ~~tables~~, the minimum offset distance (buffer distance) to ensure that a sensitive receptor would have a less than significant impact would be 300 meters (984 feet). Existing and planned residential units and educational facilities within this distance would experience a ~~potentially~~ significant impact due to construction-related TAC and $PM_{2.5}$.

[1] BAAQMD, *Draft CEQA Guidelines, Screening Tables for Air Toxics Evaluation During Construction, Version 1.0*, May 2010.

Reducing this impact could involve reducing construction equipment emissions or providing sufficient offset distances between construction and occupied land uses. Although implementation of the construction emission control measures (including Mitigation Measure M-AQ-3) would reduce TAC, including DPM, exhaust emissions by implementing feasible controls and requiring up-to-date equipment, adverse TAC and $PM_{2.5}$ health effects during construction would remain. Due to the high-density surroundings, individuals would occasionally be essentially adjacent to construction activity. It would be practically impossible to phase construction or restrict public access in such a manner to eliminate the potential risks to individuals occupying and visiting areas within 1,000 feet of the proposed construction activities. Due to uncertainty in quantifying the construction-related incremental cancer risk and non-cancer health impacts, the impact is considered significant and unavoidable under the 2010 ~~Draft~~ BAAQMD Guidelines for existing residential units and educational facilities within the Project Site and within 1,000 feet of the Proposed Project.

Impact AQ-13: The Proposed Project could result in operation-related impacts to regional air quality under the 2010 ~~proposed~~ guidelines. (*Significant and Unavoidable*) (Criteria G.b, G.d)

Table V.G.5 shows that the Proposed Project would result in an increase in criteria pollutant emissions that would be considered significant according to the 2010 ~~proposed~~ BAAQMD significance thresholds of ROG, NOx, or $PM_{2.5}$ greater than 54 pounds per day or PM_{10} greater than 82 pounds per day. This impact would occur with the project incorporating feasible emission reduction measures within its extensive TDM program and Sustainability Plan. As such, this impact would be significant and unavoidable.

Impact AQ-14: The Proposed Project could result in operation-related impacts to CO ambient air quality standards under the 2010 ~~proposed~~ guidelines. (*Less than Significant*) (Criterion G.d)

The significance of localized CO emissions from mobile sources is determined via a screening assessment methodology from the ~~proposed~~ 2010 ~~Draft~~ BAAMQD CEQA Guidelines. According to the 2010 ~~proposed~~ approach, a project would result in a less-than-significant impact to localized CO concentrations if the following three criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans. The Draft II Transportation Impact Analysis for the Proposed Project indicates that the proposed Parkmerced Transportation Demand Management (TDM) Plan would be consistent with City and County of San Francisco agency policies (Fehr & Peers, February 2010).
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. The Draft II Transportation Impact Analysis for the Proposed Project indicates that the study intersections with the highest volumes would experience approximately 20,000 vehicles per peak hour under the Proposed Project and cumulative scenarios (Fehr & Peers, February 2010).
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon,

below-grade roadway). The Proposed Project would not introduce or increase traffic to these levels for any of the proposed underground parking garages.

This discussion of the screening criteria analysis indicates that violations of the state and federal one-hour and eight-hour standards for CO would not be expected at any study intersections during worst-case atmospheric conditions (wintertime conditions when CO concentrations are typically greatest). Therefore, the Proposed Project would continue to have a less than significant impact on local CO concentrations.

Impact AQ-15: The Proposed Project could result in operation-related impacts to sensitive receptors and substantial pollutant concentrations of toxic air contaminants under ~~proposed~~ 2010 guidelines. (*Significant and Unavoidable*) (*Criterion G.d*)

Local community risk and hazard impacts are a focus of the 2010 ~~Draft~~ BAAQMD Guidelines. The ~~proposed~~ 2010 guidelines emphasize a focus on "impacted communities" including Eastern San Francisco, which is not within or adjacent to the Project Site. Existing local air quality is affected by numerous sources of DPM, other TACs, and criteria pollutants, including traffic on roadways and some stationary sources within 1,000 feet that are permitted but not considered major under BAAQMD rules (see Setting). The primary major roadway within 1,000 feet of the Project Site is Highway 1 (Junipero Serra Boulevard and 19th Avenue).

Operation of the Proposed Project operation would cause increases in traffic emitting DPM, other TACs, and $PM_{2.5}$ and would increase the density of residential uses in an area exposed to these emissions. The ~~May 2010 Draft~~ 2010 BAAQMD Thresholds include screening tables (updated October 2010) identifying potential cancer risk and non-cancer health hazards experienced by sensitive receptors along Highway 1 (Junipero Serra Boulevard and 19th Avenue).[2] According to the new BAAQMD screening tables, sensitive receptors are exposed to potentially significant concentrations of TAC and $PM_{2.5}$ (exceeding 0.3 $\mu g/m^3$) within 200 feet east or west of Highway 1. The new BAAQMD screening tables also indicate that the estimated incremental lifetime cancer risk (70-year lifespan) due to traffic on Highway 1 is greater than 10 cases per million people for locations within 200 ~~400~~ feet east or west of the roadway. Health risks from all roadways are dominated by the effects of DPM, a TAC, and $PM_{2.5}$.

The Proposed Project would include new residential uses within 1,000 feet of existing stationary sources of TACs and within 200 ~~400~~ feet of Highway 1, which could expose new sensitive receptors to concentrations of DPM, other TACs, and $PM_{2.5}$ considered ~~potentially~~ significant under the ~~proposed~~ 2010 guidelines. To address this issue, ~~potential~~ mitigation could be provided in the form of air filtration for the impacted new residential development near traffic causing elevated DPM and $PM_{2.5}$. This would reduce the impact of exposing new receptors to elevated concentrations near roadways, but it would not avoid the impact of placing new receptors near Highway 1 and other existing sources of TACs typical of urban environments. Because of uncertain effectiveness and feasibility of implementing this measure, the impact under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines would remain significant and unavoidable.

[2] BAAQMD, *Draft CEQA Guidelines, San Francisco County Screening Tables for Roadways*, October 2010 ~~May 2010~~.

Mitigation Measure M-AQ-15: Mechanical Ventilation Systems for New Residential Uses. ~~Potential Mitigation Under the Proposed Guidelines for Health Effects from Roadways:~~
New residential uses within 200 ~~400~~ feet from the edge of the Project Site boundary along Junipero Serra Boulevard, including ramps on Brotherhood Way, 19th Avenue, or Brotherhood Way shall incorporate mechanical ventilation systems. If the project anticipates operable windows or other sources of infiltration of ambient air, the residences shall be provided with a central HVAC (heating, ventilation and air conditioning) system that includes high efficiency filters for particulates (MERV-13 or higher). The system should operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors. Alternatively, if the development limits infiltration though non-operable windows and other techniques, the residences shall be provided with a ventilation and filtration system that meets the following specifications: (1) ASHRAE MERV-13 supply air filters; (2) >= 1 air exchanges per hour of fresh outside filtered air; (3) >= 4 air exchanges / hour recirculation; and (4) <= 0.25 air exchanges per hour in unfiltered infiltration.

Impact AQ-16: The Proposed Project could result in impacts related to odors under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) *(Criterion G.e)*

The 2010 ~~proposed~~ BAAQMD thresholds for odor impacts would not alter this discussion or the conclusion illustrated above that the Proposed Project would result in a less-than-significant impact related to odors.

Impact AQ-17: The Proposed Project could result in conflicts with adopted plans related to air quality under ~~proposed~~ the 2010 guidelines. (*Less than Significant*) *(Criterion G.a)*

The 2010 ~~proposed~~ BAAQMD thresholds of analysis for determining consistency with the most recently adopted Clean Air Plan would not alter this discussion or the conclusion illustrated above that the Proposed Project would not exceed the population or VMT assumptions contained in the CAP and that the project would implement applicable TCMs, resulting in a less-than-significant impact related ~~potential~~ conflicts with regional air quality management plans.

Cumulative air quality impacts under ~~proposed~~ 2010 guidelines. *(Criteria Gb, Gc, Gd)*

Impact AQ-18: The Proposed Project could result in cumulative construction impacts under ~~proposed~~ the 2010 guidelines. (*Significant and Unavoidable*)

Impact AQ-2 identifies the emission increases attributable to construction of the Proposed Project. As indicated in Table V.G.4, p. V.G.20, the Proposed Project would exceed the BAAQMD's adopted ~~proposed~~ significance thresholds for construction-related ROG, NOx, PM_{10}, and $PM_{2.5}$. Consequently, under the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the project construction would result in a significant cumulative impact with regard to these emissions.

Impact AQ-19: The Proposed Project could result in cumulative criteria pollutant impacts under ~~proposed~~ 2010 guidelines. (*Significant and Unavoidable*)

Table V.G.5, p. V.G.28. identifies increases in the regional emission inventory that would be caused by the Proposed Project, with levels exceeding the 2010 ~~proposed~~ BAAQMD significance thresholds. According to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the Proposed Project operational emissions would be cumulatively considerable, resulting in significant adverse air

quality impacts to the region's existing air quality conditions. Additional analysis to assess cumulative impacts is deemed unnecessary by BAAQMD, and the Proposed Project would result in a significant cumulative impact with regard to ROG, NOx, PM_{10}, and $PM_{2.5}$ emissions.

Impact AQ-20: The Proposed Project could result in cumulative DPM, $PM_{2.5}$, and TAC impacts under ~~proposed~~ the 2010 guidelines. (*Significant and Unavoidable*)

The Proposed Project would cause DPM, $PM_{2.5}$, and TAC impacts having adverse health effects due to mobile source activity generated by the existing and proposed land uses, but the Proposed Project does not include any new major stationary sources of DPM, $PM_{2.5}$, or TACs. Any notable or non-exempt emissions from stationary sources such as the proposed boilers and cogeneration system would be subject to additional review including BAAQMD New Source Review requirements, which requires sources to install the best available control technology and be subject to health risk screening for toxic air contaminants (see Impact AQ-4).

Impact AQ-6 shows that, according to the 2010 ~~Draft~~ BAAQMD CEQA Guidelines, the operational impacts due to exposure of receptors to DPM and TACs would be significant and unavoidable because the Proposed Project would expose planned receptors to substantial concentrations of DPM or other TACs. With no additional foreseeable sources of DPM or TACs identified for the cumulative conditions, the cumulative impact would be similar to that described for the Proposed Project. Roadside $PM_{2.5}$ exposure levels found by the analysis performed by the DPH would not exceed the ~~proposed~~ 2010 BAAQMD significance threshold for a cumulatively considerable contribution of $PM_{2.5}$ at 0.8 $\mu g/m^3$. No additional $PM_{2.5}$ impacts are identified for the cumulative conditions. Cumulative projects in the area are not anticipated to contribute considerable emissions in addition to the project. However, due to health risks caused by existing sources of TACs including nearby major roadways (Highway 1), the project-related DPM, $PM_{2.5}$, and TAC exposures would result in a significant and unavoidable cumulative impact.



File 110206: Parkmerced in the news -

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen, 03/24/2011 11:52 AM

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: linda.avery@sfgov.org
Date: 03/23/2011 11:37 PM
Subject: Fw: Parkmerced in the news -

green-$-greed.....pure and simple...

http://www.sfbg.com/politics/2011/03/23/who-really-owns-parkmerced

Who really owns Parkmerced?
03.23.11 - 11:23 am | Rebecca Bowe |

The folks who own Parkmerced don't live there.

A major redevelopment proposal at the Parkmerced housing complex is scheduled to go before the Board of Supervisors on March 29. Under the
plan, developers intend to bulldoze 1,538 rent-controlled units and replace them with new units, which they've promised will stay rent-controlled with the same monthly rates for existing tenants. It's a major overhaul which will nearly triple the number of units, transforming an entire San Francisco neighborhood, and it could take as long as three decades. So just who are the developers behind this plan?

It's been more than a decade since hotelier Leona Helmsley, reviled as the "queen of mean," and her real-estate partners made more than $300 million in the 1999 sale of Parkmerced. Helmsley, who died in 2007, was a storied figure with a distinctive wide mouth, arched eyebrows, and a reputation for running her New York luxury hotels with an iron hand. When she died, Helmsley left $12 million to her beloved poodle, Trouble.

She may not have been anyone's favorite landlord, but Helmsley was a highly visible character in the public eye -- in stark contrast with the current owner of the housing complex, a firm blandly titled Parkmerced Investors, LLC.

Court filings list Parkmerced Investors as a "Delaware limited

liability company," and an entry in a California Secretary of State database lists the LLC as having been incorporated in August of 2005. When it was created, it was listed with a Manhattan address identical to that of Stellar Management, the New York-based real estate company which manages Parkmerced. In 2005, Stellar Management and Rockpoint
Group, an investment firm, purchased Parkmerced for about $675 million. They created Parkmerced Investors Properties LLC as a venture that would maintain ownership of the colossal property.

While Stellar continues to manage Parkmerced, the company was unable
to keep up with its loan payments on the property last year, so in 2010, a new financial firm stepped in to take control and save it from default. In Sepetember of 2010, a minor change was entered into San Francisco property records -- the address for the property owner, Parkmerced Investors Properties LLC, was changed from one Manhattan
skyrise to another. The new address is identical to that of Fortress Investment Group, a private equity firm.

Fortress bought a roughly 75 percent stake in the venture that controls Parkmerced, according to a report in the San Francisco Business Times, in a deal which reportedly valued the entire property "at about $750 million."

In an email, Parkmerced spokesperson P.J. Johnston noted, "I can't discuss terms or details of the owners' investments, but I can confirm that Fortress and Stellar are the owners and operators of Parkmerced." In an earlier email, he noted that "Parkmerced Investors LLC has been the owner since 2005, and remains the owner. Fortress came on as a lead investor last year. Stellar continues to manage the property."

So who's behind Fortress? The firm was profiled in Vanity Fair in 2009 in a lucid account of how investors vaulted to billionaire status in the mid-2000s.

"On February 9, 2007, a company called Fortress Investment Group began
trading on the New York Stock Exchange," notes Bethany McLean's Vanity
Fair article. "Fortress, which both runs hedge funds and makes private-equity investments, was part of the seemingly miraculous wave of money begetting more money, in which people who managed others' fortunes made even greater fortunes for themselves. Those who thought

they'd found a way to get in on the miracle snapped up Fortress's shares. The stock had been priced at $18.50 the day before and promptly shot up to $35 when trading began in the morning. By the end of the day the five principals of Fortress — all youngish men who were present on that winter morning to ring the bell at the N.Y.S.E. — were worth a combined $10.7 billion."

Fortress is a Manhattan-based firm with offices in London, Shanghai, Tokyo, Los Angeles, San Francisco, and other worldwide metropolitan hubs. Its directors hailed from Lehman Brothers and Goldman Sachs. Fortress' luck soured with the onset of the financial crisis, and it was highlighted in Forbes magazine as one of the biggest losers of the recession. These days, its stocks are valued in the $5-to-$6 range, yet it still seems to be regarded as big deal as far as global investment firms go -- its website boasts $44.6 billion in "assets under management."

Fortress' CEO, Daniel Mudd, made the news recently because the Securities & Exchange Comission (SEC), a federal agency which regulates financial entities, has apparently been taking a hard look at how Mudd performed at his old job. Prior to joining Fortress in 2008, Mudd served as CEO of Fannie Mae, the monstrous government-backed mortgage company that was placed in a government conservatorship in August of 2008. Recent news reports noted that Mudd
had received a notice from the SEC informing him that he might be under investigation, and could face civil action for "allegedly misleading investors about the mortgage company's exposure to subprime
loans," according to Reuters.

That could prove to be a big deal. A report of the Federal Commission of the Financial Crisis, convened after the economic crisis to sort out what went wrong, flagged mortgage giants Fannie Mae and Freddie Mac as key players in the dysfunctional trading system that brought on the mortgage meltdown, precipitating the nation's steep market decline.

"Their $5 trillion mortgage exposure and market position were significant," the federal report notes, referring to the government-backed mortgage giants. "In 2005 and 2006, they decided to
ramp up their purchase and guarantee of risky mortgages, just as the housing market was peaking. They used their political power for decades to ward off effective regulation and oversight — spending $164

million on lobbying from 1999 to 2008. Through the third quarter of 2010, the Treasury Department had provided $151 billion in financial support to keep them afloat."

For the tenants of Parkmerced, the revelation that their homes are under the financial control of a firm directed by someone who was in the eye of the storm when the mortgage crisis hit is none too comforting. A story about Mudd's SEC notice was recently posted on a Facebook page maintained by the Parkmerced Action Coalition, a group of tenants that's publicly opposed the redevelopment plan.

As part of the Parkmerced project approval, the city will enter into a long-term development agreement with Parkmerced Investors LLC which
hammers down the plan to replace all existing rent-controlled units, even though the law only guarantees rent control on units built before 1978. Tenant advocates have raised concerns over whether this agreement could withstand a challenge court, but mayoral development advisor Michael Yarne sought to assure tenants that the deal was ironclad when he spoke at a December planning commission meeting. He
said the document had been drafted with input from the city attorney, and that the city would not leave residents vulnernable to a loss of affordable housing.

Meanwhile, an independent financial analysis drafted by CB Richard Ellis Consulting to provide the city with objective financial information found that if Parkmerced Investors LLC went ahead with the
project as planned, adhering to all the terms of its binding development agreement, the project "may not be economically feasible."
That's because it would generate a lower estimated internal rate of return, 17.8 percent, than the 20 percent that is generally considered attractive to real-estate investors. However, the report also suggested that this lower-than-average estimate could be offset by income from rent, which would mitigate the risk.

As part of the analysis, the consultants looked at how the project's internal rate of return would change under hypothetical scenarios. Under the so-called "tested scenario" where developers opted to "eliminate rent-controlled replacement unit program" in favor of building market-rate units instead, the project's rate of return would rise to 19 percent, according to the report. And if Parkmerced Investors LLC abandoned the community improvements it's signed up

for,
such as a new MUNI line, organic farm, and athletic fields -- as well as ditched the rent-control unit replacement plan -- the project's rate of return would jump up to 23 percent, according to the consultant's estimate, making it much more attractive to investors.

In other words, it would be in the best financial interest of the developer not to uphold its promises under the development agreement. But that is purely hypothetical, noted consultant Mary Smitheran.

The development agreement says Parkmerced Investors LLC must adhere to
its obligations, and the binding document is meant to stay with the property even if the housing complex changes hands. All along, developers and city officials have assured residents that there is no way they will lose their rent control. Going by the math, however, it's easy to see why tenant advocates perceive an incentive for the developer to try and have the agreement struck down in court after it's been granted approval to build.

For decades, Parkmerced has provided affordable housing for seniors, families, working-class residents, and others from a mix of economic backgrounds.

"With these private equity firms, these guys are major owners of multifamily housing, and nobody knows anything about them," noted Dean
Preston of San Francisco-based renters' rights organization Tenants Together. "Somehow, because they have an 'LLC' after their name, nobody's paying much attention to who's behind them."

March 21, 2011

RE: Parkmerced

File # 110206

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 23 PM 4:48
BY

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, Ca. 94102

To The Board of Supervisors of San Francisco:

On December 9th 2010, I spoke before the S.F. Planning Commission in regard to the environmental and physical impacts in moving to a new apartment as a result of the displacement of residents. I am attaching these comments to my letter. These comments are apart from all the environmental impacts of construction for the next 20-30 years.

In my comments I stated that sensitive people, like myself, may never be able to live in the new buildings. There will be increased EMFs" with proposed smart meters installed. And, though green construction materials are proposed there are no guarantees as there are no universal standards for this. There are no guarantees that sensitive people can live in these new buildings. New construction materials tend to be inferior to even the cheapest materials used in the 40's.

Moving will be of enormous difficulty to many. Visualize trying to pack up your life and family after having lived in your apartment and home for 20-60- years. The EIR fails to include this in its analysis. The EIR fails to include pretty much any issue that relates to people; the people who live in Parkmerced, and the people of San Francisco in general.

Finally, there is absolutely no need to demolish 1500 units of sound housing in Parkmerced as stated by Planning Commissioner Kathrin Moore. She is the only architect on the Planning Commission. She states, "This project has no hindsight, insight, or foresight."

Demolition of these 1500 units is not environmentally in any way shape or form the right choice for people or the earth.

Thank you,

Cathy Lentz

Cathy Lentz
322 Serrano DR.
San Francisco, Ca. 94132

S.F Planning Commission Hearing
Thursday December 9, 2010
Parkmerced Project
S.F. State University, McKenna Theater
Residential Issues ,Tenant Relocation, & Transportation Hearing

In Inge Horton's comments (see Parkmerced Project: Comments and Responses; page 50 T.R.25.7 she requests a socio- economic analysis as an addendum to the EIR. Response: Page 111.B.22 TR.25.7: There are no physical or environmental effects identified as a result of the displacement of residents. Therefore, a separate socio-economic study is not required by CEQA.

Two years ago I got toxic poisoning. There are environmental hyper-sensitivities as a result. Exposure to gas, electrical(including electric lights, cell phones, computers, increased electrical wattage's, T.V.s, appliances,radios, etc.), chemicals, pollution are some of the sensitivities. As a result I may never be able to live in a new unit even though it is supposed to be green. There will be increased electrical exposure as new buildings will have higher electrical capabilities than our old units. The new units will probably have shared gas heating in all of the units. I may not be able to live in this environment. Staying in a tower apartment with the gas shut off caused problems for me. The new units may have synthetic carpeting. And, there is sensitivity to the chemicals in these carpets.

All new construction could affect babies, infirm, and the elderly who are especially sensitive to the above.

In my own garden apartment I am able to function. Clean air (west of twin peaks the air is much cleaner in Parkmerced than downtown), limited electrical exposure; (we have low electrical amps in the old apartments compared to the new); no gas. My gas is shut off at a meter far from my house. What will happen to me and others like me?

CEQA should not be suspended for the residents because there could be a substantial environmental impact if forced to move.

1

The response to Inge Horton also stated there is no physical impact on the people moving. One of the residents told me that her husband said he would die if he had to move. The emotional stress alone could be enough to cause a tremendous physical reaction to someone who is forced to move.

At the very least people should be allowed to remain in their home until demolition.

I want to have the choice to stay in my home as long as possible as I may not be able to live in a new unit.

Even this isn't enough. There should be no demolition of the garden apartments. Demolishing them is not environmentally the correct thing to do for the residents or the earth.

Thank you,

Cathy Lentz
322 Serrano DR.
San Francisco, Ca. 94132

PARKMERCED ACTION COALITION
P.O. Box 320025, San Francisco, CA 94132
Phone: 415.586.2768
Email: parkmercedac@gmail.com

Special Planning Commission Hearing
Thursday, December 9, 2010
McKenna Theater, 6:00 pm

Demolition and Relocation Hearing

Thanks to all of our residents and interested parties who are attending this meeting tonight.

As this may be your first Planning Commission hearing we would like to offer a few tips for presenting:

Be Polite to the Commissioners and their staff.

Speak Out: Tell the Commissioners what this neighborhood means to you and your family. Please fill out a speaker card. Stay on topic—you may only have 1 minute to speak. Tell them you don't want your home demolished and the promises of new rent control apartments are risky at best.

Parkmerced Action Coalition Please join our efforts by becoming a member. /Complete this membership form and return to address above.

Regular membership $10.00 Sponsor $20.00 Donation_____

Name:_____ Address:_____

Phone:_____ Email:_____

Parkmerced Action Coalition Mission: ***Working together to preserve the quality of life and environment in Parkmerced for residents, neighbors, and the people of San Francisco.***



File 110206: My support of Parkmerced

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen, 03/23/2011 03:43 PM

From: Kristin Colsky <kcolsky@gmail.com>
To: kcolsky@gmail.com
Date: 03/23/2011 12:29 PM
Subject: My support of Parkmerced

Dear Supervisor,

I've lived in the San Francisco Bay Area for most of my life. I went to high school here and graduated college from UC Berkeley. A few months ago, I heard about the Parkmerced project from a friend and then looked into what is proposed. I think the project makes sense and will bring the Parkmerced neighborhood into the 21st Century. The idea of improving the traffic and transit on 19th Ave. is definitely needed, and I don't see San Francisco being able to do these major improvements without the financial help of Parkmerced.

Also, I have friends looking to stay and raise families in the city, but are having a hard time finding places in decent neighborhoods that are relatively affordable....the fact that Parkmerced will provide new home ownership opportunities on the west side of the city is a huge benefit to young families. Many families are leaving the city, and Parkmerced is trying to attract them to stay. I support the project and urge you to vote for it.

Thank You,

Kristin Colsky
1925 Jefferson St.
SF CA 94123

File 110206, Joy
Bos-11, cpage

SUNSET DISTRICT NEIGHBORHOOD COALITION
1647 Taraval, San Francisco, CA 94116
(415) 731-7322 Email: sunsetfestival@sbcglobal.net

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 23 PM 3:02
BY

Board of Supervisors
#1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

March 21, 2011

Dear Board Members,

I am writing this letter on behalf of members of the Sunset District Neighborhood Coalition in **support of the Appeals to the Planning Commission decision to certify the Final Environmental Impact Report of the Parkmerced Project, Planning Commission Motion 18629.**

As this project, if approved, will have serious and grave consequences for all residents on the west side of San Francisco we urge you to carefully study the EIR and the Appeals. Unmitigated traffic, transportation and toxicity issues demand that this project be sent back to the drawing board. And, that isn't even taking into consideration the "human" aspect-- the sanctity of the entire Parkmerced Community is threatened here. We believe it is your responsibility to watch out for the welfare of all current residents and urge you to support the Appeals.

SDNC members recognize that the west side of San Francisco needs to share in the development of low income and affordable housing—this project is NOT it. What the developers are proposing is a "manhattanization" and destruction of an existing vibrant community. Today Parkmerced is a prime example of the type of community we say we need— multi-ethnic, multi-generational and economically diverse.

Sincerely

Revel Paul
Sunset District Neighborhood Coalition

File 110206

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 22 PM 3:13
BY AK

BOS-11
Jay, page

Angela Cavillo
Clerk of the Board
Room, 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

March 20, 2011

Dear Ms. Cavillo:

This is in answer to the notice that the Board of Supervisors will hold a public hearing on March 29, 2011 of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report through its motion for the proposed Parkmerced Project located at 3711 - 19th Avenue. I am not able to attend the proposed hearing, but I would like to give you some of the important reasons to keep Parkmerced as it has always been: an ideal, park-like setting, free of heavy traffic, quiet streets designed so autos are forced to slow down, lovely open spaces that invite strolling among the trees and finding a bench to sit down on and rest for a few minutes. I was told, years ago, that the name "Parkmerced" implied a Park beside Lake Merced. With the Multi-Use Development Program, as I understand it, all this would be drastically changed. More people, more traffic, lots of noise from the street car coming and going into the center of Juan Batista Circle, with strolling at your peril!

I suspect that some members of the Board of Supervisors don't know much about the history of Parkmerced, but I have lived in this community since 1950, only a few short years after Metropolitan Life Insurance Company built the complex. It took my husband and me three years to obtain the one bedroom garden apartment on Serrano Drive because all apartments were filled. At the birth of our daughter, we moved to a two bedroom garden apartment on Vidal Drive, one of the newer sections of the Park, and when our son was born we moved to the three bedroom garden apartment on Rivas Avenue where we have lived since 1959. Our children attended Frederic Burke Elementary School, the laboratory school for the School of Education San Francisco State University, Aptos Junior High School and Lowell High School, allowing our children to leave the area with a solid educational foundation. Transportation has always been remarkable with the #17 Muni bus stop right in front of the apartment, and the M Line on 19th Avenue. Metropolitan Life Insurance Company didn't neglect offering a neighborhood shopping center within the complex limits so tenants could shop for groceries, pharmacy items, barber shop, cleaning establishment etc. I'm sure during these sixty plus years, there is a notice somewhere that designates Parkmerced as one of the best and most beautiful rental communities in the United States. Why would any developer want to change all this?

A note of interest to the Board would the stability of the garden apartments, which sustained little or no damage in the earthquake in 1956 and the earthquake in 1989. Some of the apartments had cracks in walls but I don't remember any neighbor who was forced to leave their apartment because of heavy damage to the structure. These garden apartments are well constructed, and we always felt that this was because of the very best and finest materials used when Parkmerced was built by Metropolitan Life Insurance Company. Can these new developers provide such well built two story or four story homes?

Finally, I urge the Board of Supervisors to heed the appellants words as they bring their concerns to the meeting on March 29, 2011.This jewel of a community, at the edge of the city of San Francisco should be preserved, as it remains today, for those who come after me to enjoy – as much as I have.

Sincerely yours,

Lilabel Babcock

Lilabel Babcock
110 Rivas Avenue
San Francisco, CA 94132
(415)585-0931

BRANDEIS
HILLEL
DAY SCHOOL
בראנדייס הלל

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 22 PM 3:15
BY AIC

BOS-11
110206
Joy, cpage

March 17, 2011

San Francisco Board of Supervisors
c/o Angela Calvillo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

In my capacity as the Head of School for Brandeis Hillel Day School, I have had the opportunity to work with the owners and managers at Parkmerced. It is my experience that Parkmerced has been a committed and effective partner with the entire Brotherhood Way Community of religious and scholastic institutions.

Representatives of Parkmerced sat on the first Brotherhood Way Community Committee that planned and presented an event commemorating the September 11 tragedy in New York. They have participated in and supported several events at the religious institutions along Brotherhood Way.

Of real significance to Brandeis Hillel Day School, Parkmerced has supplied housing to teachers and staff at an affordable and extremely reduced rate over the course of the last five years. This has been critical to the operation of the schools and churches to retain staff in the expensive San Francisco housing market.

It is my understanding that Parkmerced has a long-range plan to revitalize the community and build additional housing which is vitally needed and will assist the Brotherhood Way communities in serving their congregations, families and students. They have met with us regularly to seek input and give us updates on progress. Parkmerced has been very accommodating and invested in this community.

I fully support Parkmerced's plan and urge you to approve it.

Sincerely,

Chaim Heller
Head of School



Parkmerced Appeal - File no. 110206
Robley R. Passalacqua
to:
board.of.supervisors, Joy.Lamug, Rick.Caldeira
03/22/2011 11:28 AM
Please respond to robley
Show Details

At the request of Ms. Joy Lamug, I am forwarding an unedited copy of an e-mail already sent to each of the members of the board of supervisors.

Please make this document a part of the record for the meeting scheduled for March 29, 2011.

Thank you in advance for your asistance in this matter.

Robley Passalacqua

-------- Original Message --------
Subject: Parkmerced Appeal
Date: Mon, 21 Mar 2011 16:43:45 -0700
From: Robley R. Passalacqua <rrpcpa@pacbell.net>
Reply-To:robley@passalacqua-cpa.com
To: Sean.Elsbernd@sfgov.org, Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org, Jane.Kim@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org

March 21, 2011

To the members of the Board of Supervisors

The Parkmerced Development Project should not be approved for the

following reasons:

1. The property owner, Stellar Management, has recently announced the sale of an unspecified interest in the property owner to some affiliate of Fortress Investment Group, a twelve year old global investment manager headquartered in New York City. Since the property owner was on the brink of foreclosure, the new partner, unless totally incompetent, will have no doubt taken a very substantial position, possibly in the 75% to 95% range. For this reason alone, the approval of this project should be denied until all of the property owner representations related to this project can be reviewed and guaranteed by the new partner.

Further, the magnitude of the proposed project is such that demolition, construction and infrastructure costs claimed to be $1.2 billion could conceivably run to as much as $2 billion. Even if spread over a twenty year time frame, Stellar Management as evidenced by its near foreclosure event would be unable financially to undertake such a formidable project without relying on its new "financial angel", the above mentioned affiliate of Fortress Investment Group. Approval of this project should be denied until such time as the applicant can demonstrate its financial ability to undertake this project.

There is every indication that the sole purpose of this application is to enhance the value of the property sufficient to make it more attractive as an investment for some new property owner (property value is customarily determined as a function the annual rent of the units, generally ten times annual rent). and allow the current owners to salvage their 2005 investment that was clearly well above the current market value. Frequent references in the planning commission hearings to guarantees being part of the development plan and therefore applicable to any successor owners would lead one to this conclusion.

Care should also be taken to assure that there are no "hold harmless" side agreements made by Stellar Management to its new partner that would allow the new partner to recoup their investment plus some prearranged profit at a date prior to the completion of the project leaving the completion to Stellar Management.. Such an early sale back could come out of future funds possibly resulting from the sale of some of the units as condominiums as described in the developer agreement.

Additionally, the demonstrated reckless disregard for sound property management and stewardship by Stellar Management in attempting to finance the property acquisition totaling $750 million by use of five year loans totaling $500 million is a clear indication of the unworthiness of Stellar Management to responsibly carry out the project. Their inability to secure appropriate financing for a long term investment also indicates their lack of sound property management and stewardship. There are numerous other well documented occasions where this property owner has demonstrated a similar reckless disregard related to other properties that were foreclosed or otherwise disposed.

2. One of the arguments made in the EIR was that the garden/townhouse units were built in the early 1940s under wartime building restrictions and conditions and are no longer practical to retain; unlike the tower buildings which were built in the early 1950s with better building standards. Unfortunately, this is untrue. Almost one third of the garden/townhouse units were built in the 1950s at the time the tower buildings were built with the same building standards. These units consist of those on the western border along Lake Merced Boulevard and running at least two blocks deep to the east. Consequently there is no justification for demolishing these units since the tower buildings are not to be demolished. It would appear that the sole justification is density.

3. The loss of approximately 1,600 rent controlled garden apartments must not be permitted. The units lost are to be replaced by approximately 7,400 units which would be available at market rates and without the tenant protection of rent control. The property owner has presumably extended to the existing tenants that they will continue to have rent control in replacement units for those units being replaced. At the very least, this "offer" should be documented in writing so that the displaced tenants can have an enforceable contract to rely upon. The population of tenants entitled to rent control is a diminishing one that will allow the property owner to convert all of the units (other than the current tower units) to full market value units without the burden of rent control.

There should be some sort of preservation of rent control over at least the same number of units replaced in order to preserve an element of moderately

priced housing. The urgent need for affordable housing in San Francisco requires that no less be done. As a reminder, Parkmerced is the largest rent controlled property in San Francisco and should not be allowed to be dismantled for all of the spurious claims laid out in the proposed project.

One only has to look at the approximately 250 units sold to the state college. While the state college acquired the units subject to rent control for those occupants in place, no rent control or any other local restrictions continue to apply to the units as they are vacated. One obvious example is the exposed garbage cans clearly displayed at those units owned by the state college.

4. There will be massive traffic congestion resulting from increasing the number of units to over 9,000 units. Currently, with approximately 3,200 units the entering and exiting is quite limited and at times, can be unduly congested. The principal access is at Crespi/Nineteenth Avenue, the only way to and from intermediate destinations north into San Francisco. Nineteenth Avenue is also State Highway 1 and is frequently clogged with traffic on a daily basis with commuters as well as heavy volumes of student traffic. Even weekends are not immune from traffic congestion. Recent accidents in this proximity have wreaked havoc on traffic.

There are other accesses. Font/Junipero Serra Boulevard and Chumasero/Brotherhood Way at the east side of the property are primarily used to go south to San Mateo County or to connect to northbound Highway 280 to go to downtown San Francisco. On the west side of the property, Font/Lake Merced Boulevard and Higuera/Lake Merced Boulevard provide little help because they do not go anywhere. On the north side of the property, all of the access to Holloway Avenue is of no value because both sides of Holloway are owned by the State College and considered "inside" the campus. There is no assurance that the college will cooperate with the developers since they will be governed by their own needs.

Recent announcement by The state college of the performing arts center to be built on the south side of Font Boulevard at Lake Merced Boulevard will only add to the present traffic congestion.

Let us be realistic, this is California and most if not all of the added tenants

will have cars and will use them; if not for commuting, then for recreation. 7,000 to 7,500 additional cars will not be able to adequately accomodated.

5. Probably the most "hair-brained" concept in the development plan is the idea of rerouting the Muni Metro M line off of Nineteenth Avenue and into Parkmerced. The current plan is to route the Muni Metro M line approximately 100 yards to the west of the existing line. Why would they bother. No one is served. The bulk of the residents would effectively not be any better served by such a rerouting. The Holloway metro station would probably not be eliminated since that would disenfranchise the neighborhoods to the east of Nineteenth Avenue.

Parkmerced has, through the years, been relatively free of street crime due to its isolation and lack of familiarity of the terrain by outsiders who would routinely become lost once inside. Putting the M Metro line into Parkmerced would only serve to bring new opportunities for those who commit such crimes. The property management has done less than nothing to control and deal with the increasingly rowdy minority of the student population. They have also, along with the ineptness of the SFMTA/DPT done nothing about the illegally parked cars on the property every night. Each night there are at least twenty five to fifty cars illegally parked generally in red zones.

Rerouting the M Metro line would only cause a poorer performance and adversely affect all of the riders on the line between Holloway Avenue and Balboa Park Station, which does not perform well anyway. Every time the M Metro line is rerouted from the center of a street there is a serious delay and severe traffic congestion. There are two examples of this just north of Parkmerced: at Nineteenth Avenue and Eucalyptus Drive in front of Mercy High School and at St. Francis Circle.

The cost associated with the rerouting is almost unimaginable, considering the SFMTA's talent for overruns. A far less expensive option might be to have the developer underwrite the expansion and improvement (including late night service) to the17 bus line which is already in place. Improving the 17 bus service would be vastly superior since it would reach the more remote areas in Parkmerced, as well as provide increased safety by avoiding the long and often lonely walks from the Metro line, particularly after dark.

6. The property owner's development plan calls for the total elimination of

all the two story garden or townhouse apartments with approximately 7,400 high rise tower apartments. Such awful density will obliterate the open and park like atmosphere that has been the hallmark of Parkmerced for over sixty years. The adverse effect of view blocking on the surrounding neighborhoods must also be considered.

Once the proposed project is complete, there will be nothing left but canyons of tall buildings blocking out what little sunlight penetrates into the property now. This area of San Francisco is perpetually fog bound already and the proposed project will only make it worse.

7. The property owner's development plan also calls the creation of various retail shopping establishments including "sidewalk dining". Clearly, whoever posed this scenario has not been in Parkmerced during the typical periods when the property was shrouded in dense fog or in the evening. None of the retail establishments over the fifty plus years of our residence have ever been particularly successful. In addition, both the Taraval precinct and the campus police continuously advise residents and students to exercise extreme caution when walking in the property, particularly at night. This safety hazzard is particularly aggravated by the reductions in the Parkmerced bus schedule.

Respectfully submitted.

Robley and Adele Passalacqua
329 Font Blvd.
San Francisco, CA 94132

Re: Parkmerced - 110206 - March 29th, 4:00pm
Aaron Goodman
to:
board.of.supervisors
03/20/2011 11:41 PM
Cc:
rick.caldeira, joy.lamug, rick.cooper, bill.wycko.com, linda.avery
Show Details

2 Attachments

parkmerced_resolution.pdf

Protect and Preserve Parkmerced as essential housing from un-sustainable demolition_ - Change_org.htm

SF Board of Supervisors;

I am re-submitting the updated change.org list of signed people on the initial Parkmerced petition I did online AGAINST the project as proposed. (the petition spans the globe notably on the issue)

also the SFDCC resolution on the issue.

A.Goodman
amgodman@yahoo.com

Resolution of the San Francisco Democratic County Central Committee
Resolution Calling For Further Review of Parkmerced
Expansion Before Final Approval

Whereas, the owners of Parkmerced have proposed a massive expansion of the existing development which would increase the number of units from 3,000 to nearly 9,000 by destroying 1,538 existing 2-story garden apartments, currently home to thousands of families, and replacing them with highrises - and increasing the number of residents from about 7,500 to over 25,000.

Whereas, the impact of so large an expansion in units and population density will require major increases in City and School District services, including extensive improvements to the "M" Line which will not be covered by developer fees

Whereas, the Planning Commission has tentatively approved this Project on a narrow 4-3 vote, with dissenting Commissioners citing inadequate handling of environmental impacts, including seismic safety concerns given that Park Merced is located on land characterized as "high risk" for earthquakes by the U.S. Geological Survey, and is located near the epicenter of San Francisco 3rd largest quake since 1850 (in 1958),

Therefore be it Resolved, that the San Francisco Democratic County Central Committee urges that this project not be approved in its current form, but sent back to the Planning Commission for further study and revision, and that copies of this resolution be sent to the San Francisco Planning Commission, San Francisco Board of Supervisors and the Mayor.

Submitted by: Arlo Hale Smith

Adopted February 23, 2011 by San Francisco Democratic County Central Committee.

Parkmerced - 110206 - March 29th, 4:00pm
Aaron Goodman
to:
board.of.supervisors
03/20/2011 11:01 PM
Cc:
rick.caldeira, joy.lamug, rick.cooper, bill.wycko.com, linda.avery
Show Details

5 Attachments

100617_plancommission.pdf Parkmerced.pdf PARKMERCED BULLET POINTS.pdf parkmerced_finalmemo2.pdf
NTHP_memo.pdf

SF Board of Supervisors;

Please find the following items attached;

a) bullet points on the parkmerced project
b) memo sent prior on Parkmerced as part of the overall SF Green-Belt and concerns for the impacts of cummalative projects on Parkmerced.
c) (unable to attach, but in the documents submitted prior) - the 30 pages of drawings I submitted to the SF Planning Commissioners, prior during the Dec 9th meeting at SFSU, and the Feb. 10th hearing at the SF Planning Commission. The original documents were submitted in color and represent a feasible alternative focused on protecting the landscape, direct tier-5 implementation of transit FIRST, and addressing of the tower's, and lack of cummalative-impact, and infill based alternatives by the SF Planning Department. There are infill drawings of the existing blocks I did a quick study of infill on the pie-shaped block, as an example of infill, and gave three density study's based on the existing shapes/sizes which could still meet many of the goals of the developer through infill based efforts.
d) memo submitted to the SF Planning Commission on alternatives and

requirements per CEQA.
e) final memo submitted to the SF Planning Commission on legal issues.
f) NTHP memo signed by organizations on the issues.

Also I hope you all will look carefully at the FULL, Parkmerced overall docket for your review. Including memo's sent by organizations, national/local memo of 6 organizations (NTHP National Trust for Historic Preservation), memo on terming the open-space in parkmerced as "courtyards" for the benefit of the developer by attorney's representing Stellar (Gibson Dunn & Crutcher) ignoring the open-space loss to tenants. The SFPUC memo's on the preferential alternative of "grade-seperation" of transit/traffic/pedestrians on 19th ave. And the historical resource analysis by Page & Turnbull which intentionally inadequately addresses the issue of the cummalative impacts on the landscape internal courtyards in parkmerced.

There are many points and issues raised by the appellants, all of which are sincere and concerning, echoed by the comments of commissioner's at the SF Planning Commission hearing on the CEQA and EIR issues. I have spent over 5 years on this issue due to the SFSU-CSU Masterplan, and Parkmerced Vision Projects. I do not believe that many of the SFBOS sitting currently have seen parkmerced through an independent or architectural (design/concept driven eye), or toured with me the site. Standing at the intersection of 19th and Juniperro Serra, and than walking the entire site, internal courtyards, and sold-off sites, provides a complex view of the impacts on one singular development, on numerous sites, and issues that range from our housing situation in SF, to open-space, the urban green-belt, transit issues/gridlock on 19th, and newly stated projects (creative arts center, at SFSU-CSU, and possibly future projects at Stonestown, that will assuredly change the character of this district. I see little true reason when we see 800k units being built throughout the city, and little of the type of housing Parkmerced represents.

We need a herman hertberger, we need social housing, we need Parkmerced.

We should not allow development greed to turn what is a shining example of how housing SHOULD be built, into a developer's cash-box. We do not have to save Parkmerced in a time-capsule, but the current plans, ignore any

semblance of sustainable adaptive re-use, or concern for the existing tower residents long-term. The quake in Japan is indicative of not only Parkmerced's future housing stock, the PG&E lines, the liquifaction of soil at this location, and the lack of housing -1,000 units post the SFSU-CSU purchase of Stonestown (UPN) and Parkmerced blocks (UPS)..

We cannot address everything, but we CAN require a more open-process of decision making in the design and solution(S) we entertain. I hope you will reject the project, support the appellants and organizations who are opposed, and stand not only for the existing community, but the need for future development that provides RENTAL housing for our working class citizens of the future.

3,000 per month is not affordable for working class rental housing, and neither is 800k for a 1 bedroom.....We need to do better, sooner, and with more care and concern for the existing communities we are impacting..

Sincerely

Aaron Goodman
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June 17th, 2010 5:30pm SF Planning Department "DEIR" hearing on Parkmerced

Project DEIR #2008.0021E

Per CEQA Section 15064 public agencies and especially certified local governments must carefully consider **ANY** potentially feasible alternative which may avoid or minimize a significant environmental impact. The demolition of an entire community and cultural landscape is significant, and Per the California Resource Code Section 21002 and CEQA section 15126-6 it states that **the EIR must contain a fair and thorough discussion of potentially feasible alternative(s) (note the "PLURAL") which do not involve demolition.**

The project sponsor's and planning departments elimination of Option G-a "INFILL PRESERVATION OPTION" intentionally **UNFAIRLY** removes the one option that best serves to mitigate the loss of a cultural landscape site eligible for the state and national register. It also fails to look at the existing zoning and adjacent sold off sites, or the 19th Ave. planning department study for options in development and "equity" density as a proposal to mitigate the impacts on Parkmerced's prior boundaries.

By ignoring the entire district of Parkmerced's original 191 acres, and by submitting long-term programmatic EIR's of the SFSU-CSU Masterplan, and Parkmerced "Vision" projects ignores the options that protect the integrity of the district of Parkmerced, along with not considering cummalatively the EIR's and future proposed growth such as at stonestown that are noted as possible future developments. The Parkmerced Investor's, SFSU-CSU Masterplanner's, and SF Planning Department's JOINT efforts at limiting the alternatives reviewed, are circumventing adequate historical resource review, the addressing of SOCIAL and low-middle income rental housing impacts and needs in the city and county of San Francisco.

This is extreme negligence in following CEQA state laws, and the parameters of the SF General Plan, by a public certified agency.

Please reconsider your prior decision to eliminate option G-a, based on financial, environmental, and historic preservation principles of sustainable redevelopment.

Sincerely

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cc: Bill Wycko Environmental Review Officer as submitted comments on June 17th, 2010 5:30pm

Parkmerced – (simplicity, utility, and beauty) and a "national park" as well?

What parks or open-space areas do you think of when you look at an aerial photo of San Francisco? The Presidio, Golden-Gate Park, Stern Grove, McLaren Park would be some of the first and foremost sites mentioned by locals, second would be some of the local public and private golf courses, perhaps even Lake Merced, yet how many would state "Parkmerced" let alone see it as a public ***PARK*** or ammenity of open-space, landscape extravagance, or even off-hand suggest that it be eligible for California register of Historic Resources, or the National Register of Historic Places? Yet it is, and currently the site is under extreme development pressures by the SFSU-CSU Masterplan and Parkmerced Vision Projects simultaneously.

Parkmerced is important as a planned garden city, and per Charles Birnbaum founder and president of The Cultural Landscape Foundation www.tclf.org Parkmerced is "without question of national significance and is likely eligible to the National Register of Historic Places. Furthermore, the significance of the historic designed landscape suggest that the site is a potential National Historic Landmark Candidate, an elite group of less than 2,600 properties (of which less than 60 have significance in Landscape Architecture). "

Parkmerced reflects an important development of essential rental housing stock for low-middle income residents of the city, and is representative of one of the earliest wartime planned residential communities in San Francisco and the Bay Area. Parkmerced was prior an island of affordable multi-family rental units surrounded by some of the most suburban neighborhoods of San Francisco, neighborhoods composed of expensive single family homes and golf-courses. Currently the existing housing stock of the district has been cut by over 1,000 units due to the expansion of the SFSU-CSU university campus which has drastically effected family housing stock, availability and pricing due to student turn-over in the Stonestown and Parkmerced units. The purchase in 2000-2003 of the Stonestown Apartments and portions of Parkmerced have initiated MOU's and negotiations that have not reflected the actual impacts on the surrounding communities. There has been little change in the housing rental stock built since Parkmerced and few social or affordable alternatives to renter's in San Francisco due to consistent battles between housing developers and tenant advocates. Perhaps the effort between the city of San Francisco and Met-Life deserves another more closer look in terms of the incentivization to build rental housing at a larger scale.

Parkmerced is significant as a historic district designed as a single composition by the work of master-class landscape architect Thomas Church. Church is considered to be the most talented and influential landscape architect of the modern period. He was a figure with both a national and an international reputation, spreading notions of livable, low-maintenance garden design through popular magazines like House Beautiful and Sunset, and in his book **Gardens Are For People** (1955). Parkmerced is Church's largest extant work, and one of his few residential landscapes that is generally accessible o the public as most are private gardens and off-limits to the public. Compared to other landscape works from the period Parkmerced was highly innovative design, with curving walks and biomorphic shapes defining central lawns. Parkmerced's details only come to light upon walking and moving between the internal garden areas and seeing the units internally through the eyes of its tenants. Parkmerced is significant on

a local and national level as there is no other development in San Franciso that represents in such a distinctive manner and with such great integrity the feeling and character of a modern garden city.

Metropolitan-Life Insurances intentions of the original development of Parkmerced may never be fully realized, yet some of the issues that propelled this effort are in the old Fortune Magazine article on housing in 1946. In creating an integrated landscape/urban/architectural oasis in the middle of an ever expanding gridded street layout in the city and county of San Francisco when Metropolitan Life Insurance Company Built Parkmerced in the 1940's. The beux-arts street plan curvelinear landscape forms and simple utilitarian design was meant as one of the first garden apartment community experiments in San Francisco at a time when affordable housing concerns due to returning World War 2 Veterans was at an extreme. Thomas Dolliver Church (a master-class landscape architect with mainly private residence work) and Leonard Schultze (Architect) crafted a wonderfull palette of internal and external areas on the site, grading and planting the areas, integrating density and keeping the buildings low-scale to allow for the local microclimate. It was considered one of San Francisco's first "transit-orientated-developments" and still today hosts a great variety of residents (immigrant families, students, seniors, working class low-mid income groups, families, and disabled). There are many issues currently that surround the Parkmerced project due to the intentions of the developer, and joint impacts by San Francisco State University (CSU)that are scheduled to start on October 21st for utility line work for a future "creative arts center" on the prior open-space and community center amenities of the original Parkmerced construction and site outline. The DEIR on Parkmerced and the EIR approved by the CSU Regents lacked an adequate description of the affected development of Parkmerced. By avoiding the need to identify or adequately describe a baseline in both projects it is impossible to analyze the actual impacts on Parkmerced by the dual projects proposed (CEQA Guideline Paragraph 15125). This work is being fast-tracked, and was mentioned as being under "pressure" by SF Planning Commissioners at a recent hearing. It is surprising that the University is quickly jump-starting there efforts as noted in the SFSU-Xpress prior to the issuance of the memo's on Parkmerced's DEIR (comments and responses) or the actual initiation hearing on Oct. 21st, and scheduled hearing on November 18th2010.

The real question is why does the developer consistently force individuals to choose between historic preservation and environmental sustainability? These issues are not separate by joined very closely when you see how many European cities develop infill projects that include modern well planned designs internally in existing urban communities. It really is a question of whether the city, planners, politicians, and residents really understand what is at risk in the proposed demolition and acquiescence to a developer on transit routing, parking, open-space loss, and legal rental housing issues involved. The developer claims this project is a "0-carbon-emissions" project, yet the idea alone of demolishing an entire neighborhood including trees, vegetation and infrastructure, cannot be construed as "green" or "sustainable". There is little hard facts or info on the measurement or lost imbued energy of the impacts of such a wholesale demolition, and the sustainability claims of the sponsors are un-supported by any real independent analysis. There has been little factual third party evidence on the "soundness" of the garden units which is a required document when proposing demolition through the SF Department of Building Inspection, nor information on the structural integrity of the tower units built in the 1940's pre-dating the structural knowledge of today on seismic concrete construction. Most of the

renovation work to date by Stellar Management has been quick cosmetic work on flipping the property on the garden units while extolling the virtues of saving the tower units and remaining within the limits of what they would be allowed to build per current zoning, and the efforts to stay below the height-plane of view cones of adjacent neighborhoods and home-owners. The views of Parkmerced from surrounding areas provide a much varied and topographical view of change in the district, that provides consistent views of towers that not only break the sky-plane visually, but suggest that Parkmerced's options ignore the possibility of replacing and increasing the tower heights by 10 stories to help alleviate the demolition of the garden units. The one option that utilized infill as a sound basis was eliminated as not meeting the project sponsors "goals". What should the goals be on such a redevelopment of land, and project that violates multiple sections of the SF General Plan, and provides little remorse or respect for the existing work of a master-class landscape architect?

Finally the current financial issues of Stellar have been documented coast to coast due to predatory equity lending issues of the other Met-Life rental property in New York City Peter Cooper-Stuysevant Town. The developers proposal to re-route and pay for muni in addition to parking 11,000 cars at 1:1 parking seem far from "green" when dead-ending the muni trains, and criss-crossing 19th Ave. with little direct transit routing or discussion on alternative transit projects that would help jump-start the Tier-5 level transit changes needed in a district clogged bumper to bumper in cross-county traffic. Financially who will be there to ensure the full build-out or address the future seismic events, or considerable legal concern on the promises being made towards equal units in size and space to existing residents. There is also little statement on the lack of flexibility for existing residents when needing to move on site due to any change in familial class. Instead the majority of new renter's are out of state, international new arrivals, or SFSU-CSU students who will be little likely to afford the new Parkmerced proposed.

There is also little mention of the memo submitted by the legal firm of Gibson, Dunn & Crutcher by a Mr. Jim Abrams that notes Stellar management's Seth Mallen agreeing with their legal team in a memo to the SF Planning Department that there was a need to label the courtyards as "COURTYARDS" neither using the terms public or private, in which the developers team sticks with using the term "courtyards" in the diagrams and existing and proposed open-space plans. This was noted to be an error in both the Page & Turnbull and SOM documents submitted to the SF Planning Department in the EIR's submitted since open-space has not been calculated in terms of loss based on the overall site, and range of privacy levels created within the internal gardens at Parkmerced. The National Trust for Historic Preservation noted very accurately that the proposed re-design would be a REDUCTION of open space per unit from 1,015 square feet per unit to 333 square feet per unit.

The lack of any alternative that adequately looked at preserving the landscape internal courtyards that are eligible for the National Register Landmarking status, should bring pause or reflectivity by the SF Planning Commission prior to rushing to judgment on this project. There has been noted by multiple tenancy organizations including Tenants Together the new state-wide renter's rights organization www.tenantstogether.org the concern on case-laws currently that negate the promises being made by Stellar Management on the rent-controlled status of existing residents. Current construction of rental units in the city, and the lack of any semblance of social or affordable rental housing of adequate size

and scale of Parkmerced are nowhere on the horizon, and the city and state seem ill-adept at conceiving or creating the motivation that helped to jump-start Met-Life on Parkmerced in the 1940's.

The impacts on Parkmerced are profound, yet the understanding of what is at risk and what should be done to prevent the loss, is an education issue of the public that preservation groups can only help in the basic effort on, and are not understood fully by the public, nor in the planning departments or owners public hearings to date. It is therefore extremely important that the public be made aware by the press, of the issues involved and what is genuinely at risk. I would propose that it is a PARK, a cultural landscape of a shared community of low-mid income people that should be protected, it is made of internal and external private, semi-private, and public areas and a rare PUBLIC example of a master-class landscape architects work in the bay area, that helped to define the term MODERN LANDSCAPE DESIGN in the country. Is it worthy of National Register status, or should it be demolished and repaved into a typical rectilinear gridded street design to achieve highest and best use and maximal density? Parkmerced is a UNIQUE site and the aerial view by landscape architect Tom Fox was published in The Cultural Landscape Foundations "Marvels of Modernism, Landscapes at Risk 2008" in a travelling exhibition that was published in Garden Magazine and DWR stores nationwide. Parkmerced may never be replicated due to urban land costs, and cannot be rebuilt elsewhere due to today's construction costs alone. Architects, Cities and our government in general have lost the ability to conceptualize social housing experimentally and build in the same grandness of the garden city movement that was so visually solved in the Met-Life projects nationwide in ParkFairfax, ParkLaBrea, and Peter-Cooper Stuysevant Town. The Parkmerced "vision" project and CSU-SFSU "masterplan", projects can physically be built anywhere in the country and could be great impetus for new garden city movements in other parts of the country versus typical suburban sprawl that seems to have found its way across the valley in California. Perhaps it is time to consider seriously that Parkmerced is a genuine learning center for how and in what ways landscape design, urban planning and architecture can invigorate the discussion and elevate architecture as a profession in our current financial and social ills as a society. Parkmerced's design brought together the wealth of a nation returning from war, to a construction phase and development effort unseen since in our nation's history. The Parkmerced development served as a wonderfull example of design planning and reiterations improved upon and worked on by landscape architects in depths that helped to re-define our connection to landscapes, open-space, and the need to provide each and every citizen with a true feeling of belonging in our communities, by providing infrastructure, transit, amenities, schools, and open-space shared in a social experiment that seems currently un-attainable in urban areas socio-economically. The historical part of San Francisco that documents modern changes in housing, landscape and planning is visible in Parkmerced, and provides a wonderfull public ammenity too essential to risk losing in how our cities are being dis-invested in time for speculative vultures to pick off such sites for redevelopment. Parkmerced can serve as a key new entry point into San Francisco, it does not need to be frozen in form, it deserves much more time to work within its boundaries and courtyards to engender more positive adaptive re-use in its re-juvenation, alternatives and options need to be explored and should not be signed off quickly due to development pressures, nor internal machinations of parties not versed in the value of a park or green space in a very dense city. Preserve Parkmerced, it is a Park worth keeping when we seem to lose

cultural landscapes daily due to a lack of understanding on the actual value open-space and landscape architecture have in our history of our cities development patterns.

Sincerely

Aaron Goodman (District 11 Resident / Architect)

PARKMERCED BULLET POINTS

- Sustainability **MUST** include Preservation alternatives including **INFILL**.
- Tearing down **SOUND** garden units without proof of deterioration is against the SF General Plan. An independent analysis on the existing buildings conditions is required.
- The project would destroy the unique and diverse community of over 8,000 people at Parkmerced. Parkmerced was built after World War II as an affordable rental housing community for working families. It must be preserved, not bulldozed;
- The project would demolish over 1500 units of sound, rent-controlled housing. With our city's rental housing scarcity, San Francisco needs to preserve, not demolish, its rent-controlled housing units;
- The project would subject residents of southwest San Francisco to decades of large scale construction, including traffic, noise, utility disruptions and pollution. The project is scheduled to last an astounding 20 – 30 years;
- The proposal would turn the fate of more than 8000 San Franciscans over to speculators engaged in the type of reckless real estate schemes that have failed across the nation. Even the city's consultants concluded that the project is on shaky financial footing
- No information provided on the water consumption to regrade and replant 191.2 acres
- Direct Tier-5 stated future routing of transit along 19th through grade level change is not explored sufficiently as a current proposal/alternative to relieve traffic issues.
- No information on structural stability of the existing 11 towers.
- Financial lack of analysis on savings utilizing the Mills Act for preservation restoration
- The lack of alternatives being explored, or adequately analyzed and commented on by the SF Planning Department, Commissioners, and SFHPC.
- No information on the total loss of ammenities to tenants since 2000 sell off of lands.
- The lack of any historical analysis that adequately reviews the total cummalative impact on parkmerced as a historic district. Both the SFSU-CSU "Masterplan" and Parkmerced "Vision" projects ignore intentionally the other's impact on Parkmerced as an entity circumventing CEQA analysis on historical eligible properties.
- Overall tree-scape/landscape loss since the sale from Leona Helmsley to today
- The lack of a cumalative plan that diverts develepment pressures to the SFSU-CSU Stonestown, and South/Eastern commercial and sold off sites along the outer edges of Parkmerced's designed core.
- The lack of any ecological low-impact project as proposed by the SFPUC such as a green-belt-way concept down brotherhood along the existing creekbed, and with a new public park at 800 brotherhood way
- The false equation and lack of value assessed in the developer agreement that the open-space loss, private patios, public shared spaces, private courtyards, walkways, hardscape and softscape, and national landmark eligible design as a cultural landscape is being "equated" to a new washer-dryer-dishwasher in the statement by the MOEWD. The landscape is "**PRICELESS**" as the only public accessible example of Thomas Dolliver Church's work. Garden unit residents are losing 2/3rds of there current open-space from 1,100sf per unit to almost 333 sf per unit per the National Trust for Historic Preservation's memo submitted on the draft EIR of Parkmerced.
- The energy carbon footprint of the new development vs. a more preservation based alternative utilizing infill and options needs to be submitted by separate third party organizations to adequately determine the "green-levels" of the project being claimed by the developer including recent renovations to date and the cumulative impacts by SFSU's project jointly.
- **SB375** is being used to circumvent adequate CEQA analysis
- State tenancy laws such as costa-hawkins, and other recent case law state clearly in appeals that the city **CANNOT** contract around state law in its agreements with developers on rent-controlled housing and replacement units.

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San Francisco, Ca. 94102-4689

Re: February 10th, 2011 SF Planning Commission hearing on Parkmerced (3:30pm)

Dear President Chiu and Supervisors:

I am writing this final memo on behalf of the Parkmerced Action Coalition residents in opposition to the development project proposed for Parkmerced. The project proposals by both the Parkmerced "Vision" project, and the SFSU-CSU "Masterplan" projects jointly and cummalatively NEGATIVELY affect the 191.2 acres of the Met-Life Development by Leonard Schultz and Thomas Dolliver Church. As a singularly designed entity as a district eligible for the local state and national register's as a historic district and cultural landscape property the proposals before you lack any adequate mitigation proposal to save and preserve at the most basic level the landscape and open-space masterplanned design at risk. Short shrift has been given to the issues of carbon-footprint, direct grade-seperation for transit, and the open-space loss of amenities prior to and in the proposed development agreements.

The advocacy of national organizations to raise awareness of this site's importance, and the efforts by tenants rights groups to shed light on the improprieties of the development agreement and promises that are non-enforceable in a court of law per current case law indicates repeatedly the questionability of these "agreements". The prior negotiations between city agencies and SFSU-CSU on the "Masterplan" for the college campus and the LACK of true fair-share impacts assessed to the CSU campus per "City of Marina vs. CSU" indicate a "too close relationship" between city, state and developer interests. When the benefit of the developer, CSU planners, SFMTA, and investors take priority over peoples homes and lives we are no longer a city that adheres to the principles of the SF General Plan and the proper and adequate development of essential housing.

We sadly are consistently removing people, and neighborhoods from our city, and replacing them with towers, denser urban fabric, and a total lack of adequate infrastructure planning. While politicians play with there roles in terms of preservation, and adequate CEQA analysis, we are losing open-space, and the few gems we have left in terms of publicly accessible landscapes, and the urban planning variety they show our future generations. I have consistently opposed both projects not just on principles but on gut feeling as an architect that this proposal is WRONG for our neighborhoods and urban fabric. Overseas in many European countries, infill would be the proper response. Here it is tabled

and shoveled under the doormat. I do not consider the current development plan to be adequately reviewed and proper mitigation measures included. The project should be cancelled, until the developer and architect can bring another more reasonable concept to the table inclusive of preservation.

I thus strongly oppose the project for the following reasons:

A) **Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal. App. 4th 1491**

B) **Lincoln Place Tenants Assn. v. City of Los Angeles (2007) 155 Cal. App. 4th 425**

C) **Buena Vista Gardens Apartments v. City *of* San Diego Planning Department (1985) 175 Cal.App.3d 289.** [In this case the court invalidated a project to demolish and redevelop a large affordable apartment complex, because the City's General Plan's Housing Element did not comply with the requirements of the Government Code for a Housing Element.]

D) **Camp v. Mendocino County Board of Supervisors (1981) 123 Cal.App.3d 334.** [In this case the court enjoined the entire county of Mendocino from any further approval of anything until they cleaned up their General Plan, which lacked a land use element and noise element.]

E) **City of Marina et Al. vs. Board of Trustees of the California State University (2006) 109 Cal. App. 4th 1179** ['fair-share' impact fees assessed to the CSU in terms of the proposed growth, including impacts on housing, transportation, openspace, parking, traffic]

F) **Laurel Heights Improvement Assn. vs. Regents of University of California (1988) 47 Cal.3d 376, 392,** quoting Pub.Resources Code, § 21000, subd. (a); see also CEQA Guidelines,3 § 15003, subd.(a).) " 'all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' "

G) CEQA requires "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (Pub. Resources Code,§ 21002.1, subd. (b)) and to discuss feasible methods of mitigation in the EIR (*id.*,§ 21100, subd. (b)(3); CEQA Guidelines, § 15126.4, subd. (a)(1); see also Pub. Res. Code, § 21002.1, subd. (a) [one purpose of the EIR is "to indicate the manner in which . . . significant effects can be mitigated or avoided"].) [we have included in the documents submitted to the SF Planning Department drawings and sketches that show that there IS an adequate mitigation project available, and an option to preserve and protect the MAJORITY of the landscape elements on site through the INFILL option eliminated by the planning department as 'infeasible'. The lack of adequate analysis in mitigation measures fully analyzed independently from the developer's interests, or the improper utilization of SB375 or AB32 to allow the project proponent to circumvent state CEQA law in terms of analyzing fully or through the process of developer and planning department elimination of adequate and proper alternatives is the reason for legal action in regards to this project. When there IS a

significant alternative that has been proposed it requires the planning department and city agencies, to fully analyze the alternative to determine if it is feasible and if it will help to prevent, mitigate or avoid the **SIGNIFICANT** effects on the proposed site.]

H) The City of San Francisco cannot lawfully approve any land use legislation, because the San Francisco General Plan DOES NOT substantially comply with the requirements of the Government Code, *e.g.*, secs. 65300 *et seq.* The Government Code requires mandatory elements, including a Land Use Element and a Housing Element that comply with the state Government Codes. The San Francisco General Plan does not contain those elements. It contains no Land Use Element, and its 2004 Housing Element was invalidated by the Court of Appeal., and there is no Housing Element currently that complies with the requirements of the Government Code.

I) Further, the General Plan's Transportation Element is not correlated with its (non-existent) Land Use Element. Utilizing "TOD" or transit orientated projects as an impetus to also circumvent adequate open-space protection, and ignore the quality of life impacts such decisions create in terms of urbanization impact, and adequate analysis in terms of routing, time-travel, limiting the number of stops proposed within a community, and future direct regional connection through placing the transit improvements 1st, instead of delaying them to a future date is a critical issue here in regards to transit planning. Allowing the developer to build out and determine routing of public transit, undermines the publics best interest in the public transit system and privatizes what should be under the public's control.

J) It has been well noted and stated by public agencies, city and the developer that there is a "partnership" between SFSU-CSU and Parkmerced's prior and current ownership in regards to student housing and development. The Memorandum of Understanding between SFSU-CSU and the City and County of SF did not include adequate community and city mitigation measures to deal with the impacts on the surrounding communities both north and south of SFSU's campus. This is stated clearly in the case of City of Marina vs. CSU that cities can enforce financial fees and require mitigation efforts on Institutional growth of CSU campus's in regards to housing impacts, transit, traffic, parking, and open-space. To date this has been ignored in **BOTH** environmental impact reports.

K) Parkmerced Project amendments to the General Plan would cause internal inconsistency within the General Plan, and the Project itself is inconsistent with both the General Plan and the requirements of Proposition M, *e.g.*, open space, density, land use, etc. and Proposition J (Preservation Commission) which has not been involved in the current discussion and approval process, and recently adopted a contextual statement on Modern Landscape design.

L) The Developer Agreement improperly equates the equivalence of a washer-dryer and dishwasher to that of the open-space lost in the proposed development. It negates the loss of open space prior and amenities in the original build out of the development at 191.2 acres. The "bait-and-switch" approach by prior management and the current development ignores the overall consistent loss of space. The documents submitted by both Page & Turnbull in the Historic Resources Analysis, and SOM (Architect) both manipulate the numbers and diagrams to ignore the overall loss of open-space on site, and ignore the gradation and quality of landscape present. The National Trust for Historic Preservation equated it to 2/3rds loss of open space or from about 1,100s.f. per unit to 333s.f. this loss could be equated per current construction costs of +$800s.f. to about $600-800,000.00 per unit.

M) The project **IGNORES** the existing towers which are seismically **UNRETROFITTED**, and thus provide a life-safety concern to the community and essential housing stock of the district/city per the CAPS program these buildings must be addressed and properly included in the discussion of what is to be proposed. The lack of adequate analysis financially on the retrofit, or rebuild of the existing towers is not included and waived off as infeasible by the developer. The documentation must occur to provide a basis for determining what is the best alternative for the PUBLIC benefit.

In conclusion;

The City does not have a valid Housing Element or Land Use Element of the General Plan, therefore it is not possible to correlate the proposed project with the General Plan as required by Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code

The City did not evaluate the proposed developer agreement in the FEIR, therefore impacts caused by the development agreement such as tenancy rights, and future concerns based on case-law at the court appellate level may not have been adequately analyzed or mitigated. Therefore the current promises and agreements by the City of San Francisco on the Trinity Plaza project and currently the proposed Developer Agreement being espoused as adequate hold NO WATER in a court of law.

I strongly urge you to reject the plans currently submitted and require the developer to re-design the proposal with a more balanced approach to sustainable infill, adequate structural analysis on the towers in terms of retrofit costs, or replacement, direct transit connections through grade-seperation along 19th ave. or along the eastern edge of parkmerced's site, and include a larger development district rezoning to lessen the impact on one community disproportionately.

As noted prior this is a CONTIGUOS community of EXISTING human beings it is NOT a blank slate, and thus CANNOT be approached without looking seriously at the HUMAN consequences of the developments proposed.

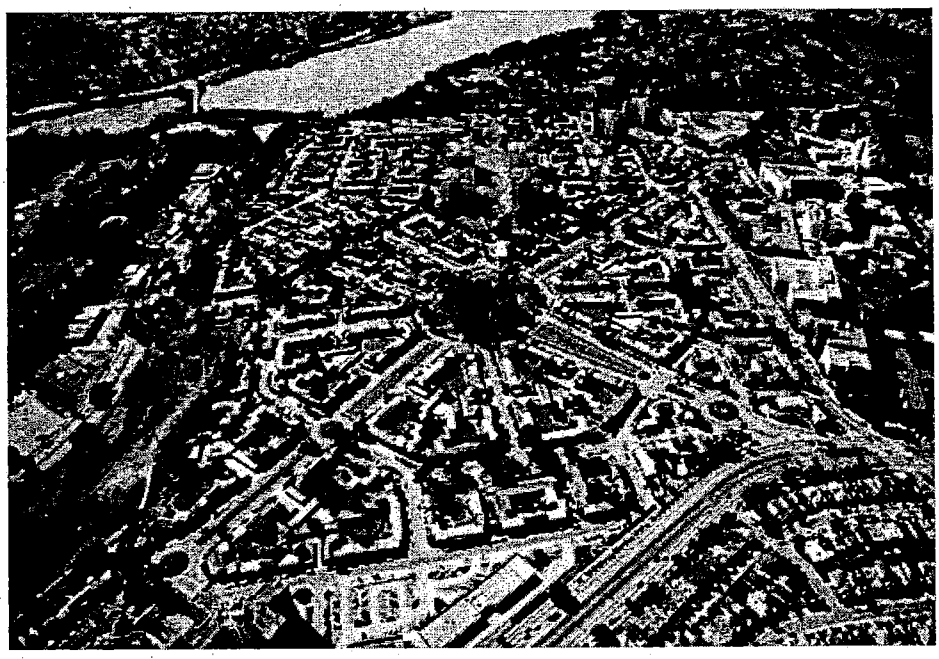
Therefore, any approval of the Project is arbitrary and capricious, an abuse of discretion, and a failure to proceed as required by law.

Thank you for your consideration of these comments.

Sincerely,

Aaron Goodman

Cc: San Francisco Planning Commission, SF Historic Preservation Commission, Mayor Edmund Lee, Governor Jerry Brown, Milford Donaldson SOHP, National Trust for Historic Preservation Western Office, The Cultural Landscape Foundation, The California Preservation Foundation, The SF Preservation Consortium, SF Heritage, The Coalition of San Francisco Neighborhoods, The West of Twin Peaks Central Council, The Parkmerced Action Coalition.



Aireal View of Parkmerced's urban design a beux arts street layout, compared to the typical gridded street design of San Francisco. This photo was selected for The Cultural Landscape Foundation's Marvels of Modernism, Landscapes @ Risk 2008 www.tclf.org (photograph by Tom Fox SWA Landscape Architects) The large brown area on the southwest portion of the photo is the 800 Brotherhood Way site, and Benny Buffano Peace statue, this area was proposed in my submittal as a reclaimed public park and open-space linkage for a lineal park connecting the METNA neighborhood to Lake Merced and reclaiming portions of Parkmerced's lost amenities. The Cambon commercial site at the south side edge of the photo sits directly along what could be seen as a primary new development area for commercial, office, and new towers and entrance to the city of San Francisco. The next image a historical one, shows the primary situation of the 5 eastern most towers, and the pinch-point of transit along 19th and Junippero Serra Blvd. to the 1952 Brotherhood Way Intersection.



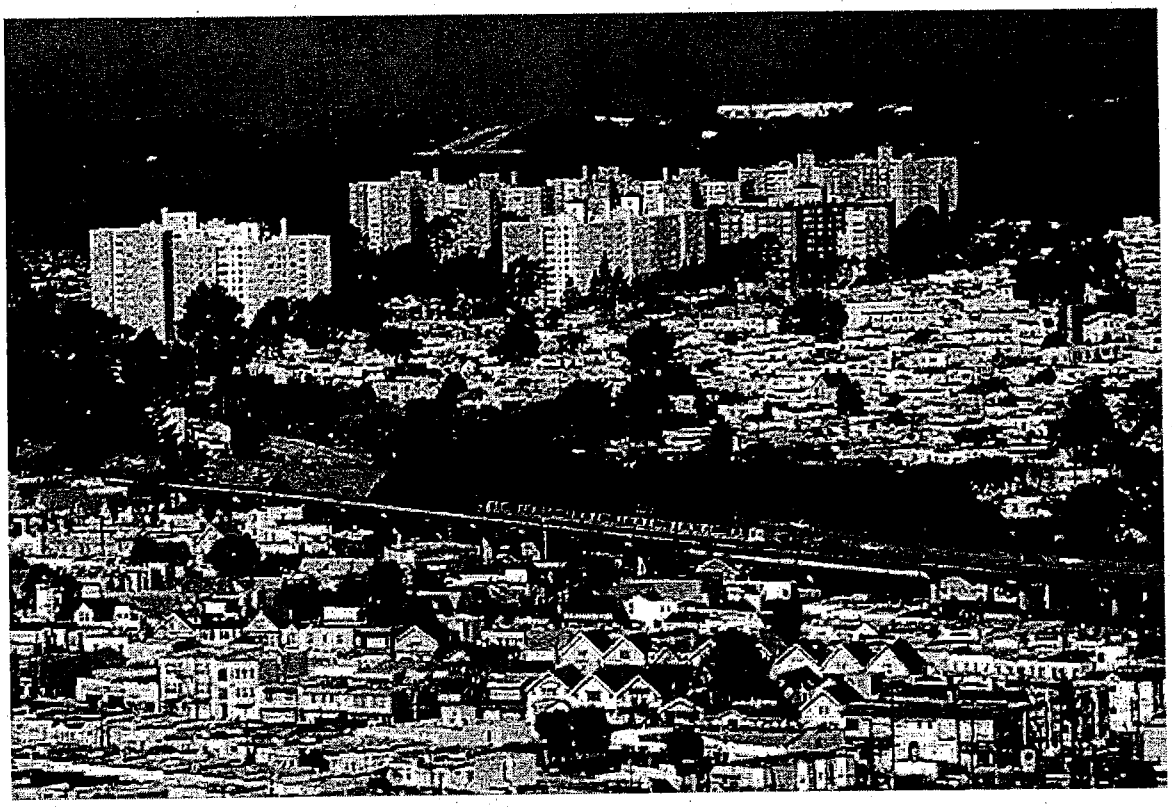
No alternative routing, or location stops along 19th Ave. were considered to help alleviate the transit and traffic issues created by the "X" crossing at 19th and Junippero Serra and the 1952 Cloverleaf at Brotherhood Way. These two sites and the parking garages and 5 eastern most towers of Parkmerced represent the best solution to the current issues at stake. By removing the existing un-reinforced towers, and utilizing the Mills Act on the remaining site of Parkmerced a simple solution can be achieved through infill and removal of parking structures, including a shuttle service, and providing new developable land along the transit corridor through grade separation, to stitch back a community and surrounding neighborhoods torn apart by the 19th avenue corridor. It would achieve a new public/national park accessible to the surrounding communities.



An example of the open-space at risk, with full mature landscape, and gradation of open-space and quality of personal unit space throughout the complex. The private/public areas were designated by the legal team of the developer and SF Planning Department as "courtyards" so they could be easily re-assigned to other areas of the site square footage wise.



Juan Bautista Circle, a primary open-space area used by many residents for exercise and sitting enjoyment. Although the trees are aged, the space is cherished by many and considered the "heart" of parkmerced. This is proposed as a water retention pond in the new development.



This view of transit and housing, shows the issue with the distance and connectivity to regional transit. When the area between the transit hub and development is ignored, as is evidenced by WALKING the distance between the two, we lose site of what could be a solution to the transit/traffic impacts created. The towers shown are ALL unretrofitted, and thus may not survive a future earthquake. Are we considering these PEOPLE that live there and the human loss of life that can occur due to non-action on the issue of seismic safety?



I have taken many photos of the site, which are available on www.parkmercedlandscape.blogspot.com

I have walked ALL the courtyards and seen firsthand what is at risk.

I have attempted to inform the city and the community of the issues, and have repeatedly submitted it to the press, and the National Trust for Historic Preservation's 11 Most Endangered sites.

I believe we have a better option/alternative and it only requires the city to stand up on the principles of urban planning outlined in the SF General Plan.

Your decision, has an impact, and the need is more acute than ever to ensure that the human impact of this project is NOT ignored.

Sincerely

Aaron Goodman - 2.10.2011

NATIONAL TRUST FOR HISTORIC PRESERVATION®

Western Office

January 28, 2011

Mr. Ron Miguel, President
San Francisco Planning Commission
Attn: Jonas Ionin, Acting Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103

Submitted via email: jonas.ionin@sfgov.org

Re: Parkmerced Project (SFPD File No. 2008.0021E)

Dear Commissioner Miguel,

As the San Francisco Planning Commission meets to consider the environmental and planning impacts of the proposed Parkmerced Project, the historic preservation community remains deeply concerned about the destructive impact of the Project on the Parkmerced Historic District.

Parkmerced was determined eligible for the National Register of Historic Places and the California Register of Historical Resources as a significant example of planned residential development in San Francisco and the work of master landscape architect Thomas Dolliver Church and his celebrated colleague Robert Royston. According to the Cultural Landscape Foundation, Parkmerced is one of only four remaining examples of large-scale, pre- and post-World War II residential developments in the country and is without question of national significance. The Foundation has identified Parkmerced as a potential National Historic Landmark candidate—an elite group of less than 2,600 such properties in America. As one of Thomas Church's largest and most publicly accessible works, Parkmerced is also an important community resource.

The six undersigned local, state, regional, and national historic preservation organizations urge the City of San Francisco to adopt Project alternatives or components of alternatives that maximize preservation of the Parkmerced Historic District and retain its eligibility for the California Register of Historical Resources and the National Register of Historic Places. We question the consistency of the proposed Project with San Francisco's Planning Code Priority Policies and urge the City to require additional, more substantive mitigation measures for the severe impact to historic resources that could result from the Parkmerced Project.

Requirements of the California Environmental Quality Act

CEQA reflects the statewide policy that projects with significant environmental impacts, including impacts to the State's historic environment, should not be approved "if there are

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feasible alternatives ... available which would substantially lessen the significant environmental effects ..." (Pub. Resources Code § 21002.) CEQA thus requires that alternatives be analyzed that would "feasibly obtain most of the basic objectives of the project." (Guideline § 15126.6 subd.(a).)[1] Findings supporting the infeasibility of an alternative must be supported by "substantial evidence" based on an independent analysis by the lead agency. (Pub. Resources Code § 21081.5; Preservation Action Council v. City of San Jose (2001) 141 Cal. App.4th 1336.) An alternative need not accomplish every project objective, or maximize profitability, to be considered feasible under CEQA.[2]

Any project that would demolish a historic resource necessarily has a significant effect on the environment, requiring a lead agency to study and adopt feasible alternatives such as rehabilitation, if available and practical. (See Pub. Resources Code § 21081; 21084.1.) CEQA's requirements to identify and analyze feasible alternatives in an EIR are manifest when a project threatens historic resources, as is its substantive mandate that the lead agency not approve a project if a feasible alternative exists.

The Project Alternative Analysis Indicates that an Environmentally Superior Alternative is Feasible

As noted in the DEIR, Project alternatives proposing retention of portions of the Parkmerced Historic District result in substantially fewer impacts to historic resources and a range of other environmental qualities. Under Alternative C, Retention of the Historic District Central Core Alternative, the Parkmerced Historic District would retain eligibility for the California and National Registers while allowing for new development and densification on other parts of the Project site. The DEIR further identifies Alternative C as the environmentally superior option. This alternative is preferable not only because it would preserve an important part of San Francisco's history, but because the reuse of existing infrastructure would result in substantially fewer emissions of greenhouse gases, making Alternative C the truly sustainable alternative (see DEIR VII.32). Finally, Alternative C would provide cost savings by maintaining the existing stream of rental revenue and significantly reducing the scope of new construction.

To date, the City has provided no information to justify the rejection of environmentally superior alternatives based on "economic, environmental, social, and technological factors." (Guideline § 15126.6(b).) The City acknowledges that all of the proposed alternatives are "potentially feasible in that *they would attain most of the basic objectives* identified in Chapter III, Project Description, all are within boundaries of the property under the control of the Project sponsor and all are capable of being constructed on the Project Site." (Comments and Responses, Master Response A.4, emphasis added.)

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[1] "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code § 21061.1.)

[2] Citizens of Goleta Valley v. Board of Supervisors (1998) 197 Cal.App.3d 1167, 1181.

CEQA requires that the EIR provide sufficient information about each alternative "to allow meaningful evaluation, analysis, and comparison with the proposed project." (Guideline at § 15126.6(d).) The reasons and facts for which the sponsor or City has rejected alternatives is essential information that must be provided to the public in the EIR.[3] In contrast, the DEIR and Comments and Responses documents for the Project contain no discussion of why various alternatives may be considered infeasible. Contrary to the public disclosure function of the EIR, the City maintains that this information need not be presented in the EIR documents, but can be held back until the CEQA findings are released just prior to project approval.[4]

The Proposed Project is Inconsistent with the City's Planning Priority Policies

The undersigned organizations take exception to the statements in the DEIR and the Comments and Responses document that the Parkmerced Project is consistent with the City's Planning Priority Policies, particularly Priority Policy 7, which states "that landmarks and historic buildings be preserved" (Planning Code at § 101(b)(7).). The DEIR stated that the Parkmerced Historic District does not qualify for such protection, because it "is not currently included in any federal, state or local register." (DEIR IV.1 fn1). Nothing in the Planning Code, however, indicates that protection of the City's landmarks and historic structures is limited to formally listed sites on a register. This narrow interpretation of City policy also runs counter to CEQA, which makes no distinction between eligible and listed resources in determining what is historic.[5]

In the Comments and Responses volume of the Project EIR, the City again posits that the project is consistent with Priority Policy 7 because the policy specifically references "historic buildings," and the buildings at Parkmerced are not individually significant. (Response TR.34.1). Parkmerced is a historic district composed of individual elements that lack individual distinction, however, the contributing elements of the district–both buildings and landscape elements–have historic value. There is also a clear distinction between demolishing individual contributing resources in a historic district and demolition of nearly the entirety of a historic district. The conclusion that this degree of destruction is consistent with the City's policy to protect its architectural and cultural heritage is nonsensical. We maintain that the Parkmerced Project is not consistent with Priority Policy 7.

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[3] *See* Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d. 376, requiring preparation of a new EIR because the lead agency had failed to "explain in meaningful detail...a range of alternatives to the proposed project and, if [it] finds them to be infeasible, the reasons and facts that [it] claims support its conclusion." *Id.* at 406.

[4] Comments and Responses, Master Response A.5.

[5] Cal. Pub. Res. Code § 21084.1; "For purposes of this section, an historical resource is a resource listed in, or *determined to be eligible* for listing in, the California Register of Historical Resources" (emphasis added.)

Proposed Mitigation Measures Remain Grossly Inadequate

While the undersigned are opposed to any demolition of the existing resource, in the event it occurs, the mitigation measures must be much stronger than those proposed in the EIR. Although it is undisputed that the Parkmerced Project would cause significant and unavoidable impacts to historic resources, the Project sponsors continue to offer insufficient mitigation or compensation for this potential loss. The proposed project would result in the near total destruction of a historic district spanning over 192 acres, including demolition of 170 contributing resources and the majority of Thomas Church's designed landscape. The proposed mitigation measures outlined in the DEIR and the Comments and Responses document, consisting of HABS, HAER, and HALS documentation, donation of archival materials, and permanent public interpretation, are tokenisms of little benefit to preservation of historic resources in San Francisco. Given the sheer enormity of the loss at stake, we believe much more should be required.

In its review of the Project DEIR, the California Office of Historic Preservation (OHP) stated that the mitigation measures proposed in the DEIR, specifically HABS/HAER documentation, "does not... in any way mitigate such a devastating alteration to a historic district." The OHP further stated that "the proposed demolition of the Parkmerced resources is indeed a circumstance in which HABS/HAER documentation is clearly insufficient mitigation in relation to the significant adverse effect that wholesale demolition would have on Parkmerced's historic resources..." (Comments and Responses, Letter 3, page 2.)

Indeed, it is a well-established precedent under CEQA that documentation and interpretation do not meaningfully compensate for the destruction of historic resources. As recognized by the court in League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896: "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." (*Id.* at 909.)

Echoing this point, the court in Architectural Heritage Association v. County of Monterey (2004) 122 Cal.App.4th 1095 proclaimed: "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." (*Id.* at 1119.)

The severity of the historic resource impacts at Parkmerced demands proportional mitigation measures with an appropriate nexus to the project impacts. Alternative or additional mitigation measures may include:

- Funding to complete a cultural resource survey of historic landscape resources in San Francisco, including development of landscape-specific survey methods and tools;
- Funding to complete a comprehensive, professional cultural resource survey of the southwest quadrant of the City of San Francisco; and/or
- Funding to complete a context study and survey of Modern and post-World War II historic and architectural resources in the City of San Francisco.

Certainly, Planning Department staff with expertise and experience in conducting and managing historic resource survey projects in San Francisco can advise the Commission and sponsor on the likely costs associated with these mitigation measures.

Mitigation could also include funding for the established San Francisco Historic Preservation Fund, administered by the Historic Preservation Fund Committee and the Mayor's Office of Economic and Workforce Development. Contributing to publicly administered funds supporting historic preservation activities as a form of mitigation has several precedents in California, including the Long Beach Navy Memorial Heritage Fund established in association with demolition of the Long Beach Naval Complex in Long Beach, CA; the Historic Schools Investment Fund established in connection with demolition of the Ambassador Hotel in Los Angeles; and the San Francisco Historic Preservation Fund itself, established following illegal demolition work on the Emporium Department Store.

In addition to the mitigation measures proposed here, the undersigned organizations request that the City adopt protections in the Project Development Agreement and CEQA findings prohibiting preemptive demolition of any contributing elements or alteration of character-defining features of the Parkmerced Historic District, including spatial organization, circulation, topography, buildings and structures, vegetation, landscape features, and views. Specifically, the City should impose a mitigation measure barring issuance of demolition permits until a permanent replacement project is pending and the sponsor has demonstrated the financial resources necessary to complete the proposed replacement project within a reasonable timeframe (i.e. construction to commence within six months of receipt of all necessary City approvals). We understand that the Planning Code already includes similar requirements, but feel it is important to codify and reinforce these protections in Project-specific documents.

Conclusion

Parkmerced is a nationally significant example of landscape design and World War II-era heritage in the San Francisco Bay Area, as well as one of the largest, and few publicly accessible, works by master landscape architect Thomas Church. The undersigned organizations strongly urge the City to adopt Project alternatives or components of Project alternatives maximizing preservation of the Parkmerced Historic District and

retaining its eligibility for the California Register of Historical Resources and National Register of Historic Places. In addition, we believe that the proposed project is patently inconsistent with the City's Priority Policies. Finally, while we remain opposed to any demolition of the existing resource, in the event the Project is approved, additional mitigation measures are necessary to meaningfully compensate for the severe impacts on the City's irreplaceable heritage.

Thank you for the opportunity to comment on the Parkmerced Project. Please do not hesitate to contact our organizations with regard to any questions related to these comments.

Sincerely,

Anthea M. Hartig, Ph.D.
Director, Western Office
National Trust for Historic Preservation

Cindy Heitzman
Executive Director
California Preservation Foundation

Mike Buhler
Executive Director
San Francisco Architectural Heritage

Charles A. Birnbaum
President
The Cultural Landscape Foundation

Bob Pullum
Director of Advocacy
Northern California Chapter, DOCOMOMO-US

Janet Gracyk
President
Northern California Chapter, Historic American Landscape Survey

cc: Rick Cooper, Major Environmental Analyses, San Francisco Planning Department
M. Wayne Donaldson, California State Historic Preservation Officer
San Francisco Historic Preservation Commission
San Francisco Preservation Consortium
Gabriel Metcalf, Executive Director, SPUR

File 110206: Stop the demolition of a national eligible masterplanned community.

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen, 03/18/2011 02:13 PM

From: Lauren G <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 03/16/2011 10:29 PM
Subject: Stop the demolition of a national eligible masterplanned community.

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Lauren G
Monrovia, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.

File 110206: The new "impact" on prior Parkmerced open-space/community center. (IGNORED by the Land-Use Committee SFBOS)
Board of Supervisors to: Joy Lamug 03/07/2011 11:06 AM

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
http://www.sfbos.org/index.aspx?page=104
----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/07/2011 11:07 AM -----

From:	Aaron Goodman <amgodman@yahoo.com>
To:	board.of.supervisors@sfgov.org
Cc:	parkmercedac@gmail.com
Date:	02/28/2011 01:46 PM
Subject:	The new "impact" on prior Parkmerced open-space/community center. (IGNORED by the Land-Use Committee SFBOS)

http://www.goldengatexpress.org/2011/02/24/architect-unveils-model-for-new-performing-arts-center/

Very interesting to see the latest large scale development and "CO-impact" cummalatively ignored in the ong

The SFSU-CSU project "masterplan" has been ignored by the Land-Use committee prior when approving the

Now we see another mega-project, which fills the site, ignores the prior tenants "loss-of-use" and proposes a

I attach the City of Marina vs. CSU case for your review...

Its critical in understanding why the impacts MUST be considered cumalataively and not individual project a 'replaced' the existing building, which is NOT the case, it is a new building across the street on prior open-sp tenants on grounds of improper pass-throughs.

Sincerely

Aaron Goodman

City_of_Marina_et_al._v._Board_of_Trustees_of_the_University_of_California.pdf

Filed 7/31/06

IN THE SUPREME COURT OF CALIFORNIA

CITY OF MARINA et al.,	
Plaintiffs and Respondents,	S117816
v.	Ct.App. 6 H023158
BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY,	Monterey County Super. Ct. Nos. M41795 & M41781
Defendant and Appellant.	

The Fort Ord Reuse Authority (FORA) challenges an environmental impact report (EIR) prepared by the Board of Trustees of the California State University (Trustees). The EIR concerns the Trustees' plan to expand a small campus into a major institution that will enroll 25,000 students. The planned expansion will have significant effects on the physical environment throughout Fort Ord, the former Army base on which the campus is located. While the Trustees have agreed to mitigate effects occurring on the campus itself, they have disclaimed responsibility for mitigating some effects occurring off campus. In particular, the Trustees have refused to share the cost of certain infrastructure improvements proposed by FORA, the base's new civilian governing authority. FORA challenges the Trustees' decision to certify the EIR despite the remaining, unmitigated effects as an abuse of discretion under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA). Like the superior

court, we conclude the Trustees have abused their discretion and thus reverse the Court of Appeal's contrary decision.

I. FACTUAL, LEGAL AND PROCEDURAL BACKGROUND

Fort Ord is a former United States Army base on the Pacific Coast, about five miles north of Monterey and 125 miles south of San Francisco. The base lies on the northern end of Monterey Bay, an important tourist destination known for its scenic beauty and historic sites. In 1994, the Department of Defense formally closed the base and transferred 27,000 acres (over 42 square miles) to a variety of governmental entities and local organizations. The closure created both problems and opportunities for the region. On one hand, the loss of one of the nation's largest military installations threatened to disrupt the local economy. On the other hand, valuable land that for over 75 years had been exclusively controlled by the Army became available for civilian economic development.

To provide a government for the former base and to manage its transition to civilian use, the Legislature enacted the Fort Ord Reuse Authority Act (Gov. Code, § 67650 et seq.) (hereafter the FORA Act or the act). Effective May 9, 1994, the act authorized FORA's creation and conferred upon it governmental powers and duties within the former base that prevail over those of any other local governmental entity. (*Id.*, § 67657, subd. (c).) FORA's general statutory purpose is "to plan for, finance, and carry out the transfer and reuse of the base in a cooperative, coordinated, balanced, and decisive manner." (Gov. Code, § 67652, subd. (a).) The act also charges FORA with the more specific policy goals of "facilitat[ing] the transfer and reuse of the real and other property [of the base] . . . with all practical speed," "minimiz[ing] the disruption caused by the base's closure on the civilian economy and the people of the Monterey Bay area," "maintain[ing] and protect[ing] the unique environmental resources of the area," and accomplishing these tasks "in ways that enhance the economy and quality of

life of the Monterey Bay community." (*Id.*, § 67651, subds. (a)-(d).) The 13 members of FORA's governing board are appointed by local governments neighboring the base—Monterey County and the Cities of Carmel, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City and Seaside. (*Id.*, § 67660.) Also on the board are 10 ex officio, nonvoting members, including one appointed by the Chancellor of the California State University. (*Id.*, § 67661.)

The charter for Fort Ord's future use and development is the statutorily mandated Base Reuse Plan (hereafter Reuse Plan), which FORA adopted on June 13, 1997. (See Gov. Code, § 67675 et seq.) The plan addresses land use, transportation, conservation, recreation and capital improvement in Fort Ord until the year 2015. (See *id.*, § 67675, subd. (c).) Pursuant to the plan, FORA will make land available over time for a wide range of civilian uses, including residential housing, business, light industry, research and development, visitor services, recreation and education. All such development will require improvements to the infrastructure the Army left behind. Recognizing this, the Legislature gave FORA the power and duty to prepare the base's infrastructure for civilian development. In the words of the act, FORA "shall identify those basewide public capital facilities . . . that serve residents or will serve future residents of the base territory" (Gov. Code, § 67679, subd. (a)(1)) and "shall undertake to plan for and arrange the provision of those facilities, including arranging for their financing and construction or repair, remodeling, or replacement" (*ibid.*; see also *id.*, § 67675, subd. (c)(5) [Reuse Plan must include capital improvement plan]).

FORA has, as the Legislature directed, prepared a capital improvement plan identifying public facilities that need construction or improvement and projecting future expenditures for that purpose through the year 2015. (See Gov. Code, § 67675, subd. (c)(5).) The facilities FORA has identified include elements of

Fort Ord's infrastructure for transportation (mainly roadways), water supply and distribution, wastewater management, drainage, and fire protection, among other things. FORA plans to improve these facilities over the life of the Reuse Plan, as increasing land use necessitates the improvements and as funding becomes available. Funding is not expected to come through legislative appropriations. Instead, the Legislature has directed FORA to arrange its own financing as it sees fit (Gov. Code, § 67679, subd. (a)(1)), employing any of several funding methods authorized in the FORA Act. FORA may, for example, "levy assessments, reassessments, or special taxes and issue bonds" under existing laws governing public finance (*id.*, § 67679, subd. (d)),[1] "levy development fees on development projects within the area of the base" (*id.*, § 67679, subd. (e)) pursuant to the Mitigation Fee Act (*id.*, § 66000 et seq.), sell or lease land (*id.*, § 67678, subd. (a)), and "seek state and federal grants and loans or other assistance" (*id.*, § 67679, subd. (c)). FORA and its local-government member agencies (*id.*, § 67660) may also provide by contract for the transfer of tax revenues (*id.*, § 67691) and/or adopt programs of local revenue sharing (*id.*, § 67692).

In order to determine the long-term financial viability of the Reuse Plan, FORA has prepared a Comprehensive Business Plan setting out assumptions about

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1 Specifically the Improvement Act of 1911 (Sts. & Hy. Code, § 5000 et seq.), the Improvement Bond Act of 1915 (*id.*, § 8500 et seq.), the Municipal Improvement Act of 1913 (*id.*, § 10000 et seq.), the Benefit Assessment Act of 1982 (Gov. Code, § 54703 et seq.), the Landscaping and Lighting Act of 1972 (Sts. & Hy. Code, § 22500 et seq.), the Integrated Financing District Act (Gov. Code, § 53175 et seq.), the Mello-Roos Community Facilities Act of 1982 (*id.*, § 53311 et seq.), the Infrastructure Financing District Act (*id.*, § 53395 et seq.), the Marks-Roos Local Bond Pooling Act of 1985 (*id.*, § 6584 et seq.), the Revenue Bond Law of 1941 (*id.*, § 54300 et seq.), a law permitting fire suppression assessments (*id.*, § 50078 et seq.), and the Habitat Maintenance Funding Act (Fish & G. Code, § 2900 et seq.). (See Gov. Code, § 67679, subd. (d).)

projected revenue and expenditures. As part of this exercise—one obviously subject to numerous contingencies given the long planning horizon—FORA has projected that it will spend $249.2 million to improve Fort Ord's infrastructure over the 20-year life of the Reuse Plan, i.e., from 1996 to 2015. FORA projects that the largest part of its operational revenue over the same period will derive from the sale of land and from a one-time special tax under the Mello-Roos Community Facilities Act of 1982 (Gov. Code, § 53311 et seq.). Other revenue is expected to come through local development fees, water and sewer fees, a grant from the federal Economic Development Administration, and the annual dues of FORA's members.

The California State University (CSU) is the largest university system in the United States. Governed by the Trustees, CSU's 23 campuses across the state collectively enroll 405,000 students and employ 44,000 faculty and staff. CSU Monterey Bay (CSUMB), which occupies 1,370 acres transferred by the Army to CSU in 1994, is presently the main user of the base. CSUMB opened in 1995 with 633 students, using existing military buildings, and now enrolls approximately 3,800 students, 2,600 of whom live on campus. From this modest beginning the Trustees plan to expand enrollment at CSUMB greatly over the next few decades, eventually reaching the target enrollment of 25,000 full-time equivalent (FTE[2]) students in the year 2030. On May 13, 1998, the Trustees approved a Campus Master Plan (hereafter Master Plan) to guide CSUMB toward this target. Under the Master Plan, CSUMB's resident population of students, faculty, staff and household members would gradually increase to 10,350. The campus's average

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2 One FTE student, a term used in the Trustees' planning documents, means any number of students collectively enrolled in 15 units, e.g., one student taking a full course load of 15 units, or three students taking five units each.

daily population, which also includes students who commute, would grow to 19,000.

Together with the Master Plan for CSUMB, the Trustees also prepared and certified an EIR. The EIR is the focus of the environmental review process and, as we have explained, "the primary means" of achieving the state's declared policy of taking " 'all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' " (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392, quoting Pub. Resources Code, § 21000, subd. (a); see also CEQA Guidelines,[3] § 15003, subd. (a).) The EIR's more specific purposes are "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." (Pub. Resources Code, § 21002.1, subd. (a).) CEQA expressly requires that an EIR accompany the Master Plan for CSUMB. "The selection of a location for a particular campus and the approval of a long range development plan are subject to [CEQA] and require the preparation of an [EIR]." (*Id.*, § 21080.09, subd. (b).) The Trustees necessarily serve as the "lead agency" (*id.*, § 21067) responsible for preparing and certifying the EIR (*id.*, § 21100, subd. (a)) because they possess "full power and responsibility in the construction and development of any state university campus" (Ed. Code, § 66606) and thus final authority to approve or disapprove the Master Plan.

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3 The term "CEQA Guidelines" refers to the regulations codified in title 14, section 15000 et seq. of the California Code of Regulations, which have been "prescribed by the Secretary of Resources to be followed by all state and local agencies in California in the implementation of [CEQA]." (CEQA Guidelines, § 15000.)

In their EIR for CSUMB, the Trustees have determined that expanding CSUMB to accommodate 25,000 students will have many significant effects on the physical environment of Fort Ord. CEQA requires "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (Pub. Resources Code, § 21002.1, subd. (b)) and to discuss feasible methods of mitigation in the EIR (*id.*, § 21100, subd. (b)(3); CEQA Guidelines, § 15126.4, subd. (a)(1); see also Pub. Res. Code, § 21002.1, subd. (a) [one purpose of the EIR is "to indicate the manner in which . . . significant effects can be mitigated or avoided"].) In fact, the Trustees' EIR does identify and adopt specific measures that the Trustees have found will mitigate most of the environmental effects of campus expansion to a level that is less than significant. Full mitigation of five remaining effects, however, will require action not just by the Trustees on the CSUMB campus but also by FORA on a basewide or regional basis. These remaining effects have become the subject of this litigation.

The Trustees' EIR describes the five remaining environmental effects, for which the Trustees have not provided full mitigation, as follows: (1) Drainage: "Construction of new buildings and facilities will increase impervious surfaces and runoff, and could result in localized drainage problems and/or flows exceeding storm drain capacities, if storm drainage facilities are not adequately sized and maintained." (2) Water supply: "CSUMB water demand will contribute incremental demands on existing deficient facilities and/or non-existent facilities." (3) Traffic: "Campus-related traffic will result in a decrease in level of service

from D to E[4] at the [Light Fighter] Drive/North-South Road intersection[5] during the PM peak period in the year 2005, from D to E along Del Monte Blvd. between Reindollar [Avenue] and Reservation Road[6] in the years 2005 and 2015, and will contribute to Highway 1 impacts in the years 2015 and 2030." (4) Wastewater management: "Campus growth will result in increased wastewater generation that can be accommodated by the existing wastewater treatment system, but will contribute flows to currently deficient sewer lines." (5) Fire protection: "Campus population and facility growth will result in increased demand for fire protection services."

Before a public agency, such as the Trustees, may approve a project for which the EIR has identified significant effects on the environment, such as the Master Plan for CSUMB, the agency must make one or more of the findings required by section 21081 of the Public Resources Code. The required findings constitute the principal means chosen by the Legislature to enforce the state's declared policy "that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects

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4 A decrease in the level of service from D to E means, in the context of the EIR, that a road's capacity to handle the existing traffic is no longer minimally acceptable for an urban road.

5 The Light Fighter Drive/North-South Road intersection is located, as the EIR explains, near [t]he main regional entrance" to the CSUMB campus. This entrance has "the most convenient freeway access from State Highway 1 via Light Fighter Drive interchange and is signed as the campus main entrance. Most trips from the Monterey Peninsula, Santa Cruz County, and the San Francisco Bay Area use this entrance. North-South Road is also an important local link to Seaside."

6 This half-mile stretch of Del Monte Boulevard lies within the City of Marina and connects State Highway 1 with Reservation Road, which leads to the CSUMB campus.

. . . ." (*Id.*, § 21002; see also *id.*, § 21002.1, subd. (a).) More specifically, the agency must find that the project's significant environmental effects have been mitigated or avoided (*id.*, § 21081, subd. (a)(1)), that the measures necessary for mitigation "are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency" (*id.*, subd. (a)(2)), and/or that "specific economic, legal, social, technological, or other considerations" render mitigation "infeasible" (*id.*, subd. (a)(3)). When the agency finds that mitigation is infeasible, the agency must also find "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." (*Id.*, subd. (b).)[7]

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7 This important section of CEQA (Pub. Resources Code, § 21081) provides in full:

"Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

"(a) The public agency makes one or more of the following findings with respect to each significant effect:

"(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

"(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

"(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

"(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

In their EIR, the Trustees have identified and adopted a variety of measures they have found will partially mitigate the five remaining environmental effects noted above. Full mitigation of these effects to the level of insignificance will, however, as the EIR specifically notes, require FORA to improve Fort Ord's infrastructure. In fact, FORA's own planning documents take the Trustees' plans for CSUMB into account and propose specific infrastructure improvements that will fully mitigate the expanding campus's remaining effects on water supply, drainage, wastewater management, traffic, and fire protection. Concerning each of these effects, the Trustees have declared in their formal findings certifying the EIR and approving the Master Plan (see Pub. Resources Code, § 21081) that the implementation of FORA's proposed improvements constitutes the "specific measure to mitigate [each of CSUMB's corresponding environmental impacts] to the level of insignificance . . . ."

As part of its long-term planning process, FORA adopted the assumption that that CSUMB would pay, as its share of the cost of infrastructure improvements, 18 annual installments of $1.139 million each, beginning in fiscal year 1997/1998 and ending in fiscal year 2015/2016, for a total contribution over time of approximately $20.5 million. At the present time, however, FORA has not imposed any tax, fee or charge on CSUMB or proposed to do so. Instead, FORA hopes to reach agreement with the Trustees on their fair share of the cost of infrastructure improvements. The Trustees, however, have refused to contribute any amount to FORA for improvements in roads and fire protection, even while finding that FORA's proposed improvements constitute the specific measures necessary to mitigate CSUMB's effects in these areas. Accordingly, the Trustees cannot logically find and, indeed, have not found that CSUMB's effects have been fully mitigated. Instead, to justify certifying the EIR and approving the Master Plan despite the remaining, unmitigated effects, the Trustees rely on the following three

alternative findings: (1) improvements to roads and fire protection are the responsibility of FORA rather than of the Trustees; (2) mitigation is infeasible because the Trustees may not legally contribute funds toward these improvements; and (3) the planned expansion of CSUMB offers overriding benefits that outweigh any remaining unmitigated effects on the environment.[8] (See Pub. Resources Code, § 21081, subds. (a)(2), (3) & (b).)

While the Trustees have refused to contribute any amount for improvements in roads and fire protection, they are willing to contribute for improvements in water supply, drainage and wastewater management, albeit not in the amount FORA has proposed. Instead, the Trustees propose to contribute through the procedure set out in chapter 13.7 of the Government Code (section 54999 et seq.). Chapter 13.7 authorizes a public utility that is providing a public utility service to a public educational agency to impose a capital facilities fee on the latter "after agreement has been reached between the two agencies through negotiations entered into by both parties." (Gov. Code, § 54999.3, subd. (b).) The resulting dispute over the amount of the Trustees' contribution creates uncertainty about the extent to which CSUMB's off-campus environmental effects will be mitigated.

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[8] Here, in their own words, is the Trustees' finding about CSUMB's effects on traffic: "The Board of Trustees finds that the specific measure to mitigate this impact to a level of insignificance is to implement the planned regional FORA transportation improvements, as identified in the FORA Reuse Plan and accompanying documents. Implementation of the planned regional improvements are [sic] within the responsibility of FORA (not the university). FORA can and should implement these measures. Because implementation of the regional mitigation is currently disputed among the responsible agencies, mitigation of the impact to a less than significant level cannot be assured by CSU. It is hereby determined that any remaining unavoidable impacts are acceptable for the reasons specified in the Statement of Overriding Considerations . . . ."

The Trustees' finding about CSUMB's effects on fire protection is similar.

Accordingly, to justify certifying the EIR and approving the Master Plan for CSUMB, the Trustees have made alternative findings of the same type used to address CSUMB's effects on roads and fire protection. Specifically, the Trustees have found that (1) the basewide infrastructure improvements proposed by FORA constitute the specific measures necessary to mitigate CSUMB's effects to the level of insignificance, (2) the mitigation of CSUMB's effects on drainage, water supply, and wastewater management are FORA's responsibility, and (3) overriding circumstances justify certifying the EIR and approving the Master Plan despite any remaining unmitigated effects.[9]

In an appendix to the EIR addressing public comments, the Trustees explain why they have refused to contribute toward improvements in roads and fire protection, and why they have agreed to contribute toward improvements in drainage, water supply and wastewater management only through the procedure established in chapter 13.7 of the Government Code (§ 54999 et seq.), even though these decisions will leave some environmental effects unmitigated. Whether the Trustees, in view of the unmitigated effects, properly exercised their discretion to

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9 Here, in their own words, is the Trustees' finding about CSUMB's effects on drainage: "The Board of Trustees finds that the specific measure to mitigate this impact to a level of insignificance is to implement the planned regional FORA drainage improvements, including ocean discharge improvements, and potential offsite percolation areas as identified in the FORA Reuse Plan and accompanying documents. CSUMB will contribute fees as mandated by applicable provisions of Government Code Section 54999 to mitigate its share of the impact. Implementation of the planned regional improvements is FORA's responsibility. It can and should implement these measures. They are, in fact, included in FORA's Reuse Plan. Drainage is presently adequate for university operations. As noted, there are current disputes regarding implementation of these measures; any remaining unavoidable impacts are acceptable as a worst case because of the reasons specified in the Statement of Overriding Considerations."

The Trustees' findings about water supply and wastewater management are similar.

certify the EIR and to approve the Master Plan for CSUMB depends in large part on whether they have correctly understood the nature and scope of their obligation to contribute to FORA. We thus briefly summarize the relevant portion of the appendix, which effectively defined the issues in the lower courts and anticipated the Trustees' arguments in the present proceeding.

CSUMB's land, the Trustees observe in the appendix to the EIR, is exempt from taxation as "[p]roperty owned by the State" under article XIII, section 3, subdivision (a) of the California Constitution. This constitutional provision has been interpreted as implicitly immunizing state-owned property from special assessments imposed by local governments, except as authorized by the Legislature. (*San Marcos Water Dist. v. San Marcos Unified School Dist.* (1986) 42 Cal.3d 154, 160-161 (*San Marcos*).) In reaction to *San Marcos*, the Legislature passed a law (chapter 13.7 of the Government Code, beginning with section 54999) authorizing any public agency that provides public utility services to a public educational agency to impose a "[c]apital facilities fee" on the latter "after agreement has been reached between the two agencies through negotiations entered into by both parties." (Gov. Code, § 54999.3, subd. (b).) This law, which addresses only fees intended to "pay the capital cost of a public utility facility" (*id.*, § 54999.1, subd. (b)), defines " '[p]ublic utility facility' " for these purposes as "a facility for the provision of water, light, heat, communications, power, or garbage service, for flood control, drainage or sanitary purposes, or for sewage collection, treatment, or disposal" (*id.*, subd. (d)). The FORA Act, in turn, provides that "[t]he applicability of any capital facilities fees imposed under this title [i.e., the FORA Act] to public educational agencies shall be subject to the provisions of Chapter 13.7 [of the Government Code] (commencing with section 54999) . . . ." (Gov. Code, § 67685.)

Based on these authorities, the Trustees conclude in the appendix that the Legislature has in effect authorized FORA to impose fees on CSUMB for the purposes mentioned in chapter 13.7 of the Government Code (e.g., water, drainage and sewage; see *id.*, § 54999.1, subd. (d)) but not for any other purposes not mentioned (e.g., roads and fire protection). Any payment to FORA for a purpose not mentioned in the section, the Trustees conclude, even a voluntary payment made in order to mitigate CSUMB's environmental effects, would amount to an assessment prohibited by the state Constitution, as interpreted in *San Marcos*, *supra*, 42 Cal.3d 154, and constitute a gift of public funds. Having thus concluded that any contribution by CSUMB to mitigate the campus's effects on roads and fire protection would be unlawful, the Trustees further conclude that to mitigate these effects is "infeasible," presumably for "legal" reasons (see Pub. Resources Code, § 21081, subd. (a)(3)), and thus not required by CEQA because, in the Trustees' view, overriding considerations justify proceeding with the project despite the unmitigated effects (see *id.*, § 21081, subd. (b)).

A lengthy statement of overriding considerations accompanies the Trustees' findings certifying the EIR and approving the Master Plan for CSUMB. In the statement, the Trustees reiterate the requirements of CEQA, the content of the EIR, the principal features of the Master Plan for CSUMB, and favorable public comments on the EIR. The following excerpts summarize some of the considerations underlying the Trustees' conclusion that campus expansion will offer benefits that outweigh any remaining unmitigated effects on the environment: "The CSU has identified the need for a university in the Monterey Bay area that addresses the projected demand for postsecondary education in the state of California by accommodating 25,000 [FTE students] at buildout. CSU recognizes official projections of future increases in the number of students to be served . . . which cannot be accommodated within [the] existing system capacity

of the CSU. The reuse of Fort Ord for this purpose is particularly advantageous to the CSU because of the difficulty in acquiring campus-size parcels, the value of existing development on the site, and the attractive location of the site in the Monterey area. The master plan has been designed to provide an institution that will effectively serve the mission of the CSU system." In addition, development of the campus will offer higher education to "historically underrepresented populations and cultures of the state of California," "foster economic revitalization of a region impacted by closure of the largest residential military training facility in the nation" and "create job opportunities for approximately 2,760 faculty and staff as well as significant additional employment in university support activities."

On May 13, 1998, the Trustees adopted resolutions approving the statement of overriding considerations, certifying the EIR, and approving the Master Plan for CSUMB. Thereafter, FORA and the City of Marina filed separate petitions for writ of mandate challenging the Trustees' actions. The petitions alleged, among other things, that the Trustees had (1) failed to identify and adopt existing, feasible measures to mitigate significant effects on the environment described in the EIR, (2) improperly certified the EIR and approved the Master Plan despite the availability of feasible mitigation measures, (3) improperly disclaimed responsibility for mitigating CSUMB's environmental effects, and (4) improperly relied on a statement of overriding considerations to justify certifying the EIR and approving the Master Plan.

The superior court granted the petitions, issued its writ of mandate directing the Trustees to vacate their actions certifying the EIR and approving the Master

Plan, and to set aside the EIR's statement of overriding considerations. A divided Court of Appeal reversed. We granted FORA's petition for review.[10]

II. DISCUSSION

The question before us is whether the Trustees have properly certified the EIR for CSUMB and, on that basis, approved the Master Plan. FORA contends the Trustees' decision must be vacated because three findings critical to their decision depend on an erroneous legal assumption, namely, that the California Constitution precludes them from contributing to FORA, even for the purpose of mitigating the environmental effects identified in the EIR, except as expressly permitted by chapter 13.7 of the Government Code (§ 54999 et seq.). The first two challenged findings are (1) that the Trustees cannot feasibly mitigate CSUMB's significant environmental effects and (2) that to mitigate CSUMB's effects is not the Trustees' responsibility. These two findings have, in turn, necessitated the third, which is (3) that overriding considerations justify certifying the EIR and approving the Master Plan despite the remaining unmitigated effects. (See generally Pub. Resources Code, § 21081.) We conclude FORA is correct and that the Trustees have abused their discretion.

We review the Trustees' decision, as CEQA directs, under the abuse of discretion standard. (See Pub. Resources Code, § 21168.5.) For these purposes,

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10 The Court of Appeal left undisturbed the superior court's additional conclusion that the Trustees had improperly failed to determine whether certain commercial developments contemplated in the Master Plan for CSUMB, including a retail mall, were consistent with FORA's Reuse Plan. CSUMB is exempt from land use regulation by FORA (including regulation under the Reuse Plan) only with respect to property "that is used for educational or research purposes." (Gov. Code, § 67678, subd. (f).) Profits from the developments in question are expected to generate as much as 30 percent of CSUMB's budget.

"[a]buse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (*Ibid.*) Although this standard would command much deference to factual and environmental conclusions in the EIR based on conflicting evidence (e.g., *Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d 376, 393, 409), no such conclusions are here at issue. At issue, rather, are the Trustees' findings that mitigation is infeasible and that mitigation is not their responsibility. These findings depend on a disputed question of law—a type of question we review de novo. De novo review of legal questions is consistent with the abuse of discretion standard. In the context of review for abuse of discretion, an agency's "use of an erroneous legal standard constitutes a failure to proceed in a manner required by law." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 88; see also *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118 ["questions of interpretation or application of the requirements of CEQA are matters of law"].) De novo review of legal questions is also consistent with the principle that, in CEQA cases, " '[t]he court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an `informative document.' " (*Laurel Heights Improvement Assn. v. Regents of University of California, supra,* at p. 392, quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 189.) An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative document.

A. Is Mitigation Infeasible?

1. Is mitigation infeasible because the Trustees may not lawfully contribute to FORA?

We consider first the Trustees' finding that they cannot feasibly mitigate the environmental effects of their plan to expand the CSUMB campus. CEQA defines " '[f]easible' " for these purposes as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) To this list, the CEQA Guidelines add "legal" factors. (CEQA Guidelines, § 15364; see also Pub. Resources Code, § 21081, subd. (a)(3).) The Trustees, by arguing the state Constitution prohibits them from voluntarily contributing funds to FORA as a form of mitigation, in effect take the position that such contributions are legally infeasible. We discuss here only the permissibility of voluntary payments by the Trustees. Some of the public financing laws that FORA has the power to invoke (see Gov. Code, § 67679, subd. (d)) would, as the Trustees acknowledge, permit FORA to assess state-owned property such as the CSUMB campus. FORA has not, however, attempted to impose an assessment.

The plain language of the California Constitution does not support the Trustees' position that voluntary mitigation payments are impermissible. The provision on which the Trustees rely, article XIII, section 3, subdivision (a), provides simply that "[p]roperty owned by the State" is "exempt from property taxation . . . ." FORA has not imposed a tax on the Trustees. We have, however, interpreted the same constitutional provision as implicitly exempting publicly owned property from special assessments made without legislative authority. (*Inglewood v. County of Los Angeles* (1929) 207 Cal. 697, 703-704; see also *Regents of University of California v. City of Los Angeles* (1979) 100 Cal.App.3d 547, 549; *County of Riverside v. Idyllwild County Water Dist.* (1978) 84

Cal.App.3d 655, 659-660; cf. *Regents of University of California v. City of Los Angeles* (1983) 148 Cal.App.3d 451, 454, fn. 2 [questioning whether the exemption is grounded in policy considerations rather than the Constitution].)[11] We reaffirmed this conclusion in *San Marcos*, *supra*, 42 Cal.3d 154, 160-161, the case on which the Trustees principally rely. The Trustees, as noted, argue based on *San Marcos* that any payment by themselves to FORA for the purpose of improving Fort Ord's infrastructure would constitute a special assessment prohibited in the absence of legislative authority. The Trustees find in chapter 13.7 of the Government Code (§ 54999 et seq.) legislative authority for payments related to subjects mentioned therein, such as water, drainage and sewage collection (*id.*, § 54999.1, subd. (d)), but not for any purpose not mentioned, such as roads and fire protection.

The Trustees have misinterpreted *San Marcos*, *supra*, 42 Cal.3d 154. The decision addresses only compulsory charges imposed by one public entity on another. The case has nothing to say about a discretionary payment made by a public agency that voluntarily chooses that method of discharging its duty under CEQA to mitigate the environmental effects of its project. Because the Trustees' interpretation of *San Marcos* critically underlies their position in this case, we examine the decision and its consequences in detail.

At issue in *San Marcos*, *supra*, 42 Cal.3d 154, was the validity of a "capacity fee" (*id.*, at p. 157) imposed by a public water district on a public school

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11 But see California Constitution, article XIII D, section 4: "Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit." (Added by initiative measure Prop. 218, § 4, approved by the electorate Nov. 5, 1996.)

district. The specific question was whether the capacity fee was a user fee, which the school district conceded it would have to pay, or a special assessment, from which the school district was exempt under the cases cited above. The court held the school district was exempt. The purpose of the fee was not to pay for water service but to provide a source of funds for capital improvements to the water system. (*Id.*, at p. 159.) The capacity fee thus fit the definition of a special assessment as " 'a compulsory charge placed by [the government] upon real property within a pre-determined district, made under express legislative authority for defraying in whole or in part the expense of a permanent public improvement therein . . . .' " (*San Marcos*, at p. 161, quoting *Spring Street Co. v. City of Los Angeles* (1915) 170 Cal. 24, 29.) In applying this definition, the court "look[ed] to the *purpose* of the fee being charged, and not simply to the *form* of the fee, a matter which can be easily manipulated." (*San Marcos*, at p. 163.) Accordingly, the court attributed no significance to the fact the water district had calculated the charge by reference to the volume of water the school district anticipated using—a characteristic typical of user fees. While the assessment's form thus caused it to resemble a user fee in some respects, the water district was not permitted " 'to do indirectly that which it could not do directly.' " (*Ibid.*, quoting *County of Riverside v. Idyllwild County Water Dist.*, *supra*, 84 Cal.App.3d 655, 659-660.)

In summary, the court in *San Marcos*, *supra*, 42 Cal.3d 154, announced two holdings: the court reiterated the existing rule that publicly owned property was exempt from special assessment absent " 'positive legislative authority therefor' " (*id.*, at p. 161, quoting *Inglewood v. County of Los Angeles*, *supra*, 207 Cal. 697, 704), and the court determined that the particular charge at issue was an assessment rather than a user fee (*San Marcos*, at pp. 163-165). The court found analogous support for its conclusions in prior decisions identifying "[t]he rationale behind a public entity's exemption from property taxes and special assessments

[as being] to prevent one tax-supported entity from siphoning tax money from another such entity; the end result of such a process [possibly being] unnecessary administrative costs and no actual gain in tax revenues." (*San Marcos*, at p. 161, citing *Eisley v. Mohan* (1948) 31 Cal.2d 637, 642.) The court also acknowledged, perhaps bluntly, one of the more significant consequences of its holding: "Our conclusion does not mean," the court wrote, "that the water district cannot collect money for capital improvements from its customers; it simply means that the *private* customers will pay the entire cost of capital improvements. Public entities, such as the school district, will not be required to allocate their limited tax revenues to pay for capital improvements built by the sewer district." (*San Marcos*, at p. 158.)

The Legislature promptly reacted to the decision in *San Marcos*, *supra*, 42 Cal.3d 154, by authorizing public utilities to charge public-entity customers their fair share of the utilities' capital costs and by ratifying fees previously imposed for that purpose. Under chapter 13.7 of the Government Code (§ 54999 et seq.), enacted in response to *San Marcos*, "[a]ny public agency providing public utility service" may impose on any public agency a "capital facilities fee" (*id.*, § 54999.2), meaning "any nondiscriminatory charge to pay the capital cost of a public utility facility" (*id.*, § 54999.1, subd. (b)). A " '[p]ublic utility facility' " for these purposes is "a facility for the provision of water, light, heat, communications, power, or garbage service, for flood control, drainage or sanitary purposes, or for sewage collection, treatment, or disposal." (*Id.*, § 54999.1, subd. (d).) Motivating these changes to the law was the Legislature's perception that public utilities and their public-entity customers, on the whole, had not shared the court's understanding of the law. "[M]any public entities that provide public utility service," the Legislature explained, "have imposed capital facilities fees applicable to users of public utility facilities in order to equitably apportion the cost of capital

facilities construction or expansion required by all public and private users of the facilities." As a result of *San Marcos*, however, "the fiscal stability and service capabilities of the affected public utility service agencies which have in good faith collected and spent these fees for capital improvements are seriously impaired as is the ability to finance essential future facilities." (Gov. Code, § 54999, subd. (a).)

Against this background, we may easily reject the Trustees' argument that they may not lawfully contribute to FORA as a way of discharging their obligation under CEQA to mitigate the environmental effects of their project to expand CSUMB. The Trustees' three-part argument may be summarized as follows: (1) Any payment by the Trustees to FORA for the purpose of capital improvement in Fort Ord is an assessment, regardless of form; (2) public agencies are exempt from assessment except as permitted by the Legislature; and (3) the Legislature has permitted assessments only for the purposes set out in chapter 13.7 of the Government Code (§ 54999 et seq.).

The Trustees err crucially at the outset. An assessment connotes, at the very least, a compulsory charge imposed by the government on real property. (*Knox v. City of Orland* (1992) 4 Cal.4th 132, 141; see also *Southern Cal. Rapid Transit Dist. v. Bolen* (1992) 1 Cal.4th 654, 660; *San Marcos*, *supra*, 42 Cal.3d 154, 161; *Spring Street Co. v. City of Los Angeles*, *supra*, 170 Cal. 24, 29.) FORA has imposed no charge on the Trustees, let alone a compulsory one. As part of its planning process, FORA has made a provisional effort to estimate the Trustees' fair share of the cost of infrastructure improvements, but FORA has taken no steps to create an enforceable legal obligation to pay. Indeed, FORA disclaims any intention to impose a charge on the Trustees and looks instead exclusively to a negotiated payment. This case is not a collection action or an action to validate an assessment. Instead, FORA claims the Trustees have abused their discretion under

CEQA by certifying an EIR that improperly fails to identify voluntary contributions to FORA as a feasible method of mitigating the environmental effects of their project to expand CSUMB.

In other words, the question of payment arises not because FORA has imposed a charge (it has not), but because CEQA requires the Trustees to avoid or mitigate, if feasible, the significant environmental effects of their project (Pub. Resources Code, § 21002.1, subd. (b)) and because payments to FORA may represent a feasible form of mitigation. To illustrate the point, if campus expansion requires that roads or sewers be improved, the Trustees may do the work themselves on campus, but they have no authority to build roads or sewers off campus on land that belongs to others. Yet the Trustees are not thereby excused from the duty to mitigate or avoid CSUMB's off-campus effects on traffic or wastewater management, because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but "*on the environment*" (Pub. Resources Code, § 21002.1, subd. (b), italics added), with "environment" defined for these purposes as "the physical conditions which exist *within the area which will be affected by a proposed project*" (*id.*, § 21060.5, italics added). Thus, if the Trustees cannot adequately mitigate or avoid CSUMB's off-campus environmental effects by performing acts on campus (as by reducing sufficiently the use of automobiles or the volume of sewage), then to pay a third party such as FORA to perform the necessary acts off campus may well represent a feasible alternative. A payment made under these circumstances can properly be described neither as compulsory nor, for that reason, as an assessment.

Arguing to the contrary, the Trustees emphasize the court's statement in *San Marcos*, *supra*, 42 Cal.3d 154, 163, that courts will identify an assessment by "look[ing] to the *purpose* of the fee being charged, and not simply to the *form* of the fee, a matter which can be easily manipulated." Based on this statement, the

Trustees argue that a voluntary payment made to fund projects that might also be funded by an assessment, such as infrastructure projects, must be considered an assessment for all purposes. The *San Marcos* court announced no such conclusion. Instead, the court made the quoted statement in the context of determining whether an admittedly compulsory charge was a user fee or an assessment. Nothing in *San Marcos* speaks to *voluntary* payments or purports to address or narrow any public agency's duties under CEQA.

The Trustees also seek to draw support from the court's statement in *San Marcos*, *supra*, 42 Cal.3d 154, of the reason traditionally thought to underlie the rule exempting public property from taxation, i.e., that the exemption "prevent[s] one tax-supported entity from siphoning tax money from another such entity; the end result of such a process [possibly being] unnecessary administrative costs and no actual gain in tax revenues." (*Id.*, at p. 161.) Inviting an analogy, the Trustees point out that any payment by CSU to FORA for infrastructure improvements will reduce the amount of money available to CSU for its core educational functions. The Trustees read too much into *San Marcos*. While there does exist a general rule to the effect that "[p]roperty owned by the State" is exempt from taxation (Cal. Const., art. XIII, § 3, subd. (a)), no rule precludes a public entity from sharing with another the cost of improvements benefiting both. Furthermore, while education may be CSU's core function, to avoid or mitigate the environmental effects of its projects is also one of CSU's functions. This is the plain import of CEQA, in which the Legislature has commanded that "[*e*]*ach public agency* shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Resources Code, § 21002.1, subd. (b), italics added; see also *id.*, § 21002 [declaring the same obligation to be "the policy of the state"].) Nothing in *San*

Marcos can fairly be read as addressing, much less narrowing, a public agency's obligations under CEQA.

The Trustees, as noted, are willing to contribute to FORA for the limited purpose of mitigating CSUMB's effects on drainage, water supply, and wastewater management under the terms of chapter 13.7 of the Government Code (§ 54999 et seq.). Chapter 13.7, as already explained, contains the law the Legislature passed in the wake of *San Marcos*, *supra*, 42 Cal.3d 154, authorizing public utilities to charge public-entity customers their fair share of the utilities' capital costs. Under the law, "any public agency proposing to initially impose a capital facilities fee . . . may do so after agreement has been reached between the two agencies through negotiations entered into by both parties." (Gov. Code, § 54999.3, subd. (b).) In such a case, "[t]he public agency imposing . . . the capital facilities fee has the burden of producing evidence to establish that the capital facilities fee is nondiscriminatory and that the amount of the capital facilities fee does not exceed the amount necessary to provide capital facilities for which the fee is charged." (*Id.*, subd. (c).) The FORA Act expressly invokes this negotiative process by specifying that "[t]he applicability of any capital facilities fees imposed under this title [i.e., the FORA Act] to public educational agencies shall be subject to the provisions of Chapter 13.7 . . . ." (Gov. Code, § 67685.)

Because FORA has not imposed or sought to impose a capital facilities fee on the Trustees, chapter 13.7 does not literally apply. That having been said, we see no reason why an agreement between the Trustees and FORA regarding a voluntary payment negotiated according to the procedure set out in chapter 13.7 for the purpose of mitigating specified environmental effects (i.e., water supply, drainage and wastewater management) would not satisfy the Trustees' CEQA obligations as to those effects. While the amount determined by negotiation may not equal the amount FORA originally projected, for its own planning purposes,

that the Trustees would pay, nothing in chapter 13.7 of the Government Code, CEQA or the FORA Act permits FORA unilaterally to determine the amount of any *voluntary* contribution the Trustees may choose to make as a way of satisfying their obligation under CEQA to mitigate the environmental effects of their project. To the contrary, the Trustees as the lead agency under CEQA have the power and duty to assess the adequacy of mitigation measures, subject only to judicial review for abuse of discretion. (See *Laurel Heights Improvement Assn. v. Regents of University of California*, *supra*, 47 Cal.3d 376, 393.) Furthermore, nothing in chapter 13.7 of the Government Code, CEQA or the FORA Act obliges the Trustees to pay more than is necessary to mitigate CSUMB's effects. Certainly the Trustees need not pay to mitigate effects caused by other users of the base. To the contrary, CEQA requires that mitigation measures "be 'roughly proportional' to the impacts of the project." (CEQA Guidelines, § 15126.4, subd. (a)(4)(B), citing *Dolan v. City of Tigard* (1994) 512 U.S. 374; cf. *id.*, at p. 391.)[12]

Finally on this point, the Trustees argue that chapter 13.7 of the Government Code (§ 54999 et seq.) and the FORA Act (*id.*, § 67650 et seq.), which specifically authorize FORA to impose on the Trustees a negotiated fee for certain purposes (e.g., water supply, drainage and wastewater management), suggest the Legislature must have contemplated the Trustees would have no obligation to contribute to FORA for other purposes (e.g., the cost of improving roads and fire protection). We discern in the cited provisions, however, no evidence of a legislative intent to bar the Trustees from voluntarily contributing, as

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12 Similarly, chapter 13.7 of the Government Code, although not here literally applicable, requires that payments by a public agency to a public utility for capital facilities be "nondiscriminatory" and that they "not exceed the amount necessary to provide capital facilities for which the fee is charged." (Gov. Code, § 54999.3, subd. (c).)

a way of meeting their CEQA obligations, their fair share of the cost of improvements to roads and fire protection necessitated by CSUMB's expansion. On this point the FORA Act, as noted, provides simply that "[t]he applicability of any capital facilities fee *imposed* under this title to public educational agencies shall be subject to the provisions of Chapter 13.7 [of the same code]." (Gov. Code, § 67685, italics added.) Chapter 13.7, in turn, speaks only of fees "*impose*[*d*]" (*id.*, § 54999.3, subd. (b), italics added) by public utilities. Because FORA has imposed no fee on the Trustees, neither Government Code section 67685 nor chapter 13.7 has any literal application to the present case. Moreover, neither law purports to limit the Trustees' independent obligation under CEQA to protect the physical environment from the effects of their project to expand the CSUMB campus.

2. Is mitigation infeasible because a contribution by the Trustees to FORA would amount to a prohibited gift of public funds?

The Trustees next argue that any payment to FORA made otherwise than under Government Code chapter 13.7 (§ 54999 et seq.) would constitute an illegal gift of public funds. (See Cal. Const., art. XVI, § 6.) [13] The argument invokes the court's statement in *San Marcos, supra*, 42 Cal.3d 154, that the ability of the school district in that case to "agree to pay [the disputed capacity] charge depend[ed] upon whether the [water] district ha[d] the power to impose it," and that payment of an invalid charge "would amount to a 'gift of public funds' in

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13 "[N]or shall [the Legislature] have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever . . . ." (Cal. Const., art. XVI, § 6.) We have long assumed that this constitutional prohibition, applicable by its terms only to the Legislature, also applies to public agencies. (E.g., *Santa Barbara etc. Agency v. All Persons* (1957) 47 Cal.2d 699, 707.)

contravention of article XVI, section 6 of the California Constitution." (*San Marcos*, at p. 167, quoting *County of Riverside v. Idyllwild County Water Dist.*, *supra*, 84 Cal.App.3d 655, 660.) We have, however, already rejected the central premise of this argument, which is that a voluntary payment by the Trustees would constitute an assessment.

In any event, the relevant law makes clear that a payment by the Trustees for the purpose of mitigating CSUMB's environmental effects would not constitute an unlawful gift of public funds. "It is well settled that, in determining whether an appropriation of public funds or property is to be considered a gift, the primary question is whether the funds are to be used for a 'public' or a 'private' purpose. If they are for a 'public purpose', they are not a gift within the meaning of [the Constitution]." (*County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281.) Such a payment by the Trustees would have the public purpose of discharging their duty as a public agency, under the express terms of CEQA, to "mitigate or avoid the significant effects on the environment of projects that [they] carr[y] out or approve[] whenever it is feasible to do so." (Pub. Resources Code, § 21002.1, subd. (b).)

3. Is mitigation infeasible because the Trustees cannot guarantee that FORA will actually implement the proposed infrastructure improvements?

As a final reason why they cannot feasibly mitigate CSUMB's environmental effects by voluntarily contributing to FORA, the Trustees argue they cannot guarantee that FORA will actually implement the infrastructure improvements proposed in the Reuse Plan. The argument is not persuasive.

In certifying the EIR and approving CSUMB's Master Plan, the Trustees specifically found that the infrastructure improvements proposed by FORA constitute the "specific measure[s]" necessary to mitigate each of CSUMB's

corresponding environmental impacts to the level of insignificance. The Trustees did not find that mitigation of these impacts was feasible, however, in part because of asserted doubts about FORA's ability to fund and implement the proposed improvements. CEQA, as noted, defines a " '[f]easible' " mitigation measure as one that is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15364.) Invoking this definition, the Trustees found in the EIR as to each remaining environmental impact that "implementation of the regional mitigation . . . is currently disputed, [and that] mitigation of the impact to a less than significant level cannot be assured by CSU."

The Trustees explained their position in more detail in response to public comments on their EIR: "Although all parties to the MOA[14] will agree that the determined contributions by CSUMB are intended to mitigate the offsite impacts contributed by development of the Master Plan, it is acknowledged that CSUMB's contribution represents only a portion of the funding needed to implement the regional improvements. Similar payments will need to be made by other jurisdictions contributing to regional impacts in order for the improvements to be implemented. In addition, ultimate implementation of the improvement program is under the responsibility of FORA, and cannot be controlled or assured by the University. For these reasons, . . . the [EIR] determine[s] that the significant impacts on drainage, water supply, traffic, wastewater generation, and fire

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14 That is, a Memorandum of Agreement proposed by the Trustees to implement their proposal to contribute funds pursuant to chapter 13.7 of the Government Code (§ 54999 et seq.) for improvements in water supply, drainage and wastewater management.

protection, identified as caused by the Master Plan, will remain significant and unavoidable. These impacts will therefore require the adoption of a Statement of Overriding Conditions by the [Trustees] in compliance with CEQA."

The presently identified, unavoidable uncertainties affecting the funding and implementation of the infrastructure improvements FORA has proposed in its Reuse Plan do not render voluntary contributions to FORA by the Trustees infeasible as a method of mitigating CSUMB's effects. Both the CEQA Guidelines and judicial decisions recognize that a project proponent may satisfy its duty to mitigate its own portion of a cumulative environmental impact by contributing to a regional mitigation fund. Under the Guidelines, "a project's contribution to a significant cumulative impact" may properly be considered "less than cumulatively considerable and thus . . . not significant" "if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." (CEQA Guidelines, § 15130, subd. (a)(3).) Similarly, courts have found fee-based mitigation programs for cumulative impacts, based on fair-share infrastructure contributions by individual projects, to constitute adequate mitigation measures under CEQA. (E.g., *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th 99, 140.) [15]

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15 The Trustees assert that courts have not permitted *public* entities, as opposed to *private* entities, to mitigate their projects' contributions to cumulative impacts by paying into regional mitigation funds. The single decision on which the Trustees rely, however, is not on point. The court in *Goleta Union School Dist. v. Regents of University of California* (1995) 37 Cal.App.4th 1025, held that the Regents of the University of California had no obligation to propose, in an EIR addressing a project to expand the University of California at Santa Barbara, methods for alleviating overcrowding in local public schools expected to result

(footnote continued on next page)

"Of course a commitment to pay fees without any evidence that mitigation will actually occur is inadequate." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th 99, 140; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 727-728 [lacking evidence water would be available for purchase, an agreement to purchase replacement water did not adequately mitigate groundwater depletion].) There is, however, no reason to doubt that FORA will meet its statutory obligation as the government of Fort Ord to prepare the base for civilian development by constructing whatever public capital facilities are necessary for that purpose. (See Gov. Code, § 67679.) As noted, FORA plans to implement the improvements over a period of several years, as increasing land use necessitates them and as funding becomes available. To enable this task to be accomplished, the Legislature has given FORA a broad array of fundraising powers, including the power to levy assessments and development fees, to share tax revenue with its local-government member agencies, and to sell and lease property. (See Gov. Code, §§ 67678, subd. (a), 67679, subds. (c)-(e), 67691, 67692.) Furthermore, the law specifically directs FORA to use its powers to ensure the success of its statutory mission (e.g., Gov. Code, § 67679, subd. (a)(1) [FORA must "undertake to plan for and arrange the provision of [public capital] facilities, including

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from the project. The basis for the court's holding was that CEQA requires consideration only of "physical change[s]" in the environment (Pub. Resources Code, § 21065; cf. *id.*, § 21060.5), and that the "[e]conomic or social effects of a project shall not be treated as significant effects on the environment" (CEQA Guidelines, § 15131, subd. (a)). (See *Goleta Union School Dist. v. Regents of University of California*, *supra*, at pp. 1030-1033.)

arranging for their financing and construction"]), and the courts ordinarily presume that the government, in this instance FORA, will comply with the law (e.g., *City of Beaumont v. Beaumont Irr. Dist.* (1965) 63 Cal.2d 291, 297; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th 99, 141).

By way of analogy, the court in *Save Our Peninsula Committee v. Monterey Bd. of Supervisors*, *supra*, 87 Cal.App.4th 99, held that a county had adequately ensured the mitigation of traffic congestion effects by "provid[ing] for improvements to be constructed as the traffic triggering the need for the improvements exceeded a projected threshold and the funds to pay for the improvements were generated by the new development." (*Id.*, at p. 141.) CEQA, the court explained, required not "a time-specific schedule for the County to complete specified road improvements" (*ibid.*) but only "that there be a reasonable plan for mitigation" (*ibid.*). FORA's Reuse Plan satisfies that criterion. The Trustees' assumption that CEQA requires more is an error of law invalidating their finding that voluntary mitigation payments to FORA do not represent a feasible method of mitigating CSU's off-campus environmental effects. (*No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal.3d 68, 88 [an agency's "use of an erroneous legal standard constitutes a failure to proceed in a manner required by law"]; see also *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th 99, 118 ["questions of interpretation or application of the requirements of CEQA are matters of law"].)

B. Is Mitigation Exclusively the Responsibility of FORA?

CEQA, as previously noted, does not require a public agency to undertake identified mitigation measures, even if those measures are necessary to address the project's significant environmental effects, if the agency finds that the measures

"are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency." (Pub. Resources Code, § 21081, subd. (a)(2).) The Trustees have made such a finding with respect to the measures necessary to mitigate CSUMB's projected effects on drainage, water supply, wastewater management, traffic, and fire protection. As to each such effect, the Trustees have found that "the specific measure to mitigate [each] impact to a level of insignificance is to implement the planned regional FORA . . . improvements," and that "[i]mplementation of the planned regional improvements is FORA's responsibility."

Certainly FORA has responsibility for implementing the infrastructure improvements it has proposed. (See Gov. Code, § 67679.) Just as certainly, however, the FORA Act contemplates that the costs of those improvements will be borne by those who benefit from them. (See *ibid.*) A finding by a lead agency under Public Resources Code section 21081, subdivision (a)(2), disclaiming the responsibility to mitigate environmental effects is permissible only when the other agency said to have responsibility has *exclusive* responsibility. As the CEQA Guidelines explain, "[t]he finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives." (CEQA Guidelines, § 15091, subd. (c).) The Guidelines' logical interpretation of CEQA on this point "avoids the problem of agencies deferring to each other, with the result that no agency deals with the problem. This result would be contrary to the strong policy [requiring the mitigation or avoidance of significant environmental effects] declared in Sections 21002 and 21002.1 of the statute." (Discussion of Resources Agency following CEQA Guidelines, § 15091; see also 1 Kostka, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2005) § 17.19, pp. 821-823.)

The Trustees offer two arguments in support of their finding disclaiming responsibility for the measures necessary to mitigate CSUMB's off-campus environmental effects. Neither withstands close scrutiny. The Trustees' first argument—that they may not lawfully contribute to FORA in view of *San Marcos*, *supra*, 42 Cal.3d 154, and the constitutional exemption of state property from taxation (Cal. Const., art. XIII, § 3, subd. (a))—has already been considered and rejected. The Trustees' second argument—that they lack the power to construct infrastructure improvements away from campus on land they do not own and control—is beside the point. Certainly the Trustees may not enter the land of others to widen roads and lay sewer pipe; CEQA gives the Trustees no such power. (See Pub. Resources Code, § 21004 ["[i]n mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than this division."].) CEQA does not, however, as we have explained, limit a public agency's obligation to mitigate or avoid significant environmental effects to effects occurring on the agency's own property. (See Pub. Resources Code, §§ 21002.1, subd. (b), 21060.5.) CEQA also provides that "[a]ll state agencies . . . shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities." (*Id.*, § 21106.) Thus, as we have also explained, if the Trustees cannot adequately mitigate or avoid CSUMB's off-campus environmental effects by performing acts on the campus, then to pay a third party such as FORA to perform the necessary acts off campus may well represent a feasible alternative.

To be clear, we do not hold that the duty of a public agency to mitigate or avoid significant environmental effects (Pub. Resources Code, § 21002.1, subd.

(b)), combined with the duty to ask the Legislature for money to do so (*id.*, § 21106),[16] will always give a public agency that is undertaking a project with environmental effects shared responsibility for mitigation measures another agency must implement. Some mitigation measures cannot be purchased, such as permits that another agency has the sole discretion to grant or refuse. Moreover, a state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist. For the same reason, however, for the Trustees to disclaim responsibility for making such payments before they have complied with their statutory obligation to ask the Legislature for the necessary funds is premature, at the very least. The superior court found no evidence the Trustees had asked the Legislature for the funds. In their brief to this court, the Trustees acknowledge they did not budget for payments they assumed would constitute invalid assessments under *San Marcos*, *supra*, 42 Cal.3d 154. That assumption, as we have explained, is invalid.

C. Do Overriding Circumstances Justify Approving the Campus Master Plan?

When a public agency has found that a project's significant environmental effects cannot feasibly be mitigated, the agency may nevertheless proceed with the project if it also finds "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code, § 21081, subd. (b).) The Trustees, as noted, have made such a finding with respect to each of the remaining, unmitigated environ-

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16 "All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities." (Pub. Resources Code, § 21106.)

mental impacts on drainage, water supply, wastewater management, traffic and fire protection.

If we agreed with the Trustees that mitigation were infeasible for the reasons given in the findings, i.e., that the Trustees may not legally contribute to FORA and that the Trustees cannot ensure that FORA will actually construct infrastructure improvements—we would give much deference to the Trustees' weighing of the project's benefits against the remaining environmental effects. Generally speaking, "a court's proper role in reviewing a challenged EIR is not to determine whether the EIR's ultimate conclusions are correct but only whether they are supported by substantial evidence and whether the EIR is sufficient as an informational document." (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d 376, 407.) Moreover, an agency's decision that the specific benefits a project offers outweigh any environmental effects that cannot feasibly be mitigated, while subject to review for abuse of discretion (Pub. Resources Code, § 21168.5), lies at the core of the lead agency's discretionary responsibility under CEQA and is, for that reason, not lightly to be overturned. (Cf. *Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d 376, 392 [court reviews the EIR's sufficiency as an informative document and not the correctness of its environmental conclusions].)

In this case, however, the Trustee's statement of overriding considerations is invalid for a reason that does not require us to reweigh benefits and detriments, or to inquire into the statement's factual basis. A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, only when the measures necessary to mitigate or avoid those effects have properly been found to be infeasible. (Pub. Resources Code, § 21081, subd. (b).) Given our conclusion the Trustees have abused their discretion in determining that CSUMB's remaining effects cannot

feasibly be mitigated, that the Trustees' statement of overriding circumstances is invalid necessarily follows. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. Such a rule, even were it not wholly inconsistent with the relevant statute (*id.*, § 21081, subd. (b)), would tend to displace the fundamental obligation of "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (*id.*, § 21002.1, subd. (b)). This conclusion does not, however, preclude the Trustees from including in a revised EIR a statement of overriding considerations regarding environmental effects as to which they have properly found mitigation to be infeasible for reasons other than those we have rejected.

III. CONCLUSION

From the foregoing discussion it follows that the Trustees must be directed to vacate their actions certifying the EIR and approving the Master Plan and set aside the EIR's statement of overriding circumstances. The superior court's writ of mandate does order such relief. The writ is, however, incorrect in one respect. In describing the principles that would apply should the Trustees decide to make voluntary mitigation payments to FORA, the court wrote that "CSUMB's proportional share of the cumulative impacts on public capital facilities in the region necessary to mitigate the significant adverse environmental impacts of the CMP *shall be determined by* [*FORA*] . . . ." (Italics added.) To the contrary, having chosen not to assess the campus but instead to rely on the Trustees to comply with their CEQA obligation to mitigate or avoid the environmental effects of their project, FORA has no power to dictate the manner in which the Trustees exercise their discretion. Neither do the remedial provisions of CEQA "authorize

a court to direct any public agency to exercise its discretion in any particular way." (Pub. Resources Code, § 21168.9, subd. (c).) CEQA requires only that any mitigation measures the Trustees adopt be adequate. If FORA wishes to compel the Trustees to contribute a specific amount to infrastructure improvement projects, FORA is free to proceed by exercising the powers specifically granted in the FORA Act (e.g., Gov. Code, § 67679, subd. (d)), and in the public financing statutes to which the act refers (*ibid.*), to impose a formal assessment on the CSUMB campus, complying of course with the procedural requirements set out in those statutes and in the California Constitution (e.g., art. XIII D, § 1 et seq.).

IV. DISPOSITION

The judgment of the Court of Appeals is reversed and the cause remanded to that court with directions to order the superior court to vacate its writ of mandate and to issue a new writ consistent with the views set forth in this opinion.

WERDEGAR, J.

WE CONCUR:

GEORGE, C.J.
KENNARD, J.
BAXTER, J.
MORENO, J.
CORRIGAN, J.

CONCURRING OPINION BY CHIN, J.

I concur in the judgment and in most of the majority opinion's reasoning. I write separately to explain my reasons for agreeing that the Board of Trustees of the California State University (Trustees) may not rely on Public Resources Code section 21081, subdivision (a)(2),[1] and to express concern about the majority's discussion of this issue.

Under the California Environmental Quality Act (CEQA) (§ 21000 et seq.), when a certified environmental impact report identifies significant environmental effects of a proposed project, section 21081, subdivision (a)(2), permits a public agency to approve or carry out the project if it finds that "changes or alterations" in the project that would mitigate or avoid the identified environmental effects "are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency." The Trustees, who made such a finding here, argue that this provision applies because, under the Fort Ord Reuse Authority Act (Gov. Code, § 67650 et seq.) (FORA Act), the Fort Ord Reuse Authority (FORA) has "*exclusive* authority to plan and construct off-campus local infrastructure improvements" and "the University *lacks jurisdiction* . . . to build off-site improvements."

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1 All further unlabeled statutory references are to the Public Resources Code.

In my view, the Trustees err by focusing on the wrong question: Whether the Trustees, acting for the California State University (CSU), have any responsibility and jurisdiction regarding actual construction of the necessary off-campus infrastructure improvements. The particular mitigation measure at issue here—i.e., the proposed "change[] or alteration[]" in the project to mitigate or avoid the identified environmental effects (§ 21081, subd. (a)(2))—is not actual construction of the improvements, but is payment to FORA to help fund the improvements FORA intends to construct. Thus, the relevant question here in applying section 21081, subdivision (a)(2), is not, as the Trustees argue, whether they have jurisdiction actually "to build off-site improvements," but is whether they have any responsibility and jurisdiction to help fund FORA's construction of those improvements.

Based on provisions of the FORA Act and the Education Code, I conclude that the Trustees have such responsibility and jurisdiction. Regarding the former, the FORA Act declares the "financing . . . of the reuse of Fort Ord" to be "a matter of statewide importance." (Gov. Code, § 67657, subd. (c).) It provides that FORA's Fort Ord reuse plan "shall be the official local plan for the reuse of the base for all public purposes, including . . . *funding by all state agencies*." (Gov. Code, § 67675, subd. (a), italics added.) It directs FORA to "arrang[e] for the[] financing" of—not to finance itself—"basewide public capital facilities" such as "roads." (*Id.*, § 67679, subd. (a)(1).) It also authorizes FORA to "seek state and federal grants and loans or other assistance to help fund public facilities" (*id.*, § 67679, subd. (c)), and to "enter into contracts and agreements as necessary to mitigate impacts of the reuse of Fort Ord." (*Id.*, §67680.5.) These provisions demonstrate the Legislature's intent that funding of the necessary infrastructure improvements not be solely FORA's responsibility, and that funding be provided, at least in part, by other public agencies.

Several provisions of the Education Code also are relevant to the Trustees' responsibility and jurisdiction. The Education Code declares generally that "[t]he mission of the public segments of higher education . . . include[s] a broad responsibility to the public interest." (Ed. Code, § 66010.5.) Of course, payments to FORA to help mitigate significant environmental impacts of the expansion project here at issue would serve the public interest. The Education Code also declares "the intent of the Governor and the Legislature, in cooperation with the Trustees," to "[p]lace a major priority on resolving the serious problem of impacted and overcrowded classes, not only with respect to the [CSU], but throughout public postsecondary education." (*Id.*, § 66015, subd. (a).) Consistent with this declared priority, the Education Code imposes on the CSU a duty "to plan that adequate spaces are available to accommodate all California resident students who are eligible and likely to apply to attend an appropriate place within the system." (*Id.*, § 66202.5.) It also grants the Trustees "full power and responsibility in the construction and development of any state university campus, and any buildings or other facilities or improvements connected with the [CSU]." (*Id.*, § 66606.) Finally, it directs the Trustees to "expend all money appropriated for the support and maintenance of the [CSU]" (*id.*, § 89750), and authorizes them to "enter into agreements with any public or private agency, officer, person, or institution, corporation, association, or foundation for the performance of acts or for the furnishing of services, facilities, materials, goods, supplies, or equipment by or for the trustees or for the joint performance of an act or function or the joint furnishing of services and facilities by the trustees and the other party to the agreement." (*Id.*, § 89036, subd. (a).) Based on these provisions, I have no trouble concluding that the Trustees have both responsibility and jurisdiction within the meaning of Public Resources Code section 21081, subdivision (a)(2), to contribute to the cost of off-site infrastructure improvements needed to mitigate

significant environmental impacts of an expansion project designed, in part, to address the statutorily declared "priority on resolving the serious problem of impacted and overcrowded classes, not only with respect to the [CSU], but throughout public postsecondary education."[2] (Ed. Code, § 66015, subd. (a).)

I do not join the majority's analysis of this issue insofar as it relies on several CEQA provisions to find that the Trustees have jurisdiction and responsibility within the meaning of section 21081, subdivision (a)(2). (Maj. opn., *ante*, at pp. 34-35.) The majority cites section 21002.1, subdivision (b), which requires "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so," and section 21106, which requires "[a]ll state agencies . . . [to] request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities." (Maj. opn., *ante*, at pp. 34-35.) Because these two CEQA statutes apply to every state agency, the majority's analysis substantially limits the circumstances under which a state agency may invoke section 21081, subdivision (a)(2). It is unclear to me the Legislature intended section 21081, subdivision (a)(2), to be read so narrowly. Because my analysis depends on non-CEQA provisions, I need not, and do not, address that question.

I also do not join the majority's analysis insofar as it appears to suggest that a public agency lacks jurisdiction and responsibility within the meaning of section 21081, subdivision (a)(2), when "the Legislature does not appropriate" money requested to pay for mitigation measures. (Maj. opn., *ante*, at pp. 34-35.) To begin with, the discussion is dictum. As the majority notes, there is no evidence

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2 As the majority notes, the Trustees cited this problem in a statement of overriding considerations to justify their approval of the project despite unmitigated environmental effects. (Maj. opn., *ante*, at pp. 14-15.)

here the Trustees have even asked the Legislature for the necessary funds. (Maj. opn., *ante*, at p. 35.) Thus, it is both unnecessary and premature to express an opinion about whether the Legislature's denial of a funding request would affect the Trustees' jurisdiction and responsibility for purposes of applying section 21081, subdivision (a)(2).

The other reason I do not join the majority's dictum is that I question its soundness. It is not clear to me that, for purposes of applying section 21081, subdivision (a)(2), a public agency has no responsibility or jurisdiction for a mitigation measure simply because the Legislature denies a specific request for money to pay for that mitigation measure. Here, for example, even were the Legislature to reject such a request, arguably, the Trustees would still have responsibility and jurisdiction to contribute to FORA with money from the CSU's general operating fund. Moreover, the Legislature has expressly authorized the Trustees, at their discretion and "without the prior approval of any other state department or agency," to "sell improvements located on the land at the . . . Monterey Bay campus that was transferred" from the federal government (Ed. Code, § 89010, subd. (a)) and to use proceeds from those sales "for the purposes of building, maintaining, and funding a campus . . . at Monterey Bay through expenditures for improvements to the campus . . . ." (*Id.*, § 89010, subd. (b).) Arguably, by virtue of these provisions, even were the Trustees to make, and the Legislature to reject, a specific appropriation request regarding the off-campus improvements here at issue, the Trustees would have "the power" to make contributions to FORA for those improvements (maj. opn., *ante*, at p. 35) and would have jurisdiction and responsibility within the meaning of Public Resources Code section 21081, subdivision (a)(2), to make such contributions. Because of these substantive doubts, because we need not decide the question here, and

because we have no briefing on the question, I decline to join the majority's dictum.

CHIN, J.

See next page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion City of Marina v. Board of Trustees of California State University

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Unpublished Opinion
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Original Proceeding
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Stop the demolition of a national eligible masterplanned community.
robert galvin to: board.of.supervisors 03/17/2011 04:36 PM
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Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Housing is a human rights issue.People have to reclaim the U.S.Constitution for themselves and away from the monied interests.It does no good to have a significant part of the population without decent housing.Residentual income property must be highly regulated and controlled.The monied interests will give you nothing.But they are more than willing to take away your dignity.They are the Devil's advocates.SATAN NEVERS SLEEPS.

robert galvin
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.

File 110206

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 15 PM 3:07
BY AK

Tony Zhang
355 Serrano Drive, Apt. 6-F
San Francisco, CA 94127

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing to ask you to support the development as it moves forward.

I'm very excited about the new improvements that the Parkmerced Vision will bring to our neighborhood. I appreciate that the project will bring transit into the neighborhood, as the transit will allow residents to get around without the use of a car. I particularly look forward to the addition of new neighborhood amenities, including a community center and neighborhood cafes, so that we can walk to neighborhood destinations rather than drive to finish our errands.

I'm also appreciative that the new housing is geared toward bringing more families to our neighborhood. Our city needs to provide new housing to ensure that families can continue to make their home here. The new pocket parks and walking paths will make this a very family-friendly neighborhood. These paths will also allow people with strollers and wheelchairs to enjoy the natural beauty of our area.

Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have done many site improvements without implementing passthroughs, they will move existing residents into new units without changing their rent control status, and they've listened to our feedback and suggestions on the redevelopment project.

I support the proposed Parkmerced project. I hope you move the development forward.

Sincerely,

Tony Zhang
9/30/2010

File 110206

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 15 PM 3:06
BY AIK

Lucy Zhang
50 Chumasero Drive, Apt. 2-E
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing in strong support of the Parkmerced redevelopment and revitalization.

The current owners of Parkmerced are actively working to make our neighborhood more environmentally sustainable. They have initiated and completed several site improvements that were left unacknowledged for years and I stand behind their efforts to create a more environmentally sound and socially conscious community.

Unfortunately, Parkmerced's existing units are not environmentally friendly. The units have inadequate plumbing and electrical service, are poorly insulated and are generally wasteful of precious resources. The residents largely depend on automobiles because of a lack of bicycle and transit infrastructure. The Parkmerced Vision project responds to these concerns by implementing energy efficient units, new transit programs and infrastructure, and bicycle pathways. The project team also plans on using native plants and reducing water use lost through landscaping while beautifying our community.

I look forward to new neighborhood serving retail amenities, the use of alternative energy sources, reduced water usage and improved access for bikes and pedestrians. I urge you to support the Parkmerced project.

Sincerely,

Lucy Zhang

Lucy Zhang

11/28/2010

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 15 PM 3:06
BY AK

File 110206

Dan and Julie Brook
350 Arballo Drive, Apt. 10E
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

We have been residents of Parkmerced for over 20 years and are very familiar with our community. We are writing today to ask for your support of Parkmerced's redevelopment project – one of the most sustainable projects in the country.

The Parkmerced Vision proposal will make Parkmerced a sustainable and thriving neighborhood. The plans include many community wide improvements: improving MUNI access, reorganizing the green space into community gardens and gathering spaces, , and an organic farm. Parkmerced promises to reduce water use and carbon emissions, possibly down to zero. These types of improvements will take our neighborhood from a mid-century, auto-focused housing development to a walkable, livable, green neighborhood.

Parkmerced's owners have made many efforts to involve residents in the revitalization's planning. They have held meetings with Parkmerced residents and other community groups to explain the Vision proposal and to hear and address our concerns. In fact, they have incorporated our suggestions into the plans and we expect that they will continue to take our suggestions into consideration.

We are proud that this project will serve as a national model for environmentally-friendly housing developments. The new homes and landscaping will greatly reduce water and energy use, and will use alternative forms of energy. The project will zone the neighborhood for local shops and retail, meaning that residents won't need to drive to their day-to-day destinations. We are particularly excited about the plans for improvements to access to public transit and incorporating interconnected bicycling and walking paths, throughout the neighborhood. All of these plans will reduce automobile dependency and promote San Francisco's goals of green, healthy living.

As long-time environmental activists, and the winners of Parkmerced's SF Green Family contest, we are excited about the Vision plan's promise of building a sustainable community. Our work with Parkmerced on this plan is just beginning; we will be around to hold the owners to their promises and to work toward the wonderful green neighborhood Parkmerced can and should be.
We support the proposed Parkmerced project. We hope you move the development forward.

Sincerely,

Dan Brook, PhD

Julie Brook, Esq.

File 110206
Jay

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:20
BY AK

San Francisco Board of Supervisors
1 Dr. B. Goodlett Place Room, 244
San Francisco, CA 94102

October 11, 2010

To the San Francisco Board of Supervisors:

I write about the proposed Parkmerced vision project. As a long time San Francisco resident, voter and small business advocate, I believe that replacing the older inefficient apartment units is a great idea on several fronts.

- The newer units will be much more energy and water efficient
- Handicap access will be greatly improved
- A bicycle sharing network will be added along with coordinating the re-routing of public transportation
- Multi use paths will help connect Parkmerced to surrounding neighborhoods, **increasing the visibility for small businesses in the area**
- The construction will provide some needed work for construction workers
- Newer & better units for current residents that will maintain their current rent control status
- Adding several hundred new – efficient - needed rental units

I fully support the Parkmerced vision project and hope that you will also.

Sincerely,

Arthur T. Swanson, Jr.
President, San Francisco Small Business Network

110206

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:28
BY AK

Joy

Artemio Aboytes
20 Garces Drive
San Francisco, CA 94132
October 1, 2010

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and am writing in support of the Parkmerced Vision project. Parkmerced's owners have openly engaged with neighbors and residents in the project planning process. Representatives have gone out of their way to meet with us and incorporate our suggestions into the plans. I appreciate their outreach and am excited to see the project move forward.

One of the elements I am most excited about is the development of new local shops, services and gathering spaces. The existing outdoor spaces, although expansive, are practically unsuable. The Parkmerced Vision will bring in new pocket parks, gathering spaces, corner cafes, restaurants, shops for dry cleaning and other errands, and even a gym and community center. Having these amenities within walking distance of my home will improve my quality of life. This will also help revitalize our neighborhood economy.

I am very excited to see the existing apartments upgraded. Although my current unit is my home, it was clearly built fifty years ago. I am happy that existing residents will be provided with new, energy-efficient, warm, comfortable apartments once the project begins to be built. Parkmerced management have assured residents that, as long as we live within Parkmerced property, we can receive a new unit without impacting our current rent control status. This will allow me to say in my home but receive the benefits of the new development.

Finally, I am glad that Parkmerced is streamlining and funding upgrades to MUNI in our community. This is an important project for reducing automobile dependency in our city. With Parkmerced's funding, the entire community will benefit from improved MUNI access.

I support the Parkmerced redevelopment project. Please approve the project when it comes to you for review.

Sincerely,

Artemio Aboytes

File 110206
Jay

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:28
BY AK

Elliot Wong
107 Tapia Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and student at neighboring San Francisco State University. I am writing in support of the Parkmerced Vision project.

Parkmerced's owners have openly engaged with neighbors and residents in the project planning process with representatives going out of their way to meet us and incorporate our suggestions into the plans. I appreciate their outreach and am excited to see the project move forward.

One of the elements I am most excited about is the development of new local shops, services and gathering spaces. The existing outdoor spaces, although expansive, are practically unsuable. The Parkmerced Vision will bring in new pocket parks, gathering spaces, corner cafes, restaurants, and other neighborhood serving retail establishments, and even new multi-purpose sports fields, a gym and community center. Having these amenities within walking distance of my home will improve my quality of life. This will also help revitalize our neighborhood economy.

I am very excited to see the existing apartments upgraded. Although my current unit is my home, it was clearly built fifty years ago. I am happy that existing residents will be provided with new, energy efficient, warm and comfortable apartments upon phase completions. Parkmerced management has assured residents that as long as we live within Parkmerced property, we can receive a new unit without impacting our current rent control status.

Finally, I am glad that Parkmerced is streamlining and funding upgrades to MUNI. This is an important project for reducing automobile dependency in our city. As a student and resident on the west side, I know the entire community will benefit from improved MUNI access.

I support the Parkmerced redevelopment project. Please approve the project when it comes to you for review.

Sincerely,

Elliot Wong

File 110206
Jay

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:19
BY AK

Edward Villaflor
321 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I have been a resident of Parkmerced since 2004 and I'm writing in support of the Parkmerced project. Parkmerced has done a great job with resident and neighbor outreach. They listened to our feedback and suggestions which is evident in the project plans.

I'm very excited about the new improvements that the Parkmerced Vision will bring to our neighborhood. I appreciate that the project will bring MUNI into the neighborhood instead of having to cross the busy intersection on Nineteenth and Holloway Avenues. I particularly look forward to the addition of new neighborhood amenities, including a community center and neighborhood cafes, so that we can walk to neighborhood destinations rather than drive a mile away just to run errands.

I'm also appreciative that the new housing is geared toward bringing more families to our neighborhood. Our city needs to provide new housing to ensure that families can continue to make San Francisco their home. The proposed new pocket parks and bike and walking paths will make this a very family-friendly neighborhood.

Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,

Edward Villaflor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:19
BY AK

File 110206
Jay

Terry Villaflor
321 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

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Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,

Terry M. Villaflor

Terry Villaflor

File 110206
Item

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 14 PM 3:19
BY AK

Andrew Villaflor
321 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

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Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,

Andrew M Villaflor

Andrew Villaflor

B/F clerk

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110206: Stop the demolition of a national eligible masterplanned community.

From: christine brazis <mail@change.org>
To: board.of.supervisors@sfgov.org
Date: 03/12/2011 12:44 PM
Subject: Stop the demolition of a national eligible masterplanned community.

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

christine brazis
san Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.

File 110206



Public Release of Letter Sent to Parkmerced Resident Retention and Management Services - Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive

Peggy Nevin to: Joy Lamug, Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen, Scott Wiener, Jane — 03/07/2011 11:04 AM

From: Ahimsa Sumchai MD <asumchai@live.com>
To: angela Calvillo <angela.calvillo@sfgov.org>, <sftimes@mac.com>, Twin Peaks Observer <tpobserver@aol.com>, Fiona Ma <assemblymember.ma@assembly.ca.gov>, Leland Yee <senator.yee@senate.ca.gov>, Planning Commission <planning.commission@sfgov.org>
Date: 03/04/2011 02:09 PM
Subject: Public Release of Letter Sent to Parkmerced Resident Retention and Management Services - Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive

Tragedy in Parkmerced...or when good tenants go bad!

AHIMSA PORTER SUMCHAI, M.D.

From: asumchai@live.com
To: board_of_supervisors@ci.sf.ca.us; editor@sfbayview.com; editor@sfexaminer.com; jdiaz@sfchronicle.com; tredmond@sfbg.com; sarah@sfbg.com; bruce@sfbg.com; editor@fogcityjournal.com; editor@sfweekly.com; matier&ross@sfchronicle.com; cityattorney@sfgov.org; matt.dorsey@sfgov.org; sean.elsbernd@sfgov.org; david.chiu@sfgov.org; john.avalos@sfgov.org
Subject: Public Release of Letter Sent to Parkmerced Resident Retention and Management Services - Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive
Date: Fri, 4 Mar 2011 14:06:25 -0800

I am publicly releasing the information below directed to Parkmerced management in the hopes that it will benefit the quality of services rendered to new and continuing tenants in the proposed development area. There has been no response to the very serious health and safety issues that have prompted me to vacate a one bedroom garden unit I have leased since April 2009.

AHIMSA PORTER SUMCHAI, M.D.

From: asumchai@live.com

To: hkhatri@parkmerced.com; asumchai@live.com
Subject: Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive
Date: Fri, 4 Mar 2011 13:58:50 -0800

To: Himanshu Khatri - Retention Advocate
Parkmerced
1 Varela Avenue,
San Francisco, California
94132

Dear Mr. Khatri,

I was surprised and disappointed that you did not respond within 24 hours acknowledging the email and phone communication regarding the legitimate issues I have raised with the Parkmerced owners and managers as documented in the email below. Frankly, I find this, at minimum, unprofessional conduct. I am certain the pure weight of the concerns I have raised deserve a response. Please be advised that I plan to vacate the one bedroom garden unit at 767 Gonzalez Drive by March 18, 2011 in keeping with the 30 notice mandate I signed with your office on Friday, February 18, 2011. Please keep the pet deposit and rental deposit as a courtesty towards my use of the apartment as domicile past the first day of March. Also be advised that I have received a legal opinion which urges me to request a formal response from Parkmerced management regarding the issues outlined below as important safety issues are raised that may impact other tenants in the complex. As such, I am offering you 24 hour notice to respond to the issues raised in my communication with you. I am most concerned about the toxic appearing material that I retrieved from my bathroom drain and it's potential lead, mercury and other toxic metal contents.

Also be aware that I will be releasing this information to the media, the San Francisco Board of Supervisors, the Planning Commission and Mayor's office in the hopes that the issues I have raised, that management has failed to adequately respond to, might benefit residents who choose to stay in the proposed development area.

AHIMSA PORTER SUMCHAI, M.D.

From: asumchai@live.com
To: hkhatri@parkmerced.com; asumchai@live.com
Subject: Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive
Date: Thu, 3 Mar 2011 11:18:47 -0800

To: Himanshu Khatri - Retention Advocate
Parkmerced
1 Varela Avenue
San Francisco, Calif. 94132

Re: 767 Gonzalez Drive
Account # 1017022078 P3468

Dear Mr. Khatri,

My name is Dr. Ahimsa Porter Sumchai. I am a single woman, a practicing physician and fitness professional and the mother of a son with a disability that calls for residential treatment and care. I have lived in a very nice garden unit at 767 Gonzalez Drive for two years located at the southwest corner of the complex. It is slated for deconstruction under the development plan approved by Planning last month. I walk to 19th and Holloway almost every day because the 17 Parkmerced is often unpredictable. Additionally, I have two toy dogs who have been attacked by a pit bull breed located in the complex. I generated a formal complaint with your office about this dog. There are now two pit bulls, a german shephard and a Great Dane in the complex.

I am writing to ask that you advocate on my behalf to reduce my rent from $1700+ a month. With utilities and cable this comes to about $2000 for a one bedroom unit. A $100 to $200 reduction could prevent my moving from the unit by the 15th of March. I live next door to a neighbor at 1 Rivas. He lives in a two bedroom corner garden unit with an upstairs. He pays about $1350 a month.

Maintenance has been at my unit about six times this year. In January the kitchen sink literally erupted and overflowed very quickly flooding my kitchen and destroying three of the wooden cabinet drawers. I called maintenance and was put on hold with classical music. I was going to call 911 but finally got a maintenance response. It took a week and two more calls to get the drawers replaced but the bottom third drawer was never responded to.

On February 18th, the bathroom sink clogged as I was trying to get out of the house for a medical appointment. I used a plunger and a huge amount of toxic looking sludge that was black and metallic came out. It alarmed me. I called the plumber out of personal safety concerns. He arrived in a timely manner. I had unclogged the drain. He reassured me and left the unit but lost my key. He came back and I was forced to get out of the bath tub. He informed me the locks had to be immediately changed. I insisted it be done the next day. I received a call while dripping wet and naked from a woman in maintenance stating the keys had to be changed. I was late for work because a worker arrived to change the locks. It was 9pm before I found the replacement key at the Arballo courtesy patrol office. The woman promised me she would leave her cell number and get the key to me. She never called.

I would like to continue to live at 767 Gonzalez for at least another year but cannot continue to pay $2000 a month total for a one bedroom that, while esthetic, quiet and safe, is poorly accessed by taxi and public transit and has been the source of continued suboptimal maintenance and dog safety issues.

Can you please do whatever you can to mediate with the owners and management any reduction in rent that would help me stay in the unit a little longer? I own a medical practice and a fitness clientele. I pay monthly rent for an office on West Portal Avenue and a studio on Judah. It can cost up to $5000 for first of the month rent at these locations and a fall in revenues from the economic downturn has caused such a squeeze on my finances I have not been able to buy enough food to eat on several occassions.

AHIMSA PORTER SUMCHAI, M.D.

On Jan 29, 2008, at 2:47 PM, ahimsa sumchai wrote:

Can you send copies of the photos? I will use them with your permission only. I would like to write a piece on single payer health care for the SF Bayview and use some of the shots to promote Cindy's campaign.

Dr. Ahimsa Porter Sumchai NSCA-CPT

Shed those extra pounds with MSN and The Biggest Loser! Learn more.

Get in touch in an instant. Get Windows Live Messenger now.

Use video conversation to talk face-to-face with Windows Live Messenger. Get started.

Windows Live™: Discover 10 secrets about the new Windows Live. View post.

It's the same Hotmail®. If by "same" you mean up to 70% faster. Get your account now.

Hotmail® is up to 70% faster. Now good news travels really fast. Find out more.

Windows 7: It works the way you want. Learn more.

File 110206 cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 11 PM 2:46
BY AK

BOS-11

Janan New
San Francisco Apartment Association
265 Ivy Street
San Francisco, CA 94102

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

As a long time resident of San Francisco and executive director of the San Francisco Apartment Association (SFAA), I'm writing to ask your support for the Parkmerced Vision project.

As you may know the SFAA advocates for the creation of well-designed, well-located housing and supports home ownership for San Franciscans. Parkmerced's proposal to create several hundred new housing units (both for sale and for rent) and improve access to public transportation has secured our support.

SFAA appreciates that the Parkmerced management team has carefully considered both in-unit comfort and neighborhood-wide amenities. The existing units at Parkmerced are outdated, environmentally inefficient and located inconveniently far from transit, shopping and job centers. The proposed project will greatly improve resident quality of life, creating accessible units with many updated in-unit elements such as dishwashers and low-flow fixtures. The project will also redesign the community-wide areas, turning currently unused open space (such as broad medians) into usable outdoor gathering areas, and bringing in new retail to serve the residents. Finally, project management is working closely with MUNI to provide development monies to improve public transit access. These will improve the housing quality and neighborhood benefits for everyone in west San Francisco.

Another key aim of SFAA is to ensure that future generations—including the children of existing Parkmerced residents—will be able to afford to live in San Francisco. Unless we continue to expand our housing supply, this will not be possible. The Parkmerced project will create thousands of high-quality, environmentally friendly new units, establishing sustainable growth in this underdeveloped area.

Further, the opportunity for current residents and prospective residents to purchase a home on San Francisco west side cannot be under emphasized. The lack of opportunity for home ownership has been detrimental to the improvement of the many basic needs of all of San Franciscans.

The proposed Parkmerced project is a boon to the quality and availability of housing in San Francisco. Please join me in supporting the project.

Sincerely,

Janan New
Executive Director

Cc: David Chiu, Board President; Supervisor Mar, Supervisor Michaela Alioto-Pier, Supervisor Chu, Supervisor Mirkarimi, Supervisor Daly, Supervisor Elsbernd, Supervisor Dufty, Supervisor Campos, Supervisor Maxwell, Supervisor Avalos

File 110286

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 11 PM 2:45
BY Ak

page

BOS-11

Reiko Kawai
202 Cardenas Avenue
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing in strong support of the Parkmerced redevelopment and revitalization.

The current owners of Parkmerced are actively working to make our neighborhood more environmentally sustainable. They have initiated and completed several site improvements that were left unacknowledged for years and I stand behind their efforts to create a more environmentally sound and socially conscious community.

Unfortunately, Parkmerced's existing units are not environmentally friendly. The units have inadequate plumbing and electrical service, are poorly insulated and are generally wasteful of precious resources. The residents largely depend on automobiles because of a lack of bicycle and transit infrastructure. The Parkmerced Vision project responds to these concerns by implementing energy efficient units, new transit programs and infrastructure, and bicycle pathways. The project team also plans on using native plants and reducing water use lost through landscaping while beautifying our community.

I look forward to new neighborhood serving retail amenities, the use of alternative energy sources, reduced water usage and improved access for bikes and pedestrians. I urge you to support the Parkmerced project.

Sincerely,

Reiko Kawai

Reiko Kawai

BOS-11 file 110206 cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 11 PM 2:46

BY AK

Gaurav Khatri
420 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear Board of Supervisors:

I am a resident of Parkmerced and I am writing in strong support of Parkmerced's revitalization and redevelopment.

Over the sixty years since Parkmerced was built, there have been significant changes in what constitutes environmentally sound design. Parkmerced intends to incorporate the following into its plan:

- Drought-resistant, California-native landscaping that would reduce water and fertilizer use, as well as address current runoff issues that impact our ocean
- New units that would be 60% more energy- and water-efficient
- Renewable energy sources (wind, solar) that would create a sustainable energy plan
- Transit-first changes that would reduce the need for cars, including:
    - new bike and pedestrian paths
    - new retail stores within 10-minutes walking distance of all residents
    - public transportation efforts like a more accessible MUNI station and a new shuttle to BART and shopping
    - A transportation coordinator to head programs like carpool programs, bike sharing, and the above-listed efforts

I believe implementing Parkmerced's vision will contribute to the betterment of the neighborhood by providing much needed housing, transportation improvements and a stronger sense of community.

I support Parkmerced's plan and urge you to approve it.

Sincerely,

Gaurav Khatri

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 10 PM 3:12
BY AK

File 110206
cpage
BOS-11

March 6, 2011

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear President Chiu and the Board of Supervisors:

We are residents of Parkmerced and we are expressing our support for the Parkmerced Vision development project and urge you, the rest of the Board of Supervisors and the Mayor to approve this project at the earliest opportunity.

A few groups, including Tenants Together and Parkmerced Action Coalition, have recently begun to speak against the Parkmerced Vision. These small groups do not speak for us or the majority of residents at Parkmerced. They continue to misrepresent facts about resident protections and the relocation process which have been clearly outlined in the Development Agreement. It has only been in the past few months that these groups started spreading inaccurate information about "displacement" and "demolition," tactics used most likely to fuel fear amongst us. These groups have been unwilling to truly understand the project let alone work with anyone in a practical way to address their concerns like we have.

We have been and continue to be involved in the collaborative planning process and are well informed. Parkmerced management and City staff have been meeting and working openly with us for over five years - engaging us in project planning and keeping us informed throughout the process. Their fundamental commitment to protect us has been stated early and repeatedly throughout the planning process. More importantly, they have been true to their commitments so far and we understand that the Resident Guarantees will continue to protect our rights and our homes, regardless of who owns Parkmerced. This gives us great comfort and assurance.

The Guarantees promise that any resident who lives in an existing garden home will be provided a **brand new unit at the same rent-controlled rate** with the same rent control protections as their existing apartment and with the same lease terms. Convenience will be improved as replacement homes will have all new appliances and fixtures: including a dishwasher and washer/dryer. Safety will be improved since buildings will meet or exceed all current code and seismic requirements which addresses the issue of constant maintenance in the existing homes. Because replacement homes will be more efficient we will experience lower utility bills. And the community as a whole will benefit, especially seniors, due to improved accessibility.

The Vision brings much needed improvements to our aging neighborhood. We will all experience improved transportation services, community amenities, shopping, parks, pedestrian safety and energy conservation in what will be a revolutionary neighborhood.

We live at Parkmerced. We have to live in the buildings that are becoming challenging to maintain because of their age and poor original construction. Continuing the cycle of constant repair does not make any practical or financial sense for residents or Parkmerced.

Listen when we say: it is time to replace and rebuild Parkmerced. We are urging you to approve the Parkmerced project at the earliest opportunity.

Sincerely,

Name: MICHAEL R. SMITH
Address: 138 Juan Bautista, SF, CA 94116
Signature: Michael R. Smith

Name: JAMES M. COPPER
Address: 405 SERRANO DR. #12K
SAN FRANCISCO, CA. 94132
Signature: James M. Copper

Name: Daniel W. Phillips
Address: 405 Serrano DR-12K
Signature: Daniel W. Phillips

Name: Jeanne D'Arcy
Address: 404 Serrano Dr.
Signature: Jeanne D'Arcy

Name: JIM COOK
Address: 350 ARBALLO DR #5G
Signature: J. Cook

Name: Terry M. Villaflor
Address: 321 Garces Dr.
Signature: S.F. CA. 94132

Name: Tony Zhang
Address: 355 Serrano Dr. 6F
Signature: [signature]

Name: Andrew M. Villaflor
Address: 321 Garces Dr.
Signature: S.F. CA. 94132

Name: Lucy Zhang
Address: 50 Chumasero Dr 2E
Signature: Lucy Zhang

Name: EDWARD VILLAFLOR
Address: 321 GARCES DR
Signature: [signature]

Name: Hui Min Zhang
Address: 50 Chumasero Dr. 3L
Signature: Joyce Zhang

Name: Art Aboytes
Address: 20 Garces DR
Signature: [signature]

Name: Min Han
Address: 50 Chumasero Dr.
Signature: Nancy Han

Name: Scott Killpack
Address: 20 Garces DR
Signature: [signature]

Name: Tin Min Chao
Address: 50 Chumasero Dr.
Signature: Min Chao

Name: [illegible]
Address: 609 Arballo Dr.
Signature: [signature]

Name: Jeanie S. Scott
Address: 769 Gonzalez Dr
Signature: Jeanie Scott

Name: Omar Vallejo
Address: 609 Arballo
Signature: [signature]

Name: Jo Mari Brott
Address: 408 Arballo Dr.
Signature: San Francisco CA
[signature]

Name: Chris [illegible]
Address: [illegible] St. 94112
Signature: [signature]

Name: CAROL KOPPEL
Address: 328 GARCES DR
Signature: C Koppel

Name: Mark Kurek
Address: 319 Garces DR.
Signature: Mark Kurek

Name: Nic Durst
Address: 319 Garces DR.
Signature: Nic Durst

Name: Kayla Hilton
Address: 210 Cardenas Ave
Signature: [signature]

File 110206

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BOARD OF SUPERVISORS
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2011 MAR -9 PM 2:59
BY AK

Cpage BOS-11

RMC
Real Management Company

October 6, 2010

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

To the San Francisco Board of Supervisors:

The Parkmerced Vision project will greatly improve housing quality, comfort and availability in San Francisco. As a native San Francisco resident, voter, and longtime San Francisco property manager, I'm writing to ask your support for the Parkmerced Vision project. I grew up attending synagogue at Temple Beth-Israel Judea on Brotherhood Way, near to Parkmerced, and have always felt that the Parkmerced property was oddly designed for the area of the city in which it is situated. It is excessively car-centric and integrates wide swathes of grassy areas that are resource intensive, especially in a foggier area of San Francisco. The proposed modifications address these concerns, and others, in modern, creative ways that will be beneficial for San Francisco.

Parkmerced's proposal to redevelop outdated, drafty and inefficient units to create several hundred new, comfortable, energy-efficient units will improve the average resident's access to modern and sustainable housing in San Francisco.

The existing units at Parkmerced are, to put it simply, at the end of their useful life. The units require consistent maintenance calls, are wasteful of limited water and energy resources, are inappropriately less dense surrounding neighborhoods and provide limited means to get around - without a car. The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing new multi-use paths to connect Parkmerced to surround neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for residents in Parkmerced and city-wide.

For people currently living in displaced units, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision project will increase housing availability and quality in west San Francisco. I fully support the project and urge you to do the same.

Sincerely,

[redacted] Panzer, CCPM
Property Manager, Broker

1234 Castro Street • San Francisco, CA 94114-3232 • Office: 415-821-3167 • Fax: 415-821-9484 • www.sfmanager.com

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BY AK

File 110206
Cpage
BOS-11

Joel Koppel
San Francisco Electrical Construction Industry
Labor-Management Office of Business Development
55 Fillmore Street
San Francisco, CA 94117

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I grew up in Parkmerced and my mother is a current resident. I am writing in support of the Parkmerced project.

Parkmerced has had many different owners, but the current owners have proven themselves to be the most involved and committed. In the past few years, the new owners have addressed maintenance issues that were delayed for years under other management. However, speaking as a person who works in the electrical and construction industry, there comes a point when maintenance is only a temporary repair to what should be replaced. The current units, outdated and inefficient as they are, have reached the point where replacing the units is for the best. I am excited that the current managers are proposing broad improvements that will benefit both existing and future residents.

I am also pleased that management is making efforts to reduce the impacts of Parkmerced's environmental footprint. The Parkmerced area is large and not very dense, so there is enormous possibility to do significant upgrades to the community that will positively impact San Francisco's impacts on environmental resources. The proposed transit infrastructure will reduce our carbon emissions, the new landscaping will reduce water usage, and the new buildings will make more efficient use of greener, alternative energy sources.

My family and I have a history in Parkmerced and we are planning for a future here as well. We look forward to seeing this project developed and urge you to support the Parkmerced managers.

Sincerely,

Joel Koppel
Director

File 110206
c page
BOS-11

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -9 PM 2:58
BY AK

Christopher & Isha Mok
110 Bucareli Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

As an 8 year resident of Parkmerced I have noticed that Parkmerced's owners are dedicated to improving the property and I support the proposal for revitalizing the neighborhood.

For years, I have believed that Parkmerced needed amenities similar to other neighborhoods: community gathering places, shops and stores. The revitalization plans recognize this by creating a community center, fitness center, community gardens, "pocket parks" and more accessible open space that is genuinely inviting. With these amenities, life in Parkmerced will be more enjoyable and more convenient.

I support the need for smart housing growth in San Francisco and specifically in the southwest area near transit.
Approval of the project allows Muni and other agencies to work with Parkmerced to address the needed transit improvements on 19th Avenue.

The plan to improve housing and create a more cohesive neighborhood will have a lasting positive affect for our community. As I understand from the proposed plans, Parkmerced intends to implement a revitalization that both listens to existing residents and helps the community members live more comfortably. That they are really listening to what the residents want shows their commitment to improving this community.

I fully support Parkmerced's plan and urge you to approve it.

Sincerely,

Christopher & Isha Mok

File 110206
BOS-11
1 page

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -8 PM 3:05
BY

Chris Cunnie
562 Arballo Drivbe
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I have been a resident of Parkmerced for 4 years. I'm writing to ask you to support the Parkmerced development project.

This project will bring numerous improvements to our neighborhood. Some improvements include:

- New, more comfortable units
- Environmentally responsible landscaping and energy use
- Improved access to MUNI
- Better access to open space (no more wasted space in the medians of roadways)
- New gym, community center and business center
- New bike paths that will connect Parkmerced to other neighborhoods

I'm particularly excited that this project will implement improved access to MUNI. As we are all aware, San Francisco and MUNI are severely underfunded in this economy.

Although these transportation improvements are needed and have broad community support, as of right now there is simply no money available for these much needed MUNI improvements. The Parkmerced managers are committed to coordinating the transit improvements and in funding the upgrades, moving this vital project forward.

I appreciate the outreach that the Parkmerced managers have made in our community, ensuring that neighbors and residents are informed of the project. The Parkmerced Vision project will be a boon to west San Francisco. Please support the project.

Sincerely,

Chris Cunnie

File 110206
BOS-11
1 page

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -8 PM 3:05
BY

Scott M. Foster, RA, LEED AP
369 Prentiss Street
San Francisco, CA 94110

February 9, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear San Francisco Planning Commission,

As a resident of San Francisco, a California licensed architect and a USGBC Legacy LEED Accredited Professional, I am writing to express my support for the planned revitalization of Parkmerced being considered by you tomorrow.

I had inspected interior unit renovations at the property for several years. My personal observations revealed two critical issues. First, the infrastructure of the low-rise garden apartment buildings had nearly exceeded its useful life. While fixtures and finishes were being replaced, it was obvious looking at the guts of these old buildings that the time to replace them was rapidly approaching, or in some cases had been exceeded. They have simply outlived their service-able life and continued bandaid fixes would only allow wounds to fester below. These buildings were not originally built to last forever. Secondly, the density of this development did not seem appropriate for our world-class city. The scale would be more appropriate for an outlying suburban enclave. The original design concept for this property is a throwback to an era when people wanted to leave the cities in part because of their density. This nostalgia is simply neither appropriate nor desirable in a modern city such as ours. Opportunities for that sort of life style are abundant in the bay area- but across the bay and over the hills. We need to plan intelligently for population growth and this is a wonderful place to prudently allow this growth. There is, in my opinion, no significant historical or architectural greatness to be preserved here. I can say with the certainty of experience that the residents who now oppose this project will ultimately celebrate the barrier-free, seismically engineered, and improved water, electric and heat of the proposed new buildings.

Our city's Transit First policy would be well served by the proposal in front of you. The current development was created in an age when the cart was king, and this approach is not sustainable. Extending our public transportation system into a denser housing development is a win-win for all of us.

I support Parkmerced's plan and urge you to approve it.

Sincerely,

Scott M. Foster, RA, LEED AP

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2011 MAR -8 PM 3:04
BY

File 110206
BOS-11
1 page

SAN FRANCISCO
CHAMBER OF COMMERCE *Where smart business starts.*

October 8, 2010

Hon. David Chiu
President
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

RE: Parkmerced Master Plan

Dear Sup. Chiu:

The San Francisco Chamber of Commerce, representing over 1,500 businesses from throughout the city, strongly supports the master plan process now under way for Parkmerced.

The mission of the Chamber is to attract, develop and retain business in San Francisco. The redevelopment of Parkmerced will create an environment that supports these goals by promoting job growth, economic expansion and enhanced quality of life for the community. This sustainable plan will reduce sprawl and provide new housing near jobs and transit.

Over the next twenty years San Francisco will have the opportunity to provide its share of regional "smart growth" at Hunters Point, Treasure Island and Parkmerced. We look forward to working with the Board of Supervisors to make all these plans a reality.

Sincerely,

JIM LAZARUS
Sr. Vice President

cc. Each Member, Board of Supervisors

BR-11 File 110206

Property Management Systems

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SAN FRANCISCO
2011 MAR -7 PM 3:11
BY AK

cpage

October 6, 2010

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

To the Honorable San Francisco Board of Supervisors:

This letter is to confirm our SUPPORT of the The Parkmerced Vision Project. This very important project will greatly improve the existing housing quality, comfort and availability for San Francisco. As a resident of San Francisco, registered voter, veteran rental housing provider in the City and leader with Professional Property Management Association, San Francisco Apartment Association and the Small Business Network - I'm writing to request your support for The Parkmerced Vision Project.

As a rental housing provider specific to the San Francisco market, I have worked with hundreds of Owners and thousands of residents to improve the quality of our city's housing supply. Parkmerced's proposal to redevelop outdated, drafty, and inefficient units and to create several hundred new, comfortable, energy-efficient units will improve the average resident's access to modern and sustainable housing in San Francisco for years to come.

The existing units at Parkmerced are, to put it simply, at the end of their useful life. The units require consistent maintenance calls, are wasteful of limited water and energy resources, are inappropriately less dense surrounding neighborhoods and provide limited means to get around without a car. The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing new multi-use paths to connect Parkmerced to surround neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for residents in Parkmerced and city-wide.

For people currently living in displaced units, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision Project will increase housing availability and quality for all of San Francisco. I fully support the project and urge you to do the same.

Respectfully,

Michelle L. Horneff-Cohen, Broker, CCRM, MPM® RMP®
Owner, Property Management Systems

305 Valencia Street • San Francisco • California • 94103 • T 415.661.3860 • F 415.661.5902 • www.propertymanagementsystems.net

05-11 File 110206

Shauna Marie Rose
149 Terrace Drive
San Francisco, CA 94127-1529

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -7 PM 3:11
BY AK

epage

September 27, 2010

The Honorable Members of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear Members of the Board of Supervisors:

I live near Parkmerced complex and have had the opportunity to interact with the property's owners and managers. It is my belief that Parkmerced's owners are dedicated to improving the property and I support the proposal for revitalizing the neighborhood.

Parkmerced's owners have made an active effort to involve residents and neighbors in the planning effort. I have personally witnessed their hard work to inform the nearby residents of the proposed renovation and have received many notices of their meetings to listen to the concerns of the residents.

For years, we have informed Parkmerced owners that we want amenities similar to other neighborhoods: community gathering places, shops and stores. The small shopping area currently in Parkmerced is in dire need of revitalization and I think the proposed plans will transform the area. The plan to construct a community center, fitness center, mini parks and more green space is very inviting. Moreover, the plans for new retail stores such as cafes, a bank, dry cleaner, and restaurants will help fulfill the community's basic daily needs. With these amenities, life in Parkmerced will be more enjoyable and more convenient and will draw the nearby residents to frequent and use the stores and shops.

The proposed plans will not only benefit the Parkmerced residents; they will benefit the outlying neighborhood and the City and County of San Francisco. I think the Parkmerced property's owners and managers have done an admirable job of reaching out to the community and to help the existing community live more comfortably.

For the reasons outlined above, I support Parkmerced's plan and urge you to approve it.

Sincerely,

Shauna Marie Rose

c: Angela Calvillo, Clerk of the Board

BOS-11 File 110206 1 page

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2011 MAR -7 PM 3:10
BY AK

Carol Koppel
328 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I have been a resident of Parkmerceed for 17 years where I also raised my son Joel and I am writing in support of the Parkmerced project.

Parkmerced has had many different owners, but the current owners have proven themselves to be the most involved and committed. In the past few years, the new owners have addressed maintenance issues that were delayed for years under previous management. My current garden unit is outdated and inefficient and it has reached the point where being replaced is the best option. I am excited that the current managers are proposing broad improvements that will benefit both existing and future residents.

I am also pleased that management is making efforts to reduce the impacts of Parkmerced's environmental footprint. The Parkmerced area is large and not very dense, so there is enormous possibility to do significant upgrades to the community that will positively impact San Francisco's impacts on environmental resources. The proposed transit infrastructure will reduce our carbon emissions, the new landscaping will reduce water usage, and the new buildings will make more efficient use of greener, alternative energy sources.

My family and I have a history in Parkmerced and we are planning for a future here as well. We look forward to seeing this project developed and urge you to support the Parkmerced managers.

Sincerely,

Carol Koppel

Carol Koppel

File 110206
opage
B01

1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -4 PM 3:32

San Francisco Board of Supervisors
C/o Angela Calvilo(Clerk of the Board of Supervisors) AC

December 9, 2010

Dear San Francisco Board of Supervisors:

I am a 33 year resident of West of Twin Peaks, not far from Parkmerced, and a member of the Greater West Portal Neighborhood Association. From attendance at public meetings over the last few years and observation of the development plans, I believe Parkmerced's owners are dedicated to improving the property for the benefit of San Franciscans, and support the proposal for revitalizing the neighborhood. I believe they have made good faith efforts to incorporate community priorities defined in these meetings.

Representing myself, I will reference that I am also a board member of Livable Cities, serve on the Executive Committee of the Housing Action Coalition (HAC); and I chair the SF Bicycle Advisory Committee. I also serve as Board Secretary of Spectrum Federal Credit Union, serving underserved communities in the Bay Area. I was most recently a candidate for the BART Board of Directors.

Over the years, my wife, Lorna, and I have become quite familiar with Parkmerced. We have had resident friends. After her work, we sometimes stop at the commercial center. For years I have believed that Parkmerced needed amenities similar to other cohesive neighborhoods: community gathering places, shops and stores; most of all, updated amenities for children and families: playgrounds, vegetable gardens, protective streets for children at play, art/recreation centers, day care. The revitalization plans recognize this by creating a community center, fitness center, community gardens, "pocket parks" and more accessible green space that is genuinely inviting. Moreover, the plans for new retail stores like cafes, a financial institution (preferably a Community Credit Union), dry cleaner, day care, salon and restaurants will help fulfill the community's basic modern needs. With these amenities, life in Parkmerced will be more enjoyable and more convenient.

San Francisco, especially the West side of the city, lacks affordable housing. I support the need for smart housing growth, incorporating 'affordability by design' as presented in Parkmerced plans. I am especially impressed with plans to work with the city to provide mass transit via the M line, especially if agreement can be reached for extension to Daly City, providing a Southbound connection to BART, and even Caltrain via transfer.

I support the Parkmerced vision and look forward to working with management to get it approved for some of the following reasons:

- Approval of the project allows the MTA and other agencies to work with Parkmerced to address transportation improvements, and seek the necessary federal matching funds benefiting the entire SW area of the city.
- The plan to improve housing and create a more cohesive neighborhood will have a lasting positive affect for our community. Proximity to SFSU and Stonestown will discourage use of vehicles in commuting and shopping for goods. Local access to schools, places of worship, and recreation at Lake Merced are also easily within walking/bicycling distance.
- Parkmerced has incorporated a need to improve the bike routes within the neighborhood and link these routes to the rest of the city's bike plan. Street parking should be restricted, and underground facilities unbundled and open for alternative use as container storage, a key priority for families living in high density communities, thus allowing flexibility of use as alternatives to personal vehicle ownership increase.

I believe Parkmerced ownersh 's willing to make a long-term documente' mmitment to implement a revitalization that both listens to existing residents and helps the community members live more comfortably while complying with the highest aspirations in conservation of energy use, environmental standards, and reduction of greenhouse gas emissions.

I support Parkmerced's plan and urge you to approve it.

Sincerely,

Bert Hill

Bert Hill

Cc: David Chiu, Board President; Supervisor Mar, Supervisor Michaela Alioto-Pier, Supervisor Chu, Supervisor Mirkarimi, Supervisor Daly, Supervisor Elsbernd, Supervisor Dufty, Supervisor Campos, Supervisor Maxwell, Supervisor Avalos

File 110206
Page BOS-11

San Francisco
INTERFAITH
COUNCIL

Celebrating our diverse faiths and spiritual traditions

Bringing people together to build understanding

Serving our community

Celebrating our diverse faiths and spiritual traditions, the San Francisco Interfaith Council brings people together to build understanding and serve our community.

October 8, 2010

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -4 PM 3:32
BY

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

As Executive Director of the San Francisco Interfaith Council, I have had the opportunity to work with the owners and managers at Parkmerced for several years. It is my experience that Parkmerced has been a committed and effective partner with the entire Brotherhood Way Community of religious and scholastic institutions.

Representatives of Parkmerced sat on the first Brotherhood Way Community Committee that planned and presented an event commemorating the September 11, 2001 tragedy in New York. They have participated in and supported several events at St Thomas More Church and St Thomas More School. Most recently they were instrumental in October 2009 for providing logistics for the SFIC/Brotherhood Way Association's 20th Anniversary Observance of the Loma Prieta Earthquake, held in conjunction with the SF Interfaith CROP/Hunger Walk; the latter financially benefitting the efforts of international humanitarian aid organizations and the City's Interfaith Winter Shelter for Homeless Men. They will also be partners in this charity walk around Lake Merced on October 24, 2010. I look forward to an ever expanding relationship with Parkmerced and view their comprehensive planning efforts as leading the way for a renewal of the Brotherhood Way community along with the entire Westside of San Francisco.

I believe implementing Parkmerced's vision will contribute to the betterment of the community by providing much needed housing, transportation improvements and stronger community. Parkmerced has shown in both word and action that is wholly connected to and in support of the spiritual and educational organizations along Brotherhood Way and by extension, the whole of San Francisco.

I fully support Parkmerced's plan and urge you to approve it.

Sincerely,
Michael Pappas
Executive Director

PO Box 29055
San Francisco, CA 94129
ph: 415.474.1321
michael@sf-interfaith.org
www.sf-interfaith.org

Michael G. Pappas, M.Div.
Executive Director

Board of Directors:
Rev. James DeLange, Chair
St.Francis Lutheran Church
Rita R. Semel, Executive Vice-Chair
Congregation Emanu-El
Frances Johns, Secretary
Calvary Presbyterian Church
Ron Dudum, Chief Financial Officer
Eastern Orthodox Jerusalem Patriarchy
Abby Michelson Porth, Program Chair
Congregation Emanu-el
Alessa Adamo
San Francisco CARD
Rev. Amos Brown
Third Baptist Church
Sister Chandru Desai
Brahma Kumaris Center
Rev. Paul Chaffee
Interfaith Center at The Presidio
Rev. Elizabeth Eksdale
St. Mark's Lutheran Church
Iftekhar Rai
United Muslims of America
G.L. Hodge
Providence Baptist Church
Rev. Charles Kullmann
Old St. Mary's Catholic Church
Rev. John Oda,
Pine United Methodist Church
Rev. P. Gerard O'Rourke
Archdiocese of San Francisco
Rabbi Stephen Pearce
Congregation Emanu-El
Lois Peacock
Zion Lutheran Church
Marilyn Saner
Church of The Incarnation (Episcopal)
Rev. Mark Stanger
Grace Cathedral Episcopal Church
Rev. Laird Stuart
Calvary Presbyterian Church
Rev. John Talesfore
The Cathedral of St. Mary

File 110206

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Appeal - of SF Planning Commission Decision on Parkmerced

From: Aaron Goodman <amgodman@yahoo.com>
To: bill.wycko@sfgov.org, board.of.supervisors@sfgov.org
Cc: linda.avery@sfgov.org, margaret.yuen@sfgov.org
Date: 03/02/2011 07:21 AM
Subject: Appeal - of SF Planning Commission Decision on Parkmerced

Mr. Bill Wycko, SF Planning Commission, SF Historic Preservation Commission, SF Board of Supervisors;

The Parkmerced neighborhood for the last 6+ years has been under a direct assault by development. Both the SFSU-CSU Masterplan and Parkmerced Vision projects and multiple other projects have evolved into a serious modern day "david vs. goliath". Yet I have cast a stone, but it seems to have been ignored entirely by multiple departments in this discussion.

The saddest part of the whole endeavor is that our system is so unbalanced/corrupted that we have not had a serious discussion of the project, or proposed options/alternatives that include preservation/infill/sustainable adaptive re-use.

I have spent more time and money on this project as an individual than some department staff combined. I do not have the time or money as an individual to submit an appeal on the SF Planning Departments decision, yet feel it is my duty to submit a formal memo of appeal/concern on the projects of both entities.

I have submitted testimony on both the SFSU-CSU EIR, and Parkmerced EIR, and have submitted THREE times a set of drawings that show CLEARLY that there is a feasible alternative promoting change, redevelopment, infill, and a more sustainable and broad reaching solution to the current piece-by-piece development strategy.

In the 06-17-10 memo attached I stated clearly the concerns on the lack of alternatives. As a certified public body/agencies your requirement is not only to look seriously at this alternative, but provide significant comment, and/or analysis of why it can/cannot be achieved. To date this has NOT occured. Simply referring back in CEQA terminology and rejecting an option with ZERO analysis bodes ill to the real concerns of analysis on projects of this scale and scope.

Commissioner Kathrin Moore, and other's comments note significant reasons why this project should NOT be approved. Preservation organizations, neighborhood organizations, and community groups and individuals have submitted and attended meetings and stated clearly there opposition.

To request that each and every person must file a $500.00 fee, at this point is anti-democratic, and anti-process per CEQA. The system is failing the public and the communities it serves. To ignore the MOU negotiated prior with SFSU-CSU which also ignored the communities input bodes ill for how corporate, and institutional change has impacted politics, and planning at a city-wide level.

I have cited case law, and given drawings, attended hearings and spoke one on one with SF Planning Department staff, the SOM Architect Craig Hartman, and many groups very pointedly on the concerns of this project and to date. In the comments and responses my efforts are given short-shrift, and referred back to other comments with very little in-depth review of what the proposed option I submitted could do for this district and this community.

I am submitting this memo as an individual to support Preservation Groups, Tenancy Groups, Community Groups and Individuals who have stated clearly there opposition to the size and scope of this project.

I have no more time left to appeal personally, but know that others concerned about government process, and the issues at stake here, are listening.

Until we see the changes required to provide communities a real voice in the process, we are not seeing decisions that meet the best public benefit.

We are seeing corporate lobbying at a very dirty and low-level, and dis-enfranchisement of the public in the process.

I stand on these grounds of public process and comment, and note that I have spoken, and NOT been responded to on the submitted documents adequately. The public agencies have failed to provide adequate response and analysis as required by CEQA on OPTION(S) that do NOT include demolition..

As such I submit this email and the attached memo's on grounds of appeal (without any fee) as I believe we have done more than the required research, and information gathering that suspends any requirement to file a formal fee or form.

I hope the appeals that follow on the 4-3 decision, require that the SF Board of Supervisors send this decision back to the SF Planning Department to engender a better future for the western side of the city, inclusive of direct transit, sustainable adaptive re-use and preservation based infill, and a solid inclusion of rental housing at working class prices, and family housing that includes ammenities and open-space dialogue that has been ignored and deemed to mean in the developer agreements that the gradation of an areas open space can be "horse-traded" by the city with a developer as "courtyards" and than siphoned off from a community to be equated to a washer-dryer-dishwasher in exchange.

The politicians must stand for the communities interests, the developer agreement and rent-controlled concerns are not enforceable in a court of law as noted by tenancy groups.

There must be a formal stand on the principles of this project per the SF General Plan, which we have noted and cited in prior memos as not being addressed adequately in the documents.

I must end here, but request that you consider the issues in a more broad range of understanding and not utilize SB375 and AB32 on the Planning Departments website, as reasons to demolish Parkmerced. There are more ugly neighborhoods and sprawl that should be re-designed and re-engineered in the suburbs of the state including in SF along existing transit routes that should be the target of your discussion. As public servants you all know in your hearts that I am right on principle. I may be labeled as a preservationist by Ken Garcia in the examiner, yet my documents submitted show considerable change and modern concepts as a concept designer, I have shown you a path.

I highly suggest you look at it, and take a few steps down this road... It may solve more problems than you imagine if you only take the time to send this project back to the re-infrastructure panel.....

Sincerely

Aaron Goodman
25 Lisbon St. SF, CA 94112
amgodman@yahoo.com


100617_plancommission.pdf


NTHP_memo.pdf


City_of_Marina_et_al._v._Board_of_Trustees_of_the_University_of_California.pdf


parkmerced_finalmemo2.pdf


2-10-11 Motion 18629.pdf

June 17th, 2010 5:30pm SF Planning Department "DEIR" hearing on Parkmerced

Project DEIR #2008.0021E

Per CEQA Section 15064 public agencies and especially certified local governments must carefully consider **ANY** potentially feasible alternative which may avoid or minimize a significant environmental impact. The demolition of an entire community and cultural landscape is significant, and Per the California Resource Code Section 21002 and CEQA section 15126-6 it states that **the EIR must contain a fair and thorough discussion of potentially feasible alternative(s) (note the "PLURAL") which do not involve demolition.**

The project sponsor's and planning departments elimination of Option G-a "INFILL PRESERVATION OPTION" intentionally **UNFAIRLY** removes the one option that best serves to mitigate the loss of a cultural landscape site eligible for the state and national register. It also fails to look at the existing zoning and adjacent sold off sites, or the 19th Ave. planning department study for options in development and "equity" density as a proposal to mitigate the impacts on Parkmerced's prior boundaries.

By ignoring the entire district of Parkmerced's original 191 acres, and by submitting long-term programmatic EIR's of the SFSU-CSU Masterplan, and Parkmerced "Vision" projects ignores the options that protect the integrity of the district of Parkmerced, along with not considering cummalatively the EIR's and future proposed growth such as at stonestown that are noted as possible future developments. The Parkmerced Investor's, SFSU-CSU Masterplanner's, and SF Planning Department's JOINT efforts at limiting the alternatives reviewed, are circumventing adequate historical resource review, the addressing of SOCIAL and low-middle income rental housing impacts and needs in the city and county of San Francisco.

This is extreme negligence in following CEQA state laws, and the parameters of the SF General Plan, by a public certified agency.

Please reconsider your prior decision to eliminate option G-a, based on financial, environmental, and historic preservation principles of sustainable redevelopment.

Sincerely

Aaron Goodman
25 Lisbon St. SF, CA 94112
amgodman@yahoo.com

cc: Bill Wycko Environmental Review Officer as submitted comments on June 17th, 2010 5:30pm

NATIONAL TRUST FOR HISTORIC PRESERVATION®

Western Office

January 28, 2011

Mr. Ron Miguel, President
San Francisco Planning Commission
Attn: Jonas Ionin, Acting Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103

Submitted via email: jonas.ionin@sfgov.org

Re: Parkmerced Project (SFPD File No. 2008.0021E)

Dear Commissioner Miguel,

As the San Francisco Planning Commission meets to consider the environmental and planning impacts of the proposed Parkmerced Project, the historic preservation community remains deeply concerned about the destructive impact of the Project on the Parkmerced Historic District.

Parkmerced was determined eligible for the National Register of Historic Places and the California Register of Historical Resources as a significant example of planned residential development in San Francisco and the work of master landscape architect Thomas Dolliver Church and his celebrated colleague Robert Royston. According to the Cultural Landscape Foundation, Parkmerced is one of only four remaining examples of large-scale, pre- and post-World War II residential developments in the country and is without question of national significance. The Foundation has identified Parkmerced as a potential National Historic Landmark candidate—an elite group of less than 2,600 such properties in America. As one of Thomas Church's largest and most publicly accessible works, Parkmerced is also an important community resource.

The six undersigned local, state, regional, and national historic preservation organizations urge the City of San Francisco to adopt Project alternatives or components of alternatives that maximize preservation of the Parkmerced Historic District and retain its eligibility for the California Register of Historical Resources and the National Register of Historic Places. We question the consistency of the proposed Project with San Francisco's Planning Code Priority Policies and urge the City to require additional, more substantive mitigation measures for the severe impact to historic resources that could result from the Parkmerced Project.

Requirements of the California Environmental Quality Act

CEQA reflects the statewide policy that projects with significant environmental impacts, including impacts to the State's historic environment, should not be approved "if there are

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feasible alternatives ... available which would substantially lessen the significant environmental effects ..." (Pub. Resources Code § 21002.) CEQA thus requires that alternatives be analyzed that would "feasibly obtain most of the basic objectives of the project." (Guideline § 15126.6 subd.(a).)[1] Findings supporting the infeasibility of an alternative must be supported by "substantial evidence" based on an independent analysis by the lead agency. (Pub. Resources Code § 21081.5; Preservation Action Council v. City of San Jose (2001) 141 Cal. App.4th 1336.) An alternative need not accomplish every project objective, or maximize profitability, to be considered feasible under CEQA.[2]

Any project that would demolish a historic resource necessarily has a significant effect on the environment, requiring a lead agency to study and adopt feasible alternatives such as rehabilitation, if available and practical. (See Pub. Resources Code § 21081; 21084.1.) CEQA's requirements to identify and analyze feasible alternatives in an EIR are manifest when a project threatens historic resources, as is its substantive mandate that the lead agency not approve a project if a feasible alternative exists.

The Project Alternative Analysis Indicates that an Environmentally Superior Alternative is Feasible

As noted in the DEIR, Project alternatives proposing retention of portions of the Parkmerced Historic District result in substantially fewer impacts to historic resources and a range of other environmental qualities. Under Alternative C, Retention of the Historic District Central Core Alternative, the Parkmerced Historic District would retain eligibility for the California and National Registers while allowing for new development and densification on other parts of the Project site. The DEIR further identifies Alternative C as the environmentally superior option. This alternative is preferable not only because it would preserve an important part of San Francisco's history, but because the reuse of existing infrastructure would result in substantially fewer emissions of greenhouse gases, making Alternative C the truly sustainable alternative (see DEIR VII.32). Finally, Alternative C would provide cost savings by maintaining the existing stream of rental revenue and significantly reducing the scope of new construction.

To date, the City has provided no information to justify the rejection of environmentally superior alternatives based on "economic, environmental, social, and technological factors." (Guideline § 15126.6(b).) The City acknowledges that all of the proposed alternatives are "potentially feasible in that *they would attain most of the basic objectives* identified in Chapter III, Project Description, all are within boundaries of the property under the control of the Project sponsor and all are capable of being constructed on the Project Site." (Comments and Responses, Master Response A.4, emphasis added.)

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[1] "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code § 21061.1.)

[2] Citizens of Goleta Valley v. Board of Supervisors (1998) 197 Cal.App.3d 1167, 1181.

CEQA requires that the EIR provide sufficient information about each alternative "to allow meaningful evaluation, analysis, and comparison with the proposed project." (Guideline at § 15126.6(d).) The reasons and facts for which the sponsor or City has rejected alternatives is essential information that must be provided to the public in the EIR.[3] In contrast, the DEIR and Comments and Responses documents for the Project contain no discussion of why various alternatives may be considered infeasible. Contrary to the public disclosure function of the EIR, the City maintains that this information need not be presented in the EIR documents, but can be held back until the CEQA findings are released just prior to project approval.[4]

The Proposed Project is Inconsistent with the City's Planning Priority Policies

The undersigned organizations take exception to the statements in the DEIR and the Comments and Responses document that the Parkmerced Project is consistent with the City's Planning Priority Policies, particularly Priority Policy 7, which states "that landmarks and historic buildings be preserved" (Planning Code at § 101(b)(7).). The DEIR stated that the Parkmerced Historic District does not qualify for such protection, because it "is not currently included in any federal, state or local register." (DEIR IV.1 fn1). Nothing in the Planning Code, however, indicates that protection of the City's landmarks and historic structures is limited to formally listed sites on a register. This narrow interpretation of City policy also runs counter to CEQA, which makes no distinction between eligible and listed resources in determining what is historic.[5]

In the Comments and Responses volume of the Project EIR, the City again posits that the project is consistent with Priority Policy 7 because the policy specifically references "historic buildings," and the buildings at Parkmerced are not individually significant. (Response TR.34.1). Parkmerced is a historic district composed of individual elements that lack individual distinction, however, the contributing elements of the district–both buildings and landscape elements–have historic value. There is also a clear distinction between demolishing individual contributing resources in a historic district and demolition of nearly the entirety of a historic district. The conclusion that this degree of destruction is consistent with the City's policy to protect its architectural and cultural heritage is nonsensical. We maintain that the Parkmerced Project is not consistent with Priority Policy 7.

[3] *See* Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d. 376, requiring preparation of a new EIR because the lead agency had failed to "explain in meaningful detail...a range of alternatives to the proposed project and, if [it] finds them to be infeasible, the reasons and facts that [it] claims support its conclusion." *Id.* at 406.

[4] Comments and Responses, Master Response A.5.

[5] Cal. Pub. Res. Code § 21084.1; "For purposes of this section, an historical resource is a resource listed in, or *determined to be eligible* for listing in, the California Register of Historical Resources" (emphasis added.)

Proposed Mitigation Measures Remain Grossly Inadequate

While the undersigned are opposed to any demolition of the existing resource, in the event it occurs, the mitigation measures must be much stronger than those proposed in the EIR. Although it is undisputed that the Parkmerced Project would cause significant and unavoidable impacts to historic resources, the Project sponsors continue to offer insufficient mitigation or compensation for this potential loss. The proposed project would result in the near total destruction of a historic district spanning over 192 acres, including demolition of 170 contributing resources and the majority of Thomas Church's designed landscape. The proposed mitigation measures outlined in the DEIR and the Comments and Responses document, consisting of HABS, HAER, and HALS documentation, donation of archival materials, and permanent public interpretation, are tokenisms of little benefit to preservation of historic resources in San Francisco. Given the sheer enormity of the loss at stake, we believe much more should be required.

In its review of the Project DEIR, the California Office of Historic Preservation (OHP) stated that the mitigation measures proposed in the DEIR, specifically HABS/HAER documentation, "does not... in any way mitigate such a devastating alteration to a historic district." The OHP further stated that "the proposed demolition of the Parkmerced resources is indeed a circumstance in which HABS/HAER documentation is clearly insufficient mitigation in relation to the significant adverse effect that wholesale demolition would have on Parkmerced's historic resources..." (Comments and Responses, Letter 3, page 2.)

Indeed, it is a well-established precedent under CEQA that documentation and interpretation do not meaningfully compensate for the destruction of historic resources. As recognized by the court in League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896: "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." (*Id.* at 909.)

Echoing this point, the court in Architectural Heritage Association v. County of Monterey (2004) 122 Cal.App.4th 1095 proclaimed: "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." (*Id.* at 1119.)

The severity of the historic resource impacts at Parkmerced demands proportional mitigation measures with an appropriate nexus to the project impacts. Alternative or additional mitigation measures may include:

- Funding to complete a cultural resource survey of historic landscape resources in San Francisco, including development of landscape-specific survey methods and tools;
- Funding to complete a comprehensive, professional cultural resource survey of the southwest quadrant of the City of San Francisco; and/or
- Funding to complete a context study and survey of Modern and post-World War II historic and architectural resources in the City of San Francisco.

Certainly, Planning Department staff with expertise and experience in conducting and managing historic resource survey projects in San Francisco can advise the Commission and sponsor on the likely costs associated with these mitigation measures.

Mitigation could also include funding for the established San Francisco Historic Preservation Fund, administered by the Historic Preservation Fund Committee and the Mayor's Office of Economic and Workforce Development. Contributing to publicly administered funds supporting historic preservation activities as a form of mitigation has several precedents in California, including the Long Beach Navy Memorial Heritage Fund established in association with demolition of the Long Beach Naval Complex in Long Beach, CA; the Historic Schools Investment Fund established in connection with demolition of the Ambassador Hotel in Los Angeles; and the San Francisco Historic Preservation Fund itself, established following illegal demolition work on the Emporium Department Store.

In addition to the mitigation measures proposed here, the undersigned organizations request that the City adopt protections in the Project Development Agreement and CEQA findings prohibiting preemptive demolition of any contributing elements or alteration of character-defining features of the Parkmerced Historic District, including spatial organization, circulation, topography, buildings and structures, vegetation, landscape features, and views. Specifically, the City should impose a mitigation measure barring issuance of demolition permits until a permanent replacement project is pending and the sponsor has demonstrated the financial resources necessary to complete the proposed replacement project within a reasonable timeframe (i.e. construction to commence within six months of receipt of all necessary City approvals). We understand that the Planning Code already includes similar requirements, but feel it is important to codify and reinforce these protections in Project-specific documents.

Conclusion

Parkmerced is a nationally significant example of landscape design and World War II-era heritage in the San Francisco Bay Area, as well as one of the largest, and few publicly accessible, works by master landscape architect Thomas Church. The undersigned organizations strongly urge the City to adopt Project alternatives or components of Project alternatives maximizing preservation of the Parkmerced Historic District and

retaining its eligibility for the California Register of Historical Resources and National Register of Historic Places. In addition, we believe that the proposed project is patently inconsistent with the City's Priority Policies. Finally, while we remain opposed to any demolition of the existing resource, in the event the Project is approved, additional mitigation measures are necessary to meaningfully compensate for the severe impacts on the City's irreplaceable heritage.

Thank you for the opportunity to comment on the Parkmerced Project. Please do not hesitate to contact our organizations with regard to any questions related to these comments.

Sincerely,

Anthea M. Hartig, Ph.D.
Director, Western Office
National Trust for Historic Preservation

Cindy Heitzman
Executive Director
California Preservation Foundation

Mike Buhler
Executive Director
San Francisco Architectural Heritage

Charles A. Birnbaum
President
The Cultural Landscape Foundation

Bob Pullum
Director of Advocacy
Northern California Chapter, DOCOMOMO-US

Janet Gracyk
President
Northern California Chapter, Historic American Landscape Survey

cc: Rick Cooper, Major Environmental Analyses, San Francisco Planning Department
M. Wayne Donaldson, California State Historic Preservation Officer
San Francisco Historic Preservation Commission
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President David Chiu and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Re: February 10th, 2011 SF Planning Commission hearing on Parkmerced (3:30pm)

Dear President Chiu and Supervisors:

I am writing this final memo on behalf of the Parkmerced Action Coalition residents in opposition to the development project proposed for Parkmerced. The project proposals by both the Parkmerced "Vision" project, and the SFSU-CSU "Masterplan" projects jointly and cummalatively NEGATIVELY affect the 191.2 acres of the Met-Life Development by Leonard Schultz and Thomas Dolliver Church. As a singularly designed entity as a district eligible for the local state and national register's as a historic district and cultural landscape property the proposals before you lack any adequate mitigation proposal to save and preserve at the most basic level the landscape and open-space masterplanned design at risk. Short shrift has been given to the issues of carbon-footprint, direct grade-seperation for transit, and the open-space loss of amenities prior to and in the proposed development agreements.

The advocacy of national organizations to raise awareness of this site's importance, and the efforts by tenants rights groups to shed light on the improprieties of the development agreement and promises that are non-enforceable in a court of law per current case law indicates repeatedly the questionability of these "agreements". The prior negotiations between city agencies and SFSU-CSU on the "Masterplan" for the college campus and the LACK of true fair-share impacts assessed to the CSU campus per "City of Marina vs. CSU" indicate a "too close relationship" between city, state and developer interests. When the benefit of the developer, CSU planners, SFMTA, and investors take priority over peoples homes and lives we are no longer a city that adheres to the principles of the SF General Plan and the proper and adequate development of essential housing.

We sadly are consistently removing people, and neighborhoods from our city, and replacing them with towers, denser urban fabric, and a total lack of adequate infrastructure planning. While politicians play with there roles in terms of preservation, and adequate CEQA analysis, we are losing open-space, and the few gems we have left in terms of publicly accessible landscapes, and the urban planning variety they show our future generations. I have consistently opposed both projects not just on principles but on gut feeling as an architect that this proposal is WRONG for our neighborhoods and urban fabric. Overseas in many European countries, infill would be the proper response. Here it is tabled

and shoveled under the doormat. I do not consider the current development plan to be adequately reviewed and proper mitigation measures included. The project should be cancelled, until the developer and architect can bring another more reasonable concept to the table inclusive of preservation.

I thus strongly oppose the project for the following reasons:

A) **Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal. App. 4th 1491**

B) **Lincoln Place Tenants Assn. v. City of Los Angeles (2007) 155 Cal. App. 4th 425**

C) **Buena Vista Gardens Apartments v. City *of* San Diego Planning Department (1985) 175 Cal.App.3d 289.** [In this case the court invalidated a project to demolish and redevelop a large affordable apartment complex, because the City's General Plan's Housing Element did not comply with the requirements of the Government Code for a Housing Element.]

D) **Camp v. Mendocino County Board of Supervisors (1981) 123 Cal.App.3d 334.** [In this case the court enjoined the entire county of Mendocino from any further approval of anything until they cleaned up their General Plan, which lacked a land use element and noise element.]

E) **City of Marina et Al. vs. Board of Trustees of the California State University (2006) 109 Cal. App. 4th 1179** ['fair-share' impact fees assessed to the CSU in terms of the proposed growth, including impacts on housing, transportation, openspace, parking, traffic]

F) **Laurel Heights Improvement Assn. vs. Regents of University of California (1988) 47 Cal.3d 376, 392**, quoting Pub.Resources Code, § 21000, subd. (a); see also CEQA Guidelines,3 § 15003, subd.(a).) " 'all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' "

G) CEQA requires "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (Pub. Resources Code,§ 21002.1, subd. (b)) and to discuss feasible methods of mitigation in the EIR (*id.*,§ 21100, subd. (b)(3); CEQA Guidelines, § 15126.4, subd. (a)(1); see also Pub. Res. Code, § 21002.1, subd. (a) [one purpose of the EIR is "to indicate the manner in which . . . significant effects can be mitigated or avoided"].) [we have included in the documents submitted to the SF Planning Department drawings and sketches that show that there IS an adequate mitigation project available, and an option to preserve and protect the MAJORITY of the landscape elements on site through the INFILL option eliminated by the planning department as 'infeasible'. The lack of adequate analysis in mitigation measures fully analyzed independently from the developer's interests, or the improper utilization of SB375 or AB32 to allow the project proponent to circumvent state CEQA law in terms of analyzing fully or through the process of developer and planning department elimination of adequate and proper alternatives is the reason for legal action in regards to this project. When there IS a

significant alternative that has been proposed it requires the planning department and city agencies, to fully analyze the alternative to determine if it is feasible and if it will help to prevent, mitigate or avoid the **SIGNIFICANT** effects on the proposed site.]

H) The City of San Francisco cannot lawfully approve any land use legislation, because the San Francisco General Plan DOES NOT substantially comply with the requirements of the Government Code, *e.g.,* secs. 65300 *et seq.* The Government Code requires mandatory elements, including a Land Use Element and a Housing Element that comply with the state Government Codes. The San Francisco General Plan does not contain those elements. It contains no Land Use Element, and its 2004 Housing Element was invalidated by the Court of Appeal., and there is no Housing Element currently that complies with the requirements of the Government Code.

I) Further, the General Plan's Transportation Element is not correlated with its (non-existent) Land Use Element. Utilizing "TOD" or transit orientated projects as an impetus to also circumvent adequate open-space protection, and ignore the quality of life impacts such decisions create in terms of urbanization impact, and adequate analysis in terms of routing, time-travel, limiting the number of stops proposed within a community, and future direct regional connection through placing the transit improvements 1st, instead of delaying them to a future date is a critical issue here in regards to transit planning. Allowing the developer to build out and determine routing of public transit, undermines the publics best interest in the public transit system and privatizes what should be under the public's control.

J) It has been well noted and stated by public agencies, city and the developer that there is a "partnership" between SFSU-CSU and Parkmerced's prior and current ownership in regards to student housing and development. The Memorandum of Understanding between SFSU-CSU and the City and County of SF did not include adequate community and city mitigation measures to deal with the impacts on the surrounding communities both north and south of SFSU's campus. This is stated clearly in the case of City of Marina vs. CSU that cities can enforce financial fees and require mitigation efforts on Institutional growth of CSU campus's in regards to housing impacts, transit, traffic, parking, and open-space. To date this has been ignored in **BOTH** environmental impact reports.

K) Parkmerced Project amendments to the General Plan would cause internal inconsistency within the General Plan, and the Project itself is inconsistent with both the General Plan and the requirements of Proposition M, *e.g.,* open space, density, land use, etc. and Proposition J (Preservation Commission) which has not been involved in the current discussion and approval process, and recently adopted a contextual statement on Modern Landscape design.

L) The Developer Agreement improperly equates the equivalence of a washer-dryer and dishwasher to that of the open-space lost in the proposed development. It negates the loss of open space prior and amenities in the original build out of the development at 191.2 acres. The "bait-and-switch" approach by prior management and the current development ignores the overall consistent loss of space. The documents submitted by both Page & Turnbull in the Historic Resources Analysis, and SOM (Architect) both manipulate the numbers and diagrams to ignore the overall loss of open-space on site, and ignore the gradation and quality of landscape present. The National Trust for Historic Preservation equated it to 2/3rds loss of open space or from about 1,100s.f. per unit to 333s.f. this loss could be equated per current construction costs of +$800s.f. to about $600-800,000.00 per unit.

M) The project **IGNORES** the existing towers which are seismically **UNRETROFITTED**, and thus provide a life-safety concern to the community and essential housing stock of the district/city per the CAPS program these buildings must be addressed and properly included in the discussion of what is to be proposed. The lack of adequate analysis financially on the retrofit, or rebuild of the existing towers is not included and waived off as infeasible by the developer. The documentation must occur to provide a basis for determining what is the best alternative for the PUBLIC benefit.

In conclusion;

The City does not have a valid Housing Element or Land Use Element of the General Plan, therefore it is not possible to correlate the proposed project with the General Plan as required by Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code

The City did not evaluate the proposed developer agreement in the FEIR, therefore impacts caused by the development agreement such as tenancy rights, and future concerns based on case-law at the court appellate level may not have been adequately analyzed or mitigated. Therefore the current promises and agreements by the City of San Francisco on the Trinity Plaza project and currently the proposed Developer Agreement being espoused as adequate hold NO WATER in a court of law.

I strongly urge you to reject the plans currently submitted and require the developer to re-design the proposal with a more balanced approach to sustainable infill, adequate structural analysis on the towers in terms of retrofit costs, or replacement, direct transit connections through grade-seperation along 19th ave. or along the eastern edge of parkmerced's site, and include a larger development district rezoning to lessen the impact on one community disproportionately.

As noted prior this is a CONTIGUOS community of EXISTING human beings it is NOT a blank slate, and thus CANNOT be approached without looking seriously at the HUMAN consequences of the developments proposed.

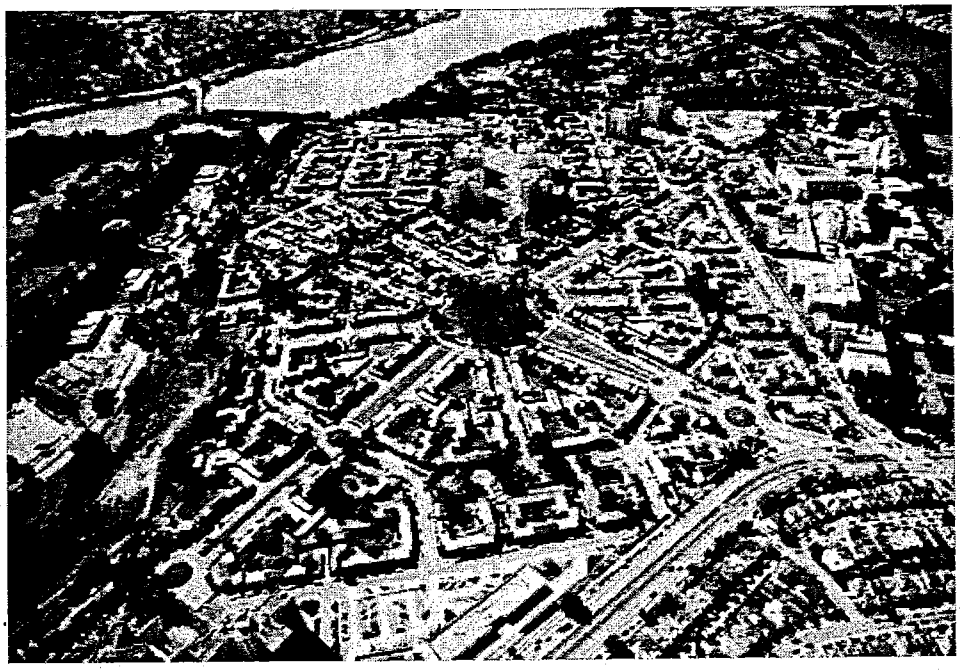
Therefore, any approval of the Project is arbitrary and capricious, an abuse of discretion, and a failure to proceed as required by law.

Thank you for your consideration of these comments.

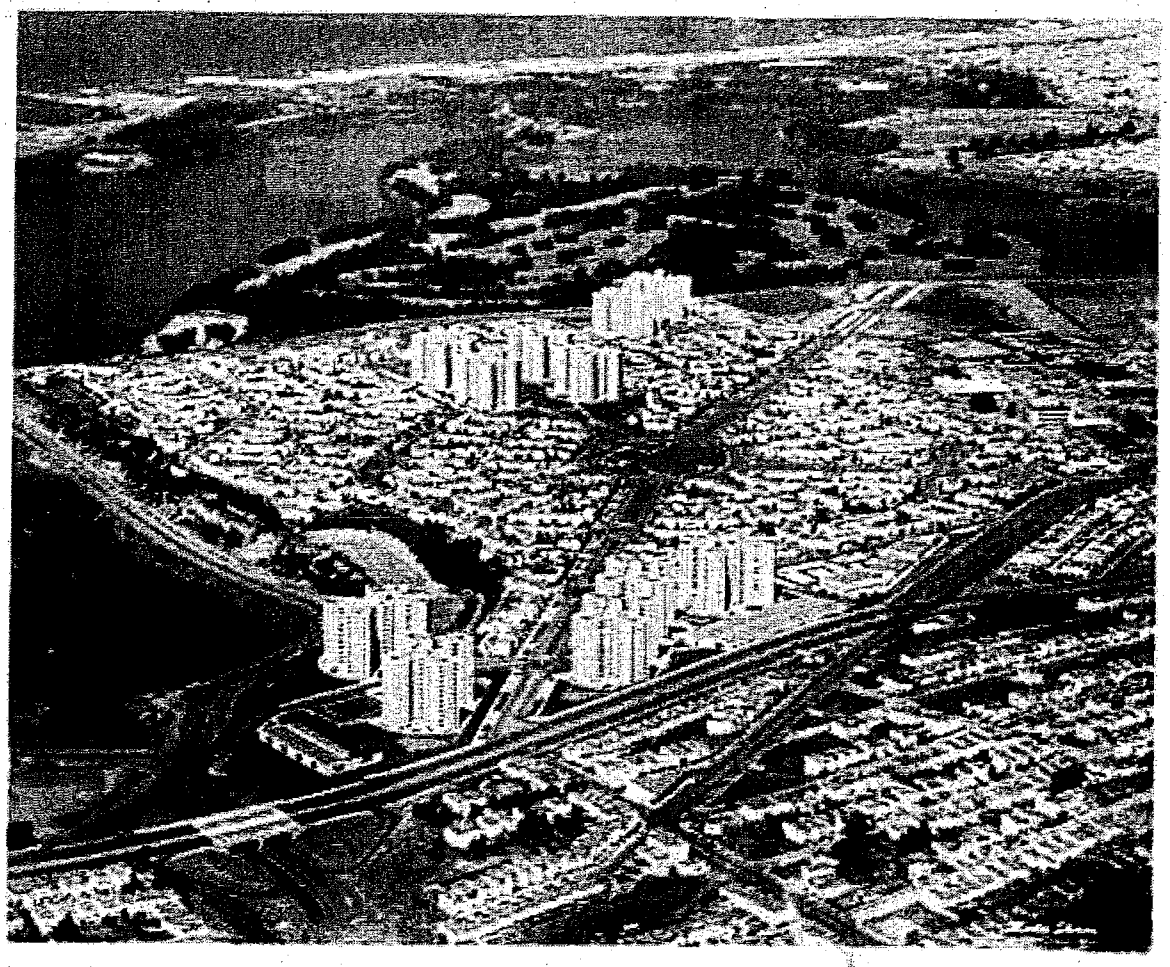
Sincerely,

Aaron Goodman

Cc: San Francisco Planning Commission, SF Historic Preservation Commission, Mayor Edmund Lee, Governor Jerry Brown, Milford Donaldson SOHP, National Trust for Historic Preservation Western Office, The Cultural Landscape Foundation, The California Preservation Foundation, The SF Preservation Consortium, SF Heritage, The Coalition of San Francisco Neighborhoods, The West of Twin Peaks Central Council, The Parkmerced Action Coalition.



Aireal View of Parkmerced's urban design a beux arts street layout, compared to the typical gridded street design of San Francisco. This photo was selected for The Cultural Landscape Foundation's Marvels of Modernism, Landscapes @ Risk 2008 www.tclf.org (photograph by Tom Fox SWA Landscape Architects) The large brown area on the southwest portion of the photo is the 800 Brotherhood Way site, and Benny Buffano Peace statue, this area was proposed in my submittal as a reclaimed public park and open-space linkage for a lineal park connecting the METNA neighborhood to Lake Merced and reclaiming portions of Parkmerced's lost amenities. The Cambon commercial site at the south side edge of the photo sits directly along what could be seen as a primary new development area for commercial, office, and new towers and entrance to the city of San Francisco. The next image a historical one, shows the primary situation of the 5 eastern most towers, and the pinch-point of transit along 19th and Junippero Serra Blvd. to the 1952 Brotherhood Way Intersection.



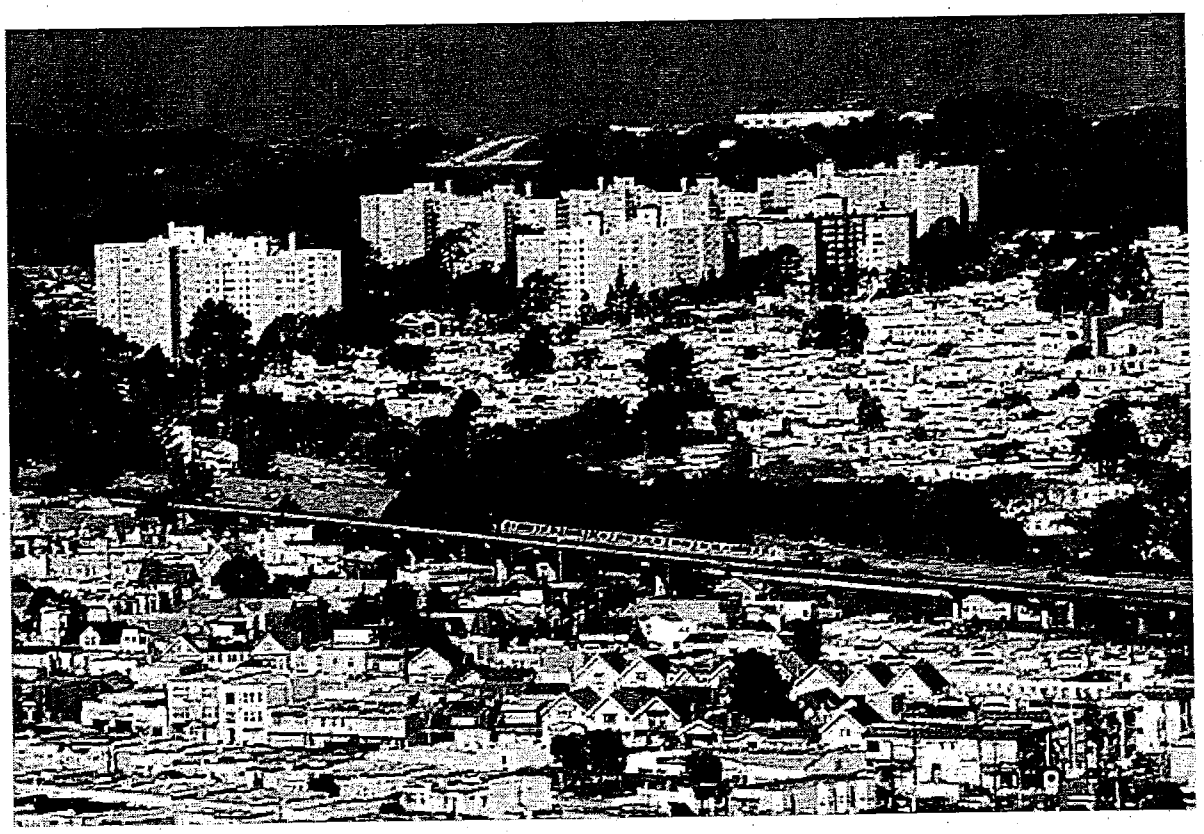
No alternative routing, or location stops along 19th Ave. were considered to help alleviate the transit and traffic issues created by the "X" crossing at 19th and Junippero Serra and the 1952 Cloverleaf at Brotherhood Way. These two sites and the parking garages and 5 eastern most towers of Parkmerced represent the best solution to the current issues at stake. By removing the existing un-reinforced towers, and utilizing the Mills Act on the remaining site of Parkmerced a simple solution can be achieved through infill and removal of parking structures, including a shuttle service, and providing new developable land along the transit corridor through grade separation, to stitch back a community and surrounding neighborhoods torn apart by the 19th avenue corridor. It would achieve a new public/national park accessible to the surrounding communities.



An example of the open-space at risk, with full mature landscape, and gradation of open-space and quality of personal unit space throughout the complex. The private/public areas were designated by the legal team of the developer and SF Planning Department as "courtyards" so they could be easily re-assigned to other areas of the site square footage wise.



Juan Bautista Circle, a primary open-space area used by many residents for exercise and sitting enjoyment. Although the trees are aged, the space is cherished by many and considered the "heart" of parkmerced. This is proposed as a water retention pond in the new development.



This view of transit and housing, shows the issue with the distance and connectivity to regional transit. When the area between the transit hub and development is ignored, as is evidenced by WALKING the distance between the two, we lose site of what could be a solution to the transit/traffic impacts created. The towers shown are ALL unretrofitted, and thus may not survive a future earthquake. Are we considering these PEOPLE that live there and the human loss of life that can occur due to non-action on the issue of seismic safety?



I have taken many photos of the site, which are available on www.parkmercedlandscape.blogspot.com

I have walked ALL the courtyards and seen firsthand what is at risk.

I have attempted to inform the city and the community of the issues, and have repeatedly submitted it to the press, and the National Trust for Historic Preservation's 11 Most Endangered sites.

I believe we have a better option/alternative and it only requires the city to stand up on the principles of urban planning outlined in the SF General Plan.

Your decision, has an impact, and the need is more acute than ever to ensure that the human impact of this project is NOT ignored.

Sincerely

Aaron Goodman - 2.10.2011

File 110206
page 605-11

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -1 PM 3:01
BY Ak

November 1, 2010

Mohammad Said
24 Higuera Avenue
San Francisco, CA 94132

San Francisco Board of Supervisors
C/O Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a long-time resident of Parkmerced and have been living here for about twenty years. I'm also a member of the Parkmerced Sustainability Committee. This letter is to express my support for the Parkmerced development project.

The current owners of Parkmerced have been proactive in considering our neighborhood's environmental impact. They initiated the Parkmerced Sustainability Committee and have implemented some of our suggestions. I am proud to be part of a community that understands its environmental footprint.

Additionally, the current management has been providing excellent customer service to the residents, in some cases above & beyond what is required of them. The management and their staff have been very transparent in the way they interact with this community. Their professionalism, integrity, and their many efforts & activities to improve the quality of life here, give us all reasons to believe that they will be also able to manage this ambitious project, and maintain the same level of excellence.

I am excited to see the improved and carefully designed Parkmerced Vision project begin to take place. The current garden units are not ecologically friendly. The apartments do not have low-flow fixtures, are drafty and expensive to keep heated, and are wasteful of water and energy. The neighborhood landscaping is also very water inefficient. I support the Parkmerced management in their suggestions to revitalize these housing and landscaping elements. I'm excited to see their efforts to explore alternative energy as a means to create a self-sustaining community.

I'm also happy to see the considerations for bicycling and transit infrastructure. Reducing our residents' dependency on cars will greatly reduce our carbon emissions and will promote a healthier San Francisco.

This project promises to provide a 21st century housing solution to one of the best cities in the world. The development plan is progressive, and green, and represents a forward-thinking

approach to addressing various issues at once: housing, environmental impact, carbon footprint, sustainability, alternative energy, natural resources, and sensible land use.

I support the Parkmerced project. Please join me in moving our city toward a green future that I hope will set an example to other communities everywhere.

Sincerely,

MOHAMMAD SAID

Mohammad Said

File 110206
cpage BOS-11

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -1 PM 3:03
BY AK

Patricia Contreras
24 Higuera Avenue
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
C/O Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a long-time resident of Parkmerced. This letter is to express my support for the Parkmerced development project.

The current owners of Parkmerced have been proactive in considering our neighborhood's environmental impact. They initiated the Parkmerced Sustainability Committee and have implemented some of our suggestions. I am proud to be part of a community that understands its environmental footprint.

Additionally, the current management has been providing excellent customer service to the residents, in some cases above & beyond what is required of them. The management and their staff have been very transparent in the way they interact with this community. Their professionalism, integrity, and their many efforts & activities to improve the quality of life here, give us all reasons to believe that they will be also able to manage this ambitious project, and maintain the same level of excellence.

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I support the Parkmerced project. Please join me in moving our city toward a green future that I hope will set an example to other communities everywhere.

Sincerely,

Patricia Contreras

Patricia Contreras

File 110206 Jay cpage

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: The new "impact" on prior Parkmerced open-space/community center. (IGNORED by the Land-Use Committee SFBOS)

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: parkmercedac@gmail.com
Date: 02/28/2011 01:46 PM
Subject: The new "impact" on prior Parkmerced open-space/community center. (IGNORED by the Land-Use Committee SFBOS)

http://www.goldengatexpress.org/2011/02/24/architect-unveils-model-for-new-performing-arts-center/

Very interesting to see the latest large scale development and "CO-impact" cummalatively ignored in the ong

The SFSU-CSU project "masterplan" has been ignored by the Land-Use committee prior when approving the

Now we see another mega-project, which fills the site, ignores the prior tenants "loss-of-use" and proposes a

I attach the City of Marina vs. CSU case for your review...

Its critical in understanding why the impacts MUST be considered cumalataively and not individual project a 'replaced' the existing building, which is NOT the case, it is a new building across the street on prior open-spa tenants on grounds of improper pass-throughs.

Sincerely

Aaron Goodman



City_of_Marina_et_al._v._Board_of_Trustees_of_the_University_of_California.pdf

File 110206
cpage
BOS-11

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 FEB 28 PM 3:20
BY AK

Edward and Carol Reidy
585 Magellan Drive
San Francisco, Ca

December 6th, 2010

San Francisco Board of Supervisors
C/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

My wife Carol and I are life-long residents of San Francisco and the Greater West Portal neighborhood here in District Seven. We are also concerned about the future of the environment. I hope you'll join us in supporting the Parkmerced Vision plan. I am impressed by the improvements that a project of this scale can create.

Parkmerced's owners have made an active effort to involve residents and neighbors throughout the planning process. Parkmerced representatives have gone out of their way to meet with community groups and residents to hear our concerns. They then incorporated suggestions into the plans and I'm happy to stand by their efforts.

The Parkmerced Vision will reduce water and energy usage by creating environmentally conscious housing units. This will promote San Francisco's goals of green, healthy living and reduce our city's impact on our local environment.

Having been around Parkmerced our entire lives, we know it is also lacking amenities similar to other neighborhoods: community gathering places, shops and stores. The Vision plan recognizes this by creating a community center, fitness center, community gardens, "pocket parks" and more accessible green space that is genuinely inviting. Moreover, the plans for new retail stores like cafes, a bank, dry cleaner, day care, salon and restaurants will help fulfill the community's basic modern needs. With these amenities, life in and around Parkmerced will be more enjoyable and more convenient.

We support Parkmerced's plan and urge you to approve it.

Sincerely,

Edward and Carol Reidy

File 110206

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 FEB 28 PM 3:19
BY AK

BOS-11
cpage

Ed Reidy
38 Ardenwood Way
San Francisco, Ca
94132

December 4th, 2010

San Francisco Board of Supervisors
c/o Angela Calvillo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

As a resident of the Greater West Portal neighborhood of San Francisco and a life long resident of District Seven, I am concerned about the future of the environment, I hope you'll join me in supporting the Parkmerced Vision plan. I am impressed by the improvements that a project of this scale can create.

Parkmerced's owners have made an active effort to involve residents and neighbors throughout the planning process. Parkmerced representatives have gone out of their way to meet with community groups and residents to hear our concerns. They then incorporated suggestions into the plans and I'm happy to stand by their efforts.

The Parkmerced Vision will reduce water and energy usage by creating environmentally conscious housing units. This will promote San Francisco's goals of green, healthy living and reduce our city's impact on our local environment.

Having been around in Parkmerced my entire life I know it is also lacking amenities similar to other neighborhoods: community gathering places, shops and stores. The Vision plan recognizes this by creating a community center, fitness center, community gardens, "pocket parks" and more accessible green space that is genuinely inviting. Moreover, the plans for new retail stores like cafes, a bank, dry cleaner, day care, salon and restaurants will help fulfill the community's basic modern needs. With these amenities, life in and around Parkmerced will be more enjoyable and more convenient.

I support Parkmerced's plan and urge you to approve it.

Sincerely,

Ed Reidy

File 110206
BOS-11
Cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -3 PM 3:38
BY

Mike Smith
138 Juan Bautista Circle
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and a member of the Parkmerced Sustainability Committee. I support the Parkmerced development project.

The current owners of Parkmerced are actively working to make our neighborhood more environmentally sustainable. They initiated a Parkmerced Sustainability Committee, of which I am a member, and have already implemented many of our suggestions. I stand behind their efforts to create a more environmentally friendly community.

Unfortunately, Parkmerced's existing units are not environmentally friendly. The units have inadequate plumbing and electrical service, are poorly insulated and are generally wasteful of precious resources. The residents largely depend on automobiles because of a lack of bicycle and transit infrastructure. The Parkmerced Vision project responds to these concerns by implementing energy efficient units, new transit programs and infrastructure, and bicycle pathways. The project team also plans on using native plants and reducing water use lost through landscaping while beautifying our community.

I look forward to energy-efficient units, alternative energy sources, reduced water usage and improved access for bikes and walking. I urge you to support the Parkmerced project.

Sincerely,

Mike Smith

File 110206 copy

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -4 PM 3:32
BY

BOS-11

Aaron Paraiso
50 Chumasero Drive, Apt. 10-H
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing to strongly support the forward-looking sustainable plan to revitalize and renew Parkmerced.

Parkmerced's management has shown a commitment to sustainability since they first took ownership of the property. They have met and listened to our suggestions which are evident in the project plans. The Parkmerced Vision project will take create a greener living environment for everyone.

As part of the Parkmerced Vision plan, Parkmerced management intends to incorporate improvements such as:

- Transit-first changes that would reduce the need for cars, including:
  - new bike and pedestrian paths;
  - new neighborhood amenities within 10-minutes walking distance of all residents;
  - public transportation improvements like a more accessible MUNI station and a new shuttle to BART and regional shopping districts
  - A transportation coordinator to head programs like carpool programs, bike sharing, and the above-listed efforts
- New units that would be 60% more energy- and water-efficient
- Renewable energy sources (wind, solar) that would create a sustainable energy plan
- Drought-resistant, California-native landscaping that would reduce water and fertilizer use, as well as address current runoff issues that impact our ocean

Parkmerced's long range plans will help bring a currently unsustainable community to the forefront of environmentally conscious design. The long-range plan will reduce residents' environmental impact, reduce the waste of natural resources and frame San Francisco as a leader in planning environmentally sustainable developments.

I fully support Parkmerced's plan and urge you to approve it.

Sincerely,

Aaron Paraiso

Fil 110206
cpage
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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -2 PM 2:43
BY AK

Kathleen McDonough
240 San Leandro Way
San Francisco, CA 94127

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I have been a long time neighbor of Parkmerced (Balboa Terrace). It is my belief that Parkmerced's owners are dedicated to improving the property and I support the proposal for revitalizing the neighborhood.

Parkmerced's owners have made an active effort to involve residents in the revitalization's planning. Representatives have gone out of their way to meet with community groups and residents to hear our concerns. They then incorporated suggestions into the plans and I'm happy to stand by their efforts.

Since my days as a student at San Francisco State University, I believed that Parkmerced needed amenities similar to other neighborhoods: community gathering places, shops and stores. The revitalization plans recognize this by creating a community center, fitness center, community gardens, "pocket parks" and more accessible green space that is genuinely inviting. Moreover, the plans for new retail stores like cafes, a bank, dry cleaner, day care, salon and restaurants will help fulfill our community's basic modern needs. With these amenities, life in Parkmerced will be more enjoyable and more convenient.

As I understand the proposed plans, Parkmerced intends to implement a revitalization that both listens to existing residents and helps the community members live more comfortably. That they are really listening to what the residents want shows their commitment to improving this community.

I fully support Parkmerced's plan and urge you to approve it.

Sincerely,

Kathleen McDonough

Cc: David Chiu, Board President; Supervisor Mar, Supervisor Michaela Alioto-Pier, Supervisor Chu, Supervisor Mirkarimi, Supervisor Daly, Supervisor Elsbernd, Supervisor Dufty, Supervisor Campos, Supervisor Maxwell, Supervisor Avalos

File 110206 (page BOS-11

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2011 FEB 28 PM 3:19
BY AK

Jim Coppfer
405 Serrano Drive, Apt. 12K
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and a member of the Parkmerced Sustainability Committee. I support the Parkmerced development project.

The current owners of Parkmerced have been proactive in considering our neighborhood's environmental impact. They initiated the Parkmerced Sustainability Committee and have implemented some of our suggestions. I am proud to be part of a community that understands its environmental footprint.

I am excited to see the improved and carefully designed Parkmerced Vision project begin to take place. The current garden units are not ecologically friendly. The apartments do not have low-flow fixtures, are drafty and expensive to keep heated, and are wasteful of water and energy. The neighborhood landscaping is also very water inefficient. I support the Parkmerced management in their suggestions to revitalize these housing and landscaping elements. I'm excited to see their efforts to explore alternative energy as a means to create a self-sustaining community.

I'm also happy to see the considerations for bicycling and transit infrastructure. Reducing our residents' dependency on cars will greatly reduce our carbon emissions and will promote a healthier San Francisco.

I support the Parkmerced project. Please join me in moving our city toward a green future.

Sincerely,

Jim Coppfer

Susan Sangiacomo
1145 Market Street, #1200
San Francisco, CA 94103

File 110206
BOS-11 pag

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -3 PM 3:32
BY

October 6, 2010

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: The Parkmerced Vision Project

To the San Francisco Board of Supervisors:

I am writing in support of the Parkmerced Vision project. As a native San Franciscan who grew up and continues to live near the West Portal area, I would love to see the Parkmerced area redeveloped.

The Parkmerced Vision will be providing a once-in-a lifetime opportunity to transform an aging housing complex and the surrounding area into a vibrant neighborhood not only for locals/natives such as myself but more importantly for the Residents. For those Residents who live in apartments slated for replacement, Management will provide onsite, replacement, rent-controlled units.

The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall Resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing a new multi-use paths to connect Parkmerced to surrounding neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for Residents in Parkmerced and citywide.

The Parkmerced Vision project will create a Resident oriented community that reflects the richness of San Francisco's cultural diversity and the city's commitment to social and economic equity. I fully support the project and urge you to do the same.

Sincerely,

Susan Sangiacomo

File 110206
cpage
BOS-11

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2011 MAR -2 PM 2:44
BY AK

EXECUTIVE COMMITTEE
Chairman 2009–2011
LLOYD DEAN
President & CEO
[illegible] Healthcare West
[illegible]NCE M. BAER
[illegible]nt
[illegible] Francisco Giants
ANDREW BALL
President & CEO
Webcor Builders
W. DONALD BELL
Chairman, President & CEO
Bell Microproducts Inc.
STEVEN K. BUSTER
President & CEO
Mechanics Bank
MICHAEL A. COVARRUBIAS
Chairman & CEO
TMG Partners
CHRISTOPHER DIGIORGIO
California Managing Director
Accenture LLP
PAULA F. DOWNEY
President
AAA Northern California, Nevada & Utah
ROBERT L. DUFFY
Senior Partner
A.T. Kearney, Inc.
MARK EDMUNDS
Vice Chairman & Regional Managing Partner
Deloitte
REVAD FEZZANI
CEO
BP Solar
ANDREW G. GIACOMINI
Managing Partner
Hanson Bridgett LLP
GEORGE C. HALVORSON
Chairman & CEO
Kaiser Foundation Health Plan, Inc.
MARY HUSS
Publisher
San Francisco Business Times
ROBERT JAMES
Partner
Pillsbury Winthrop Shaw Pittman LLP
DONALD KNAUSS
Chairman & CEO
The Clorox Company
[illegible]HARD KRAMLICH
[illegible]ral Partner/Co-Founder
[illegible] Enterprise Associates
JANET LAMKIN
California State President
Bank of America
JIM LEVINE
Managing Partner
Montezuma Wetlands LLC
PHILLIP L. LUECHT, JR.
Managing Director
Aon Risk Services
DUNCAN L. MATTESON
Chairman
The Matteson Companies
PEG McALLISTER
Senior Vice President
Lee Hecht Harrison
NANCY McFADDEN
Senior Vice President, Public Affairs
Pacific Gas and Electric Company
KENNETH McNEELY
President, AT&T California
AT&T
ALEXANDER R. MEHRAN
President & CEO
Sunset Development Company
LENNY MENDONCA
Director
McKinsey & Company
MARK MIDKIFF
Vice Chairman and Chief Risk Officer
Union Bank
PERRY PELOS
Head of Commercial Banking West
Wells Fargo & Company
JOSEPH W. SAUNDERS
Chairman & CEO
Visa Inc.
J. MICHAEL SHEPHERD
President & CEO
Bank of the West
KENNETH WILCOX
President & CEO
SVB Financial Group
JANET L. YELLEN
President & CEO
Federal Reserve Bank of San Francisco
JED YORK
President
San Francisco Forty Niners, Ltd.
RHONDA ZYGOCKI
Vice President, Policy, Government, & Public Affairs
Chevron Corporation
Ex Officio
JIM WUNDERMAN
President & CEO, Bay Area Council

BAY AREA COUNCIL

September 30, 2010

San Francisco Board of Supervisors
c/o Angela Calvillo (Clerk to the Board)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Board of Supervisors:

The Bay Area Council endorses the Parkmerced development plan.

The Parkmerced project scored extremely well in all the criteria we employ to evaluate proposed housing projects, namely; transit orientation, project size, efficient use and adaptive re-use of land, promotion of affordability, environmental design, mixed use, and the promotion of community input to the design process.

The Bay Area is home to some of the longest commutes and worst traffic congestion in the nation and the Bay Area Council Housing Committee feels that yours is precisely the type of innovative and sustainable development that San Francisco, and the rest of the Bay Area should be promoting and building if we are to decrease our reliance on the private automobile and preserve the health of our economy and our environment.

True sustainable development is a marriage between the correct mixture of uses; residential, retail and commercial, along with the provision of housing at all levels of affordability and innovative environmental design. This project encompasses all these elements in a balanced and efficient manner.

Sincerely,

Scott Zengel
Vice President Housing & Land Use
Bay Area Council

File 110206
Page BOS-11

S. GRIGOR LOVSAVORIC HA#X. A%AQ. YKY{YXI
G%OVZYAN-ZAQARYAN-WASPOVRAKAN AZG. WARJARAN
ST. GREGORY ARMENIAN APOSTOLIC CHURCH
KROUZIAN - ZEKARIAN - VASBOURAGAN ARMENIAN SCHOOL
825 Brotherhood Way, San Francisco, CA 94132 • Tel (415) 586-8686 • Fax (415) 586-8689 • kzvoffice@kzv.org • www.kzv.org

September 24, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

In my capacity as Principal of KZV Armenian School I have had the opportunity to work with the owners and managers at Parkmerced and am writing in support of their team. It is my experience that Parkmerced has been a committed and effective partner with the scholastic institutions located on Brotherhood Way Community. The Parkmerced team has met with us regularly to seek input and give us updates on progress, and our school is excited to see the project move forward.

Of real significance to the institutions along Brotherhood Way, Parkmerced has supplied housing to teachers and staff at an affordable and reduced rate over the course of the last three years. This has been critical to the operation of the schools to retain staff in the expensive housing market.

The Parkmerced project will help revitalize the community, bring in new families and build additional housing where it is vitally needed. Parkmerced has been very accommodating and is invested in this community, and I believe the project will contribute to the vitality of scholastic institutions in San Francisco.

I look forward to seeing Parkmerced's plan be built and urge you to support the project.

Sincerely,

G. Andonia

Grace Andonian
Principal

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -1 PM 3:03
BY

File 110206

BOS-11
cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -3 PM 3:32
BY

Cathedral Hill Plaza
APARTMENTS

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689

September 23, 2010

To the San Francisco Board of Supervisors:

The Parkmerced Vision project will greatly improve housing quality, comfort and availability in San Francisco. As a resident, voter, and longtime San Francisco property manager, I'm writing to ask your support for the Parkmerced Vision project.

Parkmerced's proposal to redevelop outdated, drafty and inefficient units to create several hundred new, comfortable, energy-efficient units will improve the average resident's access to modern and sustainable housing in San Francisco.

The existing units at Parkmerced are, to put it simply, at the end of their useful life. The units require consistent maintenance calls, are wasteful of limited water and energy resources, are inappropriately less dense surrounding neighborhoods and provide limited means to get around without a car. The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing new multi-use paths to connect Parkmerced to surround neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for residents in Parkmerced and city-wide.

For people currently living in displaced units, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision project will increase housing availability and quality in west San Francisco. I fully support the project and urge you to do the same.

Sincerely,

Linda J. Corso
General Manager

File 110206

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -2 PM 2:44
BY AK

4 page BOS-11

Vincent Bordi
429 Gonzalez Drive
San Francisco, CA 94132

September 2, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and student at San Francisco State University. I am writing in support of the Parkmerced Vision project. Parkmerced's owners have openly engaged with residents and its neighbors in the project planning process which is evident in the project plans. I appreciate their outreach and am excited to see the project move forward.

As an athlete, one of the elements I am most excited about is the development of new multiuse sports fields, gym and community center. The existing outdoor spaces, although expansive, are practically unusable for organized sports. The Parkmerced Vision will bring in new open spaces and pocket parks, gathering spaces and neighborhood supporting retail. Having these amenities within walking distance of my home will improve my quality of life and will also help revitalize our neighborhood economy.

I am very excited to see the existing apartments upgraded. Although my current unit is my home, it was clearly built fifty years ago. I am happy that existing residents will be provided with new, energy-efficient, warm, comfortable apartments once the project begins to be built. Parkmerced management has assured residents that, as long as we live within Parkmerced property, we can receive a new unit without it affecting our current rent control status. This will allow me to stay the neighborhood and receive the benefits of the new development.

Finally, I am glad that Parkmerced is streamlining and funding upgrades to MUNI. This is an important project for reducing automobile dependency in our city. With Parkmerced's funding, the entire community will benefit from improved MUNI access.

I support the Parkmerced redevelopment project and urge you to as well.

Sincerely,

Vincent Bordi

BOS-11
File 110206

Montessori Children's Center

80 JUAN BAUTISTA CIRCLE – SAN FRANCISCO, CA 94132 – (415) 333 - 4410

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 FEB 10 PM 2:43
BY

San Francisco Board of Supervisors
C/o Ms. Angela Calvillo, Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

February 9th, 2011

Re: SF Planning Commission Meeting February 10th, 2011

Dear San Francisco Board of Supervisors:

My name is Judith Flynn. I am the Director of the Montessori Children's Center (MCC), a preschool licensed by the California Department of Social Services located in Parkmerced which has been in operation since 1976. The school is licensed for 58 students between the ages of 2 – 6.

As the director of a small school in Parkmerced, I wish to express a few reservations about the planned development project. I have mentioned several of these points in previous letters to the Planning Commission; I wish to reiterate and expand upon them here. Due to the complexity of the redevelopment project, I have intentionally limited my letter to those areas which I believe will directly impact the school.

Project Timeline

The building the MCC currently leases, at 80 Juan Bautista Circle, has been scheduled for demolition. The possibility of building a new school site is included in the redevelopment plan; however, no assurance has been given that this new site will be available to the MCC, no timeline has been established for the demolition of the current site, and no timeline has been established for the construction of the new site. The demolition of the school's current location poses a significant problem for the school for many reasons, among them the fact that suitable locations for preschools are relatively difficult to find; moreover, lacking a specific timeframe, planning for this possibility is extremely difficult.

Air Quality

The air quality during the demolition and construction phases will deteriorate and will pose significant health risks to young children, the elderly, and pregnant mothers. These health issues have not been adequately addressed by Parkmerced, nor have possible mitigation methods been proposed.

Impact on Children and Elderly

The demolition will have a deep emotional and psychological impact on all of the children in the community, including those who attend MCC. It is difficult to predict in advance exactly how the children will respond. However, it is certain the demolition will destabilize the children, causing them anxiety and discomfort. In particular, it is worth pointing out that the noise associated with the project in both the demolition and construction phases will be significant, and will likely be upsetting to the children.

I would also like to speak for the elderly, the ill, and the long term residents Parkmerced. Being forced to move after years of stability – even with the promise of new rent controlled units, which may be legally unenforceable – is a frightening prospect which could result in severe emotional stress.

Thank you so much for giving me the opportunity to present my views and concerns. I appreciate the serious consideration you have given to the community's input.

Sincerely,

Judith Flynn
Director
Montessori Children's Center

Fw: San Francisco Planning Commission-Parkmerced Mixed Use Progarm 2008.0021 -EPMTZW- Public Hearing - February 10, 2011

Rick Caldeira to: Alisa Somera 02/10/2011 09:03 AM

File.

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104
----- Forwarded by Rick Caldeira/BOS/SFGOV on 02/10/2011 09:03 AM -----

From: "M K Venkatachari" <mkvenkat@sonic.net>
To: "Rick Caldeira; Legislative Services" <rick.caldeira@sfgov.org>, "Angela Calvillo; Clerk of the Board" <Board.of.Supervisors@sfgov.org>
Date: 02/10/2011 06:07 AM
Subject: Fw: San Francisco Planning Commission-Parkmerced Mixed Use Progarm 2008.0021 -EPMTZW- Public Hearing - February 10, 2011

Dear Ms Calvillo and Mr Caldiera:

Greetings. Today an important meeting and a hearing is being conducted by the Planning Commission in the matter of the proposed Program for the "Development" of Parkmerced. I believe, and so do hundreds of residents of Parkmerced, that the Program is not in the best interests of the residents of Parkmerced, the citizens of our City and our state. Irreplaceable damage will be done to our Historic sites even as unacceptable harm would descend on all our fellow citizens as a result of the Program. I have listed some of my serious concerns about the Program in the email communication I sent to the members of the Planning commission yesterday; a copy of this note is being forwarded to you with the humble request that my note be brought to the notice of all the members of the Board of Supervisors who would soon be required to take some very important decisions in this regard.

I sincerely hope that the Board would rise to the occasion and help save Parkmerced from destruction and from the jaws of Developers by rejecting

the Program completely or at least taking steps, like placing the Project in City-wide ballet under the initiative process, that are listed by me in this note. I consider that the Supervisors are the my only hope now in the matter of protecting the citizens of the City from severe environmental degradation and incalculable loss of qualify of life that this Program is bound to create. Besides, the Project would mercilessly yank the protection offered by Rent Control Regulations from under hundreds of current tenants who would lose this safeguard once their current apartments are destroyed under this Program. More than 1500 such rent-controlled units are planned to be thus taken off the City's stock off rent-controlled units that are currently occupied by the under privileged and senior citizens most of whom would have no place to turn to for shelter once the Program gets the green light from the City Fathers. The matter being so very important, I would deeply appreciate your help in this matter in having this issue and my note brought to the notice of the Board.
Thanking you for all you help,
Sincerely,

M K Venkatachari
355 Serrano Drive Apt 12-C
San Francisco, CA 94132
Phone 415-239-4180

----- Original Message -----
From: M K Venkatachari
To: RODNEY FONG ; HISASHI SUGAYA ; KATHRIN MOORE ; GWYNETH BORDEN ; CHRISTINA OLAGUE, Vice President ; Mr. RON MIGUEL President ; MICHAEL J ANTONINI
Cc: Elizabeth Watty ; Linda D. Avery
Sent: Wednesday, February 09, 2011 2:07 PM
Subject: San Francisco Planning Commission-Parkmerced Mixed Use Progarm 2008.0021 -EPMTZW- Public Hearing - February 10, 2011

Honorable and Respected Members of the Planning Commission, ladies and gentlemen:
My name is M K Venkatachari and I have been a resident of Parkmerced and the City of San Francisco for more than thirty very good years. I take pleasure at this opportunity to thank you all on behalf of my fellow Parkmerced residents and myself, a senior citizen, for your dedication to the tasks on hand, and in particular, for arranging the hearing of December 9, 2010 right close to our resident-complex, at the premises of SF State, an arrangement that enabled many citizens including the seniors of Parkmerced to attend and express some of our thoughts and the intense emotions that this project

and the prospects ahead generate in almost everyone living in and around Parkmerced. You heard the true voice of the people and in a democracy like ours, I trust you would not ignore this voice and the expressed view of the overwhelming majority of those who spoke out that night.

I have been writing my views on this Project to the Planning Department in the past. I sent in my comments on the DEIR, which were responded to by the authors of the EIR. These appear in the document "Comments and Responses", wherein my communication of July 12, 2010 is designated as Letter No 52. In the light of the above in the context of the meeting tomorrow, the 10th of February 2011, I wish to being some of my thoughts and feelings in this matter for your consideration in this Project wherein you all play such an immensely important role. Your decisions you would take tomorrow would affect the lives of almost all residents of our City-- not just the residents of Parkmerced -- for several decades to come- and it is an immense responsibility indeed!

THE CONTEXT OF THIS NOTE

I find, from the information presented to the public at the Planning Commission's web site, that the meeting tomorrow is intended, in summary, to approve and to formalize the following recommendations and the noted approval, all by the Planning Commission.

Item B 1: Preliminary recommendation: Certify the Final Environmental Impact Report
Item C 2 (a) Preliminary Recommendation: Adopt the CEQA findings.
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Item C 2 (c) Request for Zoning Map Amendments Preliminary Recommendation: Recommend approval to the Board of Supervisors
Item C 2 (d) Request for a General Plan Amendment Preliminary Recommendation: Recommend approval to the Board of Supervisors
Item C 2 (e) Request for Local Coastal Zone Permit Preliminary Recommendation: Approval
Item C 2 (f) Request for Approval of a Development Agreement Preliminary recommendation: Recommend approval to the Board of Supervisors

I wish to express my views on this matter in view of your proposed meeting and hearing tomorrow which I may not be able to attend.

THE CITY AND ITS CITIZENS GET A RAW DEAL

As do many of my friends, I have serous concerns about this project. So do most of the residents of Parkmerced who take interest in such matters. Also, as a concerned and non-lawyer citizen of the City I believe that all the above recommendations and the approval are flawed and are harmful to the interests of the City and its citizens, and not

just the residents of Parkmerced. These decisions appear to be designed for the sole and only purpose of promoting a Developers' project that would destroy a historical landmark, bring indescribably harsh and severe harm to the quality of life of every resident of the City and the region for decades to come in the form of traffic bottle-necks besides unacceptable environmental degradation that, despite all the tilt of the EIR cannot escape the description and the tag in the EIR as being unavoidable and un-remediable. Unfortunately the EIR does not say that all these harmful effects can be be removed in one stroke by abandoning this ill-conceived project that benefits no one but the Developers who do not live anywhere close to the City but in New York, NY.

It pains me to note that the proposed Development Agreement compels the City to make huge sacrifices for very paltry benefits, and that too in the form of a mere promise of a handful of low-cost houses for the poor with most such possibly being built far outside the City. Besides, the proposed Development Agreement presents with all the fanfare it can muster, at the very top of the list of "Public Benefits" and on page one this so-called "Prime Bonanza" for the public: "One-for-one **replacement** (all emphasis added by me, MK) of 1538 rent-controlled dwellings units currently existing in the Project Site that **would be destroyed** by the Developer as part of the Project with new rent-controlled units . . with washing machines" added on! This is a strange "favor" indeed that is presented as a benefit!. Since when does a mere replacement-after-destruction of a Good becomes a net benefit? The document does not explain the reality: the rent-controlled status of the new units would be a temporary favor, and would only be available for the life-time of the current residents who get transplanted into such new units. In other words the stock of rent-controlled units in the City would drop by 1538 in the matter of a few years as the existing residents get old and die off! In fact the entire issue of new units coming under the rent-controlled net is clouded in legal doubt due to the existing laws that ban rent-controlled status to new units! So much for the claim of the Prime Benefit to the City!

Moreover and in return for the above noted "dubious" set of benefits, the City is being compelled to make not merely substantial concessions in the form of relaxation of building codes and rules that have been in existence and served the city well for decades but also to surrender an unquantified extent valuable land belonging to the City – now in the form of streets, side walks and traffic dividers-- to the Developers' kitty to be used and incorporated as needed by him as streets, buildings,shops, and other structures that could, in most cases be built right at the edge of the pavement of the new streets without the usual set-backs and to humongous heights seen no where else in the City in its residential areas, all being permitted by a special set of dispensation for this new Parkmerced project that are now the works. Besides, there are no estimates at all in the documentation about the dollar and other costs that the City has to bear, beside the value of the land surrendered, a dollar figure that could run into the billions, considering the astronomical cost of land in San Francisco.

NEED FOR A THOROGH REVIEW BY A THIRD PARTY

In view of the huge impacts of this project, the EIR and the Development Agreement need a thorough review by a well qualified Third Party peer in order to establish their correctness, objectivity and completeness to the satisfaction of the citizens of the City. The EIR, for many, reads like a document authored by the Developers' office. The fact that the EIR was funded by the Developers makes such a review all the more important. Most citizens like me are not experts and need experts in their corner. This is the only way to clear all doubts and suspicions relating to conflict of interest that could plague the project.

AT THE MINIMUM WE NEED CITY-WIDE CITIZEN APPROVAL OF THE PROJECT THROUGH THE INITIATIVE PROCSS

The Development Agreement talks about the requirement of a City wide referendum process in any attempts to amend or terminate the Agreement once it goes into effect. Simple logic demands that the same referendum process must be adopted for placing the seal approval on this Agreement and set it afloat, considering how deeply it would commit the City and its citizens for decades to come. It could well be the minimum legal requirement in this case. I would request and urge the Supervisors and other officials of the City to initiate such a referendum in the matter of going ahead with this project. I personally believe that only the citizens, acting under a referendum, can legally commit the City for an agreement such as the one now being contemplated with the Parkmerced Developers.

Ladies and Gentlemen, as I close, I thank you for your attention. I sincerely hope that the concerns of the citizens of San Francisco in this matter do get the attention they deserve in our City Hall.

With warm regards.

Sincerely,

M K Venkatachari

355 Serrano Dr Apt . 12-C
San Francisco, CA 94132
415-239-4180

Parkmerced

cpage - Joy

110206

Fw: San Francisco Planning Commission-Parkmerced Mixed Use Progarm 2008.0021 -EPMTZW- Public Hearing - February 10, 2011
M K Venkatachari
to:
Rick Caldeira; Legislative Services, Angela Calvillo; Clerk of the Board
02/10/2011 06:07 AM
Show Details

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With warm regards.

Sincerely,

M K Venkatachari

355 Serrano Dr Apt . 12-C
San Francisco, CA 94132
415-239-4180

Alyssa Joy
Cpage
110206

Stop the demolition of a national eligible masterplanned community.
Linda Thompson to: board.of.supervisors 02/03/2011 07:18 AM
Please respond to Linda Thompson

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Linda Thompson
Spruce Pine, NC

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.

File 110206

Stop the demolition of a national eligible masterplanned community.
Aaron Goodman to: board.of.supervisors 02/03/2011 12:55 AM

View: (Mail Threads)

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Aaron Goodman
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.



Clarice Julka to: board.of.supervisors 02/03/2011 01:24 AM
Please respond to Clarice Julka

View: (Mail Threads)

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Aaron Goodman

Clarice Julka
Rockville, MD

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Stop the demolition of a national eligible masterplanned community.
Eric Brooks to: board.of.supervisors 02/03/2011 02:19 AM

Please respond to Eric Brooks

View: (Mail Threads)

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Sam Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
David McDermott to: board.of.supervisors 02/03/2011 02:29 AM
Please respond to David McDermott

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

David McDermott
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Laura Herndon to: board.of.supervisors 02/03/2011 02:55 AM
Please respond to Laura Herndon

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Laura Herndon
Burbank, CA

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Stop the demolition of a national eligible masterplanned community.
Cristi Sturgill to: board.of.supervisors 02/03/2011 02:55 AM
Please respond to Cristi Sturgill

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Cristi Sturgill
Mount Vernon, KY

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Stop the demolition of a national eligible masterplanned community.
Concerned Citizen to: board.of.supervisors 02/03/2011 02:55 AM
Please respond to Concerned Citizen

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Concerned Citizen
New City, NY

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Stop the demolition of a national eligible masterplanned community.
(Rev.) John Nelson to: board.of.supervisors 02/03/2011 02:57 AM
Please respond to John Nelson

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

(Rev.) John Nelson
Niantic, CT

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Stop the demolition of a national eligible masterplanned community.
Inge Horton to: board.of.supervisors 02/03/2011 03:06 AM
Please respond to Inge Horton

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

To demolish 1,500 rent-controlled and affordable dwelling units in an historic setting with mature trees and landscaping is incomprehensible at a time when affordable housing is a scarce commodity in San Francisco. Why should the City of San Francisco support the bad speculation of the owner/developer and push residents of 1,500 units out on the street and out of San Francisco.

Inge Horton
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Elisabeth Bechmann to: board.of.supervisors 02/03/2011 03:06 AM

Please respond to Elisabeth Bechmann

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Elisabeth Bechmann
St. Pölten, FM

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Stop the demolition of a national eligible masterplanned community.
Dave Bresci to: board.of.supervisors 02/03/2011 03:16 AM
Please respond to Dave Bresci

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Dave Bresci
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Rick Tonsing to: board.of.supervisors 02/03/2011 03:16 AM

Please respond to Rick Tonsing

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Rick Tonsing
Fair Oaks, CA

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Stop the demolition of a national eligible masterplanned community.

Sarah Baker to: board.of.supervisors 02/03/2011 03:25 AM

Please respond to Sarah Baker

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Sarah Baker
Tremont, IL

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Stop the demolition of a national eligible masterplanned community.

Jim Mock to: board.of.supervisors 02/03/2011 03:27 AM

Please respond to Jim Mock

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jim Mock
Medford, OR

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Stop the demolition of a national eligible masterplanned community.
DONNA MOCK to: board.of.supervisors 02/03/2011 03:36 AM
Please respond to DONNA MOCK

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

DONNA MOCK
MEDFORD, OR

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Stop the demolition of a national eligible masterplanned community.

Sue Hestor to: board.of.supervisors 02/03/2011 03:46 AM

Please respond to Sue Hestor.

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Sue Hestor
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Caleb Laieski to: board.of.supervisors 02/03/2011 03:48 AM

Please respond to Caleb Laieski

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Caleb Laieski
Phoenix, AZ

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Stop the demolition of a national eligible masterplanned community.

Patrick M. Donovan to: board.of.supervisors 02/03/2011 03:57 AM

Please respond to "Patrick M.Donovan"

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Patrick M. Donovan
Brooklyn, NY

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Stop the demolition of a national eligible masterplanned community.
Susan Suval to: board.of.supervisors 02/03/2011 04:05 AM
Please respond to Susan Suval

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Susan Suval
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Bill Craig to: board.of.supervisors 02/03/2011 04:05 AM

Please respond to Bill Craig

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Bill Craig
Kempten, PA

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Stop the demolition of a national eligible masterplanned community.

Jennifer Qugley to: board.of.supervisors 02/03/2011 04:16 AM

Please respond to Jennifer Qugley

View: (Mail Threads)

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Sincerely

Aaron Goodman

Jennifer Qugley
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Andrea Oefinger to: board.of.supervisors 02/03/2011 04:17 AM

Please respond to Andrea Oefinger

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Andrea Oefinger
Newtown, CT

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Stop the demolition of a national eligible masterplanned community.

Morgan Wilson to: board.of.supervisors 02/03/2011 04:18 AM

Please respond to Morgan Wilson

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Morgan Wilson
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.

Tamela Mullin to: board.of.supervisors 02/03/2011 04:19 AM

Please respond to Tamela Mullin

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Tamela Mullin
ST Joseph, MI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.

Linda Post to: board.of.supervisors 02/03/2011 04:25 AM

Please respond to Linda Post

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Linda Post
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Carol Mo to: board.of.supervisors 02/03/2011 04:25 AM
Please respond to Carol Mo

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Carol Mo
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Jennifer Pearson to: board.of.supervisors 02/03/2011 04:25 AM

Please respond to Jennifer Pearson

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jennifer Pearson
San Bruno, CA

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Stop the demolition of a national eligible masterplanned community.
Rita Goldberger to: board.of.supervisors 02/03/2011 04:26 AM
Please respond to Rita Goldberger

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

We lived in ParkMerced for seven years, in one of the town houses. We left only because we were able to buy a house. We loved the green spaces -- the yards, trees, and flowers. Please do not demolish the affordable rental units, or pave over any of the beautiful grounds.

Rita Goldberger
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Ann Cawley to: board.of.supervisors 02/03/2011 04:38 AM
Please respond to Ann Cawley

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Ann Cawley
Saint Joseph, MO

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www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.
Susan Kennedy to: board.of.supervisors 02/03/2011 04:38 AM
Please respond to Susan Kennedy

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Parkmerced is a uniquely livable environment for moderate income families, elders, singles, pet-owners, and anyone who values living among grass, trees, birds, and open space. It has been my home for 24 year, I have raised my sons there, and I look forward to enjoying it for many more years. Don't let our community be destroyed. Don't move over 3,000 people against their will. Preserve Parkmerced!

Susan Kennedy
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Kelly Scully to: board.of.supervisors 02/03/2011 04:38 AM
Please respond to Kelly Scully

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Kelly Scully

san jose, CA

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Stop the demolition of a national eligible masterplanned community.
Gerry Crowley to: board.of.supervisors 02/03/2011 04:38 AM
Please respond to Gerry Crowley

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Gerry Crowley
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Dagmar Jesensky to: board.of.supervisors 02/03/2011 04:39 AM
Please respond to Dagmar Jesensky

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Dagmar Jesensky
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Bernard Choden to: board.of.supervisors 02/03/2011 04:45 AM

Please respond to Bernard Choden

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Bernard Choden
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Marie Hollero to: board.of.supervisors 02/03/2011 04:47 AM
Please respond to Marie Hollero

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Marie Hollero
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
John Miller to: board.of.supervisors 02/03/2011 04:48 AM
Please respond to John Miller

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

John Miller
Bloomingdale, IL

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nable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.
Caleb Laieski to: board.of.supervisors 02/03/2011 04:54 AM
Please respond to Caleb Laieski

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Caleb Laieski
Phoenix, AZ

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Stop the demolition of a national eligible masterplanned community.
Matt Dickow to: board.of.supervisors 02/03/2011 04:55 AM
Please respond to Matt Dickow

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Matt Dickow
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Terri Klein to: board.of.supervisors 02/03/2011 04:56 AM
Please respond to Terri Klein

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Terri Klein
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Juliette Mitchell to: board.of.supervisors 02/03/2011 04:57 AM
Please respond to Juliette Mitchell

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Juliette Mitchell
Oakland, CA

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Stop the demolition of a national eligible masterplanned community.

Jennifer Luffman to: board.of.supervisors 02/03/2011 04:57 AM

Please respond to Jennifer Luffman

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jennifer Luffman
Hollywood, FL

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Stop the demolition of a national eligible masterplanned community.

Michael Russom to: board.of.supervisors 02/03/2011 04:57 AM

Please respond to Michael Russom

View: (Mail Threads)

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Sincerely

Aaron Goodman

Michael Russom
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Lisa Largent to: board.of.supervisors 02/03/2011 05:18 AM

Please respond to Lisa Largent

View: (Mail Threads)

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Sincerely

Aaron Goodman

Lisa Largent
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.

Jason J Green to: board.of.supervisors 02/03/2011 05:29 AM

Please respond to Jason J Green

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jason J Green
Spotsylvania, VA

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Stop the demolition of a national eligible masterplanned community.

Andreana Villa to: board.of.supervisors 02/03/2011 05:35 AM

Please respond to Andreana Villa

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Andreana Villa
Daly City, CA

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Stop the demolition of a national eligible masterplanned community.

Barbara McNamara to: board.of.supervisors 02/03/2011 05:36 AM

Please respond to Barbara McNamara

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Barbara McNamara
Joppa, MD

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Stop the demolition of a national eligible masterplanned community.

mark paez to: board.of.supervisors 02/03/2011 05:44 AM

Please respond to mark paez

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

mark paez
san francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Dawn Stueckle to: board.of.supervisors 02/03/2011 05:47 AM
Please respond to Dawn Stueckle

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Dawn Stueckle
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Ron Stueckle to: board.of.supervisors 02/03/2011 05:57 AM

Please respond to Ron Stueckle

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Ron Stueckle
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Jason Harrison to: board.of.supervisors 02/03/2011 06:07 AM

Please respond to Jason Harrison

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jason Harrison
Aurora, CO

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Stop the demolition of a national eligible masterplanned community.

Maxi Mock to: board.of.supervisors 02/03/2011 06:17 AM

Please respond to Maxi Mock

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Sincerely

Aaron Goodman

Maxi Mock
Medford, OR

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Stop the demolition of a national eligible masterplanned community.

Clifford Gooden to: board.of.supervisors 02/03/2011 06:19 AM

Please respond to Clifford Gooden

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Clifford Gooden
Davenport, IA

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Stop the demolition of a national eligible masterplanned community.

Bryan D. Freehling to: board.of.supervisors 02/03/2011 06:19 AM

Please respond to "Bryan D.Freehling"

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Bryan D. Freehling
Lahaska, PA

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Stop the demolition of a national eligible masterplanned community.
Tomasita Medál to: board.of.supervisors 02/03/2011 06:25 AM

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Tomasita Medál
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.

Cindy Brower to: board.of.supervisors 02/03/2011 06:35 AM

Please respond to Cindy Brower

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Cindy Brower
Chicago, IL

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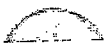

Stop the demolition of a national eligible masterplanned community.
carol crunkhorn to: board.of.supervisors 02/03/2011 06:35 AM
Please respond to carol crunkhorn

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

carol crunkhorn
New Zealand, FM

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Stop the demolition of a national eligible masterplanned community.



CAROLYN BLAIR to: board.of.supervisors 02/03/2011 06:59 AM
Please respond to CAROLYN BLAIR

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

CAROLYN BLAIR
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Jerry Mayeux to: board.of.supervisors 02/03/2011 07:14 AM

Please respond to Jerry Mayeux

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jerry Mayeux
Hattiesburg, MS

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Stop the demolition of a national eligible masterplanned community.
Cyndi Mears to: board.of.supervisors 02/03/2011 07:15 AM
Please respond to Cyndi Mears

View: (Mail Threads)

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Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Cyndi Mears
Chicago, IL

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Stop the demolition of a national eligible masterplanned community.
Howard Wong to: board.of.supervisors 02/03/2011 07:28 AM
Please respond to Howard Wong

View: (Mail Threads)

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Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

A win-win development design is possible, benefiting residents, developer, open space, historic resources. sustainability and existing social fabric----through intelligent infill development.

Howard Wong
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.



kenneth knoppik to: board.of.supervisors 02/03/2011 07:39 AM
Please respond to kenneth knoppik

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

kenneth knoppik
boca raton, FL

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Stop the demolition of a national eligible masterplanned community.
Mary Acosta to: board.of.supervisors 02/03/2011 07:49 AM

Please respond to Mary Acosta

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Mary Acosta
Baldwin park, CA

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Stop the demolition of a national eligible masterplanned community.
Lee Margulies to: board.of.supervisors 02/03/2011 07:49 AM
Please respond to Lee Margulies

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Lee Margulies
Stony Brook, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.
Revel Paul to: board.of.supervisors 02/03/2011 07:55 AM
Please respond to Revel Paul

View: (Mail Threads)

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Sincerely

Aaron Goodman

Revel Paul
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Sarah Suval to: board.of.supervisors 02/03/2011 07:59 AM
Please respond to Sarah Suval

View: (Mail Threads)

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Sincerely

Aaron Goodman

Sarah Suval
san Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Nicole Weber to: board.of.supervisors 02/03/2011 08:05 AM
Please respond to Nicole Weber

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Sincerely

Aaron Goodman

Nicole Weber
Pasadena, MD

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Stop the demolition of a national eligible masterplanned community.
Janet Lusano to: board.of.supervisors 02/03/2011 08:09 AM
Please respond to Janet Lusano

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely,

Aaron Goodman

Anyone who doubts the beauty and functionality of the Parkmerced garden apartments should take a tour. I am able to afford to live in a good-sized apartment in San Francisco on my salary and be close to everything the city has to offer. My apartment is quiet and cozy. I oppose the demolition of these lovely historic homes!

Janet Lusano
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Jennifer Hall to: board.of.supervisors 02/03/2011 08:09 AM
Please respond to Jennifer Hall

View: (Mail Threads)

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Sincerely

Aaron Goodman

Jennifer Hall
Greeneville, TN

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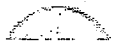

Stop the demolition of a national eligible masterplanned community.
Nancy wuerfel to: board.of.supervisors 02/03/2011 08:18 AM
Please respond to Nancy wuerfel

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Nancy wuerfel
san francisco, CA

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Stop the demolition of a national eligible masterplanned community.



Carl Miller to: board.of.supervisors 02/03/2011 08:25 AM
Please respond to Carl Miller

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Carl Miller
Noblesvillie, IN

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Stop the demolition of a national eligible masterplanned community.
Kathy Fugitt to: board.of.supervisors 02/03/2011 08:29 AM

Please respond to Kathy Fugitt

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Kathy Fugitt
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
tawfick yahya to: board.of.supervisors 02/03/2011 08:34 AM
Please respond to tawfick yahya

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

tawfick yahya
san francisco, CA

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Stop the demolition of a national eligible masterplanned community.
James Walker to: board.of.supervisors 02/03/2011 08:35 AM
Please respond to James Walker

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

James Walker
janesville, WI

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Stop the demolition of a national eligible masterplanned community.
Erica Melamed to: board.of.supervisors 02/03/2011 08:37 AM
Please respond to Erica Melamed

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Erica Melamed
Coral Springs, FL

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Stop the demolition of a national eligible masterplanned community.
Carole Sarcinello to: board.of.supervisors 02/03/2011 08:39 AM
Please respond to Carole Sarcinello

View: (Mail Threads)

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Sincerely

Aaron Goodman

Carole Sarcinello
Mosheim, TN

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Stop the demolition of a national eligible masterplanned community.
Stephanie Malara to: board.of.supervisors 02/03/2011 08:47 AM
Please respond to Stephanie Malara

View: (Mail Threads)

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Sincerely

Aaron Goodman

Stephanie Malara
Carlsbad, NM

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Stop the demolition of a national eligible masterplanned community.
Lori Kegler to: board.of.supervisors 02/03/2011 09:04 AM
Please respond to Lori Kegler

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Lori Kegler
San Pedro, CA

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Stop the demolition of a national eligible masterplanned community.
Victoria Sethunya to: board.of.supervisors 02/03/2011 09:05 AM
Please respond to Victoria Sethunya

View: (Mail Threads)

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Sincerely

Aaron Goodman

Victoria Sethunya
SLC, UT

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Stop the demolition of a national eligible masterplanned community.
Judith Berkowitz to: board.of.supervisors 02/03/2011 09:17 AM
Please respond to Judith Berkowitz

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

I have concerns regarding the proposed planning code, zoning map, and General Plan amendments which would implement the "Parkmerced Vision Project" as currently proposed.

Judith Berkowitz
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Bob Ramczyk to: board.of.supervisors 02/03/2011 09:21 AM
Please respond to Bob Ramczyk

View: (Mail Threads)

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Sincerely

Aaron Goodman

Bob Ramczyk
Brown Deer, WI

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Stop the demolition of a national eligible masterplanned community.



Mary Ratcliff to: board.of.supervisors 02/03/2011 09:22 AM
Please respond to Mary Ratcliff

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Mary Ratcliff
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Michael Funk to: board.of.supervisors 02/03/2011 09:24 AM

Please respond to Michael Funk

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Michael Funk
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.

Stop the demolition of a national eligible masterplanned community.
james m nordlund to: board.of.supervisors 02/03/2011 09:26 AM
Please respond to james m nordlund

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

james m nordlund
Fargo, ND

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Stop the demolition of a national eligible masterplanned community.
sherry lemons to: board.of.supervisors 02/03/2011 09:38 AM
Please respond to sherry lemons

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

sherry lemons
bethany, MO

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Stop the demolition of a national eligible masterplanned community.
Natasha Leite de Moura to: board.of.supervisors 02/03/2011 09:48 AM
Please respond to Natasha Leite de Moura

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Sincerely

Aaron Goodman

Natasha Leite de Moura
Rio de Janeiro, WA

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Stop the demolition of a national eligible masterplanned community.
ted bartholdi jr. to: board.of.supervisors 02/03/2011 10:36 AM
Please respond to "ted bartholdi jr."

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Sincerely

Aaron Goodman

ted bartholdi jr.
wittman, MD

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Stop the demolition of a national eligible masterplanned community.
Tyler Bonn to: board.of.supervisors 02/03/2011 10:59 AM
Please respond to Tyler Bonn

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Tyler Bonn
Mohnton, PA

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Stop the demolition of a national eligible masterplanned community.
Kurt Frees to: board.of.supervisors 02/03/2011 03:14 PM
Please respond to Kurt Frees

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Kurt Frees
Cincinnati, OH

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Stop the demolition of a national eligible masterplanned community.
Victor Escobar to: board.of.supervisors 02/03/2011 03:16 PM
Please respond to Victor Escobar

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Victor Escobar
Midlothian, VA

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Stop the demolition of a national eligible masterplanned community.
Lindsey Poore to: board.of.supervisors 02/03/2011 03:20 PM
Please respond to Lindsey Poore

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Lindsey Poore
federalsburg, MD

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Stop the demolition of a national eligible masterplanned community.
Krysta Acevedo to: board.of.supervisors 02/03/2011 03:30 PM
Please respond to Krysta Acevedo

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Krysta Acevedo
Secaucus, NJ

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Stop the demolition of a national eligible masterplanned community.
Grace Turkis to: board.of.supervisors 02/05/2011 11:48 PM
Please respond to Grace Turkis

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Grace Turkis
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
carlee trent to: board.of.supervisors 02/05/2011 11:50 PM
Please respond to carlee trent

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

carlee trent
springfield, OH

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Stop the demolition of a national eligible masterplanned community.
Frances Moulton to: board.of.supervisors 02/05/2011 11:55 PM
Please respond to Frances Moulton

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Frances Moulton
Pt. Richmond, CA

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Stop the demolition of a national eligible masterplanned community.
walter dmytrenko to: board.of.supervisors 02/06/2011 12:57 AM
Please respond to walter dmytrenko

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

walter dmytrenko
pacifica, CA

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Stop the demolition of a national eligible masterplanned community.
sara shortt to: board.of.supervisors 02/06/2011 02:01 AM
Please respond to sara shortt

View: (Mail Threads)

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Sincerely

Aaron Goodman

sara shortt
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Jeff Buckley to: board.of.supervisors 02/06/2011 02:40 AM
Please respond to Jeff Buckley

View: (Mail Threads)

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Sincerely

Aaron Goodman

Jeff Buckley
SF, CA

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Stop the demolition of a national eligible masterplanned community.
nancy sands to: board.of.supervisors 02/06/2011 02:53 AM
Please respond to nancy sands

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

nancy sands
brooklyn, NY

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Stop the demolition of a national eligible masterplanned community.
Peter Felton to: board.of.supervisors 02/06/2011 03:22 AM
Please respond to Peter Felton

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Peter Felton
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Jan Blum to: board.of.supervisors 02/06/2011 03:31 AM
Please respond to Jan Blum

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Jan Blum
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Lorraine Scarbroough to: board.of.supervisors 02/06/2011 04:34 AM
Please respond to Lorraine Scarbroough

View: (Mail Threads)

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Lorraine Scarbroough
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Tracy Brinkley to: board.of.supervisors 02/06/2011 05:24 AM
Please respond to Tracy Brinkley

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Tracy Brinkley
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.
Greacian Goeke to: board.of.supervisors 02/06/2011 06:04 AM
Please respond to Greacian Goeke

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Greacian Goeke
Oakland, CA

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Stop the demolition of a national eligible masterplanned community.
SJ Champ to: board.of.supervisors 02/06/2011 07:23 AM
Please respond to SJ Champ

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

SJ Champ
Los Angeles, CA

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Stop the demolition of a national eligible masterplanned community.
Stephen Greene to: board.of.supervisors 02/06/2011 08:12 AM
Please respond to Stephen Greene

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Stephen Greene
Ellerbe, NC

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Stop the demolition of a national eligible masterplanned community.
David Dunkleberger to: board.of.supervisors 02/06/2011 08:41 AM
Please respond to David Dunkleberger

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

David Dunkleberger
Doylestown, PA

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Stop the demolition of a national eligible masterplanned community.
Tulula Fanjoy to: board.of.supervisors 02/06/2011 10:20 PM
Please respond to Tulula Fanjoy

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Tulula Fanjoy
Casa Grande, AZ

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Stop the demolition of a national eligible masterplanned community.
Ian Turner to: board.of.supervisors 02/06/2011 10:27 PM
Please respond to Ian Turner

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Ian Turner
Sacramento, CA

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Stop the demolition of a national eligible masterplanned community.
Charles Farrugia to: board.of.supervisors 02/06/2011 10:45 PM
Please respond to Charles Farrugia

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Charles Farrugia
San Francsico, CA

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Stop the demolition of a national eligible masterplanned community.
Paul Sant-Filh to: board.of.supervisors 02/07/2011 12:24 AM
Please respond to Paul Sant-Filh

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Paul Sant-Filh
New York, NY

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Stop the demolition of a national eligible masterplanned community.
Angie Starling to: board.of.supervisors 02/07/2011 03:11 AM
Please respond to Angie Starling

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Angie Starling
Hickory, NC

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Stop the demolition of a national eligible masterplanned community.
Maria F. to: board.of.supervisors 02/07/2011 04:40 AM
Please respond to "Maria F."

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Maria F.
Verona, IA

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Stop the demolition of a national eligible masterplanned community.
DR THEODORA MANOLAS to: board.of.supervisors 02/07/2011 06:21 AM
Please respond to DR THEODORA MANOLAS

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

DR THEODORA MANOLAS
JACKSON HEIGHTS, NY

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Stop the demolition of a national eligible masterplanned community.
Mukundagirl Venkatachari to: board.of.supervisors 02/07/2011 08:13 AM
Please respond to Mukundagirl Venkatachari

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Mukundagirl Venkatachari
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Laura Goodman to: board.of.supervisors 02/07/2011 08:31 AM
Please respond to Laura Goodman

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Laura Goodman
Alexandria, VA

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Stop the demolition of a national eligible masterplanned community.
Inge Lewis to: board.of.supervisors 02/07/2011 08:42 AM
Please respond to Inge Lewis

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Inge Lewis
Conway, SC

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Stop the demolition of a national eligible masterplanned community.
Shana Nielsen to: board.of.supervisors 02/07/2011 08:42 AM
Please respond to Shana Nielsen

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Shana Nielsen
burlingame, CA

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Stop the demolition of a national eligible masterplanned community.
Roger Goodman to: board.of.supervisors 02/07/2011 09:03 AM
Please respond to Roger Goodman

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

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Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Roger Goodman
Brooklyn, NY

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Stop the demolition of a national eligible masterplanned community.
Levin Manabat to: board.of.supervisors 02/07/2011 12:06 PM
Please respond to Levin Manabat

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Levin Manabat
Portland, OR

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Stop the demolition of a national eligible masterplanned community.
Sara Vardanyan to: board.of.supervisors 02/07/2011 12:09 PM
Please respond to Sara Vardanyan

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Sara Vardanyan
Los Angeles, CA

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Stop the demolition of a national eligible masterplanned community.
Keth Luke to: board.of.supervisors 02/07/2011 03:08 PM
Please respond to Keth Luke

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Keth Luke
New Port Richey, FL

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Stop the demolition of a national eligible masterplanned community.
David Tsosie to: board.of.supervisors 02/08/2011 01:56 AM
Please respond to David Tsosie

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

David Tsosie
Phx, AZ

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Stop the demolition of a national eligible masterplanned community.
Alan Francisco to: board.of.supervisors 02/08/2011 01:24 PM
Please respond to Alan Francisco

View: (Mail Threads)

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Alan Francisco
San Diego, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.
Bonnie Yee to: board.of.supervisors 02/09/2011 03:29 AM
Please respond to Bonnie Yee

View: (Mail Threads)

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Sincerely

Aaron Goodman

Bonnie Yee
San Francisco, CA

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Stop the demolition of a national eligible masterplanned community.
Mervi Rantala to: board.of.supervisors 02/17/2011 07:59 PM
Please respond to Mervi Rantala

View: (Mail Threads)

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Sincerely

Aaron Goodman

Mervi Rantala
Tampere, FL

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Stop the demolition of a national eligible masterplanned community.
Julie van Niekerk to: board.of.supervisors 02/18/2011 03:06 AM
Please respond to Julie van Niekerk

View: (Mail Threads)

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Sincerely

Aaron Goodman

Julie van Niekerk
South Africa, SD

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