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City goes to bat for Bayview renewal
Bonnie Eslinger,
The SF Examiner
Apr 17, 2007
SAN FRANCISCO - City officials are aggressively promoting a $1 billion-plus Candlestick Point and Hunters Point revitalization plan — which will be presented to the San Francisco Redevelopment Agency today — with hopes of starting the environmental review process in June.

On Monday, the ambitious plan for 276 acres at Candlestick Point and another 495 acres at the site of the former Hunters Point Naval Shipyard was presented to the Board of Supervisors' Land Use and Economic Development Committee.
"We've held a ton of public meetings," Michael Cohen, of the Mayor's Office of Economic and Workforce Development, said. "In the last two months we've had about 20 public meetings on the project."
The City and its master developer, Lennar BVHP, are working on an ambitious timeline to get the dual waterfront projects through the approval process, since one includes space for a proposed NFL stadium for the San Francisco 49ers, who have said they want a new home by 2012.
Although the 49ers are also now in talks with Santa Clara about building a stadium adjacent to the Great America amusement park, the team has resumed negotiations with The City — which proposes to build the stadium at Hunters Point Shipyard, while keeping a previously proposed revenue-generating development at Candlestick Point.
At Monday's meeting, Bayview resident LaRhonda Smith said she was pleased to hear Lennar official Kofi Bonner talk about "Bed Bath and Beyond-types of shopping opportunities" for the neighborhood, since her two daughters, ages 18 and 21, were having difficulty finding work.
"I think this will be very good for families," Smith said.
Others in attendance Monday expressed strong concern about the environmental health hazards at Hunters Point, a Superfund site that has polluted soil filled with toxins from its former naval use. To date, the Navy has spent $500 million cleaning up the first 66 acres of Hunters Point currently under construction.
Brian O'Flynn, who organized a referendum campaign against the Bayview-Hunters Point Redevelopment plan that was approved last year by the Board of Supervisors and Mayor Gavin Newsom, said no project should move forward until the entire city has a chance to vote on the overall redevelopment plan.
Last year, O'Flynn and others gathered enough signatures to put the redevelopment plan on the ballot; however, the City Attorney declared the effort invalid since the book-sized redevelopment plan wasn't attached to the petition.
The referendum group filed a lawsuit that is scheduled to go to court later this year.

Bayview activists denounce Herrera
City attorney's ruling blocked referendum on redevelopment
Robert Selna, <mailto:rselna@sfchronicle.com>
San Francisco Chronicle
Tuesday, April 17, 2007
Opponents of a decision that placed much of Bayview-Hunters Point and Candlestick Point under jurisdiction of the city Redevelopment Agency laid out legal arguments Monday for why a referendum on the issue should be allowed to go to voters.
At a noon City Hall press conference, a handful of Bayview residents, small-business owners and others gathered to denounce a city attorney opinion issued in September that has kept a referendum on Bayview-Hunters Point redevelopment from going on a citywide ballot.
"This is clearly an attempt by the city attorney ... to avoid the scrutiny of the redevelopment of the Bayview by the voters of San Francisco," said Brian O'Flynn, who helped organize a petition drive to call for the referendum last summer. "It undermines the constitutional protections of the referendum process."
O'Flynn handed out court papers filed in mid-March as part of a lawsuit to revive the referendum. They argue that City Attorney Dennis Herrera misread the law and imposed an unreasonable burden on signature gatherers when he

invalidated their petitions in September. Herrera contended at the time that the petitions used to gather the signatures were faulty because they didn't include hundreds of pages of official city documentation that described the redevelopment plan for Bayview-Hunters Point and Candlestick Point.
A spokesman for Herrera stood by that decision Monday.
"The law is very clear, and the courts have been very consistent, that a referendum petition on a redevelopment plan must attach the plan itself to the petition for consideration by voters," spokesman Matt Dorsey said. "Failure to do so invalidates the petition."
The city Redevelopment Agency commission voted in 2006 to place the Bayview area under the jurisdiction of the redevelopment agency -- and the decision was later ratified by the Board of Supervisors. The redevelopment plan would cover 1,400 acres, the largest such project in San Francisco history.
The Redevelopment Agency promises to clean up blight, build affordable housing and stimulate business, relying in part on its ability to finance projects with bonds that will be paid off with future property tax revenue. But opponents fear that the city will take property under eminent domain and that private developers' desire for profit will drive up housing prices and lead to gentrification.
In September, the city Elections Department certified that O'Flynn and other redevelopment opponents had gathered more than the 21,615 valid signatures of registered voters needed to qualify a referendum on the redevelopment plan for the November 2007 ballot.
Six days after the petitions were submitted, Herrera advised the clerk of the Board of Supervisors not to call an election because the petitions used to gather the signatures didn't contain the text of the redevelopment plan.
In December, a group called Defend the Bayview-Hunters Point Committee filed a lawsuit asking the Superior Court to review and reverse the city attorney opinion.
Elections law experts said that the case presents a close call, but that the city attorney's opinion has merit.
"The city attorney may have a very good argument," said Sky Woodruff, a lawyer with the Oakland-based municipal law firm Meyers Nave. "California courts have said that if opponents want to overturn a land-use plan, they actually have to attach the plan or have it available on site."
Mayor Gavin Newsom recently announced a plan whereby Miami-based Lennar Corp. would lead a project to build thousands of homes and commercial development at Candlestick Point and connect it to a new 49ers football stadium at the nearby Hunters Point Shipyard.
Under the jurisdiction of the city's Redevelopment Agency, bonds could be issued to pay for roads, sewers and parks. Then the bonds would be paid back with new property tax dollars generated by development in the area.

City Sells Hunters Point to Lennar as Activists Revive Referendum
by Paul Hogarth,
Beyond Chron
Tuesday Apr 17th, 2007
Opponents of the Bayview Redevelopment Plan – who last year gathered 33,000 signatures to challenge it at the ballot box – yesterday filed for a court injunction to get the City to validate the signatures. Last September, City Attorney Dennis Herrera issued an opinion that the signatures were invalid because the petitions did not include all 500 pages of the Plan. If upheld, Herrera's opinion would effectively eviscerate <http://www.beyondchron.org/news/index.php?itemid=3697> the right to challenge any law by referendum – as no petition-gatherer can be reasonably expected to carry the equivalent of two phonebooks.

Now, under the auspices of keeping the 49ers in San Francisco, Redevelopment plans to give away a large portion of Bayview-Hunters Point to the Lennar Corporation. Yesterday, the Board of Supervisors Land Use Committee reviewed a plan for the area – with a new football stadium, biotech businesses and high-rise condominiums. Because it's now a Redevelopment area, the Supervisors can't do anything about it. And when Brian O'Flynn spoke during public comment about the Bayview Referendum that if successful could sink the whole project, Supervisor Sophie Maxwell cut him off and said they weren't talking about the Redevelopment Plan.

Lennar, a Florida-based real estate corporation, has a bad track record of broken promises when it comes to affordable housing. In Orange County, low-income families who sought to buy an "affordable home" from Lennar were required <http://www.beyondchron.org/news/index.php?itemid=3810> to make a 50% down payment. In Oakland, Lennar dropped <http://www.beyondchron.org/news/index.php?itemid=4020> plans to build 850 units of housing downtown because the City might require some of them to be affordable. And in Hunters Point, Lennar broke <http://www.beyondchron.org/news/index.php?itemid=3810> its promise to build 400 units of rental housing – because the rental market was not "profitable."

The project released yesterday would have Lennar redevelop all of Candlestick Point (where the 49ers stadium is currently located) and the Hunters Point Shipyard. A new stadium would be built at Hunters Point Shipyard, and 8,500 homes would be built at both Candlestick Point and the Shipyard – including some high-rise towers. There would be 300 acres of open space, 80,000 square feet of retail, and 150,000 square feet of office space. According to Kofi Bonner of Lennar, the retail would include stores like Bed Bath & Beyond and the office space would include some light industry and biotech.

More controversially, the plan would demolish the Alice Griffith Housing Project – but with "no resident displacement." Residents of the public housing complex have been worried about the future, and the Supervisors in recent months have attempted to assuage such concerns. But while the Board passed a non-binding resolution in February supporting <http://www.beyondchron.org/news/index.php?itemid=4197> the tenants and requesting true affordable replacements, they also endorsed Lennar's plan to redevelop the project. With Lennar's track record of broken promises, who's to say they won't renege on this one too?

Opponents of Redevelopment have called the new plan a "Trojan Horse" for developers. "The real reason is not to keep the 49ers," said Brian O'Flynn, "but to push more luxury housing in Hunter's Point. It's to allow Lennar to build market-rate housing, and 'affordable' housing that won't be available to most residents. The Yorks [who own the 49ers] don't even like the proposed location [for the stadium] due to traffic chokeholds."

At the Hearing, Supervisor Jake McGoldrick injected a healthy dose of skepticism about the project – but couldn't escape the fact that he can't control what Redevelopment does. "Why are we using Lennar as a sole-source contract," he asked Michael Cohen of the Mayor's Office. "Shouldn't we at least open this to competitive bidding?"

Cohen's response to that question was not re-assuring. Lennar has the legal exclusive right to the Hunters Point Shipyard, he said, as they were selected in a process back in 1999 – when Hunters Point (but not the rest of the area) was already a Redevelopment Area. "To combine these two projects – address the 49ers concern, and keep up the promise to plan in the Candlestick Point area – Lennar has to be a part of the process."

McGoldrick asked Kofi Bonner of Lennar if they have a "Plan B" if the 49ers leave the City. Bonner unconvincingly replied that they "hadn't been thinking" about it, although – as we reported <http://www.beyondchron.org/news/index.php?itemid=4189> in February – there's no way that the 49ers will build at the Shipyard. Lennar won't admit this fact because, while the entire project has been packaged as an effort to keep the 49ers in town, the real motivation is for Lennar to make a fortune.

McGoldrick's questions needed to be asked, and if answered truthfully would have exposed the ruse that is this project. But the problem is that the fix is already in. Last May, the Board of Supervisors voted 7-4 to make all of Bayview-Hunters Point a Redevelopment Area – which means they can't control who gets the lucrative contracts or what kind of development gets built.

Which brings us back to the Referendum campaign – which if successful would get rid of Redevelopment in Bayview-Hunters Point, allowing Jake McGoldrick and others real oversight in the area. Brian O'Flynn spoke during public comment about the referendum campaign, and how it could prevent the "powers-that-be from transferring control of the community to the Lennar Corporation."

But Sophie Maxwell interrupted him and wouldn't let him finish. "This is not about the Redevelopment Plan," she said sternly. "This is about the Stadium Plan." First, I have never seen a Supervisor so rudely cut off a speaker during a hearing – where members of the public are generally allowed three minutes to comment. Second, the Stadium Plan wouldn't exist without the Redevelopment Plan – so it was perfectly legitimate.

At a press conference before the Hearing, advocates for the Bayview Referendum announced that they had filed for injunctive relief on behalf of the 33,000 San Franciscans who had signed the petition to put the Redevelopment Plan on the ballot. "What is at stake here," said O'Flynn, "is not just the right of Bayview people to self-determination. But also the entire right of the referendum."

"Redevelopment destroyed the Western Addition," said Bayview resident Charlie Walker. "And now they're destroying Bayview-Hunters Point. Black people are not leaving San Francisco – we are being driven out."

If the court approves the injunction, San Francisco voters will finally get to weigh in on this contentious issue.