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SAN FRANCISCO; Bayview activists denounce Herrera; City attorney's ruling blocked referendum on redevelopment

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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.

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