



January 12, 2010

For Delivery By Hand

San Francisco Board of Supervisors
1 Doctor Carlton P Goodlett Place
San Francisco, CA 94102-4689

RE: Appeal of Planning Department Decision to Exempt Conversion of Grass Playfields to Artificial Turf at the Beach Chalet in San Francisco

To the Board of Supervisors:

I am writing on behalf of the Golden Gate Audubon Society and our members and supporters to appeal the decision of the San Francisco Planning Department to exempt from review under the California Environmental Quality Act, Pub. Res. Code §§ 21000 *et seq.*, (CEQA) the proposed project to replace the grass fields at the Beach Chalet in Golden Gate Park with synthetic turf and to significantly alter the facilities and environment in the area. By granting an exemption to CEQA, the Planning Department has facilitated a significant and irrevocable change to the character and environment of the western end of Golden Gate Park. We believe that this determination was incorrect, contrary to the San Francisco General Plan and the Golden Gate Park Master Plan, and exceeded the language of the CEQA Guidelines and the law itself.

We first learned that the Planning Department had granted a “Class 1” exemption to CEQA for the Beach Chalet turf conversion project at a public meeting on December 7, 2009. On December 9, 2009, I sent a letter to the San Francisco Recreation & Parks Department and the San Francisco Planning Department asking for more information about the purported exemption. A true and correct copy of my December 9 letter is attached hereto as Exhibit A. To date, neither the Recreation & Parks Department nor the Planning Department has responded to my request for more information and neither has made any effort to further explain or document the exemption. Because of the failure of the City of San Francisco to document or explain the purported CEQA exemption, we have been forced to file this appeal. The reasons why the appeal should be granted are set forth in greater detail below.

I. The Planning Department Failed to Document Its Finding of a CEQA Exemption and Failed to Produce Documents Evidencing that the Exemption Was Granted.

Over the past several months, Golden Gate Audubon and other organizations have discussed this matter with representatives of the City and County of San Francisco. Initially, we were assured by Recreation & Parks Department staff that the Planning Department had “thoroughly reviewed” the project and had concluded that the turf conversions were exempt from CEQA. Recreation & Parks Department staff could not identify the applicable exemption or rule and were unable to identify Planning Department staff responsible for the review and determination. Informal inquiries to the Planning Department failed to provide any additional information about the purported exemption.

GOLDEN GATE AUDUBON SOCIETY

2530 San Pablo Avenue, Suite G Berkeley, California 94702

phone 510.843.2222 fax 510.843.5351 web www.goldengateaudubon.org

On October 14, 2009, I sent a Public Records Act and Sunshine Ordinance request to the City and County of San Francisco for all records related to the City’s CEQA review and any exemption determination. The records sought included all memoranda, reports, electronic communications, meeting agenda, meeting notes and other documents that would evidence this conclusion. A true and correct copy of my PRA request is attached hereto as Exhibit B.

In response to my PRA request, Planning Department staff informed us that they had not heard about the project and had not been consulted by the Recreation & Parks Department. **After several weeks and additional prompts from Golden Gate Audubon, the Planning Department eventually informed us by telephone that there were no records responsive to our request.** When we requested that Planning Department staff formally respond in writing, staff provided an email that stated only that the “extent of the [Planning Department] involvement with the installation of artificial turf has come through CEQA exemption stamps to General Plan Referrals.” A true and correct copy of the Planning Department’s *only written response* (an email) is attached hereto as Exhibit C.

At the public meeting held on December 7, 2009, representatives of San Francisco Recreation and Parks Department informed the public that the Planning Department had determined that the Beach Chalet project was exempt from CEQA under a “Class 1” exemption. Though they did not specify the nature of the “Class 1 exemption”, they were likely referring to CEQA Guidelines Section 15301. To our knowledge, this is the first time that the City of San Francisco has formally specified the applicable CEQA exemption. Despite our repeated requests, **the City has never produced a Certificate of Exemption from CEQA Review or any other record formalizing its exemption determination.**

II. The Planning Department Incorrectly Applied Section 15301 of the CEQA Guidelines to Provide an Exemption for this Project.

If the Planning Department did indeed apply a “Class 1” exemption, it did so in error. “Class 1” exemptions are generally understood to apply only to minor alterations to existing facilities that involve negligible or no expansion of use. (*See* California Natural Resources Agency, CEQA Guidelines, at <http://ceres.ca.gov/ceqa/guidelines/art19.html#15301>).

By the project proponents’ own reckoning, the conversion of the Beach Chalet playfields to artificial turf will significantly increase the use of the area and require a major alteration of the Beach Chalet site. (*See* City Fields Foundation, *Golden Gate Park’s Beach Chalet Fields* (stating “Currently, the fields host 4,738 hours of annual play. **The proposed renovation will add 9,582 hours of new play each year.**”), available at <http://www.cityfieldsfoundation.org/about-us/87>). The City Fields Foundation and the Recreation and Parks Department have been selling the project, in part, by explaining that the artificial turf will allow more players to use the field throughout the year (without ongoing maintenance and seasonal closures) and later at night (with expanded lighting). (*See id.*) The project also includes plans to renovate and/or remove some structures at the site, alter and expand the parking lot, install paved footpaths, install lighting, and remove trees. Considered together, these can not be considered to be “minor” alterations within the language of Section 15301.

The text of Section 15301 itself demonstrates the flaw in the Planning Department’s determination. Section 15301(h) allows for an exemption for the “[m]aintenance of *existing* landscaping, *native* growth, and water supply reservoirs.” (emphasis added) The section implies that a project that does more than merely maintain existing landscaping and native growth—in this case, the wholesale removal of existing landscaping and trees—would not be exempt from CEQA.

Category 1 exemptions are intended to apply to minor activities such as repainting or modernizing existing facilities. They are not intended to provide a free pass for significant projects such as the one proposed at the Beach Chalet. Therefore, the Planning Department’s determination of a Class 1 Section 15301 exemption is in error. Moreover, because the Planning Department had not produced a Certificate of Exemption in response to our PRA and Sunshine Ordinance request, the undocumented determination should not be given any legal weight.

III. The Project Will Have Clear Environmental Impacts that Must Be Considered Pursuant to CEQA.

A review of the project proponents’ plans clearly indicates that there will be significant environmental and cultural impacts. These include:

1. Increased human use and traffic in the area;
2. Increased levels of trash and food waste;
3. Likely increases in populations of animals attracted to food waste and trash, such as ravens, crows, feral cats, raccoons, rats and other animals that prey upon native birds and other wildlife;
4. The alteration of the grass field, which currently provides foraging habitat for many species of birds, including many species of gulls, Yellow-rumped Warblers, Dark-eyed Juncos, White-crowned Sparrows, Golden-crowned Sparrows, California Towhees, Say’s Phoebe, Cooper’s Hawks, Sharp-shinned Hawks, and American Robins;
5. Increased automobile traffic, which will increase local air pollution, noise levels, and risks to other park users;
6. The installation of 60’-tall lights at the site, which will affect local wildlife and fundamentally change the night sky character of the west end of the park;
7. The removal of grass turf and the replacement with synthetic turf, which contains zinc, cadmium, lead and mercury at levels that may exceed state and national safety levels for drinking water, storm water, and direct exposures (*see Synthetic Task Force Findings & Department Recommendations*, at 28-29);

Instead of honestly assessing and discussing these impacts, the project proponents and their supporters have chosen to ignore them for the sake of convenience. Yet, even a cursory review of available information provides ample evidence that potential impacts are real and significant.

Concerns about the environmental and public health impacts of synthetic turf have been raised by several local and state agencies throughout the United States (*see, e.g.*, U.S. Environmental Protection Agency, *The Use of Recycled Tire Materials on Playgrounds & Artificial Turf Fields*, available at http://www.epa.gov/nerl/features/tire_crumbs.html). Concerns have been identified by the San Francisco Department of the Environment (“SFE”), the California Attorney General, the California Environmental Protection Agency, non-governmental organizations, and even the Recreation & Parks Department itself. The Planning Department apparently ignored these concerns—and San Francisco’s purported adherence to the Precautionary Principle—and issued the exemption without adequate consideration.

On January 9, 2008, the San Francisco Department of the Environment (“SFE”) issued a letter to the Recreation & Parks Department setting forth SFE’s initial findings, concerns and recommendations regarding the artificial turf conversion projects. A true and correct copy of the SFE’s letter is attached hereto as Exhibit D. In the letter, SFE recognized several potential environmental impacts as a result of the conversions. These include:

1. Potential higher climate change impact;
2. Lack of recyclability at the end-of-life of the product (approximately 8-10 years); and
3. Potential for leachate, particularly in areas prone to flooding (such as the Beach Chalet).

(See Exhibit D, Letter from San Francisco Dept. of the Environment to San Francisco Recreation & Parks Dept., Jan. 9, 2008, at 2-3). To our knowledge, neither the Recreation & Parks Department nor the Planning Department considered these potential impacts in asking for or issuing the CEQA exemption.

The 2008 *Synthetic Task Force Findings and Department Recommendations* report submitted to the Recreation & Parks Department provided 34 recommendations and tasks that were intended to guide all artificial turf conversion projects in San Francisco. The findings and recommendations clearly anticipate that environmental and public health impacts are likely to occur as a result of grass to synthetic field conversions. Recommendations in the report include:

1. The Department should monitor leachate studies;
2. The Department should coordinate with California EPA to conduct air quality tests of fields;
3. The Department should track California EPA's studies regarding the effects of particulates from synthetic fields;
4. The Department should conduct tests of synthetic field storm water runoff;
5. The Department should investigate options for infill products that do not contain zinc;
6. The Department should not install the fields in areas that are prone to flooding;
7. The Department should consult with native landscape specialists to plant native, drought-tolerant and wildlife-friendly plants near field projects;
8. The Department should include provide appropriate landscape and irrigation improvements around field projects;
9. The Department should not purchase products that contain hazardous levels of lead;
10. When purchasing products, the Department should request full MSDS sheets from the manufacturers and share them with the Dept. of Public Health and SFE;
11. All fields should be installed above the water table and feature state of the art drainage systems; and
13. The Department should work with SFE to encourage manufacturers to develop post-life recycling programs for the synthetic turf (which will remain in use only 8-10 years).

(Synthetic Fields Task Force and Department Recommendations (2008), at 7-8). Clearly, **in 2008 even the Recreation & Parks Department recognized the breadth of environmental and public health issues implicated by a synthetic turf conversion project.** Yet, now the Department is ignoring its own findings and asserting that no environmental review is necessary because of the inconvenience of complying with CEQA.

The lead content of turf and its potential to harm users, especially children, are of particular concern. (See Centers for Disease Control, Lead: Prevention Tips, available at <http://www.cdc.gov/nceh/Lead/tips.htm>; see also <http://www.cdc.gov/nceh/lead/tips/artificialturf.htm> (“**As the turf ages and weathers, lead is released in dust that could then be ingested or inhaled, and the risk for harmful exposure increases.** If exposures do occur, CDC currently does not know how much lead the body will absorb; however, if enough lead is absorbed, it can cause neurological development symptoms (e.g. deficits in IQ).” (emphasis added)) On September 2, 2008, the California Attorney General filed a lawsuit against several synthetic turf manufacturers that sell products in California, alleging that they failed to warn users of the field that they were being exposed to levels of lead that exceeded those allowable under the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.6 *et seq.*,

(known as Proposition 65). On August 13, 2009, the Attorney General and the defendants entered into a settlement agreement that required that the defendants immediately cease selling products that contain more than 100 parts per million (ppm) of lead and that no products sold in California exceed 50 ppm by July 11, 2010. To date, the City has failed to identify the synthetic turf product that will be installed at the Beach Chalet or to quantify its lead content, its potential for leaching to ground water, or its potential for exposing children and other users to levels of lead that exceed allowable levels under Proposition 65 and other applicable standards.

In November 2009, representatives of Golden Gate Audubon and of the Recreation & Parks Department and the City Field Foundation met at the Beach Chalet to discuss the project. During our visit to the site, representatives of the City and the City Fields Foundation asked us many questions about bird use and habitat at the site. From the questions, it was clear that the project proponents do not know the extent of impacts to wildlife in the park. Moreover, proponents of the project have expressed surprise that the proposed 60' tall lights may result in impacts on the local wildlife.

CEQA was enacted to ensure that lead agencies and the public are fully informed before projects with significant environmental and cultural impacts proceed and irrevocably change our communal space. The Planning Department's grant of exemption for the Beach Chalet project denies the public of the assurance the Recreation & Parks Department is proceeding with a full understanding of the impacts of its project.

IV. The Conversion of the Grass Fields to Artificial Turf Will Permanently Change the Historic Characteristics of the Western End of Golden Gate Park.

The City of San Francisco's General Plan, the Recreation and Open Space Element, and the Golden Gate Park Master Plan all attest that the western end of Golden Gate Park has always been intended to maintain a sylvan and more natural character and that any changes to the park should occur only after adequate environmental review. For example, San Francisco's General Plan states:

Golden Gate Park
OBJECTIVE 3
ENHANCE THE RECREATIONAL CONNECTION BETWEEN GOLDEN GATE
PARK AND THE BEACH FRONTAGE.

POLICY 3.1

*Strengthen the visual and physical connection between the park and beach. **Emphasize the naturalistic landscape qualities of the western end of the park for visitor use.** When possible eliminate the Richmond-Sunset sewer treatment facilities.*

POLICY 3.2

Continue to implement a long-term reforestation program at the western portion of the park.

(See San Francisco General Plan, Western Shoreline Plan, http://www.sfgov.org/site/planning_index.asp?id=41411, emphasis added). The Recreation & Park Department's proposed plan to remove trees and replace grass with artificial turf at the Beach Chalet clearly violates Objective 3 by removing or deemphasizing the naturalistic qualities of the western end of the park.

The Golden Gate Park Master Plan emphasizes the intention of William Hammond Hall, the park's original planner, for the park's east end to be highly cultivated while the west end would retain a more wild and natural environment. According to the Master Plan:

The park land east of Strawberry Hill includes a variety of intensively cultivated areas and developed facilities while the park land to the west is a pastoral and woodland landscape with open meadows defined by stands of trees and enhanced by lakes . . . It is expected that the Golden Gate Park Master Plan will retain the integrity of the original design

(Golden Gate Park Master Plan (1998), at 3-2). In fact, Policy A.1 of Objective II of the Master Plan states: “[a]ll activities, features and facilities in Golden Gate Park should respect the unique design and character of the park.” (*Id.* at 3-9) Policy A.2. states: “The major design feature of Golden Gate Park and the framework within which all park activities occur is its pastoral and sylvan landscape. The integrity of the pastoral and sylvan landscape must be maintained and remain unaltered.” (*Id.*)

The Master Plan provides an additional mandate which is of particular relevance in this instance. Objective II, Policy A.6 states that “[n]o changes or alterations to any park feature should occur without consideration of the park wide effects.” (*Id.*) Yet, in this instance, the Recreation & Parks Department intends to proceed with the artificial turf conversion project despite its admitted lack of information about the environmental effects of the project. The Department’s actions directly violate the objectives set forth in the Master Plan and the requirements of CEQA. Based on our review of available information, there are no grounds for the Planning Department’s determination of an exemption to CEQA.

V. This Appeal Is Necessary Because the Planning Department Failed to Produce Any Responsive Documents and Refused to Meet with Us to Discuss the CEQA Exemption.

On December 9, 2009, after learning of the first, specific articulation of the applicable CEQA exemption at the December 7th public meeting, I sent a letter to the Planning Department and the Recreation & Parks Department asking them to explain how Section 15301—or any other exemption—applies in this case. After not hearing from City staff for more than two weeks, I contacted Dan Mauer at the Recreation & Parks Department to ask whether an explanation would be forthcoming. Mr. Mauer assured me that the Planning Department was taking the lead and would respond soon.

To date, the Planning Department has still not provided us with any documentation of its finding of a “Class 1” or any other exemption to CEQA for the Beach Chalet project (or any other synthetic turf project). Moreover, the Planning Department has never contacted us to explain its finding.

Therefore, our only recourse is to appeal the Planning Department’s determination to the San Francisco Board of Supervisors. We believe that our appeal is timely because we acted quickly after learning (albeit in a public meeting) the specifics of the Planning Department’s finding.

VI. Conclusion

The California Environmental Quality Act is intended to ensure that a community that is potentially affected by a project is given adequate information to assess and comment on the environmental, social and cultural impacts of the project. To date, there has been no objective review of the impacts of the Beach Chalet turf conversion project and the local community has been deprived of receiving adequate information to assess the benefits and costs of this significant change to San Francisco’s most important public park.

We ask only that the City of San Francisco be forthright with its citizens about the potential impacts of the project and allow us, as a community, to make an informed decision about the changes and uses of our

shared open space. While we understand that financial and political incentives make this project appealing to the City, such pressures do not provide an excuse to circumvent the law or to deprive all stakeholders with a fair and comprehensive assessment of the project's costs and benefits.

Therefore, we ask that the Board of Supervisors overturn the Planning Department's application of a "Class 1" exemption to the Beach Chalet turf conversion project and direct the Planning Department to complete a comprehensive CEQA assessment of the proposed project.

Sincerely,



Michael Lynes
Conservation Director
Golden Gate Audubon

Cc: David Chiu, San Francisco Board of Supervisors, District 3
Ross Mirkarimi, San Francisco Board of Supervisors, District 5
Eric Mar, San Francisco Board of Supervisors, District 1
Bill Wycko, San Francisco Planning Department
Dan Mauer, San Francisco Recreation & Parks Department
Philip Ginsburg, General Manager, SF Recreation and Park Department
John Rahaim, Planning Director, San Francisco Planning Department
Jim Lazarus, President, Recreation & Parks Commission
Peter Brastow, Nature in the City
John Rizzo, Sierra Club
Arthur Feinstein, Sierra Club
Mary Anne Miller, SF Ocean Edge
Jake Sigg, California Native Plant Society
Patrick Hannon, City Fields Foundation
Marc Duffett, Sunset Parkside Education and Action Committee (SPEAK)
Kathy Howard, Golden Gate Park Preservation Alliance
Wendy Miller, Coalition for San Francisco Neighborhoods
George Wooding, West of Twin Peaks Central Council
Libby Benedict, Friends of Rossi Park
David Goggin, San Franciscans for Smart Lighting
Ray Holland, Planning Association for the Richmond (PAR)
John Frykman, Coalition to Save Ocean Beach, Friends of Sutro Park

EXHIBIT A



December 9, 2009

Via U.S. Mail & E-mail

Mr. Dan Mauer, Capital Improvements Division
San Francisco Recreation & Parks Department
McLaren Lodge & Annex
501 Stanyan Street
San Francisco, CA 94117

Mr. Bill Wycko, Environmental Review Officer
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: Applicability of the California Environmental Quality Act to Artificial Turf
Playfield Conversions in San Francisco

Dear Dan and Bill:

I am writing on behalf of the Golden Gate Audubon Society and its more than 10,000 members and supporters regarding continuing questions pertaining to the applicability of the California Environmental Quality Act, Pub. Res. Code §§ 21000 *et seq.*, (CEQA) to the conversion of grass playfields to artificial turf surfaces in San Francisco. While we are concerned about these conversions occurring at many parks throughout the city, this letter specifically addresses the proposed project at the Beach Chalet in Golden Gate Park.

Over the past several months, we have discussed this matter with representatives of the City and County of San Francisco. Initially, we were assured that the Planning Department thoroughly reviewed had concluded that the turf conversions were exempt from CEQA, but the basis for the exemption was unknown to the Recreation and Parks Department. On October 14, 2009, I sent a Public Records Act request to the City and County of San Francisco for all records related to the City's CEQA review and any exemption determination. The records sought included all memoranda, reports, electronic communications, meeting agenda, meeting notes and other documents that would evidence this conclusion. Initially, Planning Department staff informed us that they had not heard about the project and had not been consulted. After several weeks, the Planning Department informed us that there were no records responsive to our request. Instead, the Planning Department responded in an email that the "extent of the [Planning Department] involvement with the installation of artificial turf has come through CEQA exemption stamps to General Plan Referrals." Despite our request, the City has never produced a Certificate of Exemption from CEQA Review or any other record formalizing its exemption determination.

At the public meeting held on December 7, 2009, representatives of San Francisco informed the public that the Planning Department had determined that the Beach Chalet project was exempt from CEQA under a "Class 1" exemption. (*See* CEQA Guidelines § 15301; San Francisco Planning Commission, Resolution No. 14952 (Aug. 17, 2000)). To our knowledge, this is the first time that the City of San Francisco has formally specified the applicable CEQA exemption.

GOLDEN GATE AUDUBON SOCIETY

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Based on all available public information, we do not understand the Planning Department's determination. Section 15301 of the CEQA Guidelines applies only to minor alterations of existing facilities that involve negligible or no expansion of use. There are several reasons that a Section 15301 exemption does not apply in this case.

First, by the Department's own reckoning, the conversion of the Beach Chalet playfields to artificial turf will significantly increase the use of the area. The City Fields Foundation and the Department have been selling the project, in part, by explaining that the artificial turf will allow more players to use the field throughout the year (without ongoing maintenance and seasonal closures) and later at night (with expanded lighting). Increased use of the area will also result in more trash and waste at the site and increased traffic, noise and general disturbance to wildlife and other park users in the area. During our visit to the site, representatives of the City and the City Fields Foundation asked us many questions about bird use and habitat at the site. From the questions, it was clear that the project proponents do not know the extent of environmental impacts that will result from the project.

Second, the proposed project involves the replacement of natural turf with artificial turf, the removal of several trees, and the installation of expanded parking, facilities, paved footpaths, and lighting. None of these can be considered to be "minor" alterations.

Third, the text of Section 15301 itself demonstrates the flaw in the Planning Department's determination. Section 15301(h) allows for an exemption for the "[m]aintenance of *existing* landscaping, *native* growth, and water supply reservoirs." (emphasis added) The section implies that a project that does more than merely maintain existing landscaping and native growth—in this case, the wholesale removal of existing landscaping and trees—would not be exempt from CEQA.

Category 1 exemptions are intended to apply to minor activities such as repainting or modernizing existing facilities. They are not intended to provide a free pass for significant projects such as the one proposed at the Beach Chalet. Therefore, we do not believe that a Section 15301 exemption is applicable in this instance. Moreover, because the Planning Department had not produced a Certificate of Exemption, we do not believe that the determination is legally valid.

In conducting research about Golden Gate Park and trying to understand the Planning Department's determination, I have reviewed the City of San Francisco's General Plan, the Recreation and Open Space Element, and the Golden Gate Park Master Plan. Notably, none of these documents supports the Planning Department's conclusion and, instead, demonstrate that the project may run contrary to City policy.

For example, San Francisco's General Plan states:

Golden Gate Park
OBJECTIVE 3
ENHANCE THE RECREATIONAL CONNECTION BETWEEN GOLDEN GATE
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POLICY 3.1

*Strengthen the visual and physical connection between the park and beach. **Emphasize the naturalistic landscape qualities of the western end of the park for visitor use.** When possible eliminate the Richmond-Sunset sewer treatment facilities.*

POLICY 3.2

Continue to implement a long-term reforestation program at the western portion of the park.

(See San Francisco General Plan, Western Shoreline Plan, http://www.sfgov.org/site/planning_index.asp?id=41411, emphasis added). The proposed plan to remove trees and replace grass with artificial turf at the Beach Chalet clearly violates Objective 3 by removing or deemphasizing the naturalistic qualities of the western end of the park.

The Golden Gate Park Master Plan emphasizes the intention of William Hammond Hall, the park's original planner, for the park's east end to be highly cultivated while the west end would retain a more wild and natural environment. According to the Master Plan:

The park land east of Strawberry Hill includes a variety of intensively cultivated areas and developed facilities while the park land to the west is a pastoral and woodland landscape with open meadows defined by stands of trees and enhanced by lakes . . . It is expected that the Golden Gate Park Master Plan will retain the integrity of the original design

(Golden Gate Park Master Plan (1998), at 3-2). In fact, Policy A.1 of Objective II of the Master Plan states “[a]ll activities, features and facilities in Golden Gate Park should respect the unique design and character of the park.” (*Id.* at 3-9) Policy A.2. states: “The major design feature of Golden Gate Park and the framework within which all park activities occur is its pastoral and sylvan landscape. The integrity of the pastoral and sylvan landscape must be maintained and remain unaltered.” (*Id.*)

The Master Plan provides an additional mandate which is of particular relevance in this instance. Objective II, Policy A.6 states that “[n]o changes or alterations to any park feature should occur without consideration of the parkwide effects.” (*Id.*) Yet, in this instance, the Department intends to proceed with the artificial turf conversion project despite its admitted lack of information about the environmental effects of the project. The Department's actions directly violate the objectives set forth in the Master Plan and the requirements of CEQA. Based on our review of available information, there are no grounds for the Planning Department's determination of an exemption to CEQA.

We understand that the Department is hindered by financial constraints and beset by increasing demands for playfields. However, these demands do not relieve the City and County of San Francisco of its obligation to abide by the Master Plan, the General Plan, and CEQA. Expediency is not a sufficient reason to move forward with the artificial turf conversion, especially when the Department is clearly unaware of the impacts that will result from the project.

Golden Gate Audubon and our partners in this project are considering the appropriate next steps to ensure compliance with CEQA and an adequate consideration of impacts from the project. We believe it would be very helpful for the City to explain—preferably in an in-person meeting—the basis for its CEQA exemption determination. At a minimum, please provide a letter explaining the City's reasoning and identifying the person responsible for the determination.

If Golden Gate Audubon remains unconvinced of the merits of the City's determination, our Board of Directors will confer further regarding the issue and determine our next steps. Please be assured that we would much prefer to resolve this matter without resorting to litigation, but we are prepared to seek all remedies available under the law. The City's lack of information about the environmental, cultural, and

societal impacts of the artificial turf conversion program and its failure to document its CEQA analysis have resulted in this unfortunate impasse.

In conclusion, I'd like to leave you with a quotation from Frederick Law Olmsted, who spoke of the long-term management of Golden Gate Park in an 1886 letter to the Park Commissioners:

[L]et me counsel you, in general terms, to remember that your park is not for today, but for all time - so long as you have a city. You have your present population to satisfy and please. It is an intelligent population, beyond a doubt, and possessed of a high appreciation of good results. But it is to be expected that future generations will be more intelligent and more appreciative.

(Golden Gate Park Master Plan, at 1-6). We ask that the City not compromise the character and future of Golden Gate Park in a rush to meet political expediencies of the present.

Thank you for your consideration of our concerns. Please contact me to discuss this matter at your earliest convenience.

Sincerely,



Michael Lynes
Conservation Director

Cc: Supervisor Eric Mar, District 1
Supervisor Carmen Chu, District 4
Supervisor Ross Mirkarimi, District 5
Mr. Philip Ginsburg, General Manager, SF Recreation and Park Department
Mr. John Rahaim, Planning Director, San Francisco Planning Department
Mr. Jim Lazarus, President, Recreation & Parks Commission
Peter Brastow, Nature in the City
Pinky Kushner and Becky Evans, Sierra Club
Julie Burns, Planning Association for the Richmond
Mary Anne Miller, SF Ocean Edge
Jake Sigg, California Native Plant Society
Patrick Hannon, City Fields Foundation
Marc Duffett, Sunset Parkside Education and Action Committee
Kathy Howard, Golden Gate Park Preservation Alliance
Wendy Miller, Coalition for San Francisco Neighborhoods
George Wooding, West of Twin Peaks Central Council
Libby Benedict, Friends of Rossi Park
David Goggin, San Franciscans for Smart Lighting

EXHIBIT B



October 15, 2009

Via Email and U.S. Mail

Public Records Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Public Records Officer
San Francisco Recreation & Park Department
McLaren Lodge Annex, Golden Gate Park
501 Stanyan Street, 2nd Floor
San Francisco, CA 94117

Re: Records Request Pursuant to California Public Records Act (Govt. Code §§ 6250-6270) and San Francisco's Sunshine Ordinance

Dear Public Records Officers:

On behalf of the Golden Gate Audubon Society, I am writing to request certain records in the possession of the City of San Francisco pursuant to the California Public Records Act, Govt. Code §§ 6250-6270) and San Francisco's Sunshine Ordinance, Section 67.

Specifically, we are requesting to review all records¹ in the City's possession regarding any environmental review or environmental assessment of the potential environmental and human health impacts of installing artificial turf playing fields. We understand that such documents may be in the possession of several city departments including, but not limited to, the Recreation & Parks Department, the Planning Department, the Department of Public Health, and the Department of the Environment. We include in this request any documents, notes, or other records (as defined in this letter) that were used in or produced during the City's review of the applicability of the California Environmental Quality Act (CEQA), Public Res. Code §§ 21000 *et seq.*, to any projects to install artificial turf playing fields in San Francisco.

¹ "Records," as used in this request, includes all documents; correspondence; agency guidelines and policies; memoranda; agency Memoranda of Understanding; notices; comments and responses to comments; biological, scientific and other studies; reports; environmental analyses; surveys; timelines; charts; graphs; maps; analyses; data; meeting minutes and agendas; distribution lists; notes and transcripts of meetings and conversations; and any other relevant information, whether in hard copy or electronic/computer format.

October 15, 2009

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We ask that you promptly respond and make these records available to GGAS by providing a place and time for inspection and/or providing copies in paper or electronic format. To reduce waste, we would prefer to receive files in an electronic format (preferably Adobe PDF) on a Windows compatible compact disk or DVD and will gladly reimburse the City the cost of the disk media.

GGAS is a 501(c)(3) tax-exempt non-profit organization that seeks this information for public interest use and not for commercial use. To the extent that the City intends to charge for the duplication of any records, we request that fees associated with the search and review of the records be waived. If your office is unable to waive these fees and costs, please provide an estimate of costs to our office with your response before undertaking the review. If necessary, we can inspect the documents at the City's offices and scan them using our own equipment.

To the extent that a portion of the information that GGAS has requested is exempt by express provision of law, please segregate and delete that material in accordance with the statute so that the remainder of the information may be provided to satisfy our request pursuant to Govt. Code § 6257. If you determine that an express provision of law exempts from disclosure all or a portion of the material we have requested, please provide us with a determination and notification of the reason therefore no later than 10 days from your receipt of this request pursuant to Govt. Code § 6256.

If you would like more information about the issues raised above or would like to discuss our comments, please contact me at (510) 843-6551.

Thank you,

A handwritten signature in blue ink that reads "Michael Lynes".

Michael Lynes
Conservation Director
Golden Gate Audubon Society

Cc: Peter Brastow, Nature in the City

EXHIBIT C



Noreen Weeden <nweeden@goldengateaudubon.org>

San Francisco Recreation & Parks Department artificial turf conversion projects

Brett Bollinger <Brett.Bollinger@sfgov.org>
To: Noreen Weeden <nweeden@goldengateaudubon.org>

Thu, Nov 12, 2009 at 11:13 AM

In response to the Records Request (October 15, 2009) for San Francisco Planning Department's (PD) possession regarding any environmental review or environmental assessment of the potential environmental and human health impacts of installing artificial turf playing fields, the PD has not conducted any CEQA analysis on the potential impacts of installing artificial playing fields. The extent of the PD involvement with the installation of artificial turf has come through CEQA exemption stamps to General Plan Referrals requesting the change to artificial turf. No environmental review or analysis was conducted for CEQA exemption stamps in regards to the potential impacts of replacing natural turf with artificial turf.

Please feel free to contact me directly if you have any questions regarding this request.

Thanks,

Brett Bollinger, LEED-AP
City and County of San Francisco
Planning Department- MEA
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Noreen Weeden
<nweeden@goldengateaudubon.org>
brett.bollinger@sfgov.org To
11/11/2009 12:38 PM cc

Subject
Re: San Francisco Recreation &
Parks Department artificial turf
conversion projects

[Quoted text hidden]

(See attached file: 091014_-_GGAS_PRA_to_SF_re_Artificial_Turf__d1_[1].pdf)

091014_-_GGAS_PRA_to_SF_re_Artificial_Turf__d1_[1].pdf
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EXHIBIT D



SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

January 9, 2008

Yomi Agunbiade
Director
San Francisco Department of Recreation and Parks
McClaren Lodge, 501 Stanyan St.
San Francisco, California 94117

RE: Use of synthetic turf on City athletic fields

Dear Yomi:

I am writing to you in regard to the increasing concerns over potential human health and environmental impacts of using synthetic turf on City athletic fields. As you know, the City of San Francisco—and the Department of Recreation & Parks, in particular—have a history of adopting a precautionary approach. In this regard, I would like to applaud your department's instrumental role in reducing pesticide use by 70% over the past 10 years, and in implementing measures to safeguard our children from exposure to arsenic treated wood. I would also like to thank you for RPD's continued support of recycling and waste reduction at City parks and recreation centers.

Natural grass represents a particular management challenge when it comes to reducing pesticide and water use. At various events organized by the citywide Integrated Pest Management Program, questions were posed on the appropriateness of synthetic turf as an alternative to natural grass turf for high-intensity uses, such as athletic fields. As a consequence, the Department of the Environment conducted some background research on existing scientific literature, as well as conducting its own study on the potential environmental impacts of synthetic turf installations. I am summarizing the research for you here in hopes that it may inform your decision-making regarding the selection and installation of synthetic turf.

Environmental issues:

SFE commissioned its own review of published studies on environmental issues related to synthetic turf¹, with particular attention to a study published by the California Office of Environmental Health Hazards Assessment (OEHHA)². SFE also conducted its own tests of representative products, specifically looking for the presence of brominated flame retardants and heavy metals³. I have already sent these reports under separate cover. I am summarizing below some of our key conclusions from this research:

¹ San Francisco Department of the Environment. December, 2007. Synthetic turf versus natural turf for playing fields. Report prepared by Dr. Phillip Dickey, Senior Scientist, Washington Toxics Coalition. Available on request

² Office of Environmental Health Hazard Assessment. 2007. Evaluation of health effects of recycled waste tires in playground and track products. Contractors report to the California Integrated Waste Management Board.
<http://www.ciwmb.ca.gov/Publications/Tires/62206013.pdf>

³ San Francisco Department of the Environment. December, 2007. Occurrence of Bromine, Lead, and Zinc in Synthetic Turf Components. Report prepared by Dr. Phillip Dickey, Senior Scientist, Washington Toxics Coalition. Available on request

1. **SFE recognizes potential environmental advantages and disadvantages from synthetic turf use.** Potential advantages include reduced use of pesticides, lower water use, and reduced use of gasoline-powered maintenance equipment. Potential disadvantages include higher climate change impact, lack of recyclability at the end of product life, and heat island effects. The latter issue may not be relevant in prevailing San Francisco weather.
2. **SFE recognizes that human health risks are minimal** from exposure to the crumb rubber infill used with synthetic turf products, according to the OEHHA study⁴. This study found that a minor risk to children may exist after 12 years of hand-to-mouth exposure of synthetic turf infill materials. This risk estimate (2.9 cases per million people) is slightly higher than the *de minimis* risk level of 1 case per one million established by OEHHA⁵. Further review of these data by the Environmental Health Section of the City Department of Public Health is recommended. SFE's own tests found no evidence of brominated flame retardants—persistent bio-accumulative chemicals of particular concern—in the synthetic turf yarns or infill. Still, we also recognize that reference doses have not been established for all of the chemical constituents in these products, and a precautionary approach is appropriate. Until more complete data is available, **the use of synthetic turf should be confined to the sites where its benefits are maximized**, such as heavily used athletic fields.
3. **SFE is concerned that there is currently no system available to recycle used synthetic turf**, even though most of the products are composed of polyethylene, an easily recyclable plastic. In keeping with the Extended Producer Responsibility Resolution (February 23, 2006), SFE wishes to require manufacturers to take responsibility for the products at end of life, thereby encouraging better product design. When companies are responsible for ensuring their products are recycled responsibly, and when health and environmental costs are included in the product price, there's a strong incentive for producers to design—and consumers to purchase—goods that are more durable, easier to recycle, and less toxic. For these reasons, we recommend **requiring that synthetic turf vendors guarantee take back** of the product at end of life, and **provide documentation** that the product is recycled within a specified time after removal.
4. **SFE recommends that RPD specify the use of recycled content materials in the manufacturing of artificial turf** pursuant to Section 6.4(b) of the Administrative Code (Public Works Construction – Use of Recycled Content Materials). This post-consumer recycled content requirement should apply not only to the infill material—which is largely composed of recycled crumb rubber—but also to the artificial grass fibers, which are usually manufactured from polyethylene.
5. SFE recognizes the **potential for aquatic toxicity** from synthetic turf leachate³, but also notes that leachate concentrations will not approach levels of concern in normal installations above water table. Synthetic turf installations should be restricted to areas that are not prone to flooding, and include properly installed subsurface drainage systems.
6. There are several other potential health-related issues related to synthetic turf that are outside the scope of our reviews, including differences in sports injuries on synthetic turf vs. natural turf, and the potential for spreading methicillin-resistant *Staphylococcus aureus* (MRSA) among players. The

⁴ Office of Environmental Health Hazard Assessment. 2007. Evaluation of health effects of recycled waste tires in playground and track products. Contractors report to the California Integrated Waste Management Board. <http://www.ciwmb.ca.gov/Publications/Tires/62206013.pdf>

⁵ OEHHA. 2006. A Guide to Health Risk Assessment, available at www.oehha.ca.gov/pdf/HRSguide2001.pdf

connection between synthetic turf use and MRSA infections appears controversial⁶; while researchers agree that turf burns could make infections easier, they generally cite player-to-player contact as the primary method of transmission potentially occurring off the field where more player-to-player contact expected such locker rooms, whirlpools and through the sharing of towels, water bottles, and shower rooms. Nevertheless, at least one company is now promoting a disinfectant product specifically intended for MRSA on synthetic turf fields. It is our understanding that RPD does not currently use a disinfectant or other chemicals in the maintenance of its synthetic turf fields. Use of such disinfectants on San Francisco fields in the future could represent a significant potential environmental impact, therefore we recommend that any decision to use disinfectants or chemicals on synthetic fields should be reviewed carefully by the Department of Public Health.

Recommendations:

- Create transparent selection criteria for determining which playing fields will have synthetic turf installed. These criteria should include the selection of sites that are not prone to flooding.
- Confine installations of synthetic turf to the sites where its other benefits are maximized.
- Due to the need for information regarding potentially toxic constituents, require full ingredients disclosure from manufacturers.
- If hand-to-mouth exposure by children can be reasonably expected, post signs reminding parents to wash children's hands after play.
- Due to concerns over end-of-life disposal, require that synthetic turf vendors guarantee take back of the product at end of life, and provide documentation that the product is recycled.
- Pursuant to the ordinance regarding the use of recycled content materials in Public Works construction, SFE recommends that post-consumer recycled content materials be specified in the manufacturing of all components comprising artificial turf.
- Do not permit the use of disinfectants on synthetic turf areas without full review by the Department of Public Health.
- Obtain comments from the San Francisco Public Utilities Commission on both the potential water conservation benefits and the leaching concerns associated with synthetic turf products.
- Obtain comments from the DPH Environmental Health Section on the human health risks discussed above.

Please feel free to contact me or Dr. Chris Geiger of my staff (415-355-3759) if you have any questions.

Best regards,



Director

⁶ Begier et al. 2004. A High-Morbidity Outbreak of Methicillin-Resistant *Staphylococcus aureus* among Players on a College Football Team, Facilitated by Cosmetic Body Shaving and Turf Burns. *Clinical Infectious Diseases* 2004; 39:1446-53 (15 November)