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SAN FRANCISCO COUNTY
SUPERIOR COURT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

9 SF COALITION FOR CHILDREN'S
10 OUTDOOR PLAY, EDUCATION AND THE
11 ENVIRONMENT, an unincorporated
12 association; ANN CLARK, an individual; and
13 MARY ANNE MILLER, an individual,

Petitioners and Plaintiffs,

vs.

15 CITY AND COUNTY OF SAN FRANCISCO,
16 a municipal corporation; BOARD OF
17 SUPERVISORS OF THE CITY AND
18 COUNTY OF SAN FRANCISCO, a municipal
19 corporation; PLANNING COMMISSION OF
20 THE CITY AND COUNTY OF SAN
21 FRANCISCO, a municipal corporation; SAN
22 FRANCISCO PLANNING DEPARTMENT, a
23 public entity; BOARD OF APPEALS OF THE
24 CITY AND COUNTY OF SAN FRANCISCO,
25 a public entity; BOARD OF PERMIT
26 APPEALS OF THE CITY AND COUNTY OF
27 SAN FRANCISCO, a public entity; MAYOR
28 EDWIN M. LEE, in his official capacity; and
DOES I-X inclusive,

Respondents and Defendants;

SAN FRANCISCO RECREATION AND
PARKS DEPARTMENT, a public entity; SAN
FRANCISCO RECREATION AND PARK
COMMISSION, a public entity; and ROES I-X
inclusive,

Real Parties in Interest and Defendants.

Case No.: **CPF-12-512566**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

[California Environmental Quality Act
("CEQA") Pub. Res. Code § 21000, et
seq.; Code of Civil Procedure §§ 1094.5,
1085]

*CEQA Case: THIS ACTION CONTAINS
CAUSES OF ACTION PLED UNDER
THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT*

Dept: CEQA

1 Petitioners and Plaintiffs, SF COALITION FOR CHILDREN’S OUTDOOR PLAY,
2 EDUCATION AND THE ENVIRONMENT, an unincorporated association; Dr. ANN CLARK,
3 an individual; and MARY ANNE MILLER, an individual (collectively, “Petitioners”) petition
4 this Court on their own behalf, on behalf of their members, on behalf of the general public and in
5 the public interest pursuant to Code of Civil Procedure § 1094.5 and Public Res. Code § 21168¹,
6 for a writ of mandate, and for declaratory and injunctive relief directed to Respondents and
7 Defendants CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; BOARD
8 OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, a municipal
9 corporation; PLANNING COMMISSION OF THE CITY AND COUNTY OF SAN
10 FRANCISCO, a municipal corporation; SAN FRANCISCO PLANNING DEPARTMENT, a
11 public entity; BOARD OF APPEALS OF THE CITY AND COUNTY OF SAN FRANCISCO, a
12 public entity; BOARD OF PERMIT APPEALS OF THE CITY AND COUNTY OF SAN
13 FRANCISCO, a public entity; MAYOR EDWIN M. LEE, in his official capacity, and DOES I-X
14 inclusive (collectively, “Respondents or “City”), and Real Parties in Interest and Defendants,
15 SAN FRANCISCO RECREATION AND PARKS DEPARTMENT, a public entity; SAN
16 FRANCISCO RECREATION AND PARK COMMISSION, a public entity, (collectively, “Rec
17 & Park”), and ROES I-X, inclusive; and by this verified petition and complaint (“Petition”),
18 allege as follows:

19 INTRODUCTION

20 1. Petitioners bring this action to challenge: the August 1, 2012 decision of the San
21 Francisco Board of Appeals to approve the Beach Chalet Athletic Fields Renovation Project
22 (“Project”); the July 10, 2012 decision of the Board of Supervisors of the City and County of San
23 Francisco affirming the certification by the San Francisco Planning Commission of the Final
24 Environmental Impact Report for the Beach Chalet Athletic Fields Renovation Project (File No.
25 120692); May 24, 2012 decisions regarding the Project by the San Francisco Planning
26 Commission: (1) adopting findings related to the certification of a Final Environmental Impact
27 _____

28 ¹ In the alternative, Petitioners bring this action pursuant to Code of Civil Procedure § 1085 and
Public Resources Code § 21168.5.

1 Report (Final EIR) (Planning Commission Motion No. 18637; Case No. 2010.0016E); (2)
2 adopting findings under the California Environmental Quality Act, Pub. Res. Code (PRC)
3 section 21000 et seq. (CEQA) including rejecting alternatives as infeasible and adopting a
4 statement of overriding considerations (Planning Commission Motion No. 18638; Case No.
5 2010.0016E); (3) adopting findings of consistency with the General Plan and other policies and
6 CEQA findings (Planning Commission Motion No. 18639; Case No. 2010.0016R). Petitioners
7 also challenge the May 24, 2012 decision by the San Francisco Recreation and Park Commission
8 adopting CEQA findings and statement of overriding considerations set forth in Planning
9 Commission Motion 18637 and approving the conceptual plan for the Project (Recreation and
10 Park Commission Resolution No. 1205-020; case No. 2010.0016R). These actions by the City
11 are in violation of CEQA.

12 2. The City has embarked upon a campaign to replace many of its natural grass
13 athletic fields with artificial turf, including the large athletic fields at the Beach Chalet, adjacent
14 to the Pacific Ocean, at the Western end of Golden Gate Park.

15 3. The Beach Chalet Project would replace the existing naturally-growing grass
16 athletic fields and adjacent trees with artificial turf. The Project includes the installation of
17 150,000 watts of stadium lighting on ten 60-foot tall towers and seating for up to 1,000
18 spectators. The Project would also expand the existing parking lot, replace dirt and grass paths
19 with pavement or crushed concrete, renovate a building on site, and install additional amenities
20 for visitors, including night-lighting of paths.

21 4. The artificial turf the City has elected to use consists of plastic blades of grass
22 interspersed with infill material that cushions the turf. Unfortunately, the City has elected to use
23 the most toxic type of artificial turf infill material - styrene butadiene crumb rubber (SBR),
24 despite the fact that several non-toxic alternatives are available and are in use in places including
25 Los Angeles, California; New York, New York; Salt Lake City, Utah; San Carlos, California;
26 Piedmont, California; and dozens of other communities.

27 5. SBR infill consists of tiny, loose crumb rubber pellets. Petitioners presented the
28 City and County with highly qualified expert reports and peer-reviewed scientific journal studies

1 showing that SBR infill contains dozens of highly toxic chemicals, including polycyclic aromatic
2 hydrocarbons (PAHs), phthalates, antioxidants, benzothiazole and derivatives, heavy metals,
3 benzene, formaldehyde, naphthalene, nitromethane, and styrene, among other chemicals.

4 6. Certified hydrogeologist Matthew Hagemann, C. Hg., the former Director of the
5 U.S. Environmental Protection Agency's West Coast Superfund Program, calculated that a child
6 playing on SBR crumb rubber as few as 30 times per year (less than once per week) would
7 experience a cancer risk of 19 per million or almost 20 times higher than the CEQA significance
8 threshold of 1 per million, and approximately twice as high as the cancer risk experienced by
9 someone living adjacent to the Chevron Richmond refinery.

10 7. Dr. Phillip Landrigan, M.D., epidemiologist and Director of the Mount Sinai
11 School of Medicine Children's Environmental Health Center in New York submitted a letter to
12 the City expressing his concerns that the major chemical components of crumb rubber, styrene
13 and butadiene, are a neurotoxin and proven human carcinogen, respectively, and that the types of
14 exposure risks have not been adequately studied. The EIR did not address Dr. Landrigan's
15 comments and the City has not responded to his letter.

16 8. The stormwater run-off from the Beach Chalet fields with SBR infill will be so
17 contaminated with toxic heavy metals that the City will have to capture the stormwater in
18 underground vaults, and send it to a treatment facility, so that the aquifer under Golden Gate
19 Park will not become contaminated with toxic heavy metals.

20 9. Despite the fact that the City's own final responses to comments admitted that
21 artificial turf fields with SBR infill will have an acute toxicity index more than 120% above the
22 City's CEQA significance threshold, the City's EIR refused to admit that the artificial turf with
23 SBR infill has a significant environmental impact related to human health.

24 10. As a result, the EIR refused to consider the non-toxic infill alternatives that are in
25 use successfully throughout the country, such as corkonut (a mixture of natural cork and coconut
26 husks -- in use in the cities of Piedmont and San Carlos), acrylic coated sand (in use in Los
27 Angeles), or rubber padding (e.g., Thermoplastic Elastomers - a non-toxic carpet-pad-style
28 backing in use in New York City).

1 11. Despite the fact that the EIR admits that the Beach Chalet Project will have
2 significant and unavoidable impacts on the historic resource of Golden Gate Park, which is listed
3 on the National Register of Historic Places, by introducing stadium lighting on ten 60-foot tall
4 light poles that will broadcast 150,000 watts of light, 365 days a year until 10 p.m., and installing
5 stadium seating to accommodate 1,000 spectators, the EIR failed to select the environmental
6 superior and feasible alternative of West Sunset Playground, which would have avoided these
7 impacts entirely.

8 12. The EIR prepared for the Project falls well below CEQA's minimum standards.
9 The EIR fails to: (1) disclose and mitigate significant impacts related to toxic chemicals and
10 other human health related risks related to the proposed installation of artificial turf with SBR
11 infill, despite the fact that the City acknowledged that this turf will have an acute toxicity index
12 above the City's CEQA significance threshold; and (2) select the environmental superior and
13 feasible alternative of West Sunset Playground.

14 13. Petitioners and others brought these deficiencies to the City's attention by
15 submitting extensive written and oral comments during the administrative process.

16 14. Respondents prejudicially abused their discretion in certifying the EIR and
17 approving the Project in reliance on a defective EIR. Accordingly, Respondents' certification of
18 the EIR and adoption of findings of fact, approval of a statement of overriding considerations,
19 and approval of the Project must be set aside.

20 **PARTIES**

21 **Petitioners and Plaintiffs**

22 15. Petitioner and Plaintiff SF COALITION FOR CHILDREN'S OUTDOOR PLAY,
23 EDUCATION AND ENVIRONMENT (or SF Coalition for Children) is an unincorporated
24 association. The mission of the SF Coalition for Children's Outdoor Play, Education and
25 Environment is to protect and strengthen opportunities for children, families and friends to play
26 outdoors and to learn about healthy, clean, safe, natural environments in their parks,
27 neighborhoods and communities. The Coalition is composed of people who care about children,
28 their families, and the importance of having access to healthy and sustainable natural outdoor

1 environments -- now and for future generations. SF Coalition for Children presented written and
2 oral comments to the City during the administrative process on the matters being challenged in
3 this petition. The interests of SF Coalition for Children members are unique and will be directly
4 impacted by the project. Members of SF Coalition for Children live in the City and County of
5 San Francisco and regularly use and enjoy Golden Gate Park, including the area in and around
6 the Beach Chalet, and their use and enjoyment will be directly and adversely affected by the
7 proposed Project. SF Coalition for Children's interests are not adequately represented by other
8 parties.

9 16. Petitioner and Plaintiff Dr. ANN CLARK is a concerned citizen who resides in
10 San Francisco, California. Dr. Clark presented written and oral comments to the City during the
11 administrative process on the matters being challenged in this petition. Dr. Ann Clark, Ph.D. is
12 the coordinator of the SF Coalition for Children, and has a doctorate in Psychology and was
13 formerly the Chair of the Counseling Department at City College of San Francisco. As a
14 member of the Faculty Association of California Community Colleges, she received the
15 prestigious statewide John Vasconcellos award for faculty advocacy. She has supported
16 programs with the Natural Resources Defense Council, the Tuolumne River Trust and other
17 groups. A grandmother and educator, she is committed to outdoor play, sports activities and
18 hands on outdoor environmental education and understanding. Dr. Clark has a direct and
19 beneficial interest in Respondent's compliance with the laws bearing upon the approval of the
20 Project. Dr. Clark has been and will be directly and adversely affected by Respondent's
21 approval of the Project and the significant and unmitigated environmental impacts relating to the
22 City's illegal approval of the Project in violation of CEQA. Dr. Clark lives in close proximity to
23 Golden Gate Park and the Project site. Dr. Clark regularly visits and recreates in the vicinity of
24 the Project site and regularly enjoys the scenery, naturalistic environment, and physical attributes
25 of the area. Dr. Clark is concerned with, and will be affected by, the impacts of the Project will
26 have on human health and on the natural resources. Dr. Clark believes that the EIR prepared for
27 the Beach Chalet Project is inadequate in that it fails to adequately analyze and mitigate
28 significant impacts related to toxic chemicals and other human health risks related to the

1 proposed installation of artificial turf with SBR infill and the failure to select the environmental
2 superior and feasible alternative.

3 17. Petitioner and Plaintiff MARY ANNE MILLER is a concerned citizen who
4 resides in San Francisco, California. Ms. Miller presented written and oral comments to the City
5 during the administrative process on the matters being challenged in this petition. Ms. Miller is a
6 retired Urban Design Planner for the San Francisco Planning Department. She is President of the
7 Board of Directors of the Sunset-Parkside Education and Action Committee (SPEAKö), a
8 community organization in the Sunset District of San Francisco that works to improve the quality
9 of life in the community and citywide. She is also a member of the Board of Directors of SF
10 Tomorrow, a San Francisco organization dedicated to promoting environmental quality,
11 neighborhood livability and good government in San Francisco. She is a long-time
12 environmental advocate and has been a resident of the Sunset District near the proposed Beach
13 Chalet soccer fields for many years. Ms. Miller is long-time environmental advocate who works
14 to improve the quality of life in her San Francisco community. Ms. Miller has a direct and
15 beneficial interest in Respondents' compliance with the laws bearing upon the approval of the
16 Project. Ms. Miller has been and will be directly and adversely affected by Respondents'
17 approval of the Project and the significant and unmitigated environmental impacts relating to the
18 City's illegal approval of the Project in violation of CEQA. Ms. Miller regularly visits and
19 recreates in the vicinity of the Project site and regularly enjoys the scenery, naturalistic
20 environment, and physical attributes of the area. Ms. Miller is concerned with, and will be
21 affected by, the impacts of the Project will have on human health and on the natural resources.
22 Ms. Miller believes that the EIR prepared for the Beach Chalet Project is inadequate in that it
23 fails to adequately analyze and mitigate significant impacts related to toxic chemicals and other
24 human health risks related to the proposed installation of artificial turf with SBR infill and the
25 failure to select the environmental superior and feasible alternative.

26 **Respondents and Defendants**

27 18. Respondent and Defendant CITY AND COUNTY OF SAN FRANCISCO (City
28 and County) is a municipal corporation in whose jurisdiction the proposed project will be

1 located, with its headquarters in San Francisco, California. The City and County is the lead
2 agency (the public agency which has the principal responsibility for carrying out or approving a
3 project) for CEQA purposes. The City and County is the entity that prepared and certified the
4 Final EIR for the Beach Chalet Project. The City and County has principal responsibility for
5 determining whether projects within its jurisdiction are consistent with the City and County's
6 General Plan, Land Use Ordinances, and other applicable laws.

7 19. Respondent and Defendant BOARD OF SUPERVISORS OF THE CITY AND
8 COUNTY OF SAN FRANCISCO (Board of Supervisors) is the legislative branch, and
9 decision-making body of the City and County of San Francisco. As the elected representatives of
10 the people of the City and County, the Board of Supervisors establishes overall city and county
11 priorities and sets policy. The Board of Supervisors is the governing body of the City and County
12 and is ultimately responsible for reviewing and approving or denying the Project. The Board of
13 Supervisors and its members are sued here in their official capacities.

14 20. Respondent and Defendant PLANNING COMMISSION OF THE CITY AND
15 COUNTY OF SAN FRANCISCO (Planning Commission) is a commission of the City and
16 County of San Francisco, and was required by law and did hold public hearings concerning the
17 Beach Chalet Project and its CEQA documents, and made recommendations to the Board of
18 Supervisors concerning the Project, its CEQA document, and land use and zoning designations
19 required for the Project. Planning Commission members are appointed by the Mayor and the
20 President of the Board of Supervisors to help plan for growth and development in San Francisco,
21 and advise the Mayor, City Council and City departments on San Francisco's long-range goals,
22 policies and programs on a broad array of issues related to land use, transportation, and
23 neighborhood planning. Additionally, the Planning Commission has specific responsibility for
24 the stewardship and maintenance of the San Francisco's General Plan. The Planning
25 Commission and its members are sued here in their official capacities.

26 21. Respondent and Defendant SAN FRANCISCO PLANNING DEPARTMENT
27 (Planning Department) is identified as lead agency (the public agency which has the principal
28 responsibility for carrying out or approving a project) for CEQA purposes on the September 13,

1 2012 Notice of Determination (öNODö) for the Project. The Planning Department is the entity
2 that prepared and certified the Final EIR for the Beach Chalet Project. Among the Planning
3 Department's duties are to evaluate regional growth management policy, monitor and update the
4 City's General Plan, ensure compliance of the Planning and Zoning codes, draft land use policy,
5 and develop sub-area and urban design plans. The Planning Department and its members are
6 sued here in their official capacities.

7 22. Respondent and Defendant BOARD OF APPEALS OF THE CITY AND
8 COUNTY OF SAN FRANCISCO (öBoard of Appealsö) is a quasi-judicial body that provides
9 the public with a final administrative review process for appeals relating to a wide range of City
10 determinations. The Board of Appeals hears and decides appeals involving the granting, denial,
11 suspension, or revocation of permits, licenses, and other use entitlements by various City
12 commissions and departments, including the granting or denial of variances and other
13 determinations by the Zoning Administrator, and discretionary review decisions and downtown
14 building authorizations of the Planning Commission. The Board of Appeals was previously
15 known as the Board of Permit Appeals. As of July 1, 1996 and pursuant to City and County
16 Planning Code, any references to the "Board of Permit Appeals" means "Board of Appeals." On
17 August 1, 2012, the Board of Appeals held a hearing related to Petitioners' administrative appeal
18 of Project approvals, denied appeals protesting the May 24, 2012 approval of the Coastal Zone
19 Permit granted by Recreation and Park Department, and made findings related to the Planning
20 Department's CEQA determination and consistency with the San Francisco Local Coastal
21 Program. The Board of Appeals and its members are sued here in their official capacities.

22 23. Respondent and Defendant BOARD OF PERMIT APPEALS OF THE CITY
23 AND COUNTY OF SAN FRANCISCO (öBoard of Permit Appealsö) is a quasi-judicial body
24 that provides the public with a final administrative review process for appeals relating to a wide
25 range of City determinations. The Board of Permit Appeals hears and decides appeals involving
26 the granting, denial, suspension, or revocation of permits, licenses, and other use entitlements by
27 various City commissions and departments, including the granting or denial of variances and
28 other determinations by the Zoning Administrator, and discretionary review decisions and

1 downtown building authorizations of the Planning Commission. The Board of Permit Appeals is
2 currently known as the Board of Appeals, and is identified on the September 13, 2012 NOD as
3 an entity within the City and County that maintains documents related to Project approvals. The
4 Board of Permit Appeals held a hearing related to Petitioners' administrative appeal of Project
5 approvals on August 1, 2012, denied appeals protesting the May 24, 2012 approval of the
6 Coastal Zone Permit granted by Recreation and Park Department, and made findings related to
7 the Planning Department's CEQA determination and consistency with the San Francisco Local
8 Coastal Program. The Board of Permit Appeals and its members are sued here in their official
9 capacities.

10 24. Respondent and Defendant MAYOR EDWIN M. LEE (Mayor Lee) is the chief
11 executive officer and the official representative of the City and County. The Mayor has
12 responsibility for general administration and oversight of all departments and governmental units
13 in the executive branch of the City and County, as well as coordination of all intergovernmental
14 activities of the City and County. The Mayor has oversight over the City and County's
15 determination of whether projects within its jurisdiction are consistent with the City and
16 County's General Plan, Land Use Ordinances, and other applicable laws, including the Beach
17 Chalet Project. Mayor Lee is sued herein in his official capacity,

18 25. Petitioners do not know the true names and capacities, whether individual,
19 corporate, associate, or otherwise, of Respondents and Defendants Doe 1 through Doe 10,
20 inclusive, and therefore sue said Respondents under fictitious names. Petitioners will amend this
21 Petition to show their true names and capacities when the same have been ascertained. Each of
22 these respondents is the agent and/or employee of Respondents, and each performed acts on
23 which this action is based within the course and scope of such Respondents' agency and/or
24 employment.

25 **Real Parties in Interest and Defendants**

26 26. Real Party in Interest and Defendant SAN FRANCISCO RECREATION AND
27 PARKS DEPARTMENT (Rec & Park Department) is the City and County department,
28 overseen by the Recreation and Park Commission, that administers more than 220 parks,

1 playgrounds, and open spaces within the City and County, including two outside the city limits.
2 Rec & Park Department was established by the City and County in the 1870s to oversee the
3 development and preservation of Golden Gate Park. Rec & Park Department is the proponent
4 for the Beach Chalet Project, and is identified on the September 13, 2012 NOD as the project
5 sponsor. Rec & Park Department and its members are sued here in their official capacities.

6 27. Real Party in Interest and Defendant SAN FRANCISCO RECREATION AND
7 PARK COMMISSION (Rec & Park Commission) is a policy-making body appointed by the
8 Mayor that establishes the policies by which Rec & Park Department operates, and that has the
9 authority to prepare and approve the plans, specifications and estimates for all contracts and
10 orders, and to award, execute and manage all contracts and orders for capital projects on real
11 property under its jurisdiction or management. On May 24, 2012, the Rec & Park Commission
12 adopted CEQA findings and statement of overriding considerations set forth in Planning
13 Commission Motion 18637 and to approve the conceptual plan for the Project. Rec & Park
14 Commission and its members are sued here in their official capacities.

15 28. Petitioners do not know the true names and capacities, whether individual,
16 corporate, associate, or otherwise, of Real Parties in Interest Roe 1 through Roe 10, inclusive,
17 and therefore sue said Real Parties in Interest under fictitious names. Petitioners will amend this
18 Petition to show their true names and capacities when the same have been ascertained. Each of
19 the real parties in interest is the agent and/or employee of each other real party in interest, and
20 each performed acts on which this action is based within the course and scope of such real party
21 in interest's agency and/or employment.

22 **JURISDICTION AND VENUE**

23 29. This Court has jurisdiction of this proceeding pursuant to Code of Civil Procedure
24 section 1094.5 and Public Resources Code section 21168. Alternatively, this Court has
25 jurisdiction of this proceeding pursuant to Code of Civil Procedure section 1085 and Public
26 Resources Code section 21168.5. This Court also has jurisdiction over this action pursuant to
27 Code of Civil Procedure (CCP) sections 526 (injunctive relief) and 1060 (declaratory relief).

28

1 30. Venue is proper pursuant to CCP sections 393 (actions against public officers),
2 394 (actions against a city, county, or local agency), and 395 (actions generally) because the
3 Respondents include a local agency and a legislative body residing within the County of San
4 Francisco. Venue is proper in this Court because the causes of action alleged in this Petition
5 arose in the City and County of San Francisco and the Project will occur within the City and
6 County of San Francisco and the environmental impacts of the Project will be acutely felt within
7 the City and County.

8 31. This petition is timely filed within all applicable statutes of limitations. This
9 action is timely under CEQA because it is filed within 30 days of the City and County's Notice
10 of Determination ("NOD") dated September 12, 2012 and filed with the San Francisco County
11 Clerk on September 13, 2012. (PRC § 21167(b), (c), and (e); 14 CCR § 15112(c)(1).

12 32. Petitioners performed all conditions precedent to filing this action by complying
13 with the requirements of PRC § 21167.5 by serving prior notice of the complaint in this action.
14 A copy of the written notice and proof of service is attached as Exhibit A to the Petition in this
15 action.

16 33. Pursuant to PRC section 21167.6(b), Petitioners have elected to prepare the record
17 of proceedings in this matter and are simultaneously filing their notice of intent to prepare said
18 record of proceedings with this complaint. A true and correct copy of petitioners' Notice of
19 Intent to Prepare Record is attached to this complaint as Exhibit B.

20 34. Petitioners will provide notice of this action to the Attorney General of the State
21 of California, by serving a copy of this Petition along with a notice of its filing, as required by
22 PRC § 21167.7 and CCP § 388.

23 35. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary
24 law unless this Court grants the requested writ of mandate to require Respondents to set aside
25 their approval of the Project. In the absence of such remedies, Respondents' decision will
26 remain in effect in violation of state law.
27
28

1 **STATEMENT OF FACTS**

2 **Project Background**

3 36. The Beach Chalet Athletic Fields are located at 1500 John F. Kennedy Drive in
4 the western end of Golden Gate Park in San Francisco, California. Since the 1930s, four
5 naturally-growing grass fields have served as soccer fields, also known as "pitches."

6 37. The Project would replace the existing naturally-growing grass athletic fields and
7 certain adjacent trees with artificial turf. Approximately 60 trees would be removed and only 16
8 would be replaced.

9 38. The Project includes the installation of ten 60-foot tall light towers and additional
10 night-lighting of paths. The light towers would broadcast 150,000 watts of light every night of
11 the year until at least 10:00 pm. This would be a significant increase in illumination in a part of
12 the park that has been heretofore dark at night. The lights will be visible from other Coastal
13 Zone sites, including Ocean Beach and Lands End in the Golden Gate National Recreation Area,
14 Lands End, which is a favorite spot for local amateur astronomers. The lighting will affect
15 wildlife and humans who appreciate dark sky values. The EIR admits that the light towers will
16 be "highly visible" during the day and at night "in an area of the park that has been historically
17 dark at night." Isabel Wade, founder of the Neighborhood Parks Council, stated, "it is an issue
18 having this site lit up like Star Wars every night of the year."

19 39. The Project would install bleachers for approximately 1,000 spectators. The
20 Project would also expand the existing parking lot, replace dirt and grass paths with pavement or
21 crushed concrete, renovate a building on site, and install additional amenities for visitors.

22 40. Golden Gate Park - San Francisco's crown jewel - is a nationally recognized
23 historic site which has been cherished for generations for its naturalistic beauty. Golden Gate
24 Park is one of the nation's leading urban parks, known throughout the world for its natural
25 beauty, and as a unique natural area within the confines of a major city. The area where the
26 Project will be located, only 500 feet from Ocean Beach and in the Coastal Zone, is listed on the
27 National Register of Historic Places, and is the first large urban park built west of the Mississippi
28 River.

1 41. The Golden Gate Park Master Plan states that the western end of Golden Gate
2 Park was always intended to be “simply treated as woodland forest.” The park was designed to
3 provide a “relief from urban pressures” with the “landscape [as] its most prominent feature.”
4 The eastern end of the park was intended for more active recreation while the western end was
5 intended to remain more sylvan and naturalistic. The Golden Gate Park Master Plan explicitly
6 considered the difference in uses between the eastern and western ends of the park and states that
7 the “distinction should be maintained, with different landscape treatments for the eastern and
8 western portions.”

9 42. The National Register of Historic Places states that Golden Gate Park was
10 “conceived as a naturalistic pleasure ground park to provide a sylvan retreat from urban
11 pressures for all citizens, rich and poor.” Further, “the spatial relationships between evergreen
12 forest and the open measures [are] the significant feature [of the park]” and buildings and
13 structures, even those that further the recreational mission of the park, should be kept to a
14 minimum because “they are viewed as intrusions to the naturalistic landscape.”

15 43. The EIR admits that the proposed Project would cause a significant and
16 unavoidable “substantial adverse change in the significance of the historical resource” of Golden
17 Gate Park. The artificial turf, lights, stadium seating and other alterations would fundamentally
18 change the character of the western end of Golden Gate Park by diminishing the naturalistic
19 quality of the landscape and introducing lights in an area of the park that has been historically
20 dark at night. The Project would cause an unprecedented departure from the historic design and
21 management of the park.

22 **Toxic Turf: Styrene Butadiene Crumb Rubber (“SBR”)**

23 44. The synthetic turf that would be used for the Project would consist of four
24 components: fiber, infill, backing, and underlayment. The fiber would consist of polyethylene.
25 The infill, which would be used to provide stability and cushioning, would be comprised of
26 about 70% SBR and 30% sand. The SBR infill is recovered from scrap tires and from the tire re-
27 treading process. The underlayment would consist of drainage tile or an aggregate rock base.

28

1 45. The City has elected to use the most toxic type of artificial turf infill - SBR. SBR
2 artificial turf infill contains a large array of toxic and cancer-causing chemicals including
3 polycyclic aromatic hydrocarbons (öPAHsö) phthalates, antioxidants, benzothiazole and
4 derivatives, heavy metals, benzene, formaldehyde, naphthalene, nitromethane, and styrene,
5 among other chemicals.

6 46. People playing on the Project artificial turf fields with SBR infill, especially
7 children, would be exposed to unacceptable levels of cancer-causing and toxic chemicals, at
8 levels far above adopted CEQA significance thresholds.

9 47. Under CEQA, a risk is significant if it exceeds one cancer per million, or if the
10 acute hazard index (for non-cancer health risks) exceeds 1.0.

11 48. Numerous studies have concluded that artificial turf fields with SBR infill create a
12 cancer risk above the CEQA significance threshold. In fact, the EIR cited a study conducted by
13 the California Environmental Protection Agency Office of Environmental Health Hazard
14 Assessment (öOEHHAö) in 2009 that presents evidence that artificial turf fields with SBR infill
15 create a cancer risk above the CEQA significance threshold. Certified hydrogeologist Matthew
16 Hagemann, C.Hg., the former Director of the U.S. Environmental Protection Agency's West
17 Coast Superfund Program, reviewed the 2009 OEHHA study and calculated the cancer risk from
18 benzene, formaldehyde, naphthalene, nitromethane, and styrene to be equal to 19 in a million -
19 19 times higher than the CEQA significance threshold of 1 per million.

20 49. The Final EIR (Comments and Responses) for the Project admits that studies
21 evaluating exposure to artificial turf fields with SBR infill via ingestion exceed the acute hazard
22 index of 1.0. In pertinent part, the Final EIR states öIn the two studies that addressed ingestion,
23 the highest noncancer risk identified was 6.9 based on the total metals concentrations, but the
24 hazard index would be reduced to 1.8 when zinc is excludedí When tested using a gastric
25 simulation, which is considered more representative of actual conditions, the hazard index was
26 2.2, sufficiently close to a hazard index of 1, and deemed not to represent a serious health hazard
27 by the 2007 OEHHA study. The only cancer risk that exceeded the *de minimus* level of one in a
28

1 million was the increased cancer risk of 2.9 in a million related to hand-to-surface-to-mouth
2 activity.

3 50. Of course, even the acute toxicity index of 2.2 admitted by the City is 120%
4 higher than the CEQA significance threshold of 1.0. The cancer risk of 2.9 per million admitted
5 by the City is almost triple the CEQA significance threshold of 1.0 per million.

6 51. Despite admitting that the use of artificial turf with SBR infill creates a cancer
7 risk above the CEQA threshold, the EIR concludes, without any substantial evidence to support
8 its conclusion, that the cancer risk of using SBR artificial turf is less than significant.

9 Alternatives

10 52. The City has elected to use the most toxic type of artificial turf infill - SBR -
11 without properly analyzing alternatives in violation of CEQA. For example, the City has failed
12 to analyze the following artificial turf alternatives: natural grass, cork-coconut infill
13 (corkonut), carpet-pad infill, silicon-based infill, elastomer-coated sand as infill, or other
14 non-toxic materials.

15 53. The use of turf composed of non-toxic materials is a feasible alternative and has
16 been in use in places including Los Angeles, California; New York, New York; Salt Lake City,
17 Utah; San Carlos, California; Piedmont, California; and dozens of other communities around the
18 county.

19 54. Petitioners submitted numerous studies and analysis showing that non-toxic
20 alternatives to SBR infill are available and are in use throughout the country. Nevertheless, the
21 City refused to analyze these non-toxic alternatives at all in the EIR, rendering the document
22 legally inadequate.

23 55. The EIR is also inadequate for its failure to select the environmentally superior
24 alternative of West Sunset playground, only eight blocks away from the Beach Chalet.

25 56. The Project Objectives have been tailored to result in the rejection of any off-site
26 alternative. The Project really has two major goals: (1) renovate the Beach Chalet facilities to
27 provide for more play time and a better user experience; and (2) contribute to meeting an
28

1 increased city-wide demand for play time. There is no reason that these two objectives must be
2 linked to the Beach Chalet site itself.

3 57. Because the project objectives were too narrowly defined, the EIR failed to
4 analyze a "Hybrid Alternative" which would (1) restore the Beach Chalet fields with new
5 grading, irrigation and natural grass add gopher proofing and good drainage and omit night lights
6 and (2) restore the West Sunset Playground - only eight (8) blocks to the south and outside the
7 Local Coastal Zone with artificial turf with safe infill and some night lighting. The Beach Chalet
8 location and the West Sunset Playground location are almost identically located with respect to
9 the center of the City.

10 58. The proposed Hybrid Alternative would result in approximately the same number
11 of play hours as the proposed Project, while restoring both play areas and achieving all project
12 objectives for comparable cost. In fact, the FEIR admits that the Hybrid Alternative would: (1)
13 "attain most of the project's basic objectives;" (2) "avoid or substantially lessen one or more of
14 the significant environmental impacts of the proposed project;" and (3) be "feasible."

15 59. The Hybrid Alternative would also protect the historic Beach Chalet area.

16 60. The EIR is inadequate due to its refusal to analyze the Hybrid Alternative and the
17 City was required to select the Hybrid Alternative since it is environmentally superior and
18 achieves almost all project objectives.

19 **Procedural Background**

20 61. On October 26, 2011, the City published the Draft EIR for the Beach Chalet
21 Athletic Fields Renovation Project. The comment period for the Draft EIR was between October
22 26, 2011 and December 12, 2011.

23 62. On December 1, 2011, the Planning Commission held a public hearing on the
24 Draft EIR.

25 63. On May 7, 2012, the City released Comments and Responses for the Draft EIR.

26 64. On May 24, 2012, the Planning Commission held a hearing to review the Draft
27 EIR and the Comments and Responses for the Draft EIR for Final EIR certification. The
28 Planning Commission: (1) adopted findings of fact related to the certification of a Final EIR

1 (Planning Commission Motion No. 18637; Case No. 2010.0016E; (2) adopted findings under
2 CEQA including findings rejecting alternatives as infeasible and adopting a statement of
3 overriding considerations (Planning Commission Motion No. 18638; Case No. 2010.0016E); (3)
4 adopted findings of consistency with the General Plan and other policies and CEQA findings
5 (Planning Commission Motion No. 18639; Case No. 2010.0016R); and (4) adopted findings
6 related to the approval of a Coastal Zone Permit application (Planning Commission Motion No.
7 18640; Case No. 2010.0016P).

8 65. On May 24, 2012, the San Francisco Recreation and Park Commission adopted
9 CEQA findings and statement of overriding considerations set forth in Planning Commission
10 Motion 18637 to approve the conceptual plan for the Project (Recreation and Park Commission
11 Resolution No. 1205-020; Case No. 2010.0016R).

12 66. On July 10, 2012, the Board of Supervisors affirmed the certification by the San
13 Francisco Planning Commission of the Final EIR (File No. 120692).

14 67. On August 1, 2012, the Board of Appeals denied appeals protesting the May 24,
15 2012 approval of the Coastal Zone Permit granted to Recreation and Park Department and made
16 the following findings (among others): (1) there are no project changes or new information that
17 would change the conclusions of the Planning Commission's CEQA determination; and (2) the
18 Project is consistent with the San Francisco Local Coastal Program.

19 68. On September 12, 2012, the Board of Appeals denied a rehearing request.

20 69. On September 12, 2012, the City issued a Notice of Determination ("NOD") that
21 was filed with the San Francisco Clerk on September 13, 2012, which stated that the City and
22 County of San Francisco approved the Project.

23 70. Petitioners and over a hundred other interested groups and individuals participated
24 in the administrative proceedings leading up to the Respondents' approval of the Project and
25 certification of the EIR, either by participating in hearings thereon or by submitting letters
26 commenting on Respondents' Draft EIR and Final EIR. Petitioners attempted to persuade
27 Respondents that its environmental review and approvals did not comply with the requirements
28 of CEQA, to no avail. Organizations including the Sierra Club, Audubon Society, Center for

1 Environmental Health and many other nationally-recognized organizations opposed the Project
2 and raised concerns about the toxicity of artificial turf for SBR infill. Respondents' approval of
3 the Project and certification of the EIR is not subject to further administrative review by
4 Respondents. Petitioner has availed itself of all available administrative remedies for
5 Respondents' violations of CEQA.

6 71. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of
7 law within the meaning of CCP § 1086, in that Respondents' approval of the Project and
8 associated EIR is not otherwise reviewable in a manner that provides an adequate remedy.
9 Accordingly, Petitioners seek this Court's review of Respondents' approval of the Beach Chalet
10 Athletic Fields Renovation Project and certification of the EIR, to rectify the violations of
11 CEQA.

12 72. Unless enjoined, Respondents and Real Parties in Interest will implement the
13 Beach Chalet Athletic Fields Renovation Project despite their lack of compliance with CEQA.
14 Petitioners will suffer irreparable harm by Respondents' failure to take the required steps to
15 protect the environment. Declaratory relief is appropriate under CCP § 1060, injunctive relief is
16 appropriate under CCP § 525 et seq. and a writ of mandate is appropriate under CCP § 1085 et
17 seq. and 1094.5 et seq. and under PRC § 21168.9, to prevent irreparable harm to the
18 environment.

19 73. Under CEQA, abuse of discretion is established if the agency has not proceeded
20 in a manner required by law or if the determination or decision is not supported by substantial
21 evidence. PRC § 21168.5.

22 74. Respondents are threatening to proceed with implementation of the Beach Chalet
23 Athletic Fields Renovation Project in the near future. Implementation of the Project will
24 irreparably harm the environment. A temporary restraining order and preliminary and permanent
25 injunctions should be issued restraining Respondents from proceeding with the Project, which
26 rely on the EIR.

27
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1 **Legal Background**

2 **CEQA**

3 75. CEQA (Pub. Resources Code § 21000 et seq.) requires that an agency analyze the
4 potential environmental impacts of the Project, i.e., its proposed actions, in an environmental
5 impact report (‘EIR’) (except in certain limited circumstances). (See, e.g., PRC § 21100).

6 76. The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992)
7 9 Cal.App.4th 644, 652). ‘The foremost principle in interpreting CEQA is that the Legislature
8 intended the act to be read so as to afford the fullest possible protection to the environment
9 within the reasonable scope of the statutory language.’ (*Communities for a Better Environment*
10 *v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109).

11 77. CEQA has two primary purposes. First, CEQA is designed to inform decision
12 makers and the public about the potential, significant environmental effects of a project. (14 Cal.
13 Code Regs. (‘CEQA Guidelines’) § 15002(a)(1)). ‘Its purpose is to inform the public and its
14 responsible officials of the environmental consequences of their decisions before they are made.
15 Thus, the EIR ‘protects not only the environment but also informed self-government.’ (*Citizens*
16 *of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR has been described
17 as ‘an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible
18 officials to environmental changes before they have reached ecological points of no return.’
19 (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354
20 (‘*Berkeley Jets*’)).

21 78. Second, CEQA requires public agencies to avoid or reduce environmental damage
22 when ‘feasible’ by requiring ‘environmentally superior’ alternatives and all feasible mitigation
23 measures. (CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley* 52 Cal.3d at 564).
24 Mitigation measures must be fully enforceable and not deferred. (CEQA Guidelines § 15126.4;
25 *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 308-309). The EIR serves to
26 provide agencies and the public with information about the environmental impacts of a proposed
27 project and to ‘identify ways that environmental damage can be avoided or significantly
28 reduced.’ (Guidelines § 15002(a)(2)).

1 79. If the project will have a significant effect on the environment, CEQA requires the
2 adoption of a feasible alternative that meets most of the project objectives but results in fewer
3 significant impacts. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal. App. 3d
4 1167, 1180-81). A "feasible" alternative is one that is capable of being accomplished in a
5 successful manner within a reasonable period of time, taking into account economic,
6 environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; 14 Cal. Code
7 Regs. § 15364). CEQA requires that an EIR provide a discussion of project alternatives that
8 allows meaningful analysis. An EIR shall describe a range of reasonable alternatives to the
9 project, or to the location of the project, which would feasibly attain most of the basic objectives
10 of the project but would avoid or substantially lessen any of the significant effects of the project,
11 and evaluate the comparative merits of the alternatives. (CEQA Guidelines § 15125.6). An
12 overly narrow definition of project objectives renders the alternatives analysis inadequate
13 because such a restrictive formulation would improperly foreclose consideration of alternatives
14 (*See City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438). The lead agency is
15 required to select the environmentally preferable alternative unless it is infeasible.

16 80. The agency may approve the project only if it finds that it has "eliminated or
17 substantially lessened all significant effects on the environment where feasible" and that any
18 unavoidable significant effects on the environment are "acceptable due to overriding concerns."
19 (Pub. Resources Code § 21081; 14 Cal. Code Regs. § 15092(b)(2)(A) & (B)).

20 81. While the courts review an EIR using an "abuse of discretion" standard, "the
21 reviewing court is not to uncritically rely on every study or analysis presented by a project
22 proponent in support of its position. A "clearly inadequate or unsupported study is entitled to no
23 judicial deference." (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting,
24 *Laurel Heights Improvement Assn. v. Regents of University of Cal.*, 47 Cal. 3d 376, 391 409,
25 fn. 12 (1988)).

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**CLAIMS FOR RELIEF
FIRST CAUSE OF ACTION**

(CCP 1094.5,² PCR §§ 21168, 21168.5. Violations of CEQA; EIR Does Not Comply With CEQA. By All Petitioners Against All Respondents and All Real Parties)

FIRST COUNT: FAILURE TO ACKNOWLEDGE TOXIC CHEMICAL IMPACTS OF ARTIFICIAL TURF WITH STYRENE-BUTADIENE CRUMB RUBBER (“SBR”) INFILL

82. Petitioners hereby reallege and incorporate all of the above paragraphs as if fully set forth herein.

83. There is no dispute that artificial turf with SBR crumb rubber infill contains a large array of toxic and cancer-causing chemicals. (DEIR, IV.H-2) The only dispute is whether anyone playing on fields with SBR infill, especially children, are exposed to an “acceptable” level of these cancer-causing and toxic chemicals.

84. Under the California Environmental Quality Act, a risk is significant if it exceeds one cancer per million, or if the acute hazard index (for non-cancer health risks) exceeds 1.0. (DEIR, IV.H-3).

85. The EIR relies on a study conducted by the California Environmental Protection Agency Office of Environmental Health Hazard Assessment (OEHHA) in 2009. That study concludes that artificial turf fields with SBR crumb rubber infill, create a cancer risk of approximately 18.8 per million ó 18 times above the CEQA significance threshold. The OEHHA Study concludes:

"Estimated inhalation exposures of soccer players to five of these (benzene, formaldehyde, naphthalene, nitromethane and styrene) gave theoretical increased lifetime cancer risks that exceeded the insignificant risk level of 10⁻⁶ (OEHHA, 2006)." (p.33)

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² Or in the alternative CCP § 1085.

1
2 **California Office of Environmental Health Hazard Assessment (OEHHA) (2009)³**

3

Chemical	Increased Cancer Risk
Benzene	2.8/million
Formaldehyde	1.6/million
Naphthalene	3.8/million
Nitromethane	8.7/million
Styrene	1.9/million
CUMULATIVE	18.8/million

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8 86. In addition, a recent peer-reviewed journal article study published in 2011
9 concludes that soccer pitches with SBR infill create a significant cancer risk above 1 per million
10 due to dioxin-like chemicals. Menichini, et al., *Sci Total Environ*. 2011 Nov 1;409(23):4950-7.
11 Epub 2011 Sep 9. The article concludes:

12
13 The artificial-turf granulates made from recycled rubber waste are of health concern due
14 the possible exposure of users to dangerous substances present in the rubber, and
15 especially to PARs. In this work, we determined the contents of PARs, metals, non-
16 dioxin-like PCBs (NDL- PCBs), PCDDs and PCDFs in granulates, and PAR
17 concentrations in air during the use of the fieldí an excess lifetime cancer risk of 1 x10(-
18 6) was calculated for an intense 30-year activity.ö

17 87. The EIR fails to analyze health risks from dioxin-like compounds at all.

18 88. The City refused to consider the most recent peer-reviewed scientific journal
19 article on SBR, published in the highly respected journal *Chemosphere*, entitled "Hazardous
20 Organic Chemicals in Rubber Recycled Tire Playgrounds and Pavers" (Llompart, M., et. al.) that
21 became available on August 22, 2012. The study investigated the presence of hazardous organic
22 chemicals in surfaces containing recycled rubber tires. The study was initiated because of a
23 concern that the application of used tires in recycled products such as rubber mulch used for
24 sport fields and playground surfaces places children at risk. The study revealed that the used
25 tires on sport fields and playground surfaces contain a large number of hazardous substances

26
27 ³ *Chemicals and particulates in the air above the new generation of artificial turf playing fields, and*
28 *artificial turf as a risk factor for infection by methicillin-resistant Staphylococcus aureus (MRSA)*
Literature review and data gap identification, Office of Environmental Health Hazard Assessment,
California Environmental Protection Agency, pp. 30-33 (July, 2009).

1 including polycyclic aromatic hydrocarbons (PAHs), phthalates, antioxidants, benzothiazole and
2 derivatives, among other chemicals. Many of these hazardous substances were at high or
3 extremely high levels. In addition, vapor studies revealed that many of the organic compounds
4 are volatile even at room temperature. The study concludes that because of the presence of a
5 high number of harmful compounds, frequently at high or extremely high levels, in these
6 recycled rubber materials they should be carefully controlled, and their final use should be
7 restricted or even prohibited in some cases.

8 89. The EIR fails to discuss a 2007 study by the highly respected Environment and
9 Human Health, Inc. (EHHI), directed by Dr. John Wargo, Ph.D., (Director of the Yale Program
10 on Environment and Health). The EHHI study concludes:

11 The Connecticut Agricultural Experiment Station study conclusively demonstrates that
12 the tire crumbs and tire mulch release chemical compounds into the air and ground water.
13 Thus, tire crumbs constitute a chemical exposure for humans and the environment.

14 Health endpoints of concern are numerous, including acute irritation of the lungs, skin,
15 and eyes, and chronic irritation of the lung, skin, and eyes. Knowledge is somewhat
16 limited about the effects of semi-volatile chemicals on the kidney, endocrine system,
17 nervous system, cardio vascular system, immune system, developmental effects and the
18 potential to induce cancers.

19 90. Dr. Phillip Landrigan, MD, epidemiologist and Director of the Mount Sinai
20 School of Medicine Children's Environmental Health Center in New York, submitted a letter to
21 the City Planning Department on May 8, 2012, stating:

22 The major chemical components of crumb rubber are styrene and butadiene, the principal
23 ingredients of the synthetic rubber used for tires in the United States. Styrene is
24 neurotoxic. Butadiene is a proven human carcinogen. It has been shown to cause
25 leukemia and lymphoma. The crumb rubber pellets that go into synthetic turf fields also
26 contain lead, cadmium and other metals. Some of these metals are included in tires during
27 manufacture, and others picked up by tires as they roll down the nation's streets and
28 highways. There is a potential for all of these toxins to be inhaled, absorbed through the
skin and even swallowed by children who play on synthetic turf fields. Only a few studies
have been done to evaluate this type of exposure risk, the most notable by EPA in 2009,
NY State DEC in 2009, and CT DEP in 2012.

1 91. Matthew Hagemann, C.Hg., former director of US EPA's West Coast Superfund
2 program, concludes that the Project will have significant cancer and non-cancer health risks. Mr.
3 Hagemann states:

4 Toxins from tire crumb can enter the body through inhalation of particulates, fibers, and
5 volatile organic compounds (VOCs).⁴ VOCs can cause organ damage, irritation of eyes,
6 throat, and airways, and nervous system impairments.⁵ Synthetic turf can be heated to
7 high temperatures when exposed to sunlight which, in turn, can lead to further release of
8 VOCs.⁶

9 The DEIR includes references to synthetic turf studies that have shown risks to human
10 health from inhalation of VOCs to exceed a commonly accepted threshold of one
11 additional cancer incidence in a population of a million people (one in a million or 10^{-6}).
12 Although this is disclosed in the DEIR, the DEIR fails to identify this as a significant
13 impact and fails to mitigate the risk.

14 One study cited in the DEIR, a 2009 study prepared by the California Office of
15 Environmental Health Hazard Assessment (OEHHA)⁷, concludes that soccer players with
16 inhalation exposure to vapors from a theoretical scenario of playing for 51 years on
17 synthetic turf would have increased lifetime cancer risks that exceeded the insignificant
18 risk level of 10^{-6} from breathing benzene, formaldehyde, naphthalene, nitromethane and
19 styrene, chemicals associated with VOC vapors from synthetic turf. The OEHHA finding
20 of significant health risks was corroborated by a 2011 Italian study in which showed risk
21 to be in excess of 10^{-6} from particle-bound polycyclic aromatic hydrocarbons.⁸ Another
22 2011 study found that benzothiazole, a chemical that causes respiratory irritation and
23 dermal sensitization, volatilizes from crumb rubber resulting in inhalation exposure.⁹ The
24 latter two studies are not mentioned in the DEIR.

25 The individual risks from benzene, formaldehyde, naphthalene, nitromethane and styrene
26 each exceed the one in a million threshold. When summed¹⁰, the cancer risk from
27 chemicals identified in the OEHHA study equals 1.9 in 100,000 which exceeds a 10^{-5}
28 level (or one in a hundred thousand) risk level (19 in a million).

92. Since the very studies that the EIR cites calculate a cancer risk well above the
CEQA significance threshold of 1 per million, and the EIR fails to analyze cancer risks from

⁴ <http://www.ens-newswire.com/ens/jun2009/2009-06-04-091.asp>

⁵ <http://www.emcmolding.com/CRIS.pdf>

⁶ http://www.dec.ny.gov/docs/materials_minerals_pdf/tirestudy.pdf

⁷ <http://www.calrecycle.ca.gov/Tires/Products/BizAssist/Health/TurfStudy/LitReview.doc>

⁸ <http://www.ncbi.nlm.nih.gov/pubmed/21907387>

⁹ <http://www.ncbi.nlm.nih.gov/pubmed/21797770>

¹⁰ <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>, p. 2-10

1 dioxin-like chemicals at all, there is no substantial evidence to support the EIR's conclusion that
2 the cancer risk is less than significant.

3 93. The City of Piedmont, California retained independent consulting firm, LSA
4 Associates, Inc., to analyze the proposed artificial turf field at Blair Park (Moraga Canyon Sports
5 Field Project EIR (2010). That EIR analyzed the same data reviewed by the City, but concludes
6 that even with mitigation measures, **the human health impact created by toxic chemicals in
7 SRB artificial turf would remain "significant and unavoidable."** (Moraga Canyon Sports
8 Field Project EIR, p. 215) If SBR creates a significant and unavoidable cancer risk to children in
9 Piedmont, then the same material must also create a significant an unavoidable health risk to
10 children in San Francisco.

11 94. A study conducted by OEHHA in 2007 concludes that artificial turf with SBR
12 infill creates an acute hazard index of 2.2 ó more than double the 1.0 CEQA significance
13 threshold. (DEIR, IV.H-29) Nevertheless, the EIR cites this very study to erroneously conclude
14 that the acute hazard risk is less than significant. (EIR, IV.H-4)

15 95. The final staff report to the Board of Supervisors, dated July 2, 2012, stated,
16 "When tested using a gastric simulation, which is considered more representative of actual
17 conditions, the hazard index was 2.2, sufficiently close to a hazard index of 1." Similarly, the
18 Final EIR stated, "the hazard index was 2.2, sufficiently close to a hazard index of 1."

19 96. Of course, 2.2 is not "close to" 1.0. An acute hazard index of 2.2 is 120% higher
20 than the undisputed CEQA significance threshold of 1.0.

21 97. When, as here, an impact exceeds a CEQA significance threshold, the EIR must
22 disclose to the public and decision-makers that the impact is significant, and consider alternatives
23 and mitigation measures to reduce the impact. (*Communities for a Better Environment v.*
24 *California Resources Agency* (2002) 103 Cal.App.4th 98, 110-114)

25 98. The EIR is patently inadequate because it fails to disclose that the Project will
26 have a significant acute toxicity and cancer impacts that exceed the applicable CEQA
27 significance thresholds.

28

1 **SECOND COUNT: FAILURE TO CONSIDER ALTERNATIVES TO TOXIC**
2 **ARTIFICIAL TURF WITH SBR INFILL**

3 99. Petitioners hereby reallege and incorporate all of the above paragraphs as if fully
4 set forth herein.

5 100. The EIR expressly refuses to analyze feasible non-toxic alternatives to turf with
6 SBR infill. (DEIR IV.H-8)

7 101. There are also several non-toxic artificial turf infill materials that have been used
8 successfully in other communities.

9 102. The City of New York has ceased installing SBR artificial turf due in part to the
10 above health concerns. Since the moratorium, the City has successfully installed several carpet-
11 pad style artificial turf fields.

12 103. Petitioners described numerous alternative infill materials in a report by the
13 Montgomery County, Maryland, Department of Environmental Protection, and Montgomery
14 County Department of Health and Human Services.

15 104. At a minimum, the EIR should be revised to consider these non-toxic alternatives,
16 such as: (1) Corkonut (a FIFA-approved blend of cork and coconut shells recently installed in the
17 cities of Piedmont and San Carlos, California); (2) Thermoplastic Elastomers (TPEs) (a non-
18 toxic "carpet-pad-style" backing recently installed in New York City); (3) EPDM Rubber
19 (Ethylene Propylene Diene Monomer) (a non-toxic infill recently installed at Brigham Young
20 University); (4) Acrylic Coated Silica Sand (a non-toxic sand-based material recently installed at
21 fields by the Los Angeles Unified School District).

22 105. CEQA requires public agencies to avoid or reduce environmental damage when
23 "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation
24 measures. (CEQA Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley* 52 Cal.3d at 564).

25 106. The EIR is patently inadequate because it categorically refuses to consider any
26 alternatives to SBR artificial turf.

27
28

1 **THIRD COUNT: INADEQUATE ALTERNATIVES ANALYSIS**

2 107. Petitioners hereby reallege and incorporate all of the above paragraphs as if fully
3 set forth herein.

4 108. Where a project is found to have significant adverse impacts, *CEQA requires the*
5 *adoption of a feasible alternative that meets most of the project objectives but results in fewer*
6 *significant impacts.* (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d
7 1167, 1180-81; *see also, Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322) A
8 “feasible” alternative is one that is capable of being accomplished in a successful manner within
9 a reasonable period of time, taking into account economic, environmental, legal, social and
10 technological factors. (Pub. Res. Code § 21061.1; 14 Cal. Code Regs. § 15364)

11 109. CEQA requires that an EIR provide a discussion of project alternatives that allows
12 meaningful analysis. *Laurel Heights I*, supra, 47 Cal.3d at 403. An EIR shall describe a range of
13 reasonable alternatives to the project, or to the location of the project, which would feasibly
14 attain most of the basic objectives of the project but would avoid or substantially lessen any of
15 the significant effects of the project, and evaluate the comparative merits of the alternatives.
16 CEQA Guidelines § 15125.6. The purpose of the discussion of alternatives is both to support the
17 decision makers and to inform public participation. Thus, “[a]n EIR’s discussion of alternatives
18 must contain analysis sufficient to allow informed decision making.” *Laurel Heights I*, supra, 47
19 Cal.3d at 404. An EIR must also include “detail sufficient to enable those who did not
20 participate in its preparation to understand and to consider meaningfully the issues raised by the
21 proposed project.” (Id.)

22 110. The lead agency is required to select the environmentally preferable alternative
23 unless it is infeasible. As explained by the Supreme Court, an environmentally superior
24 alternative may not be rejected simply because it is more expensive or less profitable: “The fact
25 that an alternative may be more expensive or less profitable is not sufficient to show that the
26 alternative is financially infeasible. What is required is evidence that the additional costs or lost
27 profitability are sufficiently severe as to render it impractical to proceed with the project.”

28

1 (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; *see also*,
2 *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322)

3 111. In this case, the EIR analyzed and rejected an Off-site alternative of placing the
4 Project at West Sunset Playground, only 8 block away from Beach Chalet. The West Sunset
5 alternative admittedly would eliminate the Project's significant adverse impacts to the historic
6 resource of Golden Gate Park.

7 112. The EIR rejects the Off-site Alternative of West Sunset Playground, primarily
8 because it would not meet the Project objective to improve the condition of the Beach Chalet
9 fields.

10 113. An agency may not reject an off-site alternative *because* it is off-site ó which is
11 essentially what the City has done. It is well-established that off-site alternatives should be
12 considered under CEQA. As the Supreme Court has explained, an EIR is required to explain in
13 detail why various alternatives were deemed infeasible, and should explore the potential to locate
14 the project somewhere other than proposed. (*Laurel Heights I*, 47 Cal.3d at 404-406; *Goleta*
15 *Valley*, 197 Cal.App.3d 1180-81) The City's position, rejecting the West Sunset alternative
16 *because* it is not located at Beach Chalet, makes a mockery of CEQA's requirement for a true
17 off-site alternative analysis. If an offsite alternative could be rejected simply because it is in a
18 different location, then the offsite alternative analysis would be meaningless.

19 114. The EIR is inadequate because it failed select the off-site alternative as the
20 environmentally superior alternative.

21 115. The FEIR admits that the off-site alternative "would attain most of the project's
22 basic objectives," and would "avoid or substantially lessen one or more of the significant
23 environmental impacts of the proposed project," and would be "feasible."

24 116. The City's official Responses to Comments states: "[t]he EIR includes analysis
25 of an off-site alternative (West Sunset Playground) that would: (1) attain most of the
26 project's basic objectives; (2) avoid or substantially lessen one or more of the significant
27 environmental impacts of the proposed project; and (3) be feasible. (Responses to
28

1 Comments, at X.0-71, Response to ALT-5, emphasis in original (*Citizens of Goleta Valley v. Bd.*
2 *of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81)

3 117. The EIR admits that the off-site alternative "attains most of the project's basic
4 objectives," and is "feasible." Conclusions to the contrary elsewhere in the EIR and findings
5 therefore lack substantial evidence, and render the EIR internally inconsistent and inadequate.

6 118. Therefore, the City abused its discretion by failing to select the environmentally
7 superior and feasible Off-site Alternative.

8 119. Furthermore, Petitioners proposed an entirely feasible Hybrid Alternative of: (1)
9 improving Beach Chalet with new grass fields and good drainage, gopher protection, and no
10 night lights; and (2) improving West Sunset Playground with non-toxic artificial turf and some
11 night lighting, would achieve the on-site objectives of restoring the Beach Chalet Fields, while
12 also providing artificial turf fields for additional play hours at West Sunset.

13 120. To narrowly define the primary "objective" of the proposed project itself
14 constitutes a violation of CEQA since such a restrictive formulation would improperly foreclose
15 consideration of alternatives. (*See City of Santee v. County of San Diego* (1989) 214 Cal.App.3d
16 1438) (holding that when project objectives are defined too narrowly an EIR's treatment of
17 analysis may also be inadequate.) As a leading treatise on CEQA compliance cautions, "The case
18 law makes clear that overly narrow objectives may unduly circumscribe the agency's
19 consideration of project alternatives." (Remy, Thomas, Moose & Manley, *Guide to CEQA*
20 (Solano Books, 2007), at 589)

21 121. CEQA prohibits a project sponsor from limiting its ability to implement the
22 project in a way that precludes it from implementing reasonable alternatives to the project. (*See*
23 *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (holding
24 alternatives may not be artificially limited by applicant's prior contractual commitments that
25 would prevent sponsor from implementing reasonable alternative) Inconsistency with only some
26 of the Project Objectives is not necessarily an appropriate basis to eliminate impact-reducing
27 project alternatives from analysis in an EIR. (14 Cal. Code Regs § 15126.6(c), (f))

28

1 122. The EIR is inadequate because it failed entirely to consider the "Hybrid
2 Alternative" proposed by Petitioners.

3 123. The Recreation and Parks Department could accomplish all of the project
4 objectives if it would only consider "as has been urged by members of the public since the
5 genesis of this project" a "Hybrid Alternative" that would: (1) improve the grass turf and
6 existing facilities at the Beach Chalet and not add night lights; and (2) renovate the West Sunset
7 Playfields to meet higher playing time demands (e.g., installing non-toxic artificial turf, lights,
8 etc.). This would result in the creation of *six* artificial turf fields at West Sunset (3 full size and 3
9 U10), rather than 4 at Beach Chalet, plus improved grass fields at Beach Chalet "ó potentially
10 resulting in even more play time. The City has persistently refused to consider such an option,
11 but has never provided a credible reason for doing so.

12 124. To the extent that the City rejects the Hybrid Alternative due to an alleged failure
13 to achieve all of the Project Objectives, the City has defined the Project objectives too narrowly.
14 The City states that its intent is to develop playing fields on the "north side" of the City. West
15 Sunset is only 9 blocks south of Golden Gate Park. West Sunset is also 8 blocks to the east of the
16 Beach Chalet location. Therefore, Beach Chalet and West Sunset are almost identically located
17 with respect to the center of the City. Also, in a City that is 7 miles by 7 miles, either field is
18 accessible citywide, and soccer families regularly travel to fields throughout the City.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioners pray for the following relief:

21 125. For a stay of Respondents' decisions certifying the EIR and approving the Beach
22 Chalet Project pending trial.

23 126. For a temporary restraining order and preliminary injunction restraining
24 Respondents and Real Parties in Interest from taking any action in furtherance of the Project
25 relying in whole or in part upon the EIR pending trial.

26 127. For a peremptory writ of mandate, preliminary and permanent injunction and
27 declaratory relief directing:
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a. Respondents to vacate and set aside its Resolutions certifying the EIR and adopting Findings of Fact and approving the Project.

b. Respondents to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and project approval into compliance with CEQA.

c. Respondents to prepare, circulate, and consider a new and legally adequate EIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.

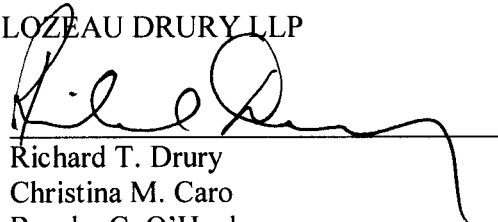
128. For the costs of suit.

129. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.

130. For any other equitable or legal relief that the Court considers just and proper.

October 12, 2012

LOZEAU DRURY LLP



Richard T. Drury
Christina M. Caro
Brooke C. O'Hanley
Attorneys for Petitioners and Plaintiffs

EXHIBIT A



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Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

October 11, 2012

Via U.S. Mail

Mayor Edwin M. Lee
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Angela Calvillo, Clerk of the Board
Board of Supervisors of the
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Chris Hwang, President of the Board
Board of Appeals of the
City and County of San Francisco
(aka Board of Permit Appeals)
1650 Mission, Room 304
San Francisco, CA 94103

John Rahaim
Director of Planning
San Francisco Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

City and County Clerk
Office of the County Clerk
City and County of San Francisco
City Hall, Room 168
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4678

Rodney Fong
Commission President
Planning Commission of the
City and County of San Francisco
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

City and County of San Francisco
Mayor Edwin M. Lee
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Notice of Intent to File Suit Under the California Environmental
Quality Act Regarding the Beach Chalet Athletic Fields Renovation Project
(State Clearinghouse No. 2011022005) (Planning Department Case No.
2010.0016E)**

Dear Mayor Lee, Ms. Calvillo, Mr. Hwang, Mr. Rahaim, Mr. Fong, City and County Clerk,
City and County of San Francisco, Board of Supervisors of the City and County of San
Francisco, Board of Appeals of the City and County of San Francisco (aka Board of
Permit Appeals), San Francisco Planning Department, Planning Commission of the City
and County of San Francisco:

I am writing on behalf of SF Coalition for Children's Outdoor Play, Education and Environment, and San Francisco, California residents Ann Clark and Mary Ann Miller (collectively, "Petitioners") regarding the Beach Chalet Athletic Fields Renovation Project ("Project") (State Clearinghouse No. 2011022005) (Planning Department Case No. 2010.0016E).

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5, that Petitioners intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., against Respondents and Defendants City and County of San Francisco, San Francisco Planning Department, Planning Department of the City and County of San Francisco, Board of Supervisors of the City and County of San Francisco, Planning Commission of the City and County of San Francisco, Board of Appeals of the City and County of San Francisco (aka Board of Permit Appeals of the City and County of San Francisco, and Mayor Edwin M. Lee, in his official capacity (collectively "City") in the Superior Court of California for the County of San Francisco, challenging the following unlawful actions taken by the City: the August 1, 2012 decision of the San Francisco Board of Appeals to approve the Beach Chalet Athletic Fields Renovation Project ("Project"); the July 10, 2012 decision of the Board of Supervisors of the City and County of San Francisco affirming the certification by the San Francisco Planning Commission of the Final Environmental Impact Report for the Beach Chalet Athletic Fields Renovation Project (File No. 120692); May 24, 2012 decisions regarding the Beach Chalet Athletic Fields Renovation Project ("Project") by the San Francisco Planning Commission: (1) adopting findings related to the certification of a Final Environmental Impact Report ("Final EIR") (Planning Commission Motion No. 18637; Case No. 2010.0016E); (2) adopt findings under the California Environmental Quality Act, Pub. Res. Code ("PRC") section 21000 et seq. ("CEQA") including rejecting alternatives as infeasible and adopting a statement of overriding considerations (Planning Commission Motion No. 18638; Case No. 2010.0016E); (3) adopt findings of consistency with the General Plan and other policies and CEQA findings (Planning Commission Motion No. 18639; Case No. 2010.0016R). Petitioners also challenge the May 24, 2012 decision by the San Francisco Recreation and Park Commission to adopt CEQA findings and statement of overriding considerations set forth in Planning Commission Motion 18637 and to approve the conceptual plan for the Project (Recreation and Park Commission Resolution No. 1205-020; case No. 2010.0016R), and (4) failing to prepare an adequate CEQA document for the Project.

The petition being filed will seek the following relief:

1. For a stay of Respondents' decisions certifying the EIR and approving the Beach Chalet Project pending trial.
2. For a temporary restraining order and preliminary injunction restraining Respondents and Real Parties in Interest from taking any action in furtherance of the Project relying in whole or in part upon the EIR pending trial.
3. For a peremptory writ of mandate, preliminary and permanent injunction and declaratory relief directing:

- a. Respondent(s) to vacate and set aside its Resolutions certifying the EIR and adopting Findings of Fact and approving the Project.
 - b. Respondent to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and project approval into compliance with CEQA.
 - c. Respondent to prepare, circulate, and consider a new and legally adequate EIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.
4. For the costs of suit.
 5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.
 6. For any other equitable or legal relief that the Court considers just and proper.

Petitioners urge the City to rescind its Notice of Determination for the Beach Chalet Athletic Fields Renovation Project, as well as all existing Project approvals, and prepare the appropriate CEQA document for this Project as required by law.

Sincerely,

A handwritten signature in blue ink, appearing to be 'R. Drury', written over a horizontal line.

Richard T. Drury
Christina M. Caro
Brooke C. O'Hanley
Lozeau Drury LLP
Attorneys for Petitioners

PROOF OF SERVICE

I, Christina Caro, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12th Street, Suite 250, Oakland, California, 94607.

On October 11, 2012, I served a copy of the foregoing document(s) entitled:

Notice of Intent to File Suit Under the California Environmental Quality Act Regarding the Beach Chalet Athletic Fields Renovation Project (State Clearinghouse No. 2011022005) (Planning Department Case No. 2010.0016E)

on the following parties:

Mayor Edwin M. Lee
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Angela Calvillo, Clerk of the Board
Board of Supervisors of the
City and County of San Francisco
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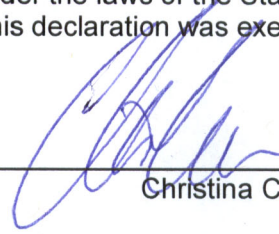
City and County Clerk
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Rodney Fong
Commission President
Planning Commission of the
City and County of San Francisco
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1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

City and County of San Francisco
Mayor Edwin M. Lee
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

<input checked="" type="checkbox"/>	BY MAIL. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed October 11, 2012 at Oakland, California.



Christina Caro

EXHIBIT B

1 RICHARD T. DRURY (Cal. Bar No. 163559)
2 CHRISTINA M. CARO (Cal. Bar. No. 250797)
3 BROOKE C. O'HANLEY (Cal. Bar. No. 274095)
4 LOZEAU | DRURY LLP
5 410 12th Street, Suite 250
6 Oakland, CA 94607
7 Tel: (510) 836-4200; Fax: (510) 836-4205
8 E-mail: richard@lozeaudrury.com
9 brooke@lozeaudrury.com

Attorneys for Petitioners and Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

SF COALITION FOR CHILDREN'S
OUTDOOR PLAY, EDUCATION AND THE
ENVIRONMENT, an unincorporated
association; ANN CLARK, an individual; and
MARY ANNE MILLER, an individual,

Petitioners and Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation; BOARD OF
SUPERVISORS OF THE CITY AND
COUNTY OF SAN FRANCISCO, a municipal
corporation; PLANNING COMMISSION OF
THE CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation; SAN
FRANCISCO PLANNING DEPARTMENT, a
public entity; BOARD OF APPEALS OF THE
CITY AND COUNTY OF SAN FRANCISCO,
a public entity; BOARD OF PERMIT
APPEALS OF THE CITY AND COUNTY OF
SAN FRANCISCO, a public entity; MAYOR
EDWIN M. LEE, in his official capacity; and
DOES I-X inclusive,

Respondents and Defendants;

SAN FRANCISCO RECREATION AND
PARKS DEPARTMENT, a public entity; SAN
FRANCISCO RECREATION AND PARK
COMMISSION, a public entity, and ROES I-X
inclusive,

Real Parties in Interest and Defendants.

Case No.: _____

**PETITIONERS' NOTICE OF INTENT
TO PREPARE RECORD**

(Pub. Resources Code section 21167.6(b))

CEQA Case

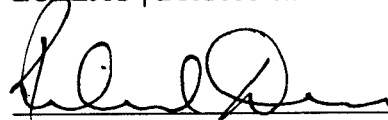
Dept: CEQA

1 Pursuant to Public Resources Code section 21167.6(b) Petitioners and Plaintiffs SF
2 COALITION FOR CHILDREN’S OUTDOOR PLAY, EDUCATION AND THE
3 ENVIRONMENT, an unincorporated association; ANN CLARK, an individual; and MARY
4 ANNE MILLER, an individual (collectively, “Petitioners”) hereby notify all parties that
5 Petitioners will prepare the record of proceedings (“administrative record”) relating to the above-
6 captioned action relating to Respondents and Defendants’ CITY AND COUNTY OF SAN
7 FRANCISCO, a municipal corporation; BOARD OF SUPERVISORS OF THE CITY AND
8 COUNTY OF SAN FRANCISCO, a municipal corporation; PLANNING COMMISSION OF
9 THE CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; SAN
10 FRANCISCO PLANNING DEPARTMENT, a public entity; BOARD OF APPEALS OF THE
11 CITY AND COUNTY OF SAN FRANCISCO, a public entity; BOARD OF PERMIT
12 APPEALS OF THE CITY AND COUNTY OF SAN FRANCISCO, a public entity; MAYOR
13 EDWIN M. LEE, in his official capacity; and DOES I-X inclusive, unlawful approval of the
14 Beach Chalet Athletic Fields Renovation Project to be located in San Francisco, California, in
15 violation of, *inter alia*, the California Environmental Quality Act (“CEQA”), Public Resources
16 Code § 21000 et seq., and failure to prepare and certify an adequate Final Environmental Impact
17 Report (“FEIR”) for the Project.

18 Respondents, Real Parties in Interest, and Defendants are directed not to prepare the
19 administrative record for this action and not to expend any resources to prepare said
20 administrative record.

21
22 October 12, 2012

LOZEAU | DRURY LLP



Richard T. Drury
Christina M. Caro
Brooke C. O’Hanley
Attorneys for Petitioners and Plaintiffs
SF Coalition for Children’s Outdoor
Play, Education and the Environment;
Ann Clark; and Mary Anne Miller

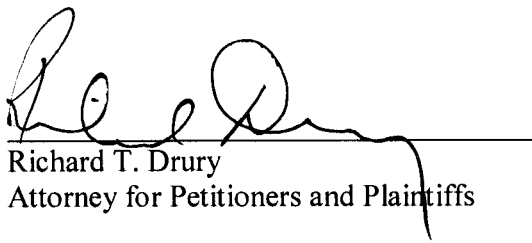
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VERIFICATION

I, Richard T. Drury, am an attorney for Petitioners in this action. I am verifying this Petition pursuant to California Code of Civil Procedure section 446. Petitioners are absent from the County of Alameda, in which I have my office. I have read the foregoing petition and complaint. I am informed and believe that the matters in it are true and on that ground allege that the matters stated in the complaint are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 12, 2012



Richard T. Drury
Attorney for Petitioners and Plaintiffs