



Pretty In Pink On Market Street

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If we can learn from history, attention should be paid to Black Bart. The legendary gentleman stagecoach bandit robbed only the strong boxes, not the passengers. He was always polite, apologized for any inconvenience, and even left a poem on his departure. Many call eminent domain robbery, which may be true; but what is inarguable is that government taking of private property should be polite and, above all, financially fair to the victims of "progress."

This regrettably hasn't been the case with the actions of the Transbay Joint Powers Authority. In 2005, San Francisco Supervisors approved the Transbay Redevelopment Plan creating "the Grand Central Station of the West" - a central terminal for Bay Area trains and buses. In its wake the project is slated to devour private property through the use of eminent domain (the law by which government can take private property). The legal taking has unfortunately shown little regard for compensating the small businesses located within the project's boundaries.

Twelve businesses are scheduled for condemnation this year and another 21 are to be "taken" next year, including the oldest photography business in the city, Adolph Gasser. Others are well known, including Zebulon restaurant and bar, John Collins bar and Reynoso Florist (which has been at the same location for 30 years).

An egregious example of those immediately threatened is Varnish Fine Art, which is a 7-year-old art gallery, on Natoma between First and Second streets. Co-owners Jen Rogers and Kerri Stephens created one of the city's most inventive art galleries and wine bars, housed in a two-story, early 20th century brewery, which they went to great costs to seismically retrofit and refurbish, only to abruptly have their lease terminated by the authority when it became their new landlord.

A Bay Area appraisal firm calculated their loss of business goodwill at \$470,000, taking into account cash invested and the sweat equity the owners expended. By contrast, the authority hired a Los Angeles appraiser who calculated losses - without ever visiting the site - at less than \$66,000. The authority refuses to budge off its number.

The authority has shown none of the class of Black Bart, who at least tried to make the "taking" experience less painful on stagecoach passengers. All told, the monetary difference between what business owners are seeking and what the authority is offering doesn't even amount to 1/10 of 1 percent of the project's estimated cost of \$4.2 billion. The authority seems fixated on staying within those

projections instead of taking care of victims of this "progress."

Businesses can demand a trial to settle property appraisals. For most, however, the costs to retain trial attorneys and additional delays isn't practical when they simultaneously face the logistics of relocation. The word "redevelopment" in the enabling act of the authority gives pause to those who remember the botched Fillmore District plan decades ago when the property of the city's black population was grabbed for farthings and the property owners were left with only broken promises of relocation under the guise of eliminating "blight."

The scars of the tragically mishandled Fillmore redevelopment remain both on the physical landscape and psychic history of the city. The fact that city supervisors have a voice in the Transbay Joint Power Authority's redevelopment gives hope for equitable treatment to the small businesses effected. We trust they will command the attention of the authority bureaucrats running this project and teach them some manners.

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/15/EDUK186AHP.DTL>

This article appeared on page **A - 13** of the San Francisco Chronicle

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