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YesAND Foundation Sues San Francisco and PG&E in Federal Court, Alleging the City Wrongly Exempted an 850-Unit Marina Tower From Environmental Review and Public Hearings

Federal complaint brings seven claims against the City and PG&E, seeking an order requiring the City and PG&E to comply with their legal obligations to adequately investigate and remediate the Project Site, which is known to have significant hazardous wastes.

SAN FRANCISCO — YesAND Foundation filed suit on Friday, September 11, 2026 in the U.S. District Court for the Northern District of California, [Case No. 3:26-cv-10316](#), over the City's approval of an 850-unit, 22- and 18-story tower on the site of the Marina Safeway at 11 and 15 Marina Boulevard. The complaint alleges the City pushed the project through a streamlined process it was never eligible to use, eliminating the environmental review, public hearings and public notice that state law and the U.S. Constitution require. It further alleges that even if the streamlined process was available, the City violated the law by not requiring that the developer conduct an adequate investigation of the contamination before approving it for streamlining and that PG&E, as the ultimate source of the hazardous waste, is responsible for investigating it and remediating it and should do so if the City and developer will not.

YesAND is joined by four nearby residents and Neighborhoods United SF. The complaint names the City, PG&E, Planning Director Sarah Dennis Phillips, and Public Health Director Daniel Tsai, with the two City officials named in their official capacities. Align Real Estate, Marina Property Owner LLC, Albertsons Companies, and Safeway Inc. are named as real parties in interest. The plaintiffs are represented by Gross Klein PC and Saveri Law Firm, LLP.

The complaint brings seven causes of action: five against the City, including writ of mandate claims that would require the City to follow its statutory obligations, a public nuisance claim, and a claim under the Due Process Clause of the U.S. Constitution, and two against PG&E for public nuisance and negligence.

At the center of the case is eligibility. AB 2011 grants developers a streamlined, ministerial path to approval only for projects that meet the statute's objective criteria. The complaint alleges this project does not meet them, and that the Planning Director approved the project for streamlining anyway.

The site is zoned for 40 feet and four stories, and no other building in the neighborhood rises higher. It sits between Fort Mason, a national park, and the San Francisco Marina Yacht Harbor, public trust land the City has itself described as a recreational boating center. The complaint alleges the project did not qualify for the fast track it received, and that no hearing was held, and no public comment was taken from the residents who live adjacent to the site.

"We did not set out to start a nonprofit or hire lawyers," said Regina Callan, YesAND Board Member and Marina Resident. "We did it because every ordinary door closed on a decision that will permanently reshape one of the most visited and most fragile shorelines in the country. A project of this size is supposed to be studied and public concerns heard before it is approved. This did not occur. No process should take away our voice. We were silenced. That is what happened here."

The complaint alleges that if the project was never eligible for streamlining, the City's basis for skipping critical environmental and other review is wrong as a matter of law, a review that would necessarily examine the site's

known contamination, the shadows on adjacent parks, flooding and seismic conditions, construction impacts and project alternatives. The Due Process claim alleges that residents were entitled to notice and an opportunity to be heard before a 22-story building on a known hazardous site was approved next to their homes.

“Neighborhood organizations followed the established process first,” said Lori Brooke, a District 2 community advocate, YesAND board member and co-founder of NUSF. “We wrote to the Planning Department. We wrote to Public Health. We asked, in writing and more than once, that the environmental assessment required by state law be completed before the project moved forward. We were not asking for a veto. We were asking for proper review and a meaningful opportunity to be heard. When both are denied, the courts become the only option left.”

The filing describes the industrial history of the site. PG&E operated a steam electric plant there from about 1900 to 1942, including a storage tank holding more than 1.2 million gallons of petroleum products, and operated the North Beach Manufactured Gas Plant on five blocks immediately to the south and west. According to the filings, investigations to date found significant toxic substances, including petroleum hydrocarbons, polycyclic aromatic hydrocarbons, and chloroform and tetrachloroethene in soil vapor above applicable screening levels, but no one has ever conducted an investigation of the full nature or extent of contamination. The filings quote a December 2025 communication from the California Department of Toxic Substances Control describing testing at roughly twice the commercial screening level and ten times the residential level, and stating that the agency did not expect the property to qualify for streamlined approval.

Among the numerous shortcomings in the investigations conducted thus far, the complaint notes that no soil or groundwater samples have been collected beneath the footprint of the existing Safeway building, an area of more than 40,000 square feet, precisely where the former steam plant used to sit, because Safeway (a co-venturer in the development) has refused to allow such an investigation until the project is approved and the store closed. According to the filings, the developer’s environmental consultant admitted to the City’s Department of Public Health that this was a data gap, yet still refused to sample while the store remains open. Significantly for the disturbance of the contaminants, the redevelopment would require excavation of approximately 30 feet.

The complaint asks the court to set aside the streamlined approval and to order the City and PG&E to investigate and abate hazardous waste on the site.

About YesAND

YesAND Foundation is a San Francisco-based California nonprofit public benefit corporation that supports housing and responsible development at a scale the surrounding infrastructure can carry, while advocating for independent environmental and public-safety review, government accountability, and meaningful public participation. Its work includes educating and organizing residents on housing, land use, development, environmental conditions, and public health and safety. Yes to Affordable Housing: YesAND Transparency. YesAND Public Safety. YesAND Preservation. YesAND Sound Urban Planning. YesAND Independent Data. YesAND Community Participation. That’s YesAND. www.YesANDCA.org

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