

Marina - Cow Hollow Neighbors and Merchants
2742 Baker Street
San Francisco, California 94123

John. Rahaim
Andrea M. Contreras
1660 mission street
San Francisco, California 94123

Re: Case Number 2010.0420E
Project :3155 Scott Street (AKA 3151 Scott Street)

Dear Andrea Contreras:

With deep regret our organization in which incorporates at risk youth programs has many concerns concerning this project.

After looking at the application to your department we feel that the application itself is flawed and appears to be misleading & deliquent on providing you with the valid papers of wthe multiple entities that are involved in this case and that this project is being rushed through via influence from the Mayors Office(hersey Hickcocks memo) and rushing a hearing as early a early September that the viable concerns of the public are not being considered.

What you have in your file does not give you the backup information and the papers that were filed with the State and the Federal Government. The file does not have a valid letter other than hearsay of just what was applied for with the other entities and their approval.

The drawings are incomplete and also misleading and no one with a planning degree should condone such flimsy information for you to give a valid decision on this project.

According to Cequa and Nepa the case that is to be presented to you must consider worst case senerios. This information just was not provided to you in this application. The application presented to you only gives the best case senarios.

This application should not even be in your hands until the Community on Housing provides an Institutional Master Plan to the department. While your argument will be that the Master Plan issue is not in your section of the department it should be your duty to point out this decrepancy to the department heads before a decision can be made.This is basic descrimination of favoring one entity and demanding that another entity to comply. If the Acasdemy of Art must have a Master Plan then the Community HOusing Partnership should also berequired to have a Master Plan.Just because it is a non profit does not give the Community Housing partnership an exemption.

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In public meetings the Community Housing Partnership has mentioned various other projects throughout San Francisco that have been completed and future projects in the future. This appears to be another Academy of Art situation with the department. An Institutional Master Plan is a must.

The application does not go into enough detail concerning no open space, ADA issues and no real community area for the residents, where the automobiles, bikes, motorbikes etc (Vehicals) are to be stored. No reference to the mention at public meetings that smoking would be allowed in the rooms.

What are the ramifications of second hand smoke. This is significant and also a fire hazard.

The application requests for a Special Use District for Permanent Transitional Housing. In the code it discusses transitional housing not cover the permanency issue. This application is a ruse to change a property to a defacto SRO.

In the application there was no mention that within two blocks there are SROs and that one is currently being sued by the City of San Francisco and that the Mayors Office on Housing has been told of the dangers to particularly the young girls in this project. There are other SRO/ motels that are currently being investigated and visited by vice on a regular schedule.

At both the Marina- Cow Hollow and the Marina Community meetings the public as well as our officers requested that we slow down the funding of the project so that alternative sites within our neighborhood could be found. The Mayors office on housing refused to answer the question and the Community Housing Partnership representative stated that they would not look for another site within our area. Our neighborhood just wants a project that will not endanger the future inhabitants of 3155 Scott Street.

The application of this application does not state alternative sites within our area nor alternative sites within the surrounding neighborhoods. At public meetings the public was informed that no alternative were looked at within our area nor the surrounding neighborhoods. Just the Property.

One of the directives of the Master Plan and the Planning Department is to make certain that a project is economically viable and not over expenditures for the budget of the city and county of San Francisco. \$11000000 for 24 people is outrageous when there are other viable properties within San Francisco for a lot less money.

The application does not tell you that there is serious Asbestos, Dry Rot problems, and possible a brick foundation that has been covered with concrete. An outside entity must study these problems,

It also does not cover that there will be serious parking and traffic issues that will occur on a major highway 101 that is currently at F level concerning noise and has more than 44000 cars a day passing in front of this building. While the studies for Doyle drive were being assessed it was determined that Scott Street is a major cross town traffic venue to get to Lombard Street and the Golden Gate Bridge. It is taking much of the overflow for commuters from Divisadero Street.

You cannot stop the buying power of adult citizens, With the diminished transportation problems of mass transition San Francisco the young adults (once they have job and income will more than likely purchase a vehicle to get to work and to purchase necessities. These purchases will include vehicles, bikes, motorbikes motorized wheelchairs and other personal modes of transportation. The application does not address the already saturated parking and storage issues (within the building of such vehicles. The Edward II had agreements with existing parking lots that are now saturated. Significant.

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Relevance of an EIR Study

1. Because of the question of the project to be located at 3155(3151) Scott Street the neighboring development has lost sales of condominiums - this is a significant impact upon existing housing projects that are in existence today. This fact alone should be significant for an EIR. The Planning departments Statements that this project lacks "no possible significant effects, lacks a statutory exemption and lacks categorical exemption"

The project as presented to you today and presented within the first two pages of this letter have significant environmental impacts and needs to be evaluated, studied, and considered before the Agency, the City and County of San Francisco, by and through the Mayor's Office of Housing, may legally have the Mayor approve the financial documents enabling funding for the project by Federal, State and City governments, an Environmental Impact Report is needed before the Planning department and the Board of supervisors begin the project to upzone the property. The significance of placing at risk young adults including persons with records, with one person per shift overseeing the young adults (both male and female) with drugs and prostitution being supplied within 100 feet should be significant enough. Health and Safety.

Lead

These young adults as mentioned in the meetings are also allowed to smoke in their rooms.* This second hand smoke issue is also significant.* Mentioned at MCA Meeting.

With no adequate ADA solutions within the file nor in the drawings as seen in the file, this is significant. Even with one Token unit on the first floor denies the tenant the right of access and denies the young at risk adults (who have many friends in wheelchairs) the right to allow their friends and relatives to visit their rooms is a significant issue. *This is discrimination.

With no ADA solutions this denies the right for a handicapped applicant to be a manager within this facility. because a disabled manager will not be able to go to the upper floors. This is discrimination and significant.

NO outdoor space and community rooms that are being used for programs leave the young adults either trapped in their rooms or out on the street. This appears to us to be more of a Correctional facility than Transitional housing. This is significant. This goes against the codes, policies and master plan of the Planning department of S.F. This pushes the young adults out into the streets and denies them the right for equal rights to have open space and adequate spaces to eat and congregate as required by others. Discrimination at its best.

A 160 square foot kitchen including a laundry facility for 28 AT RISK young adults is not adequate for the number of young adults to even have enough storage for their food much less than have a decent place to eat. This is significant. This will lead the young adults to have their own small refrigerators in their rooms* and the possibility of hot plates. This is significant and leads to a fire risk.

Because the tenants of the project are over 18 years old their civil rights will be denied if the apartments are going to be inspected all the time for fire hazards. This is significant.

"With certain limited exceptions a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project may have a significant effect on the environment." Laurel Heights Improvement Assoc v. UCSF REGENTS (1993) 6 Cal 4th 1112, 1113.

An EIR must be incorporated in this project.

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* Rehabilitation Act of 1993 - sect 504-

“All new construction and repair work should be disabled friendly. Private lawsuits are available as an enforcement option.

Disability Discrimination Act -1995 -

to deny access to anyone disabled is not only morally wrong, but it is unlawful. If normal people need protection so do the disabled individuals.

Disability discrimination can happen in many ways. It can happen when you are treated less favorably than another in the same situation then this is unlawful.

Discrimination can happen when an organization (agency) such as the Mayor's office on Housing and the Community Housing Project does nothing to remove or reduce the disadvantages and problems that the disabled face.

Fair Housing Act

Requires the developer to follow the requirements of the California Building Code Title 24

This is also significant.

This application for your approval does not give you the information of what has been presented to the other entities sometimes called cross/agencies and this gives you the disadvantage of not knowing all of the facts.- This is significant.

Zoning

In the cases of Laurel Heights Improvement Association vs UCSF (1993), San Franciscans for Livable Neighborhoods v City and County of San Francisco (2007), and Pocket Protectors v City of Sacramento address the zoning issue.

Laurel Heights v UCSF - addresses many issues -

When substantial evidence has been presented to you via this letter, Mr Holdens Letter, and John Millars' letter there is significant evidence that the proposed project may have a significant effect on the environment then the public agency must prepare an EIR.

This Case also addresses the issue of premailing projects before a Master Plan is completed. In the project 3155 Scott The Community Housing partnership does not have a Master Plan nor does the Mayor's Office on Housing and thus an EIR is required.

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With the exception that is being requested for an exemption to the code of 16 units be expanded to 24 units for permanent transitional housing is disingenuous at best. This housing program will eventually turn into a defacto SRO because the tenants are allowed to rent even after they have aged out of the program. You cannot make the assumption that every year when persons term out of the program that they will leave. Over the years there is a possibility that more and more people will stay. Then the program will be moot and the building will not be transitory housing but an SRO. This will be a precedent case for Lombard Street and could in fact change the street to have more defacto SROs and be a detriment to the entrance of the City of San Francisco with an over saturation of existing and future SROs.-Significant

As the young adults progress get jobs you cannot make the assumption that they will not buy vehicles for their personal use. This also includes bikes, motor bikes, and other forms of personal transportation to use because regardless of the applicants statement that there is public transportation. S.F. Simply does not have the adequate public transportation to get these adults to their jobs. There is more than a likely hood that there is an increase in the GHG levels This is significant.

In the Pocket Protectors case the agency must produce to you a study of the worst case scenario of the effect upon the GHG levels.=-This is significant. there is no such study. Significant.

Section 21064 of the Public Resources Code mitigation measures must be presented before a neg dec is studied and subsequently released. There is no such study, An EIR should be implemented

Section 15144 of the Public Resources Code that the agency must attempt to quantify the projects potential impact on GHG emissions and determine their significance. The steps of the study should be explained -how they were undertaken to investigate the issue before concluding that the impact would be speculative..No such study has been presented to you other than hearsay. This is significant and another reason why an EIR must be completed.

Section 15065 - the regulation states that there must be a mandatory mitigation prior to preliminary review.- no such study in file . This section also requires a commitment to mitigation before a study is even conducted. Also not in file - This is significant.

This increase in zoning also includes that Lombard Street (Highway 101) is also above the GHG top levels as well as noise levels(already saturated) This is not mentioned in the application. An EIR must be completed, There are studies verifying this with the CCSF, Presidio Truse Studies and the Doyle Drive Studies.

Impacts concerning the merchants-

Our merchants over the last two years have suffered because of the existing SROs. Armed Robberies , push snatchings, bait and switch robberies, beatings. Another SRO within the Chestnut Street Shopping District will be detrimental. Our merchants and neighbors are not against transitional housing. They just want an alternative sight for this project or an alternative program with more than one site so the transitional adults will get better attention and nicer living facilities.

The merchants are upset about losing one of our best tourist hotels that have benefited the economics of the viability to remain open. The Edward II was voted the most romantic Bed and Breakfast in San Francisco. The loss of a viable entity such as the Edward II is a real loss to San Francisco. page 5

CONSTRUCTION ISSUES

The construction of this project will hit about the same time as the Construction of Doyle Drive within the area. There is no mention to this fact. This is significant.

OTHER PARKING AND TRAFFIC ISSUES-

There are a minimum of 3054 bar and restaurant seats, 700 businesses, 2800 workers and only 1900 parking places within the Marina-Cow Hollow of San Francisco. Our association has requested extra parking for new housing projects. It would be discriminatory of us not to request adequate parking for this project. This is significant.

While there appears to be parking lots, the majority of lots with monthly parking have waiting lists.

Everyday the commuters come through our shopping district this is another concern because these commuters stop and shop in our neighborhood. This housing project will be the only housing including the SROs within our area that has an exemption on parking. This will be discriminatory against the existing facilities within our greater area. This is a significant detriment to the surrounding neighbors who are being forced to lose their quality of life with a lack of parking places because of the overflow of the commercial district.

These are also a fair argument concerning parking saturation and an EIR should be done.

Exceptions to the rules concerning the Special Use District .

This is a precedent case and basically spot zoning (a no no) in the planning code and will have a future impact upon the neighborhood, merchants, City of San Francisco and the future tenants.

With this and all of the other fair arguments within this letter it is a fair argument that the project may have significant impacts despite compliance Thus an EIR must be prepared .(page 25 of Ceqa.

City of Irvine v Irvine Citizens (1991)25 cal app4th 868,879 reading section 150664.4 & 15062 ch(3).

States that a lead agency would have to show that the the plan and a GHG reduction plan, a lead agency would have to show these plans and actually address how the emissions would result from the project.

Within Ceqa and Nepa the agency would have to state how the impacts of the project will lessen the impacts upon small business and the reason for rejecting alternatives. This project has not had alternative sites nor has it considered smaller facilities thought our neighborhood that would mitigate the objections of the community. This is another fair argument concerning a Special use district because the no alternatives would not achieve the objectives of a proposed revisions to the project. EIR is required.

If a proposed action is known or expected to cause significant controversy about a potential environmental impact of a proposed action then that must be presented to the diverse agencies before a project may be considered. There is no proof that this has been done to any agency including the Planning Dept. Significant.

There are no records of the Geological Study in the documents . There are no records of the total cost of the project including mitigations that were mentioned at meetings and included within our argument . These problems were omitted and a complete cost of the project is going to be much higher. This is a fair argument for an EIR.

This application alludes to the connect to the state and federal government but does not state the actual agencies and their involvement this does not give you adequate information to go further in your deliberation.

This project was not adequately noticed. According to Nepa and Ceqa, the agency must provide adequate evidence that this project was in the works and that a notice of meetings, Requests for proposals must be noticed in the local newspaper. This simply was not done. Fair significant argument.*

* It appears that the notice for Proposals was only done via the net. This appears to be an add to existing entities that denies the right for other entities to know that the project was in existence and the right to bid on such projects. This is discrimination and a fair argument that the process must go back to stage one and that a formal EIR is necessary. It appears to the public that this is a project started and implemented in a clandestine back room manner for insiders. This is discrimination.

Earthquake concerns - The Marina is in an earth quake district many tests were required of the adjacent property before going to the public through the planning process. It is discriminatory if this project does not have to go through the same process. Exactly what is the soil stainability for this project.

Green building standards -

Federal Government requires green buildings and the mitigations of remodeling existing buildings to include green. There are no records within this application of such a mitigation. Fair argument for EIR.

I am including John Millars, Rusty Holdens , and Ariel Ungerlieders letter to the department and our Association agrees with their fair arguments and these arguments are now included as a part of our letter.

It has been brought to our attention that there is a subsequent file for this project currently on Sara Velve's desk. It is impossible for our association and the surrounding associations and the individual letter writers to be able to view these files before the deadline as stated in Andreas' Notice. If some important item has been presented to the Planning department that implies information that the public should have known then we request of the Planning department to give us the right to address these issues concerning CEQA and Nepa.

Thank you,

Patricia Vaughey - President.

