



COW HOLLOW ASSOCIATION
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July 20, 2010

VIA HAND DELIVERY

San Francisco Mayor's Office of Housing
Attn: Eugene Flannery
1 South Van Ness Avenue – 5th Floor
San Francisco, CA 94103

Re: 3155 Scott Street, San Francisco, California
Edward II / Supportive Housing for Homeless Youth

To Whom It May Concern:

We write regarding the Mayor's Office of Housing's ("MOH" or "lead agency") National Environmental Policy Act ("NEPA") review of the proposed project to convert the Edward II Inn (located at 3155 Scott at Lombard) to transitional-age youth housing (the "Project"). The Cow Hollow Association ("CHA")—an organization which represents the interests of 1,800 homeowners, tenants, business owners, and concerned citizens who live and work in the Marina and Cow Hollow neighborhoods. As an organization, we are dedicated to the enhancement and preservation of the residential character and quality of life of the Cow Hollow neighborhood. Therefore, ensuring that this Project has been subject to adequate environmental oversight and compliance with local, state, and federal stature is of immense importance to us.

We have identified a number of areas of concern regarding this Project and hereby submit these comments to MOH to be incorporated into the record and for further consideration. Based upon these concerns, we request that MOH reconsider its finding that the Project will have "no significant impact on the human environment" and require that a full Environmental Impact Statement ("EIS") be undertaken prior to taking any action on the Project.

Under NEPA determining whether an action will have a significant environmental effect requires consideration of both the context in which it will occur and the intensity of the impact. See 40 CFR §1508.27. The effect of the proposed action must be considered in the context of society as a whole, the region to be affected, any interests to be affected, and the immediate locale to be affected. See 40CFR §1508.27(a). NEPA focuses on the "human environment," which includes both the natural and physical environment and the

relationship of people to that environment and though economic and social effects by themselves are not enough to trigger an EIS, they must be addressed if they are interrelated with natural or physical effects. See 40 CFR §1508.14. When evaluating the significance of environmental effects, the lead agency must consider:

- Public health and safety;
- The degree to which the action may establish a precedent for future actions;
- Any adverse effect on significant scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places; and
- Any relationship to other actions with individually insignificant, but cumulatively significant, effects.

See 40 CFR §1508.27(b)

Based upon our review of MOH's findings, we believe that insufficient consideration was paid to the impact that the interrelated economic and social effects the Project will have on the neighborhood and the human environment as described below. However, as a preliminary matter, we believe that the application considered by MOH was so incomplete and inadequate as to prohibit any real understanding of potential environmental impact. Specifically, there was inadequate information provided on the identification of the target population for the housing project, the scope of the proposed transportation uses, the impact on neighborhood facilities and services, and little consideration was given to the Project's impact on zoning and other planning requirements. As a consequence, we request that a full EIS be conducted on the Project.

1. Project Impact on Public Health and Safety

Pursuant to NEPA guidelines, the lead agency is required to consider the impact of the Project on "public health and safety." Under this general topic, the lead agency is empowered to consider the impact that the Project will have on a range of issues that can affect human health, including the impact on public services, transportation and parking, population, employment and housing, and compliance with local, state, and federal law.

a. Insufficient Consideration Paid To Impact On Public Services

Unfortunately, as noted, we believe that the application considered by MOH was devoid of specific information as to the identity or nature of the target population. As a result, it is nearly impossible to make a determination as to the potential impact of the Project on public health and safety including but not limited to the impact on the availability of public services, such as police or fire protection.

Anecdotal evidence suggests that the Project may have a potentially significant impact on the maintenance of acceptable service ratios, response times, or other performance objectives. In the last public meeting, CHP staff admitted that no drug

testing will be required as a condition of occupancy, and that the occupants will have nearly unlimited rights to have overnight guests (nearly doubling the number of transitional-age youth occupying the facility). Despite such revelations, CHP refuses to commit to any changes in staffing or supervision, or to address how it will deal with the inevitable increase in crime. As a consequence, we believe that the Project, as slated, lacks adequate security and supervisory measures, which may result in an increased burden on public services. There have been documented increases in crime and a commiserated strain on public services in every neighborhood where projects similar to this one have been located. CEQA guidelines demand that such impact be fully studied and considered before making determinations on the Project.

Moreover, there is a similar group housing center located a block away from the Project site (i.e., the Bridge Motel) which has become a source of serious concern to the City and the neighborhood. It was recently declared a “public nuisance” by the City Attorney and requires police and social service involvement on a daily basis. Significantly, the Project proposal admits that the Bridge Motel represents a significant source of concern for the neighborhood, but at the same time CHP staff is seemingly recalcitrant to put any remedial measures in place to prevent the Project from experiencing the same issues with crime and illegal activity. As a result, the potential increase of police and other public service resources must be considered in determining the impact on the neighborhood and the environment.

b. Insufficient Consideration Paid To Impact on Transportation, Circulation, and Parking

We believe that insufficient consideration was paid to whether the Project would result in an increase of traffic in relation to the existing traffic load and capacity (i.e., congestion or traffic volume), hinder emergency access, exceed parking capacity, or otherwise conflict with adopted transportation policies, plans, or programs. However, given the location of the Project on heavily trafficked Lombard Street, the expected increased density, and the waiver of the parking requirements pursuant to the SUD, it is undeniable that the Project will have some impact on congestion, traffic patterns, traffic volume, and potentially access of emergency vehicles to areas surrounding the site.

What is known regarding transportation and traffic issues related to the site is equally problematic. Specifically, the plans do not call for any additional loading zones, drop off zones, curb cuts, and as mentioned, any additional parking despite the increase in density and usage. Moreover, Lombard Street traffic is unavoidably increasing in the near future due to the re-routing of Doyle Drive. (Doyle Drive is the southern approach road for the Golden Gate Bridge. During an average weekday it carries over 144,000 travelers.) The increase in congestion and/or traffic circulation of the Project must be considered in conjunction with the Doyle Drive re-routing plan. At a bare minimum, we believe that a transportation study on the intersection of these two projects is required.

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c. Insufficient Consideration Paid To Impact on Population, Employment and Housing

The lead agency failed to consider the impact of the Project on population, employment, and housing. The Project is predicated upon the termination of a successful tourist hotel that contributes to the local economy by providing a fresh influx of tourist dollars to area shops, bars, and restaurants. In contrast, the group housing facility is targeted at low- to no-income youth. This represents a significant change in the socio-economic character of the denizens in the neighborhood and the local micro-economy which merits further consideration.

d. Insufficient Consideration Paid To Failure To Comply With Local, State, and Federal Law

Insufficient consideration was paid to the impact of the Project's failure to comply with local, state, and federal law. Indeed, MOH freely admits that the Project does not show even minimal compliance with the Americans with Disabilities Act ("ADA"). Moreover, we believe that the Project is out of compliance with San Francisco Planning, Zoning, Building and/or Fire codes. In any case, the plans provided are inadequate to assess the environmental and public health risks contingent with this Project. These factors, when considered together, demand a full and complete study of the potential environmental impacts related to the Project's failure to show full compliance with local, state, and federal law.

2. Precedent for Future Actions

Under NEPA guidelines, the lead agency is required to consider the "the degree to which the action may establish a precedent for future actions." In this context, the lead agency must determine whether the Project plan conflicts with any applicable land use plan, policy, or regulation of an agency jurisdiction over the Project, *including any zoning ordinance*, adopted for the purpose of avoiding or mitigating an environmental effect and sets an adverse precedent for future actions.

As is well known to the lead agency, the Project is premised on the creation of a Special Use District ("SUD") to allow the Project to avoid compliance with certain environmental related zoning requirements (i.e., to eliminate or waive certain restrictions or requirements regarding housing density, open space and parking that are normally required in the zoning district which the property is located.) The creation of the SUD was not fully considered by MOH in making its finding, nor was any consideration given to the potential precedential affects that that the creation of SUD would have on the environment.

The site is currently zoned NC-3, Moderate-Scale Neighborhood Commercial District, which would ordinarily limit the Project to 16 units. However, the Project is predicated on waiving the density requirements, pursuant to the creation of the SUD, to allow for 25 units to be constructed on the same building footprint. It cannot be seriously

proposed that the change in density would not have a significant impact on the neighborhood environment. As noted, the occupants of the Project will have nearly unlimited rights to have overnight guests—nearly doubling the number of transitional-age youth occupying the facility on any given day. As a consequence, not only is the new proposed density not keeping with the typical range of density in the neighborhood, but the change in use from a tourist hotel to a group home facility constitutes a significant alteration in the character of the neighborhood which merits further study. Furthermore, the SUD purports to exempt the Project from open space and parking requirements otherwise expected of housing developers. However, there is no discussion of the potential impact that these exemptions will have on the environment or their potential harmful precedential effect for future actions.

3. Project Impact on Cultural Or Historic Resources

Under NEPA guidelines, the lead agency must consider “any adverse effect on significant scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places.” The building in question is a historical resource pursuant the guidelines set forth in the California Register of Historical Resources—specifically, the building is associated with events that have made a significant contribution to California’s history and cultural heritage. Though the application is completely silent on the issue, the building was constructed in conjunction with the 1912 Panama Pacific International Exposition and the opening of the Golden Gate Bridge—all of which resulted in the development of the Marina district as we know it today. As a consequence, the building is one of the last remaining touchstones to that era and is of great cultural significance to the neighborhood and surrounding areas. As currently set forth, the Project plans call for the destruction or significant alteration of the building and/or building façade. The people of the district as well as the people of the state deserve some consideration be paid to the last remaining ties to a significant event in San Francisco’s past.

4. Cumulative Impact of Project

As a final level of analysis, the lead agency must consider whether the Project has impacts on the human environment that may be “individually insignificant, but cumulatively significant”. As set forth herein, it is undeniable that there are a myriad of impacts inherent to the Project, which taken as a whole, mandate that a full EIS be conducted.

Specifically, the lead agency must consider the Project’s cumulative impact as related to (1) public health (including the impact on public services, transportation, non-compliance with local, state and federal laws, and the impact of the Project on population, employment and housing), (2) the precedential effect of any exemptions and waivers of zoning laws (i.e., the creation of the SUD and any contingent waivers of density, open space, and parking requirements), and (3) the effect on cultural and historic resources. Moreover, the lead agency must consider these impacts in light of other past,

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current, and probable future projects, including but not limited to other group housing and construction projects (such as the Bridge Motel and the Doyle Drive project).

The Project proposal indicates that CHP “owns, operates, or serves 738 units of permanent supportive housing with an additional 287 units due to open in the next three years.” As a major developer of group housing using public funds in San Francisco, we believe that it is appropriate for CHP to submit to the guidelines and requirements set forth in Section 304.5 of the San Francisco Planning Code for the development and implementation of an Institutional Master Plan (“IMP”). The main purpose of an IMP is to “provide notice and information to the Planning Commission, community and neighborhood organizations, other public and private agencies, and the general public as to the plans of each affected institution at an early stage, and to give an opportunity for early and meaningful involvement of these groups in such plans prior to substantial investment in property acquisition or building design by the institution.”

An IMP would allow the lead agency and the neighborhood to understand the cumulative impact of future development projects by CHP on the human environment. Without an IMP in place, it is difficult for any agency or organization to grasp the full impact that the Project will have on any particular neighborhood.

5. Conclusion: Project Merits Further Study

Based upon the foregoing, it is clear that the Project will have considerable individual and cumulative impacts on the neighborhood and the environment so as to mandate conducting a full EIS including adequate studies of the use and impact on public resources, transportation, and the impact on cultural and historic resources. As a consequence, we respectfully request that MOH reconsider its finding that the Project has no significant impact on the environment and order a full EIS be conducted prior to taking any action.

Sincerely,



Lori Brooke
President, Cow Hollow Association

cc: Cow Hollow Association Membership
Michela Alioto-Pier, District 2 Supervisor
John Millar - President, Marina Community Association
Patricia Vaughney - President, Marina Cow Hollow Neighbors and Merchants
Lesley Leonhardt - President, Union Street Merchant Association
Alexander Feldman - President, Marina Merchant Association