

July 19,2010

Eugene Flannery

Mayor's Office of Housing

1 South Van Ness Ave 5th Floor

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Eugene.Flannery@SFGov.org

Re: Need for Proper NEPA Documentation "25 Unit Single Room Occupancy"

"Project" Edward II 3155 Scott at Lombard

Dear Mr. Flannery:

I respond to your notice of June 20, 2010. Your office came to an erroneous conclusion that the 25 Unit Single Room Occupancy Project to be located at 3155 Scott Street generates "No Significant Impact" under NEPA. Your office has overlooked the severe impacts the proposed overcrowding will have on the 24 low income youth who will become residents of 3155 Scott and their friends and visitors who will overnight there. I urge you and your office to consider the overcrowding impacts of the Project on its proposed residents and the surrounding areas of the City.

Inadequate provision for parking is made. There are inadequate facilities supporting a group home. Overcrowding of the "at risk" youth is promoted. There are risks of fire because there are no fire walls and fire doors and fire escapes shown in the drawings provided. There are risks of seismic events as the building is built on bay fill and its foundation has not been shown to be reinforced concrete.

The project will consume millions in public funds. Estimates range between \$9.1 million and \$11.3 million for this project. It is likely to cost more because ADA issues and others have not been properly included in the development budget. Because of the cost of the Project is very high, because it serves so few and because it does not conform to the Planning and Zoning Code the Project has Significant Impacts within the meaning of NEPA.

This is the time to correct the initial determination of "No Significant Impact" and perform the studies that NEPA mandates. On the subject of significant impacts, the Project as proposed generates possibilities for a disproportionately high and adverse effect on low income or minority population because the low income at risk youth will be exposed to overcrowded living conditions in the Project. Inadequate provisions for seismic and fire safety have been made.

There are considerable HUD funds earmarked to support the Edward II Project which is intended to provide "at risk" youth with single occupancy dwelling units. The cost of the Project has been estimated in the range of \$9,146,808 without consideration of the need for funds for ADA elevators and other features to make the Project ADA compliant. NEPA is about the human environment which is broadly

defined in 40CFR 1508.14 to include the natural and physical environment and the relationship of people with that environment.

At the outset the Project excludes disabled persons. This is discriminatory and illegal under the Americans with Disabilities Act. Because the building is 3 stories tall and was designed almost 100 years ago the building lacks elevators and wide corridors to allow wheelchair bound youth to live or visit the dwelling rooms. The building improvidently selected for the proposed conversion (from a Tourist Hotel to a high density homeless facility for youth who are leaving a foster care environment or who are homeless) does not comply with the ADA. Inadequate measures are contemplated to make this Project ADA compliant. The passageways and corridors, restrooms, showers, bedrooms are not up to ADA standards. There are no elevators planned for the Project that serve the three levels. Because funds from HUD are allocated to the Project, the plans and specifications for the Project must show that the costly new improvements going into the structure to serve the proposed new purpose for the Edward II Hotel will make the Project ADA compliant. The drawings in the Planning Department File concerning the Project reveal that ADA compliance is token and superficial. Wheel chair bound youth either residents or friends of residents will be excluded from using the living facilities on the second and third floors where the 24 dwelling units are proposed to be constructed. The project has the possibility of violating a Federal Law. This is a significant impact, lack of compliance with the laws of the United States.

Point One: the Project as proposed does not comply with the ADA.

The Project seeks to place 25 or so dwelling units on a lot zoned for 6 dwelling units. The Project is not group housing because the drawings provided to the Planning Department reveal there is a lack of common facilities to have the Project be considered a group living home. There is no showing in the drawing that the kitchen, laundry, dining and common rooms are adequate to serve the daily needs of the proposed community of at risk youth that will inhabit 24 of the 25 dwelling units to be located at the "Project" if the development were to go forward. Nowhere in the public files are there detailed drawings of the placement of the stoves, vents, sinks, refrigerators, dishwashers, clothes washers and dryers needed by the low income youth. The square footage planned to serve the common needs of the proposed residents does not rise to the size needed to serve a community or group home. Although it is said that a group home on this small lot could support 16 units, because the drawings do not depict a group home, the Planning Code supports only a density of 6 dwelling units. The project attempts to overcrowd the small lot with 25 dwelling units. This is unlawful under the Planning and Zoning Code and exposes both the proposed residents and the surrounding community to unreasonable risks associated with overcrowding. There is inadequate provision for open space, for parking and for common kitchen and dining and meeting spaces. Overcrowding of at risk youth raises risks to the community environment. Curing the illegal high density uses by the legislative ploy of enactment of a Special Use District will do nothing to alleviate the overcrowding proposed by the Developer and the Mayor's Office of Housing. The overcrowding effects will be sustained by low income or minority residents of the Project as proposed. The overcrowding is illegal and raises Significant Impacts.

Point Two: the Project does not comply with Comprehensive Plans and Zoning Laws and is Unlawful as Proposed raising Per Se Significant Impacts because the low income residents will sustain the

overcrowding impacts as well as those using the sidewalks where the overcrowded will congregate and where parking competition along highway 101 will generate risks to public safety.

The Project is incompatible with the neighborhood as the City seeks to pack 24 youth (and their guests and friends) in a building lacking adequate hoods and venting, firewalls, fire doors, fire escapes. There is no showing how fire risks are going to be managed. Each of the rooms will have some type of cooking because the kitchen is not large enough to serve the needs of the residents. Overcrowding in the Project will lead to adverse impacts in the surrounding parts of the City. The risk of fire to the neighboring buildings and to the residents themselves is a significant impact.

Point Three: The Project is not compatible with the existing neighborhood because it promotes overcrowded living conditions and there raise significant risks of fire since the common facilities are not designed to support food storage and food preparation for 24 young adults.

The Project will have adverse effects on public health or safety because it concentrates “at risk” youth in an overcrowded living facility. There will be impacts on the immediate area involving police calls and contacts. At another facility in Downtown San Francisco, police calls and contacts are significant and arrests not uncommon. The Project as proposed generates issues concerning quality issues: What will be done to control use of drugs and alcohol by the “at risk” youths and their guests? Why will this Project have fewer police contacts than its downtown counterpart?

Point Four: The Project as Proposed will involve increased Police activity and contacts with residents because of overcrowding.

The Project will have adverse effect on public health or safety because the concentration of “at risk” youth with inadequate kitchen facilities creates risks of fire. There is no showing from Project proponents, that there are enough fire escapes, fire doors, fire walls, fire sprinklers provided for the high density uses proposed. There are risks of death or injury caused by the Projects design shortfalls on the issues of fire risk management from cooking and smoking in the rooms and from the small kitchen that is supposed to provide food for the residents.

Point Five: The Project overcrowding as Proposed will increase risks of injury or death from fire to the low- income youth that are the indented Project residents. This has a possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)

The Project residents will be exposed to noise and air pollution from Highway 101. The Project is situated on Lombard Street, the main access for the Golden Gate Bridge. Tens of thousands of diesel and gasoline engines discharge exhaust in front of the Project on a daily basis. The noise and vibration need to be properly mitigated as do exposure to carbon gasses and particulate carbon from the cars and trucks. Exposure to gasoline and diesel exhaust raises health risks. Because the residents are to be permanently located in the facility, they will be exposed to these contaminants on a daily basis. Exposures to carcinogens raise risks of disease and death. This has a possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)

Point Six: Constant exposure to particulate carbon and exhaust from tens of thousands of trucks and cars raise health issues and noise pollution issues.

Turning to Hazards and Nuisances including Site Safety, I note that the Project is in a Flood plain. The Edward II is built on bay fill that could liquefy during an earthquake. The foundation of the Project is not building is not likely to have been fabricated with reinforced concrete. It may be brick (unreinforced masonry) covered by cement/concrete facing. As mentioned above there are overcrowding risks associated with the high density that translate to fire safety and there are additional seismic risks that require attention. It may be important to underpin the building with a foundation that is engineered to provide for the safety of the residents to deal with earthquake caused liquefaction risks as building failure and seismic caused fire from ignition of gas lines present a possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)

In conclusion, there are significant impacts the as proposed Project has on the health and safety of the proposed residents and on the community selected to field the overcrowding. The public process has had a major shortcoming. The public process has failed to consider appropriate alternative facilities that conform with recognized density standards of the Planning and Zoning Ordinance, the ADA and the fire and building codes. This Project looks like it may cost many more millions than what the City projects. A better approach is to follow NEPA and CEQA and consider alternatives that will serve more people for less money. It is unreasonable for the Lead Agency, the City and County of San Francisco, to ruled out properties that have the facilities and the zoning for the proposed land uses. The notion that overcrowding can cease to be illegal if a Special Use District is enacted is illusory. The overcrowding impacts should be identified with a full NEPA report so that alternatives to overcrowding can be found.

Respectfully yours,

Charles S. Holden

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