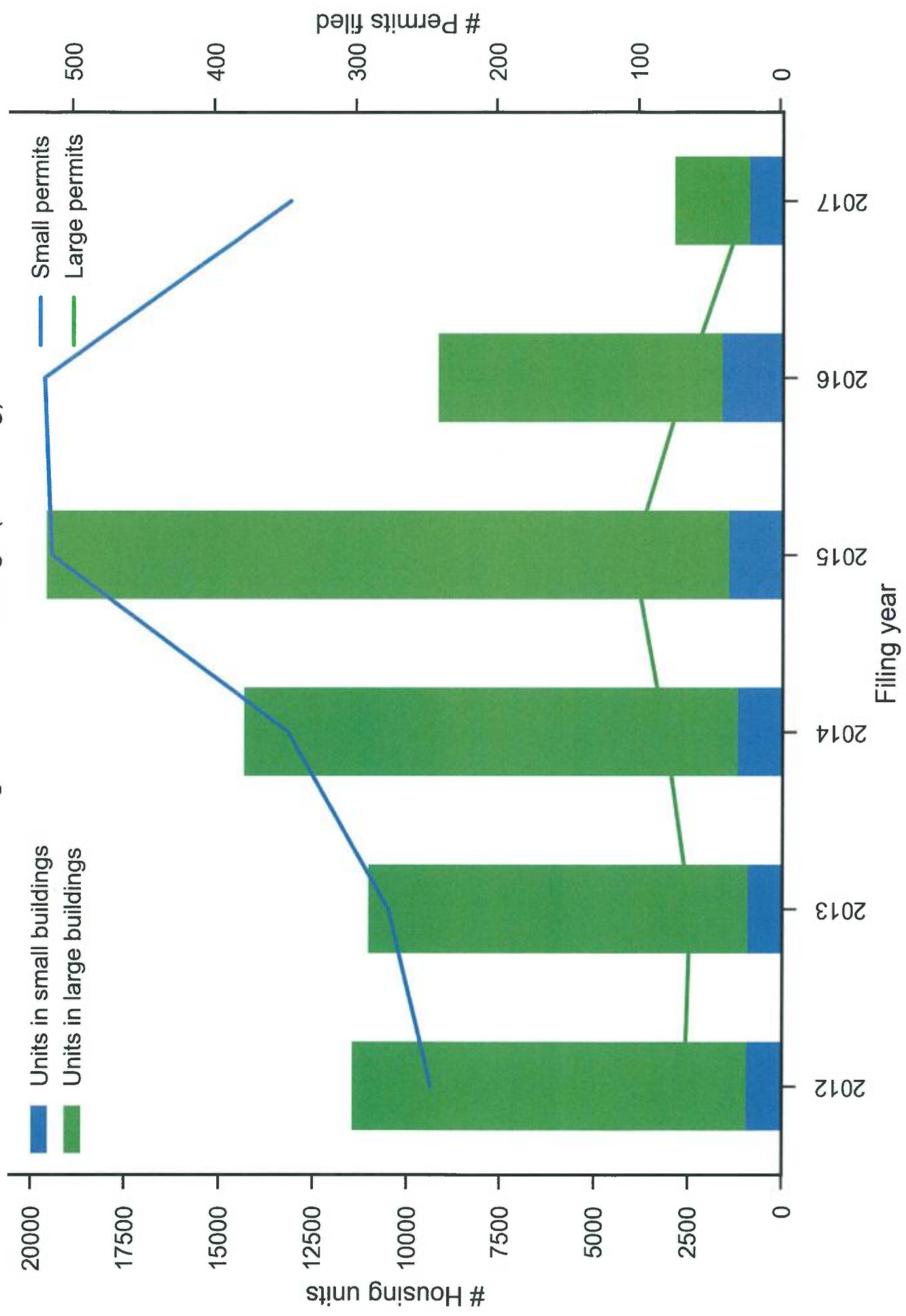


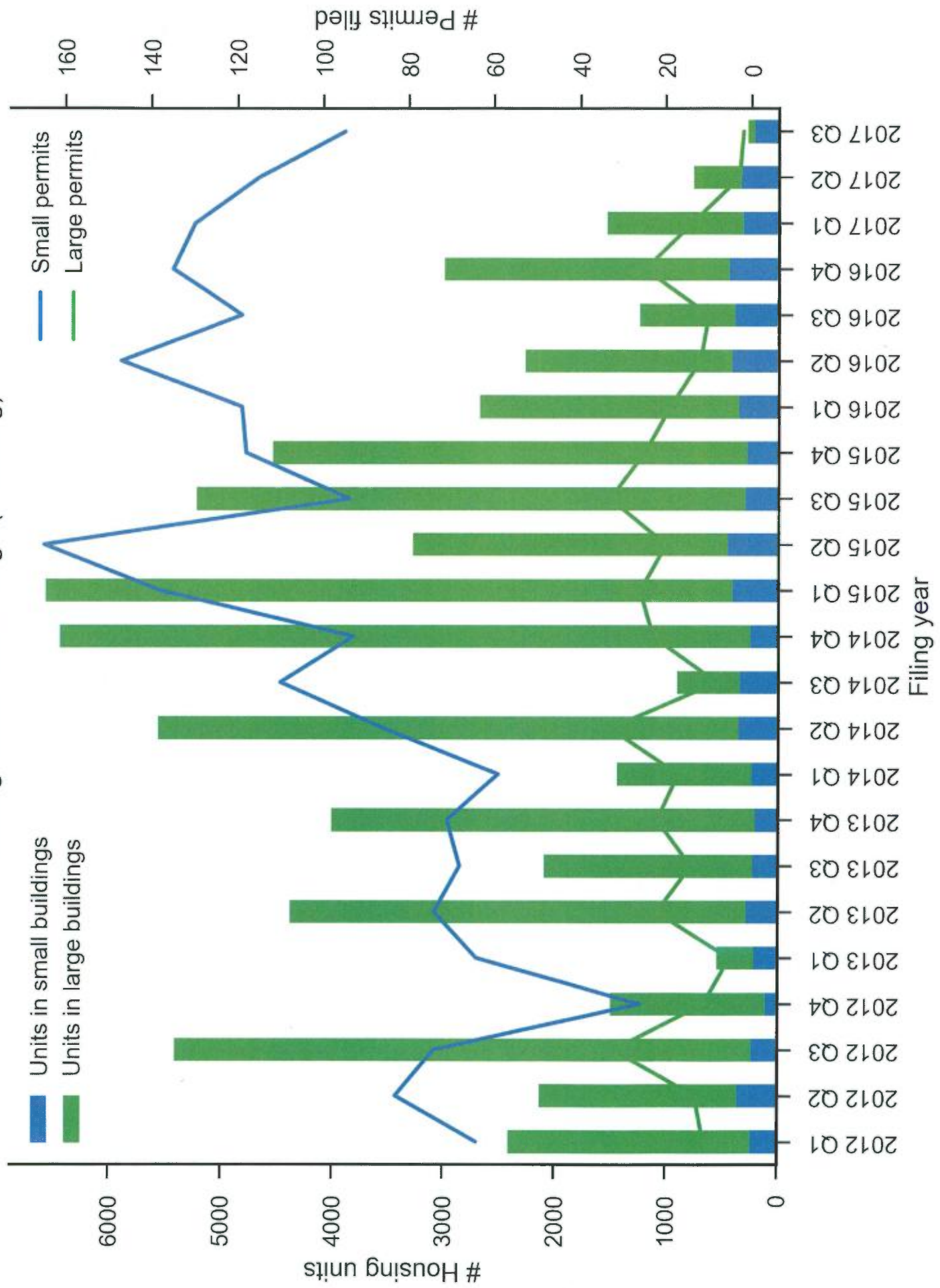
Received at CPC Hearing Feb 18
Pl. Com.

Housing construction filings (Planning)



Steven@missionjimby.org

Housing construction filings (Planning)



SECTION 317 AND RECENT MEGA PROJECTS *Pub. Com.***Dolores Park West**

3847-(3749) 18th Street
 Built 1907 RH-3 zoning
 Lot: 2,848 sq. feet
 Prior to remodel structure: 2,463 sq. feet
 2 units plus one other basement unit
 New structure: 4,200 sq. feet
 One unit plus Au Pair
 Sold January 2014: \$1.356 million
 Sold August 2014: \$1.5 million
Asking February 2018: \$11.85 million

Section 317 Issues

Illegal Unit Merger
DEMO Calcs ?
311 Notification?
Permits?
Staff Review?

Relative
Affordability?

Noe Looking Glass House

1783 Noe Street
 Built 1904 RH-1 zoning
 Lot: 3,998 sq. feet
 Prior to Demolition/DR structure: 875 sq. feet
 One Unit
 New Structure: 5,100 sq. feet
 One Unit
 Sold May 2014: \$1.705 million
Asking February 2018: \$7.7 million

Section 317 Issues

Admin. Approval
of Demo. At
time of Approval
in 2015, Initial
Value was
determined as
\$1.506 million

Relative
Affordability?

Laidley Manor

143 Laidley
 Built 1957 architecture firm of Campbell & Wong
 RH-1 zoning
 Lot: 4,996 sq. feet
 Prior to remodel structure: 1,424 sq. Feet
 One unit plus second "unit"
 New structure: 5,320 sq. feet
 One Unit
 Sold May 2013: \$2 million
 (asking price \$1.35)
Sold February 2018: \$9.7 million
 (original asking price \$10 million)

Section 317 Issues

Demo Calcs?
Revised to
Alter. Permit
after HRE
concerns of
demo of
2nd Bay Trad
Demo Calcs per
Preservation?

Relative
Affordability?

Development Decides When a House Is No Longer a Home.

Longtime Renters Reject Buyout
In Favor of Staying Put

By Matthew S. Bajko

The residence at 79 28th St. sits on a tranquil block in outer Noe Valley, where hidden from street view residents enjoy tree-filled back yards. It is where an elderly married couple has enjoyed being tenants for close to three decades.

Unbeknownst to passersby, the property is also the focus of a years-long development dispute that encapsulates the myriad housing issues transfixing not just the neighborhood but also the city at large. It has drawn in the next-door neighbors, tenants advocates, and land use attorneys. Unless the parties involved can reach a resolution through mediation, it is likely the planning commission will decide the issue later this year.

The dispute was sparked by the death several years ago of the longtime former property owner. When the house they have called home for the last 28 years went on the market, Michael and Connie Juarez did not have the resources to buy it.

Instead, Gene Kristul, president of Saxe Mortgage Company, bought it with plans to move his family into the house. He offered a buyout to the Juarezes to induce them to move out and filed plans with the city's planning department to build a three-story extension of the house into a portion of its back yard.

The couple, who are both senior citizens and continue to work, decided to reject the buyout offer and fight to maintain their affordable housing. Not only do they prefer to remain in their home, they feared they would be unable to afford a new apartment in the city if they did move out.

"We were thinking there are more important things than the money he was offering us," Michael Juarez, 75, told the *Voice*. "Affordable housing is very important to us, and we want to protect it. If we leave this place, in good conscience we can't do that. The number of affordable housing units in San Francisco is diminishing rapidly; we don't want to contribute to that."

The main concern for them is making sure their rent-controlled apartment is not lost, added Connie Juarez, who declined to give her exact age but said she was older than 65.

"It is not about the house itself. San Francisco is so short of affordable housing, and this is rent controlled. That is



The house at 79 28th St. is at the center of a housing battle that is emblematic of clashes between new homeowners and longtime tenants all over the city. Photo by Beverly Tharp

what we need; I want to see people care about housing," said Juarez, who with her husband owns Consulting Link 2000, which helps groups seek nonprofit status and which has a contract with the city's Public Utilities Commission to certify small businesses. "Even if we drop dead tomorrow, we still need affordable housing."

Remodel or Demolition?

The neighbors on both sides also objected to Kristul's proposed renovation plans, which they argued would result in a total demolition of the existing house except for two of its walls. The expanded rooms to be added to the back of the property would block sunlight to the rooms in their own homes and result in the loss of green space in the neighborhood.

"They are calling it a remodel because it is easier to get approval," said Tom Ruiz, who lives next door. "There is no way a modern house can be supported by walls built in 1906. It is getting around the whole issue of demolition by these pseudo-remodelings."

The neighbors also have come to the aid of the Juarezes and have been pushing Kristul to agree to allow the couple to move into the property's second, smaller unit as his tenants.

After the Juarezes refused his buyout offer, Kristul moved to evict them using the Ellis Act, a 1985 state law named after former state Senator Jim Ellis (R-San Diego) that allows landlords to evict tenants if the owners "go out of the business" of renting.

"We are committed to each other's needs," said Ken Hoegger, who with his wife, Kathy, owns the other adjacent property, where his daughter now lives with her family. "We are not going to settle independently with Kristul until everybody's needs are satisfied. My priority is Michael and Connie."

In December, Hoegger filed a request



A gloom has descended on Michael Juarez since he learned he and his wife might have to leave their home of 29 years on 28th Street. Still, he is determined to save his remnant of rent-controlled housing. Photo by Beverly Tharp

go into detail about what he had offered the Juarezes but did say he was willing to keep them on as tenants in the smaller unit.

"My intention is to get the project completed and move into the house, yes, once it is built," said Kristul. "I think that we have a very good offer to them which will satisfy essentially what it is they have wanted all along, not to move out of the property. I am hoping that we are successful in our mediation and our negotiation."

Tenants in Limbo

In the meantime, the Juarezes are facing an eviction deadline of April 28. As for Hoegger, he doesn't expect to have a hearing on his objection to the project before the planning commission until May at the earliest. The San Francisco Tenants Union has filed its own DR with city planning in protest of the project.

Paul Bernier, who lives nearby on Valley Street, said the issues his neighbors are confronting are a microcosm of the larger development concerns impacting the city.

"The broader issue is there is so much development going on in Noe Valley right now, and so much affordable housing is being lost," said Bernier. "It is housing for the elite of the elite. No one is going to be able to live in Noe Valley because developers want to build as big as they can and are taking the affordable units away." ■



Neighbors Ken and Kathy Hoegger, shown here with their granddaughter Giuliana Lichtenstein, are opposing the 28th Street project, not only because of the potential eviction of the Juarez family but because the new development's rear build-out would diminish the greenbelt behind the residents' houses. Photo by Beverly Tharp

Project Compliant, Owner Says

Kristul disputed that notion in an interview with the *Voice*, arguing that the plans he filed last year with the city did meet all of the required zoning rules.

"The plans came back approved, so we have a fully compliant project in the eyes of the planning department," said Kristul, adding that his plan to move into the house with his family hasn't changed.

He said he remains hopeful the issues concerning his tenants and the objections of his neighbors can be worked out in the coming weeks so he can proceed with his plans for the property. Because the issue remains in mediation, Kristul declined to

for a discretionary review (DR) of Kristul's remodel plans with the planning department, as its staff approved his neighbor's application last year. Hoegger said he would prefer to see Kristul expand the front of the house, as it is currently set back from the sidewalk, to be aligned with the adjacent homes in order to lessen the impact the proposed rear expansion would have on his property.

"I would like to see it flush with our buildings, as it would allow him to get a little more square footage and not allow him to go so deep in the back," said Hoegger. "What we could accept is if he shortens his third story to a depth of no more than 47 feet. It would still allow him to have a ground-level build-out which goes 31 feet into the yard and still allow a second-story build-out."

Hoegger hired an attorney to assist him with the matter, because he is no longer in direct communication with Kristul, he said.

"As a result of my attorney's comments, they have to go back and redo some plans," Hoegger told the *Voice* in mid-January. "There are a lot of inconsistencies and errors in their plans that do not comply with the city planning guidelines."

ARE YOU A BUSINESS OWNER IN SAN FRANCISCO?

San Francisco passed a new law that will help business and property owners better comply with state and federal disability access laws. If your business serves the public, this new law may apply to you. The Department of Building Inspection's Accessible Business Entrance Program requires that your business have all primary entrances accessible for people with disabilities. Contact us today to learn more! **First deadline for compliance is May 2018!**

Website: www.sfdbi.org/businessentrance
Email: dbi.businessentrance@sfgov.org
Call: 415-558-6128
Visit: 1660 Mission Street, 1st Floor, Window #8

ARE YOU A SMALL BUSINESS?

The City's Office of Small Business is a resource for you. They can assist you with accessibility requirements and information on financial assistance. Call (415) 554-6134 or visit sfosb.org.

Submitted by Janet Fowler, February 22, 2018

Received at CPC Hearing 2/22/18
Fowler

I'd like to thank the Planning Department for its response to the Commission's request for an analysis of the proposed State Senate Bill 827 and its potential effects on San Francisco. In my opinion, AnMarie Rodgers, Citywide Planning Director; Joshua Switzky, Land Use & Housing Program Manager, Citywide Division have done a thoughtful and careful analysis and have given all of us food for thought. Further, I found the analysis to be somewhat heartwarming because it holds in it the importance of livability, of preserving a place where we want to live!

Our affordable housing problem is also a global phenomenon. I came across a documentary video some time ago that I believe that you will find interesting and useful, a documentary that might help all of us move beyond the rut of our local situation. SB 827 doesn't move beyond that rut. It is based on a popular belief that building more housing will result in more affordable housing overall. But is that true *now*?

I hope you will watch this documentary video:

Who Owns New Zealand Housing Now?

<https://www.youtube.com/watch?v=HzSAmOQujU>

It examines why it is that housing has become so unaffordable for people on average incomes and why it has happened now, in our lifetimes.

There are many effects on who gets to own their own home today and who does not. You'll have to watch the video to get a glimpse of the complex factors at play here.

Does building more housing make housing more affordable?

This is explored on about minute 28 of the video: Does the housing supply solve the problems if people simply don't earn enough to be able to afford that housing?

In the February 5, 2018 Planning Department Memo re SB 827, I noticed the following:

SB 827 would reduce interest in local affordability incentive programs, but may result in more affordable housing overall.

The up-zoning proposed under SB 827 does not require increased levels of affordability and could blunt the use of local bonus programs such as HOME SF but would likely result in the production of more affordable housing due to overall significantly greater housing production under SB 827 than under existing zoning.

I think that the word "**may** result" is used very intentionally in this analysis, and perhaps the authors of the analysis would also find value in this documentary video by Bryce Bruce of New Zealand.

Thank you very much for your time. I hope you find the video interesting.

received at CPC Hearing

2/22/18

C. Hsiao

Union Square Retail Conversions in C-3-R Zone

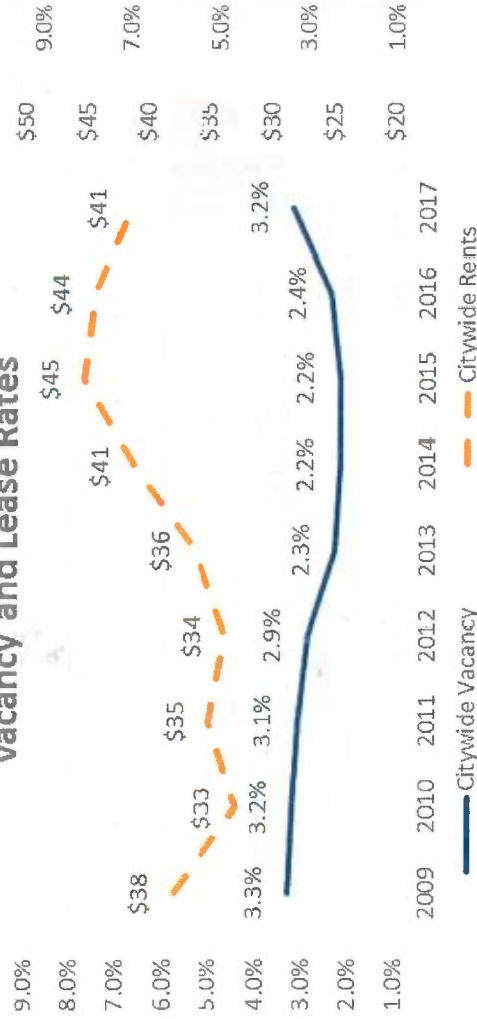


San Francisco Planning Commission
February 22, 2018

Local Trends: Lease Rates Up Everywhere, Union Square Up Higher

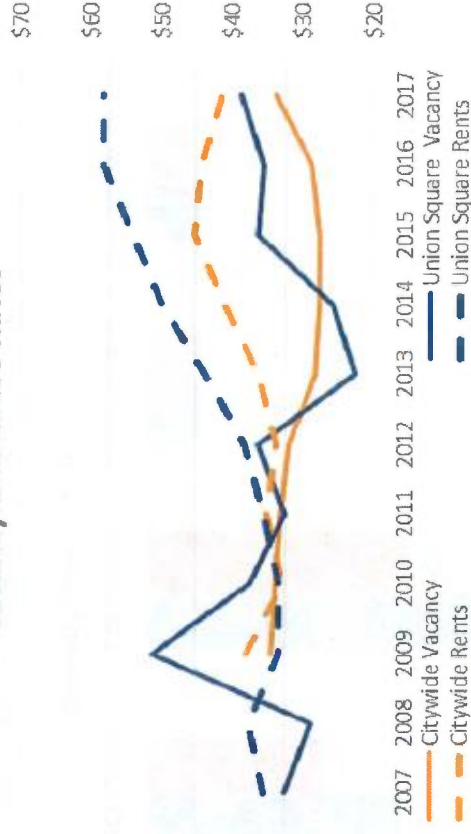
San Francisco Retail

Vacancy and Lease Rates



Source: CoStar 2017 Q4

SF vs Union Square Retail
Vacancy and Lease Rates



Source: CoStar 2017 Q4, Cushman/Wakefield MarketBeat 2017 Q4

- Union Square retail lease rates have outgrown citywide rates by a wide margin
- Vacancies are low both citywide (3.2%) and in Union Square (4%)

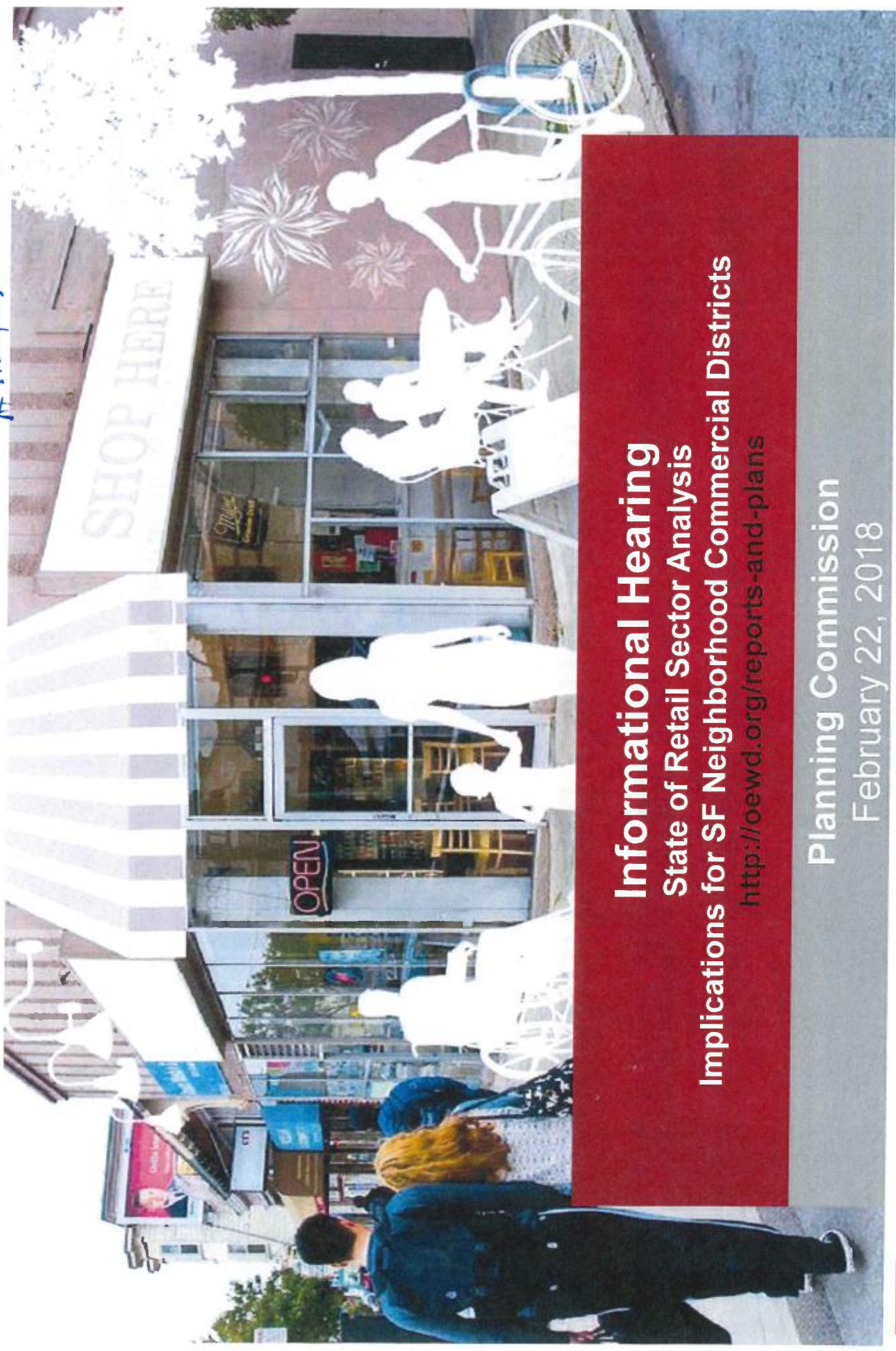
Union Square Office Market Relative to Citywide Inventory

Market Area	Existing Inventory			Vacancy		Quoted Rates
	Buildings	Total SF	Average SF	Vac %	Total SF	
Class A	Union Square	2	213,125	106,563	2.9%	\$73.00
	Relative to Citywide	1.3%	0.4%	28.1%	0.1%	115.9%
Class B	Union Square	77	4,390,168	57,015	376,691	\$63.27
	Relative to Citywide	8.0%	9.8%	122.1%	12.7%	109.0%
Class C	Union Square	39	817,688	20,966	48,194	\$62.58
	Relative to Citywide	3.6%	5.3%	147.2%	9.2%	127.3%
TOTAL	Union Square	118	5,420,981	45,941	431,092	\$63.45
	Relative to Citywide	5.4%	4.6%	86.2%	5.4%	107.9%

Source: CoStar Q4 2017

- Union Square has higher lease rates than any part of the city at all office space classes
- This is despite somewhat higher vacancy rates in Class B and Class C

Received at CPC Hearing 2/20/18
A. Barlow



Informational Hearing

State of Retail Sector Analysis

Implications for SF Neighborhood Commercial Districts

<http://oewd.org/reports-and-plans>

Planning Commission
February 22, 2018

National Trends

The national retail industry is undergoing a major restructuring

- **Online sales are driving retail sales growth, and expanding into new categories.** Nationally, online retailers accounted for 40 percent of retail sales growth between 2014 and 2016, with growth in categories including apparel, office supplies, sporting goods, toys, and groceries.
- **Major retailers are closing stores in record numbers,** reflecting a national oversupply of retail space, increased competition with online sales, and (for some retail chains) debt obligations associated with leveraged buyouts.
- **However, while many types of stores are struggling, discount retailers continue to open new locations.** Discount retailers are adding stores, including discount clothing stores (TJ Maxx, Marshalls), discount grocery stores (Grocery Outlet, Trader Joes), warehouse and general merchandise stores (Costco, Target), and dollar stores.

Challenges for San Francisco Businesses

In addition to national trends, San Francisco retailers also face more local challenges

- **Employee recruitment and retention challenges**
- **High labor costs**
- **High rents**
- **Land use regulations and permitting requirements**
- **Loss of long-time customers**
- **Public realm (streets and public spaces) challenges**

Conclusions & Implications

Conclusion #1: To thrive in a more challenging business environment, retailers need to embrace new technologies. For example, this includes online sales, social media, and app-based delivery services.

Implications

- Businesses may benefit from **technical and financial support** in expanding their online presence, adjusting their inventories for a changing customer base, etc.
- **Curb management policies may need to be revisited to maintain customer access**, effectively manage competing transportation needs (pedestrians, bicyclists, delivery vehicles, TNCs, and parking), and support a pedestrian-friendly environment, while enabling new businesses to take advantage of emerging delivery technologies.

Conclusions & Implications

Conclusion #3: Diversifying the mix of uses in an NCD can help retailers expand their customer base. The components of a healthy mix vary by district, but typically include some combination of the following:

- **Anchor businesses** that drive foot traffic to the district, including to other businesses in the same commercial district. Examples include full-service grocery stores, general merchandise stores, other larger stores (many of which are formula retail) or a cluster of related retail stores or restaurants.
- **Restaurants, nightlife, and entertainment** that complement retail sales and services by providing destinations and gathering spaces for potential customers.
- **Personal services & fitness centers** that provide needed services and also help draw foot traffic.
- **Professional services** that provide needed services in an office-like setting directly to the general public.
- **Office & housing uses** that may not directly serve the general public, but help generate foot traffic and demand for retail.

Conclusions & Implications

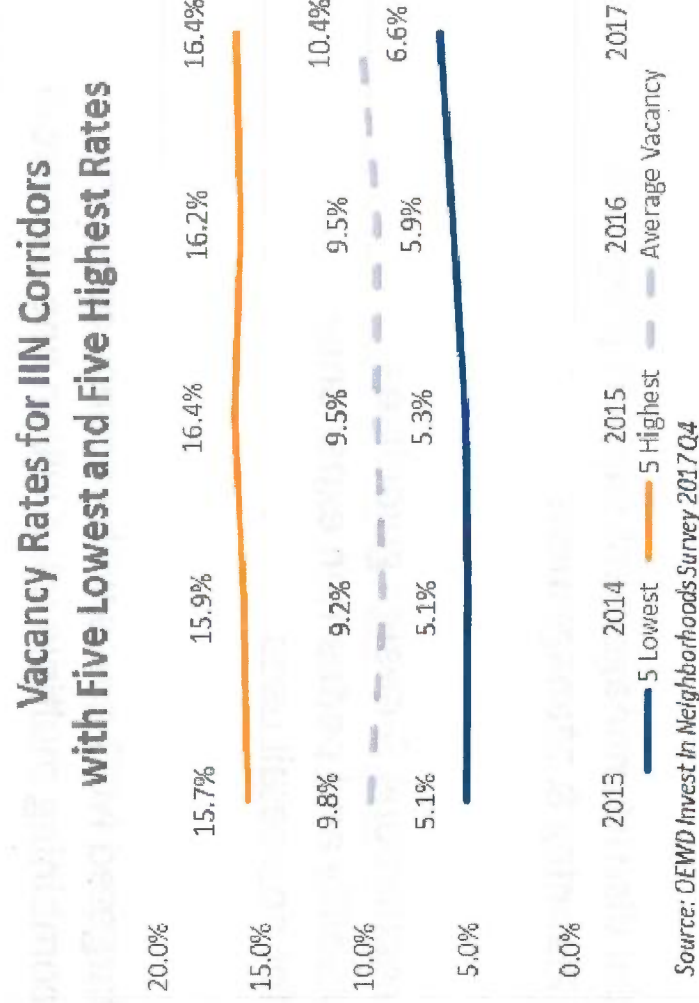
Conclusion #4: By offering an attractive, fun shopping and dining experience, NCDs can help retailers continue to draw foot traffic.

Implications

- Continuing to maintain and enhance the **public realm** is critical.
- **Celebrating local historic and cultural assets** can contribute to a unique and interesting environment.
- **High-capacity district management organizations** can help districts create a great experience for residents and visitors.

5 Lowest and Highest Neighborhood Vacancy Rates

- Five highest vacancy rate corridors averaged 16.4% in 2017
- Five lowest vacancy rate corridors averaged 6.6% in 2017
- 1/3 of NCDs saw vacancy rate increases of at least 2% since 2015



Planning Department Efforts

Conclusion : San Francisco's NC districts are unique, making a one-size solution impossible.

Ongoing Projects

- **MAP 2020** (Mission St NCT, Mission Alcohol SUD) – ongoing
- **Excelsior/D11** (Outer Mission, Geneva, Ocean Ave) – ongoing
- **3rd St Bayview** – starting spring 2018
- **Mission St** (Chavez to Randall) – starting spring 2018
- Programmed through FY 18/19 to conduct and complete surveys of all non-residential uses (ground floor and upper stories) in all NC districts citywide. This will enable the Department to compare how NCs have changed since established in the 1980s.

Union Square Retail Conversions in C-3-R Zone



San Francisco Planning Commission
February 22, 2018

Union Square/C-3-R Zone Compared to SF

Retail Sales \$2.1 billion/yr

13% SF Sales Tax (\$21 M)

24% SF Retail Business

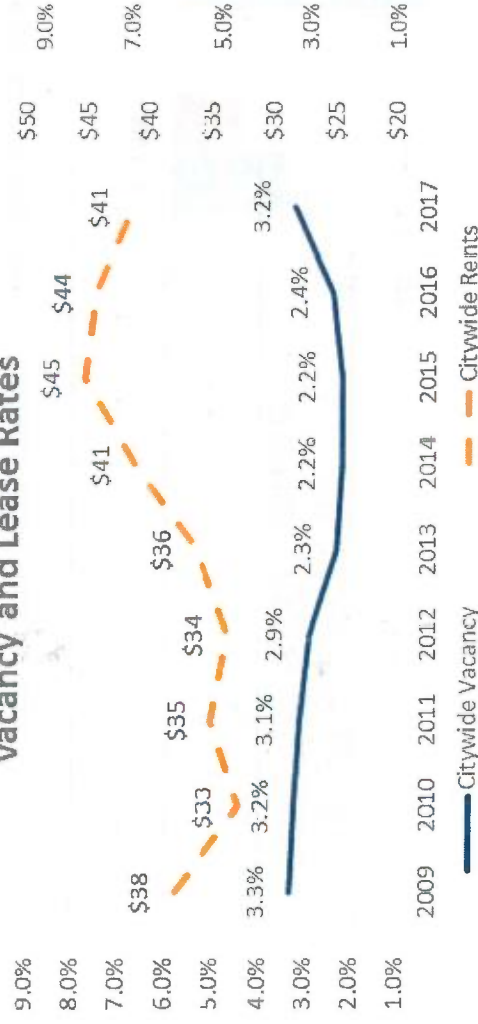
11% SF Jobs

23% SF Hotel Rooms



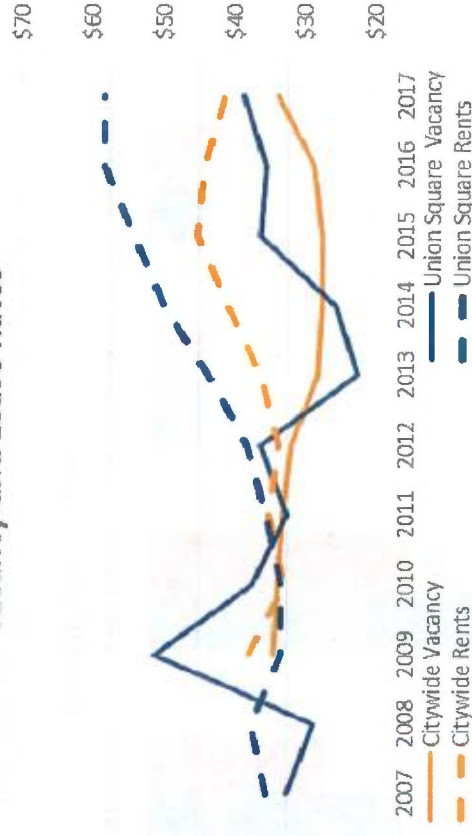
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Vacancy and Lease Rates



Source: CoStar 2017 Q4

SF vs Union Square Retail
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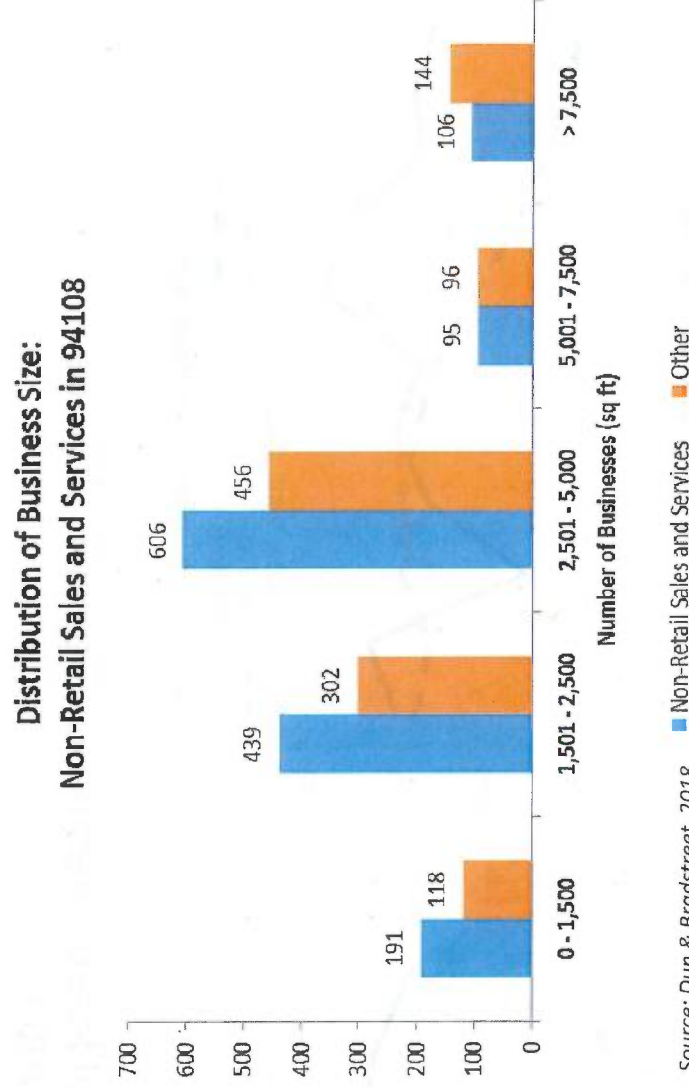


Source: CoStar 2017 Q4, Cushman/Wakefield MarketBeat 2017 Q4

- Union Square retail lease rates have outgrown citywide rates by a wide margin
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Union Square: Footprints of Non-Retail Sales and Service Firms

- 86.0% of Non-Retail Sales and Service Use commercial spaces are 5,000 square feet or less
- Overall 82.7% of all firms are 5,000 square feet or less



Union Square Office Market Relative to Citywide Inventory

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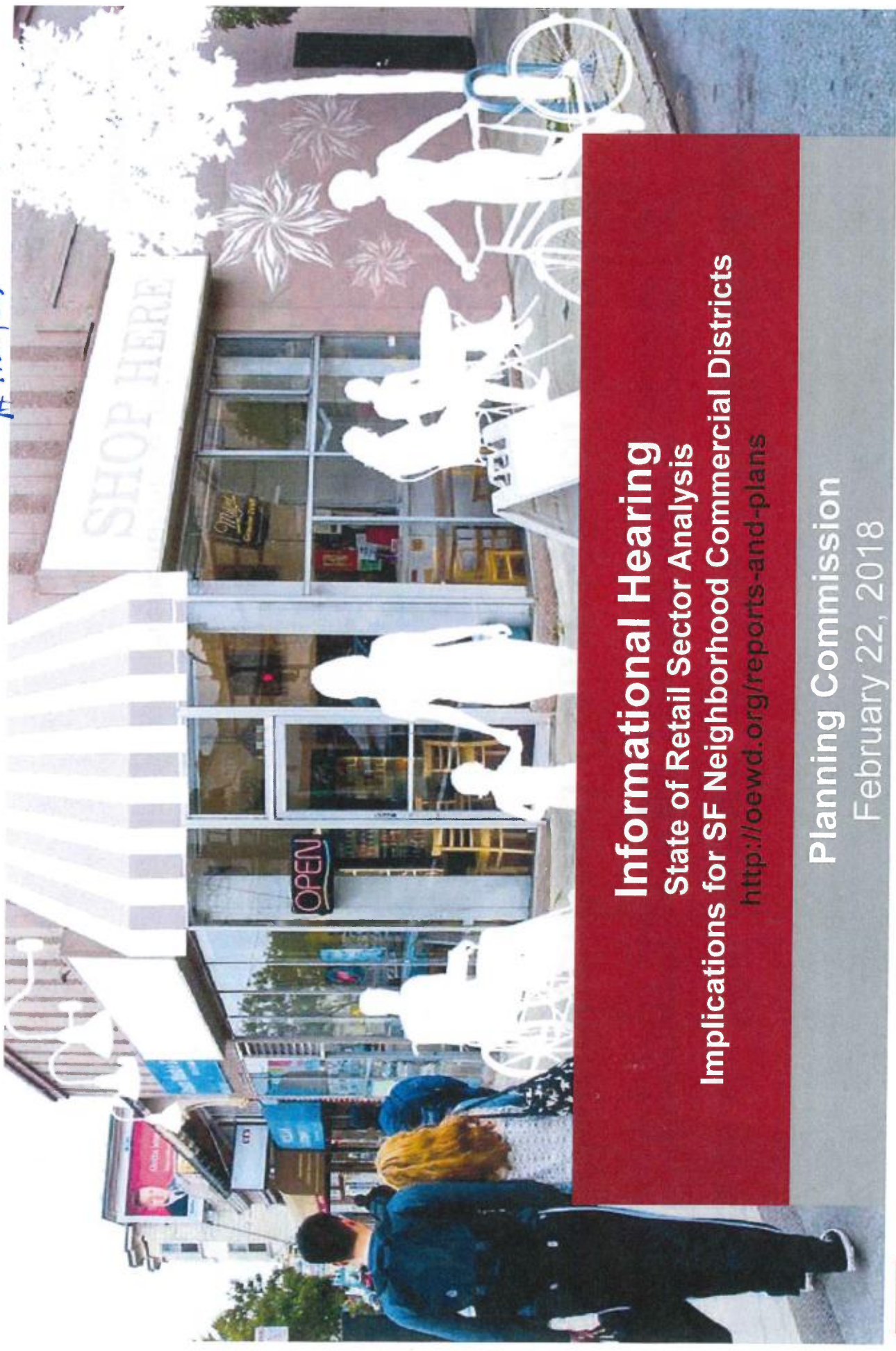
Source: CoStar Q4 2017

- Union Square has higher lease rates than any part of the city at all office space classes
- This is despite somewhat higher vacancy rates in Class B and Class C

Planning Department Initial Recommendations Union Square (C3R)

- **Recommendation #1:** Non-Retail Sales and Service uses (that do not serve general public) would be **prohibited on floors 1-3**;
- **Recommendation #2:** Non-Retail Sales and Service uses (including General Office) would be **permitted on the 4th floor and above when they are 5,000 square feet or less** (per firm); and
- **Recommendation #3:** Non-Retail Sales and Service uses **above the 4th floor** greater than 5,000 square feet would need to obtain a Conditional Use Authorization.

Received at CPC Hearing 2/22/18
A. Barber



Informational Hearing

State of Retail Sector Analysis

Implications for SF Neighborhood Commercial Districts

<http://oewd.org/reports-and-plans>

Planning Commission
February 22, 2018

State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts



STRATEGICECONOMICS

Presentation to the San Francisco Planning
Commission

February 22, 2018

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2/22/18

National Trends

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Impact of National Trends on San Francisco Retail

San Francisco's retail is starting to feel the impact of these national challenges

- **San Francisco's many competitive advantages for retail and restaurants have somewhat insulated the City's retail from national trends.** These include:
 - Strong local economy.
 - A culture that values shopping local and eating out.
 - Significant regional and international tourism.
 - The attractive environment offered by many NCDs.
 - Limited number of malls and a large number of independent businesses.
- **However, after many years of growth, San Francisco's retail sector appears to be slowing.**
 - Fewer traditional retailers are seeking space; increased interest from other uses.
 - Sales tax revenues slowed between 2015 and 2016.

Challenges for San Francisco Businesses

In addition to national trends, San Francisco retailers also face more local challenges

- **Employee recruitment and retention challenges**
- **High labor costs**
- **High rents**
- **Land use regulations and permitting requirements**
- **Loss of long-time customers**
- **Public realm (streets and public spaces) challenges**

Business Adaptations

Rising costs and growing competition are prompting some businesses to adapt

- **In response to national trends and local challenges, some businesses are adopting creative and varied strategies to survive.** These strategies generally aim to:
 - Expand sales (e.g., selling products online, developing a stronger social media presence, offering classes and events)
 - Reduce costs (e.g., adopting less labor-intensive business models, making do with less space)
 - Diversify revenue streams (e.g., expanding inventories, serving food or alcohol, subleasing space to other retailers)
- **While adopting these types of strategies will help some businesses continue to thrive, change is challenging and some businesses will not be able to adapt to a changing market.**

Conclusions & Implications

Conclusion #1: To thrive in a more challenging business environment, retailers need to embrace new technologies. For example, this includes online sales, social media, and app-based delivery services.

Implications

- Businesses may benefit from **technical and financial support** in expanding their online presence, adjusting their inventories for a changing customer base, etc.
- **Curb management policies may need to be revisited to maintain customer access**, effectively manage competing transportation needs (pedestrians, bicyclists, delivery vehicles, TNCs, and parking), and support a pedestrian-friendly environment, while enabling new businesses to take advantage of emerging delivery technologies.

Conclusions & Implications

Conclusion #2: Retailers need to be flexible and creative to provide customers with a more interesting experience. For example, by offering classes and workshops, hosting events, and serving food and beverages, to draw shoppers into stores.

Implications

- **Land use policies may need to be modified to provide retailers more flexibility**, for example in experimenting with combining uses and expanding services (e.g., serving food and beverages or incorporating “maker” or PDR space).

Conclusions & Implications

Conclusion #3: Diversifying the mix of uses in an NCD can help retailers expand their customer base. The components of a healthy mix vary by district, but typically include some combination of the following:

- **Anchor businesses** that drive foot traffic to the district, including to other businesses in the same commercial district. Examples include full-service grocery stores, general merchandise stores, other larger stores (many of which are formula retail) or a cluster of related retail stores or restaurants.
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- **Office & housing uses** that may not directly serve the general public, but help generate foot traffic and demand for retail.

Conclusions & Implications

Conclusion #3, Continued: Diversifying the mix of uses in an NCD can help retailers expand their customer base.

Implications

- New ground floor retail should **include a range of storefront sizes** and storefronts should be **designed to maximize marketability and be adaptable** to the needs of a diverse set of retailers, restaurants, etc.
- **Office and housing uses** that may not be open to the general public could be located **above the ground floor, or on the ground floor in weaker market locations** (e.g., at the periphery of an NCD).
- **Limiting ground floor retail requirements** for new development to the strongest locations for retail could help reduce potential vacancies.

Conclusions & Implications

Conclusion #4: By offering an attractive, fun shopping and dining experience, NCDs can help retailers continue to draw foot traffic.

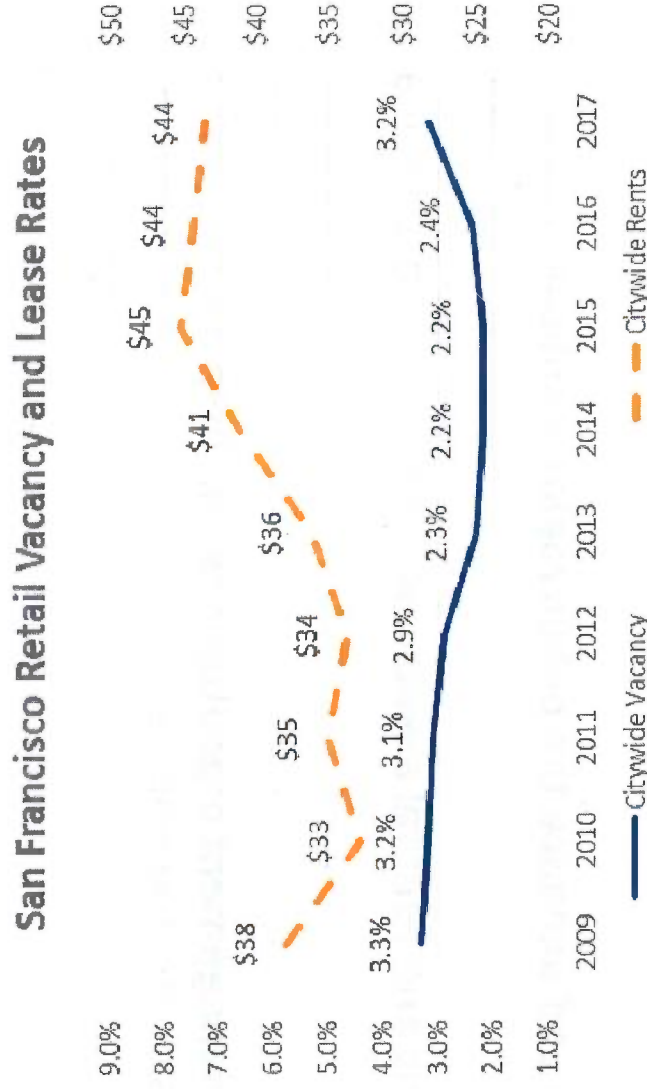
Implications

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Retail Sector

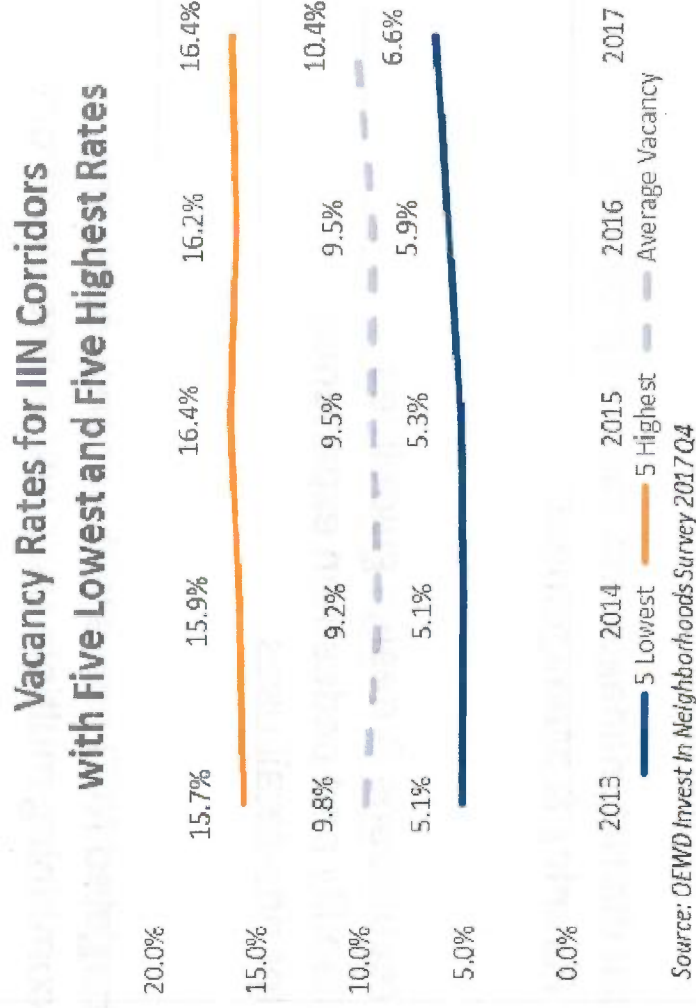
What is “healthy” vacancy?

- 5%-10% vacancy is the target range
- OEWD is concerned when vacancies are too high, as well as too low
- San Francisco maintained low vacancy rates through the last recession
- Overall low vacancy rates has put upward pressure on lease rates



5 Lowest and Highest Neighborhood Vacancy Rates

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- Five lowest vacancy rate corridors averaged 6.6% in 2017
- 1/3 of NCDs saw vacancy rate increases of at least 2% since 2015



Policy and Program Changes for Consideration

- Small business technical assistance programs
 - Business Strengthening & Retention
- Neighborhood commercial district management support programs
 - Commercial District Planning & Management
 - Business Attraction
- Storefront development regulations & design guidelines
 - Ensure retail marketability and pedestrian experience
 - Promote activation for non-retail uses
- Use controls
 - Create flexibility in targeted NCD areas with vacancy concerns
 - Reduce barriers to combining multiple uses within one storefront
- Develop new Curb management policies with SFMTA
- Enforcement - Update DBI Vacancy Enforcement Program

Planning Department Efforts

Conclusion : San Francisco's NC districts are unique, making a one-size solution impossible.

Ongoing Projects

- **MAP 2020** (Mission St NCT, Mission Alcohol SUD) – ongoing
- **Excelsior/D11** (Outer Mission, Geneva, Ocean Ave) – ongoing
- **3rd St Bayview** – starting spring 2018
- **Mission St** (Chavez to Randall) – starting spring 2018
- Programmed through FY 18/19 to conduct and complete surveys of all non-residential uses (ground floor and upper stories) in all NC districts citywide. This will enable the Department to compare how NCs have changed since established in the 1980s.

Planning Department Initial Recommendations

Recommendation #1: Continue to examine the NC districts on a localized level and adjust controls as needed.

Recommendation #2: Explore allowing a greater number of uses in NC districts and/or flexible uses (ex: allowing co-working spaces in restaurants)

Recommendation #3: Examine office controls and existing Office definitions

UNION SQUARE RETAIL OCCUPANCIES

- There are 45 multi-floor retailers in Union Square; all 45 occupy the ground floor
- 15 of the 45 occupy three floors or more
- 6 of these 15 occupy a third floor above grade; in other words, 9 of the 16 occupy basement, ground floor, and second floor
- 10 multi-floor (2 floors or more) retailers have leases that originated after 2012
- 3 of these occupy three floors
- 1 of those, Valentino at Grant and Geary ("AA" on the attached map) occupies the ground floor, second floor, and third floor; the other 2, Christian Dior and Armani ("O" and "P" on the attached map) occupy the basement, ground floor, and second floor; all 3 are located within 1 block of Union Square

Key	Tenant	Retail Floors	Total Floors in Building	Original Lease Commencement	Expirations
A	DSW	4	4	August 2011	2021
B	Saks Fifth Ave	3	5	Early 80's, Last Renewed 2005	2030
C	Tiffany & Co	2	11	Oct 1991	2025
D	Williams Sonoma	3	3	Spring 2002	2027
E	Apple	2	2	July 2013	2028
F	Nike	4	6	Nov 1993	2026
G	Zara	2	3	Jan 2005	2020
H	Brooks Brothers	3	4	Dec 2011	2025
I	Ferragamo	2	4	1998	2022
J	Sak's Men	4	5	July 1997	2017
K	The North Face	2	4	Feb 2000	2020
L	Victoria's Secret	2	14	June 2005	2025
M	Gucci	2	10	March 1987	2018
N	Burberry	3	4	Self Owned	Self Owned
O	Christian Dior	3	6	Feb 2014	2029
P	Armani	3	3	2015	2025
Q	Gump's	2	6	Nov 1995	2022
R	Express	2	8	2012	2022
S	Louis Vuitton	2	10	n/a	n/a

T	Arthur Beren	2	4	July 2005	2020
U	Bulgari	2	7	August 2008	2023
V	Suitsupply	2	16	2015	2025
W	Chanel	2	3	June 1998	2023
X	John Varvatos	2	3	April 2007	2017
Y	Britex	3	4	Purchased in 1952, Sold in 2015, Signed a two year lease	2017
Z	AllSaints	2	10	April 2010	2020
AA	Valentino	3	4	2013	2023
BB	Dolce & Gabbana	2	6	October 2014	2024
CC	Skechers	2	2	May 2007	2017
DD	CH Carolina Herrera	2	2	August 2013	2024
EE	Hakasan	2	10	May 2012	2022
FF	Walgreens	2	2	March 1998	2024
GG	H&M	2	4	June 2004	2019
HH	Crate & Barrel	3	8	Spring 2000	2020
II	Barneys NY	4	6	June 2006	2021
JJ	Uniqlo	2	2	March 2012	2021
KK	T-Mobile	2	2	Nov 2013	2024
LL	Forever 21	2	4	June 2010	2025
MM	Urban Outfitters	3	12	n/a	2018
NN	Diesel	2	8	Jan 2008	2023
OO	Old Navy	3	9	June 1997	2022
PP	Ross	3	8	May 2008	2017
QQ	AT&T	2	8	May 2015	2026
RR	Gap	2	12	June 1994	2016
SS	Container Store	2	16	November 2001	2018
TT	Nordstrom Rack	2	5	Jan 2013	2024
UU	Banana Republic	2	5	March 2012	2022



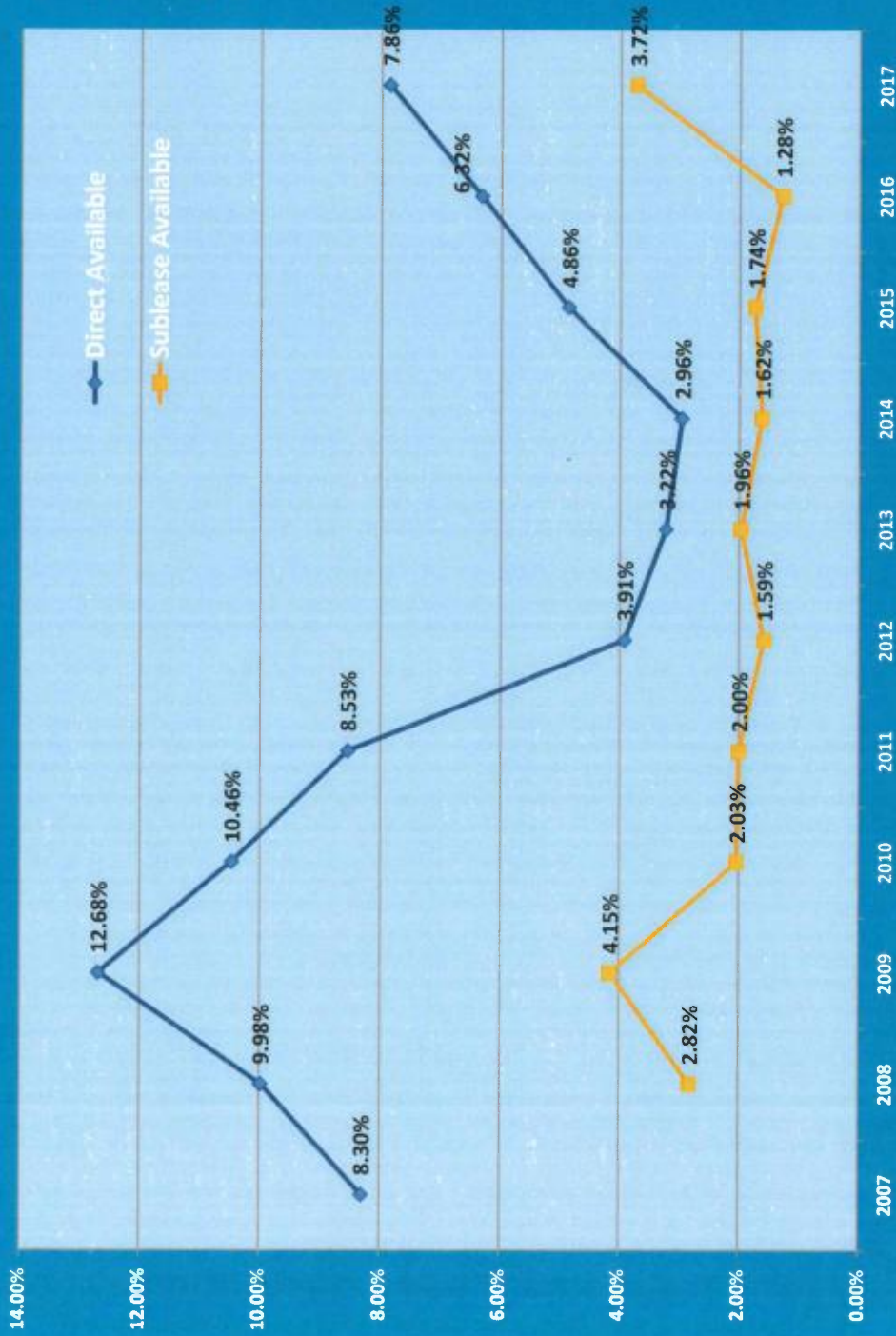
UNION SQUARE SAN FRANCISCO

Colliers Retail Services Group -
Updated February 2016



50 California Street
19th Flr.
San Francisco, CA 94111
415 788 3100

Union Square Historical Ground Floor Vacancy



Direct Space Count

Sublease Count

Total Available Count

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Direct Space Count	38	28	30	25	19	15	11	20	19	24	
Sublease Count	8	12	9	10	7	8	7	11	4	8	
Total Available Count	46	40	39	35	26	23	18	31	23	32	

Available Spaces: 32

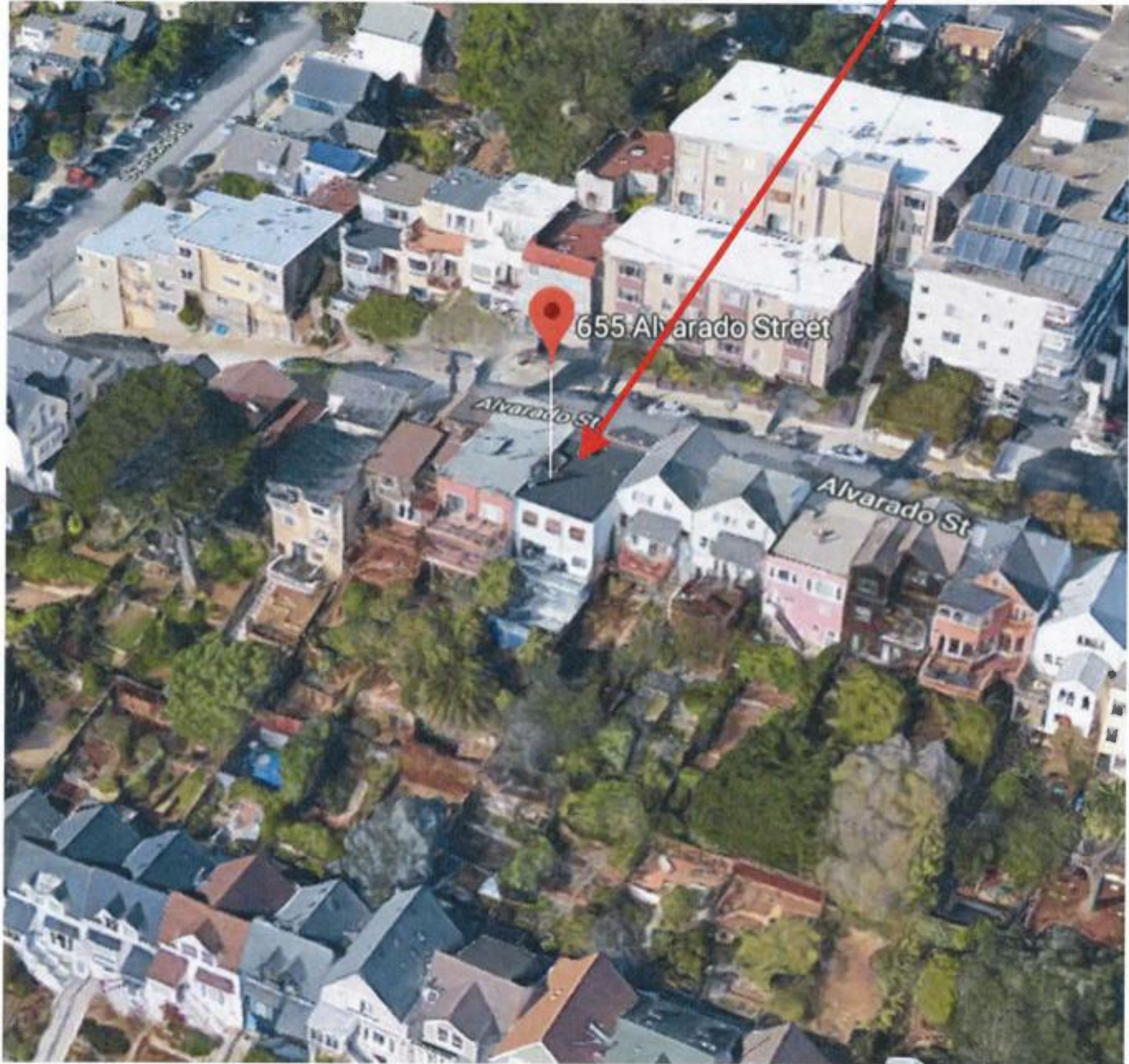
Total 96,796 sq ft

Direct 65,713 sq ft

Sublease 31,083 sq ft

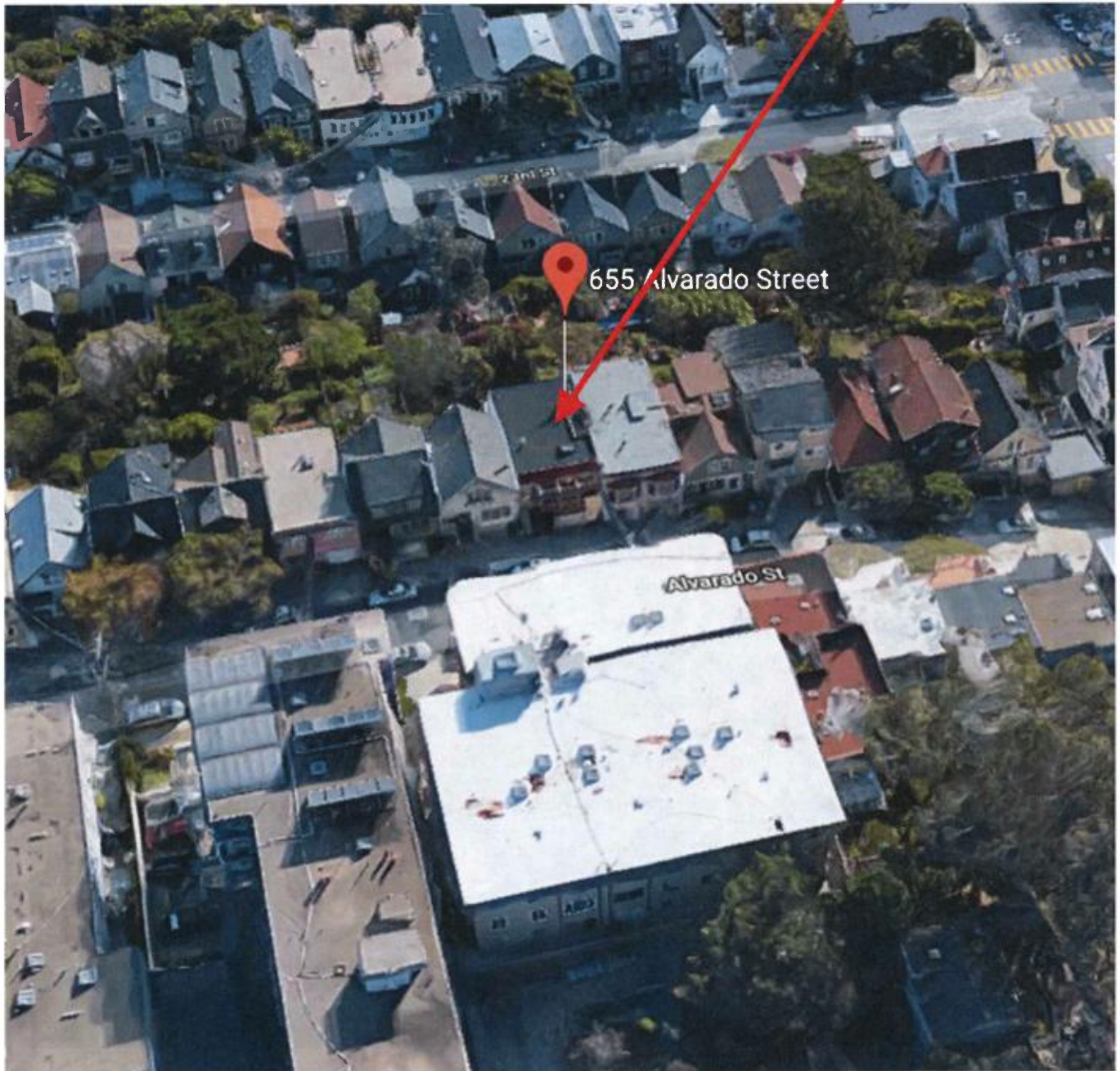
Aerial Photo

SUBJECT PROPERTY



Aerial Photo

SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2017-014841CUA
655 Alvarado Street



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February 20, 2018

File Number: 56RZ-257264

Via Electronic Mail and Hand Delivery

President Hillis
Members of the Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Lisa.gibson@sfgov.org

Re: Supplement To Appeal of Preliminary/Final Mitigated Negative Declaration For Alcatraz Ferry Embarkation Project (Case No. 2017-000188ENV)

Dear President Hillis and Members of the Planning Commission

On behalf of the City of Sausalito (Sausalito), we provide the following additional comments and evidence to supplement Sausalito's appeal submitted on December 27, 2017 (Appeal) in advance of the Planning Commission's February 22, 2018 Appeal hearing.

SUMMARY OF CONCERNS

As explained in the Appeal, Sausalito's concerns regarding the Alcatraz Ferry Embarkation Project (Project) are limited to its authorization of new ferry service from Pier 31 ½ in San Francisco to Fort Baker, located adjacent to Sausalito, under contracts that may extend for fifty (50) years.

The Project purportedly analyzed in the proposed Final Mitigated Negative Declaration (FMND)¹ consists of: (1) a draft 30-year (plus two additional 10-year options, for a total of 50 years) "General Agreement" between the City and County of San Francisco, operating by and through the San Francisco Port Commission (Port) and the United States Department of the Interior, National Park Service (NPS) (Master Agreement); (2) a draft concession contract between NPS and the selected ferry concessioner (Concession Contract); and (3) a draft lease

¹ The San Francisco Planning Department (SF Planning) issued a Preliminary Mitigated Negative Declaration (PMND) on December 6, 2017. On February 15, 2018, SF Planning issued a revised, Draft Final Mitigated Negative Declaration, supported by SF Planning's Staff Report dated February 15, 2018.

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between the Port and the selected ferry concessioner (Port Lease) (collectively referred to herein as the "Project Contracts").²

The Planning Commission's task and obligation under California's Environmental Quality Act (CEQA) includes, among other things, to assess whether the proposed FMND accurately describes and adequately analyzes the proposed Project. Here, however, the Planning Commission cannot accomplish this task because the Project Contracts are not included in the Planning Staff's materials regarding this item. This omission further renders it impossible for members of the public to meaningfully consider the adequacy of San Francisco's environmental review regarding the Project's potential impacts, in violation of CEQA's mandatory information disclosure requirements.

Sausalito discovered since filing the Appeal that SF Planning never reviewed, much less analyzed the content of the Project Contracts during its environmental review of the Project and preparation of the FMND. On February 1, 2018, SF Planning responded to Sausalito's request for an explanation regarding why no Project Contracts were produced in response to Sausalito's Public Records Act Request (PRA) as follows:

The Planning Department only has the Environmental Application describing the project. Whatever Julie [Moore] provided from our files is all we have. **The agreement and contracts between NPS and the Port have nothing to do with our CEQA review**, therefore, we do not have copies of these.

(Attached as **Exhibit A** [emphasis added].) The flaw in this reasoning, of course, is that under CEQA, the "project" refers to the "underlying activity for which approval is being sought," which in this case is the Project Contracts. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal. App. 5th 465, * 9 (Jan. 12, 2018).) It is impossible for SF Planning to assure the accuracy of the Project's description, and therefore the adequacy of environmental review in the absence of the Project Contracts. This case vividly illustrates the consequences of conducting environmental review in a vacuum, without the benefit of the documents constituting the underlying activity for which approval is being sought.

As explained in greater detail below, the FMND is legally deficient largely because the "project description" does not accurately describe the actual Project as reflected in the Project Contracts. This inaccurate project description consequently distorts and invalidates virtually all of the FMND's environmental analysis regarding Fort Baker ferry service. As examples:

- The FMND's project description states: "[t]rips to Fort Baker would be limited to two per day and would occur on weekends only." (FMND, p. 17.)

However, there is no limit on the frequency of ferry service to Fort Baker in any of the Project Contracts. To the contrary, the Concession Contract provides that passenger ferry service shall be determined by the Operating Plan that

² On January 31, 2018, NPS released its Prospectus for the Project containing the draft Project Contracts.

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NPS may modify at its discretion. (Concession Contract, pp. 4-5.) The Draft Operating Plan similarly contains no limitation regarding the number of ferry trips to Fort Baker. Moreover, not addressed in the FMND, the Project Contracts additionally authorize unlimited charter ferry services to Fort Baker for conferences and other special events. (Concession Contract, p. 4, Draft Operating Plan, p. B-12.)

- The FMND's project description states that a "maximum" of 40,000 visitors per year would travel by ferries to Fort Baker. (FMND, p. 20.) SF Planning Staff's report dated February 15, 2018 for this hearing similarly states: "[a]s defined in the PMND project description, the Fort Baker ferry service would be limited to a maximum of 40,000 passengers annually." (Planning Staff Report, p. 14.) San Francisco's traffic consultant, Fehr and Peers (F&P), therefore analyzed the Project's potential transportation and circulation impacts premised on this alleged "limit" of 40,000 annual passengers. F&P's original report explained that this assumed maximum limit is "based on ferry service that would be limited to two trips day and occur only on weekends," and the "fact that Fort Baker, as a destination by itself, unlikely to draw enough visitors to justify regular service." (Exhibit B, p. 10.)

However, as explained above, the Project Contracts impose no limit on the amount of regular ferry service to Fort Baker, and further authorize unlimited ferry charter service to Fort Baker that was neither described nor analyzed in the FMND. Moreover, the revised FMND now concedes that Fort Baker ferry passengers are not drawn solely by the attractions at Fort Baker itself, but rather additionally by access to the Marin Headlands, other regional parks and Sausalito. (FMND, pp. 121-122.) The assumptions underlying F&P's less than significant impacts findings therefore are unsupported by substantial evidence.

- The FMND's project description states that ferry service to Fort Baker would be provided by a variety of vessels ranging from 125 to 350 passenger capacity. (FMND, p. 17) The FMND's analysis of the Project's impacts accordingly was premised on this assumed vessel size. (Staff Report, p. 14.)

However, the Draft Operating Plan provides that, at a minimum, the concessioner must provide a total of four (4) passenger vessels: two vessels with a minimum passenger capacity of 700 passengers each; and two vessels with a minimum passenger capacity of 500 persons each. (Draft Operating Plan, p. B-13.) The NPS' Prospectus publication entitled "Business Opportunity," includes this identical description of "Fleet Size and Minimum Vessel Requirements." (Exhibit C, p. 16.)

- In apparent recognition of the fact that the Project Contracts impose no limits on bicycles boarding ferries destined for Fort Baker, the FMND's project description was revised to clarify that "there are **no plans** to accommodate bicycles on the ferry boats." (FMND, p. 17. [emphasis added]) This revision,

however, reveals that the FMND's finding that the Project would cause no significant transportation and circulation impacts from bicycles is inaccurate and unsupported by substantial evidence. The FMND and F&P's report explain that the analysis of this potential impact was premised on the false assumption that "the proposed project would not generate any new bicycle trips at the Fort Baker site because ferry passengers will not be permitted to bring bicycles on board ferries from Pier 31 ½....." (FMND, p. 76; see also F&P report, **Exhibit B**, p. 53.)

It is entirely foreseeable that bicycles will be allowed to board ferries destined for Fort Baker during the 50-year life of the Project, particularly because of the Project's stated objective to improve "connectivity" to the Marin Headlands and nearby parklands (FMND, p. 121). Impacts from this potential use therefore must be analyzed.

The foregoing examples reveal that the Planning Commission may not lawfully approve the FMND in its current form. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 406 ["The negative declaration is inappropriate where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis."].) At a minimum, the Planning Commission must impose additional mitigation measures on the Project in response to the foregoing potentially significant impacts, including without limitation, the following:

1. No bicycles shall be permitted on ferries departing from Pier 31 ½ arriving directly or indirectly at Fort Baker. Bicycles shall be permitted, however, on ferries departing at Fort Baker. The departing ferries shall have the capacity to accommodate up to 50 bicycles each.
2. For any ferry arriving in Fort Baker with [*to be provided by Sausalito's traffic engineer*] or more passengers, therefore creating the potential for significant traffic, circulation and public safety impacts in Sausalito from passengers subsequently traveling to Sausalito in private cars for hire, there shall be connecting shuttle service to Sausalito to meet demand. This connecting shuttle service departing from Fort Baker shall be available only for ferry-connecting passengers, and shall be free of charge for these passengers.³
3. For any connecting shuttle service provided from Fort Baker to Sausalito, return shuttle service shall be provided from downtown Sausalito to connect with ferries departing from

³ Sausalito has retained a traffic engineer to determine the appropriate threshold trigger for this mitigation measure. Sausalito's traffic engineer takes issue with F&P's methodology and findings, and has concluded that Fort Baker ferry service may cause several significant transportation and circulation impacts. Sausalito will submit this evidence in the administrative record, adding to the existing evidence supporting a fair argument that the Project may cause significant impacts, in the event that the Planning Commission denies this Appeal.

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Fort Baker to San Francisco. These shuttles shall each have the capacity to transport a minimum of 20 bicycles.

4. Commencing with ferry service to Fort Baker, the National Park Service (NPS) shall provide Sausalito with quarterly reports regarding Fort Baker ferry ridership (in-bound and out-bound, including all passenger transport, charter ferries and/or other interpretative cruises), as well as ridership information, pedestrian and bicycles, regarding the connecting shuttle services (in-bound and out-bound).
5. In the event that shuttle/bus or other public transportation link is commenced from Fort Baker to Muir Woods, or any other destination, all such traffic shall be directed exclusively to the Alexander Avenue/101 Northbound on-ramp, and shall not travel through Sausalito.
6. If ferry service from Pier 31 ½ to Fort Baker exceeds 40,000 passengers for any calendar year, NPS and/or the Port of San Francisco (Port) shall fund a study, to be conducted and overseen by Sausalito, on the additional ferry service's potential transportation and/or public safety impact on Sausalito. Based on the findings of the study, NPS and/or the Port shall contribute their fair share to fund infrastructure and other improvements to mitigate impacts identified in the study caused by ferry service to Fort Baker.

SAUSALITO'S REQUEST

Sausalito's Appeal requested that San Francisco either prepare an Environmental Impact Report (EIR) to analyze the Project, or alternatively, sever the proposed Fort Baker ferry service from the Project. As an alternative, however, San Francisco may adopt additional mitigation measures to ensure that the Project's Fort Baker ferry service will have less than significant impacts.

As explained in the accompanying letter submitted by Sausalito Mayor Joan Cox, Sausalito is engaged in discussions with NPS regarding potential mitigation measures to be added to the Project to address the concerns addressed above and others. Sausalito therefore requests that the Planning Commission continue this hearing regarding the Appeal for at least 30 days. This extension would allow time for each of the public agencies and their respective engineers to work collaboratively to draft mitigation measures and employ other strategies designed to cure the FMND's current CEQA deficiencies and therefore resolve Sausalito's concerns. Alternatively, the Planning Commission may simply grant this Appeal and reject the proposed FMND for the Project.

THE OMISSION OF THE PROJECT CONTRACTS VIOLATES CEQA'S MANDATORY PUBLIC DISCLOSURE REQUIREMENTS

San Francisco's failure to disclose the Project Contracts to the public and include them with Planning Staff's materials regarding the Appeal violates CEQA's mandatory public disclosure and public participation requirements by thwarting both the Planning Commission's and the public's ability to meaningfully assess and/or modify the Project to minimize or avoid potentially significant environmental impacts.

"Public participation is an essential part of the CEQA process..." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1987) 42 Cal. 3d 929, 935.) "The 'privileged position' that members of the public hold in the CEQA process is based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making." (*Id.* at 936.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." (*County of Inyo v. City of Los Angeles* (1984) 160 Cal. App. 3d 1178, 1185.) "In short, a project must be open for public discussion and subject to agency modification during the CEQA process. This process helps demonstrate to the public that the agency has in fact analyzed and considered the environmental implications of its action." (*Ibid.*, citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86.)

The Planning Commission therefore may not lawfully approve the FMND without first providing both itself and members of the public sufficient notice and opportunity to review and consider the Project Contracts.

SAN FRANCISCO FAILED TO COMPLY WITH SPECIAL CONSULTATION REQUIREMENTS THAT APPLY TO THIS PROJECT OF STATEWIDE, REGIONAL, OR AREAWIDE SIGNIFICANCE

Sausalito demonstrated in the Appeal that San Francisco was required to consult with Sausalito in the same manner as a "responsible agency" because the Project is one of "Statewide, Regional or Areawide Significance," and because Sausalito is a public agency with transportation facilities within its jurisdiction which could be affected by the Project.

SF Planning contends in response that the Project has no such significance because the PMND determined that the Project would have less than significant impacts, and even if the Project had such significance, CEQA's consultation requirements for such projects apply only to the preparation of EIRs rather than negative declarations. (Staff Report, p. 4.) Both contentions, however, are incorrect.

First, contrary to SF Planning's claim, the PMND's finding that the Project's impacts would be less than significant is not relevant to the determination regarding whether a Project qualifies as one of Statewide, Regional or Areawide Significance. CEQA sets a lower threshold,

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and defines such projects broadly to include those that “*substantially affect*,” among other things, sensitive wildlife habitats, bays and estuaries. Such is the case with the Project here.

Second, contrary to SF Planning’s claim, Public Resources Code section 21082.1 expressly imposes on lead agencies the procedural requirements applicable to projects of Statewide, Regional or Areawide Significance in connection with their preparation of EIRs or negative declarations. (Pub. Res. Code § 21082.1, subd. (c)(4)(C).) In fact, SF Planning’s interpretation is refuted by CEQA Guidelines section 15096(a) and (b), which explain that San Francisco was required to consult with Sausalito regarding this project of Statewide, Regional or Areawide Significance in part to assist in the determination regarding whether an EIR or negative declaration should be prepared.

Finally, SF Planning contends that it sent Sausalito a Notice of Availability of and Intent to Adopt a Negative Declaration on December 6, 2017. However, Sausalito has no record of receiving this notice.

THE REVISED FMND AND STAFF RESPONSE DO NOT CURE THE NUMEROUS CEQA DEFICIENCIES IDENTIFIED IN THE APPEAL

Sausalito hereby incorporates its Appeal letter dated December 27, 2017. Neither the revised FMND nor SF Planning Staff’s February 15, 2018 report cure the deficiencies identified therein. We further address select examples of these remaining deficiencies, without waiver of issues previously raised but not addressed again below.

A. The FMND’s Project Description Is Inaccurate And Legally Deficient

As explained above and in Sausalito’s original Appeal letter, the FMND’s project description is deeply flawed and inaccurate in numerous respects. These inaccuracies likely derive from the fact that SF Planning has never reviewed the Project Contracts, and instead has relied exclusively on NPS’s description provided in its application materials. The FMND’s inaccurate project description renders the FMND legally inadequate. The court in *City of Redlands*, *supra*, 96 Cal. App. 4th at 404-406 explained:

An accurate and complete project description is necessary for intelligent evaluation of the potential environmental impacts of the agency’s action. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal...and weigh other alternatives in the balance.

The FMND’s project description is further deficient because it fails to describe and consider the project as a whole, including reasonably foreseeable expansion of the project to include transport connections to the Marin Headlands, Muir Woods and/or other NPS destinations. (CEQA Guidelines, § 15063(a).) SF Planning states in response that “CEQA provides that the PMND need not engage in speculative analysis of environmental

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consequences for future unspecified development.” (Staff Report, p. 11.) That response, however, does not withstand legal scrutiny on this administrative record.

“The fair argument test requires the preparation of an EIR where there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.” (*County of Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1580; CEQA Guidelines, § 15063(b)(1).) “The finding of ‘significance’ of an environmental effect requires the evaluation of ‘direct physical changes in the environment [that] may be caused by the project and reasonably foreseeable indirect changes in the environment [that] may be caused by the project.’” (*Id.* at 1581, CEQA Guidelines, § 15064(d).)

“The test for the strength of the nexus between the project and in indirect physical change is whether ‘that change is a reasonably foreseeable impact [that] may be caused by the project.’” (*Ibid.*, citing CEQA Guidelines, § 15064(d)(3).) “Under the fair argument test, the inquiry into what is reasonably foreseeable depends on whether the administrative record contains enough evidence to show a reasonable possibility that a particular [activity] would [occur] in the future. (*Id.* at 1584.) Future direct or indirect project activities are not rendered speculative by virtue prediction. (*Id.* at 1586.) “Predicting the physical changes a project will bring about is an inescapable part of CEQA analysis.” (*Ibid.*, citing *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal. App. 4th 892, 919 [CEQA compels reasonable forecasting].) The CEQA Guidelines further provide that: “[d]rafting an EIR or preparing a negative declaration necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines, § 15144.)

Here, the administrative record contains more than sufficient evidence of a fair argument demonstrating the *possibility* that the Project may ultimately result in transport connections to Marin Headlands, Muir Woods and other NPS destinations.

- The 2011 Draft Final Alcatraz Ferry Embarkation and Education Site Feasibility Study (May 2011), states: “Given that visitation to Alcatraz Island is limited, the ferry embarkation site is more than just a transit stop....the Embarkation facility has the potential to be developed as a gateway to the GGNRA and the NPS as well as to Alcatraz Island. The offerings at the Embarkation Facility could be expanded in the future, and the Embarkation Facility itself could become a first-class, distinct experience for visitors to the GGNRA.” (**Exhibit D**, pp. 1-2-1-3.)

This same Study states that the Project objectives include: “...providing for the opportunity to connect to other parklands (such as Fort Baker, Fort Mason, and Muir Woods Monument.)” (*Id.*, p. 4-2.)

- On November 10, 2016, San Francisco’s CEQA consultant, Anchor QEA, LLC, submitted a memorandum to SF Planning providing the Project’s Description. The memo describes the purposes of the Project to include: “....provide a

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connection to other Golden Gate National Recreation Area (GGNRA) parklands and orientation to the national park system in general.” This memo further states that the Project would provide “convenient transit connections to other GGNRA parklands, such as Fort Baker...” It further states that additional ferry services would “provide visitors the opportunity to visit other parks within the Bay, including the Fort Baker Pier, Angel Island, or other destinations in San Francisco Bay in the future.” (**Exhibit E**, pp. 1-3 and 6.)

- The revised FMND now concedes that the Project would increase visitors to Fort Baker, the Marin Headlands and “nearby parklands.” (FMND, p. 121.) The vague reference to “nearby parklands” is unexplained. Moreover, while SF Planning’s report asserts that Fort Baker ferry arriving passengers would access the Marin Headlands solely by connecting pedestrian trails (Staff Report, p. 15), no evidence is provided to support this conclusory assertion.

Beyond the foregoing evidence affirmatively demonstrating that future transit connections from Fort Baker to other NPS sites are reasonably foreseeable, neither the FMND nor Planning Staff’s response provide evidence of any effort by San Francisco, much less the legally required best efforts, to find out all it can from NPS regarding the foregoing reasonable possibilities. Moreover, Sausalito attempted to gather such evidence by submitting a Freedom of Information Act (FOIA) request to NPS. Unfortunately, however, Sausalito’s efforts to date have been stymied by NPS’ assertion of baseless objections to Sausalito’s FOIA request. (**Exhibits F and G**). NPS’ conduct thus provides an independent reason for the Planning Commission to continue this Appeal until such time as NPS complies with Sausalito’s FOIA request and San Francisco complies with its obligation to use its best efforts to find out all it can regarding future foreseeable Project changes.

Finally, the FMND’s description of the Project’s environmental setting is legally deficient for the reasons set forth in the Appeal. Revisions to the PMND reflected in the FMND reveal two additional defects. First, as noted above, the FMND and Planning Staff concede that Fort Baker arriving ferry passengers will visit the Marin Headlands. The FMND’s description of the project setting, however, provides no information regarding the Marin Headlands. No information is provided regarding the pedestrian trails allegedly linking the two parks (Staff Report, p. 15), including the location, length, condition, and route of such trails, and the extent to which such trails present potential traffic and/or public safety concerns because they require crossing of Alexander Avenue. This omission renders the FMND’s description of the Projects’ environmental setting inadequate as an informational document. Second, although F&P acknowledges in its supplemental traffic report that the Project may generate as many as 32 new private car trips to deliver passengers to and from Sausalito, the FMND’s description of the Project’s environmental setting provides no information regarding parking capacity and vehicle queuing/loading capacity at the Fort Baker pier. This omission impedes the ability of the Planning Commission and members of the public to meaningfully assess the Project’s potential traffic and circulation impacts, including the ability to devise mitigation measures and/or alternatives.

B. The FMND's Analysis of Traffic and Circulation Impacts Is Deficient

As explained above, F&P's original and supplemental analysis is premised on the FMND's flawed description of the Project as "limiting" Fort Baker ferry service to 40,000 annual passengers, based solely on two roundtrips on weekends only, with no bicycles allowed on board departing ferries. Consequently, F&P's findings of less than significant impacts are unsupported by substantial evidence.

Sausalito's retained traffic engineer has identified several additional inaccuracies and deficiencies in F&P's analysis and findings. For example, F&P's supplemental traffic analysis concludes that Fort Baker ferry service may generate as many as 32 new private vehicles delivering passengers to and from Sausalito. It further asserts, however, that vehicles returning to the ferry landing to return to San Francisco "would likely arrive over a more dispersed period of time prior to the ferry departure, such that vehicles would not arrive simultaneously, drivers would drop off passengers, and queues would not form." (F&P Supplemental Report, p. 6.) This bare assertion, however is unsupported by analysis, investigation or data. It further defies logic. Contrary to F&P's assertion, returning vehicles are in fact more likely to arrive simultaneously, just prior to the ferry's scheduled departure to San Francisco. Moreover, the FMND provides no information, much less analysis regarding parking capacity, queuing and loading capacity and adjacent street access conditions at the Fort Baker pier. A fair argument thus supports the possibility that Fort Baker ferry service may cause significant traffic and circulation impacts. This is one of several findings that will be further supported in a report prepared by Sausalito's traffic engineer that Sausalito will submit to San Francisco's Board of Supervisors should the Planning Commission deny this Appeal.

Finally, F&P's supplemental traffic report contends that even if traffic from the Fort Baker ferry service were to increase congestion in Sausalito, it would not be considered a significant impact because the City of San Francisco does not use traffic congestion as a metric for assessing transportation impacts. (F&P Supplemental Report, p. 7.) However, San Francisco's policy reflects conditions unique to San Francisco (FMND, p. 65), and thus has no relevance nor application to the Project's potential traffic and circulation impacts on Sausalito. Moreover, even if San Francisco's transportation impacts policy had any application to Sausalito, it is well settled that a public agency may not rely on an adopted threshold of significance as a shield designed to avoid consideration of evidence presented supporting a fair argument that a certain impact may be significant notwithstanding the applicable threshold of significance. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 111-114.)

C. The FMND's Inaccurate Project Description Invalidates Virtually All Of The FMND's Analysis Regarding Fort Baker Ferry Service

As explained in the Appeal, several of the PMND's findings of less than significant impacts are premised on an inaccurate description of the Project, and therefore are unsupported by substantial evidence. The revised FMND and Planning Staff's report do not cure these deficiencies. Moreover, additional information obtained since the Appeal reveals additional deficiencies in the FMND. We address two such examples.

1. The MND Conceals Significant Construction Noise Impacts Previously Identified By NPS in the FEIS

Table 76 of the FEIS prepared by NPS, copied below, summarized the Project's construction noise impacts on sensitive receptors at Fort Baker. This Table reveals that at the Recreational Use Area along the Fort Baker pier, construction noise would exceed the applicable FTA Daytime Noise Criterion of 100 dBA, reaching a maximum of 108 dBA.

TABLE 76. CONSTRUCTION NOISE FROM FORT BAKER LIMITED FERRY SERVICE

Receptor	Recreational Use Area	USCG Station	Bay Area Discovery Museum
Applicable FTA Daytime Construction Noise Criterion (dBA)	100	100	100
Distance from Outer Boundary of Alternative Site (feet)	0	600	1,150
Existing Noise Level without Project (dBA, L_{eq})	55	55	55
L_{max} Contribution from Construction (dBA)	108	36	0
Predicted Noise Level with Construction (dBA, L_{eq})	108	55	55
Exceeds Applicable FTA Criteria?	Yes	No	No

SF Planning commenced its analysis of this potential impact based on the FEIS, but then modified those findings to support the decision to prepare a negative declaration rather than an EIR. For example, SF Planning and its environmental consultants held a meeting on January 11, 2017 to discuss the CEQA analysis for the Project. The notes from the meeting show that San Francisco's proposed approach to noise impacts was to "review the analysis presented in the EIS to determine whether additional analyses are required for CEQA."

SF Planning accordingly followed the noise approach used in the FEIS, even structuring its impact summary tables in the same way. However, in contrast to the FEIS, the PMND and FMND delete any discussion of the Project's construction noise impacts on the Recreational Use Area. Table 19 (Construction Noise At Fort Baker), copied below, deletes the Recreational Use Area column without any explanation.

SheppardMullin

San Francisco Planning Commission
February 20, 2018
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**TABLE 19
CONSTRUCTION NOISE AT FORT BAKER**

Affected Receptor	USCG Station	Bay Area Discovery Museum
Distance from Outer Boundary of Receptor to Outer Boundary of Site (feet)	600	1,150
Existing Daytime Background Noise Level without Project (dBA, L _{eq})	55	55
During Pile Driving		
Predicted Maximum (L _{max}) Construction Noise Level (dBA)	79.7	74.0
Predicted Average Construction Noise Level (dBA, L _{eq})	72.8	67.1
Noise Ordinance Threshold	N/A	

Affected Receptor	USCG Station	Bay Area Discovery Museum
Exceeds Threshold?	No	No
During Loudest Non-Pile-Driving Phase (Site Demolition)		
Predicted Maximum (L _{max}) Construction Noise Level (dBA)	68	62.5
Predicted Average Construction Noise Level (dBA, L _{eq})	62.7	57.1
Noise Ordinance Threshold	Work restricted to daytime hours	
Exceeds Threshold?	No	No

dBA: decibels, A-weighted
L_{eq}: average day/night equivalent sound level
L_{eq}: equivalent continuous sound level
L_{max}: maximum sound level
SFPD: San Francisco Department of Public Works
USCG: U.S. Coast Guard

(FMND, p. 87.)⁴

Moreover, the FMND's modeling shows that construction noise impacts at Fort Baker would be even greater than was predicted in the FEIS. For example, while the FEIS predicted maximum construction noise levels of 55 dBA at the USCG Station and Bay Area Discovery Museum, the FMND reveals they would be 72.8 and 67.1 dBA, respectively, during pile driving.

⁴ Notably, the column identifying "Recreational Use Area" impacts was selectively deleted solely from Table 19, addressing Construction Noise Impacts. This column is reintroduced in Table 20, identifying Operational Noise Impacts, where inclusion of this analysis does not disclose that the Project will exceed the threshold of significance.

This indicates that the significant construction noise impact on the Recreational Use Area will be even greater than disclosed in the FEIS. (Table 19, FEIS, p. 87.)

Table 19 further summarizes the Project's potential construction noise impacts separately as to "Pile Driving," and "Non-Pile Driving." As to the former, the FMND asserts that no threshold of significance applies. (See Table 19 [stating Noise Ordinance Threshold "N/A"].) That approach, however, is unlawful because while a lead agency has discretion to choose an appropriate threshold of significance, it cannot refuse to apply any threshold whatsoever. Here, as shown in the FEIS, Fort Baker is a federal property, and the FTA noise standards should be applied. In fact, the FMND applies the FTA noise standards in the next section analyzing operational noise impacts. (See Table 20, FMND, pp. 87-88.)

As to "Non-Pile Driving" construction noise, Table 19 purports to rely on the County of Marin's Noise Ordinance limiting construction to daytime activities. (See FMND, p. 81.) The FMND contends that by complying with that ordinance, "Non-Pile Driving" construction noise is less than significant. (See Table 19 [stating "Noise Ordinance Threshold" – "Work restricted to daytime hours."] However, compliance with a local noise ordinance does not ensure that a project's CEQA impacts are less than significant. (See *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 733 ["compliance with [local noise] ordinance does not foreclose the possibility of significant noise impacts."].)

In summary, the FEIS itself provides substantial evidence of a fair argument that Fort Baker ferry construction noise will have significant impacts on nearby sensitive receptors, thus triggering the requirement to prepare an EIR. It is apparent, however, that the FMND suppresses this information by excluding the data revealed in the FEIS demonstrating this significant impact. Under CEQA, "stubborn problems" must not be "swept under the rug" as this destroys "the integrity of the process." (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940.)⁵

2. New Information Reveals Additional Recreation Impacts Not Addressed In The FMND

As noted above, the revised FMND now states that the Project would increase visitors to the Marin Headlands and "nearby parklands," but that impacts to these parks would be less than significant. However, this conclusory assertion is unsupported by analysis or supporting evidence. The FMND provides no information regarding these parks. No estimates are provided regarding how many new visitors will visit these parks because of the Project, and by what means. No information is provided regarding the threshold of significance the FMND applied to assess such impacts. Nor is any evidence provided demonstrating how Project

⁵ As an additional and independent legal deficiency, the FMND provides no analysis of potential noise impacts resulting from construction of the Project's pedestrian pathway, notwithstanding the fact that this pathway extends substantially closer to sensitive receptors than the Fort Baker pier.

impacts fall below this threshold. The FMND therefore is legally inadequate as an informational document.

D. The FMND Fails To Adequately Analyze And Mitigate Potential Hazards, Pollutants and Water Quality Impacts

Sausalito explained in its Appeal that the PMND's reliance on compliance with various regulatory requirements and permits to mitigate potential impacts is insufficient because none are imposed as enforceable mitigation measures. Planning Staff responds that mitigation measures are not required where compliance with necessary permits and enforceable regulations is mandatory and will include specific measures designed to mitigate impacts. (Staff Report, p. 24.) Not so. The Project's required compliance with regulatory requirements should be analyzed in the FMND so that the decision makers and members of the public can assess whether compliance adequately mitigates the Project's potential environmental impacts. Moreover, each such regulatory requirement must further be identified as an enforceable mitigation measure, rather than merely as "part of the project." Compression of the analysis of the project's description and necessary mitigation measures into a single issue violates CEQA. (*Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.)

Additionally, the Project's regulatory compliance requirements identified by the Planning Staff largely pertain to Project construction, and therefore do not fully address Sausalito's stated concerns regarding potentially significant impacts resulting from Fort Baker ferry service operations. (Staff Report, p. 24.) Moreover, the FMND and the Staff Report fail to adequately respond to Sausalito's observations that the PMND's reliance on "future plans" to be "developed" to mitigate the Project's potential impacts contravenes CEQA's prohibition of deferred mitigation. The Staff Report simply asserts that the FMND "fully adheres" to CEQA's requirements pertaining to deferred mitigation without addressing the specific examples of unlawful deferred mitigation identified in the Appeal.

CONCLUSION

As explained in Sausalito's Appeal and the accompanying letter submitted by Sausalito Mayor Joan Cox, Sausalito is a proponent and great supporter of regional planning solutions. However, the reduction of impacts on San Francisco and the Golden Gate Bridge cannot result in increased congestion and overcrowding in Sausalito.

Sausalito encourages the Planning Commission to continue the hearing on this Appeal to allow time for this Commission and members of the public to review and comprehend the actual Project as set forth in the Project Contacts. A continuance would additionally allow time for the agencies to work cooperatively in drafting mitigation measures and considering other strategies designed to lessen and avoid potentially significant impacts from Fort Baker ferry construction and operations.

SheppardMullin

San Francisco Planning Commission

February 20, 2018

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Sausalito welcomes the opportunity to work collaboratively with NPS and San Francisco.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Arthur J. Friedman', with a long horizontal flourish extending to the right.

Arthur J. Friedman
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:485499734.1

cc: Brian Aviles – National Parks Conservancy
Catherine Barner – Golden Gate National Parks Conservancy
Diane Oshima – Port of San Francisco
Julie Moore – SF Planning Department, Staff Contact

EXHIBIT A

Arthur Friedman

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Monday, February 5, 2018 11:30 AM
To: Alex Merritt; CPC-RecordRequest
Cc: Arthur Friedman; Mary Wagner
Subject: RE: IMMEDIATE DISCLOSURE REQUEST: Public Records for the Alcatraz Ferry Embarkation Project, Case No. 2017-000188ENV

Alex,
Please see respond below.

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.558.6378 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Alex Merritt [mailto:amerritt@sheppardmullin.com]
Sent: Friday, February 02, 2018 2:08 PM
To: CPC-RecordRequest
Cc: Arthur Friedman; Mary Wagner
Subject: RE: IMMEDIATE DISCLOSURE REQUEST: Public Records for the Alcatraz Ferry Embarkation Project, Case No. 2017-000188ENV

Just following up on this. When can we expect a response?

Thank you,
Alex

Alexander L. Merritt
415.774.2976 | direct
415.403.6089 | direct fax
amerritt@sheppardmullin.com | [Bio](#)

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111-4109
415.434.9100 | main
www.sheppardmullin.com

From: Alex Merritt
Sent: Thursday, February 1, 2018 9:47 AM
To: 'CPC-RecordRequest' <CPC-RecordRequest@sfgov.org>
Cc: Arthur Friedman <afriedman@sheppardmullin.com>; Mary Wagner <MWagner@sausalito.gov>
Subject: RE: IMMEDIATE DISCLOSURE REQUEST: Public Records for the Alcatraz Ferry Embarkation Project, Case No. 2017-000188ENV

Thank you for producing these records. We believe, however, that the production is incomplete. The deficiencies include, without limitation:

- Request 1 seeks all agreements constituting the Project, including the long-term agreement between the Port and NPS, all proposed concession contracts, and all contracts related to ferry service. Because these agreements are part of the Project that is being evaluated in the MND, we believe Planning must have copies of these agreements. Can you please explain why they were not produced, or why Planning does not have them?
-The Planning Department only has the Environmental Evaluation Application describing the project. Whatever Julie provided from our files is all we have. The agreement and contracts between NPS and the Port have nothing to do with our CEQA review, therefore, we do not have copies of these.
- Request 9 seeks a copy of the City's PowerPoint presentation from the January 22, 2018 meeting to the BCDC Design Review Board and Port's Waterfront Design Advisory Committee. I personally attended that meeting and know that the PowerPoint presentation exists. Can you please explain why it was not produced?
-The Planning Department did not produce any PowerPoint presentation nor did we attend BCDC Design Review Board and Port's Waterfront Design Advisory Committee meeting. Therefore, we do not have this PowerPoint presentation.
- The email production entitled "SGeorge Emails Alcatraz Pier 31.5" is missing the attachments. Can you please re-produce these emails with all attachments.
The emails and attachments could be accessed via this link: <https://files.acrobat.com/a/preview/f596da14-b76f-4600-8624-ad27af216cb3>

Alexander L. Merritt
415.774.2976 | direct
415.403.6089 | direct fax
amerritt@sheppardmullin.com | [Bio](#)

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From: CPC-RecordRequest [<mailto:CPC-RecordRequest@sfgov.org>]

Sent: Wednesday, January 31, 2018 4:42 PM

To: Alex Merritt <amerritt@sheppardmullin.com>; CPC-RecordRequest <CPC-RecordRequest@sfgov.org>

Cc: Arthur Friedman <afriedman@sheppardmullin.com>; Mary Wagner <MWagner@sausalito.gov>

Subject: RE: IMMEDIATE DISCLOSURE REQUEST: Public Records for the Alcatraz Ferry Embarkation Project, Case No. 2017-000188ENV

Mr. Merritt,

The complete record was produced including the second request.

Records Requests

San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Main: 415.558.6378 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Alex Merritt [<mailto:amerritt@sheppardmullin.com>]

Sent: Wednesday, January 31, 2018 9:30 AM

To: CPC-RecordRequest

EXHIBIT B



December 4, 2017

Sherie George
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Subject: Alcatraz Embarkation Facility – Pier 31-1/2 Circulation Study
(2017-000188ENV) – Final**

This letter report presents a study of transportation-related effects and impacts of the proposed Alcatraz Embarkation Facility and Visitors Center Expansion ("Proposed Project") located at Pier 31-½ on the Embarcadero in San Francisco.

Multiple factors led to a decision to enhance and expand the Alcatraz embarkation facilities. According to the Park Service, the public areas are entirely outdoors and the site has a temporary visual character that is inappropriate for a National Park. Additionally, visitor demand is expected to grow in line with a general growth in tourism in San Francisco, and while the current facility could accommodate this growth, the Proposed Project would provide a more comfortable experience for visitors.

This letter presents a description and assessment of existing transportation conditions at the project site including the travel patterns of site visitors and National Park Service (NPS) employees. This is followed by an assessment of travel demand due to the Proposed Project expansion. Then, proposed pick-up/drop-off loading facilities and other transportation-related elements of the Proposed Project are assessed for potential impacts. The report culminates in a set of recommended improvements.

PROJECT DESCRIPTION

PIER 31 ½

Alcatraz Island, a National Historic Landmark, is part of and managed by the Golden Gate National Recreation Area (GGNRA), a National Park Service (NPS or Park Service) unit that includes numerous park facilities within the San Francisco Bay Area, including Fort Mason, Fort Baker, Crissy Field,



FORT BAKER

Figure 5 shows the concept plan for the proposed improvements at Fort Baker. The construction necessary to establish ferry service at Fort Baker would primarily involve upgrades to the existing concrete pier, which was constructed for military purposes in the late 1930s. The pier, an extension of Moore Road, is located at the mouth of Horseshoe Bay at the southern tip of the Fort Baker site. In addition to structural upgrades, water and lighting utilities would be extended and rerouted to the pier. Finally, a new pedestrian pathway would be constructed to connect Cavallo Point Lodge and the Bay Area Discovery Museum with the pier. The proposed path would require updating existing pedestrian infrastructure on the pier and the path between Cavallo Point Lodge and the Discovery Museum, as well as constructing an entirely new path, measuring approximately one-quarter mile, between the Discovery Museum and pier. These upgrades would include adding ADA-compliant ramps to the Murray Circle sidewalk where it intersects the access road between Murray Circle and McReynolds Road just north of East Road.

It is anticipated that roughly 40,000 visitors per year would travel to Fort Baker from Pier 31½ under the Proposed Project. This estimate is based on ferry service that would be limited to two trips per day and occur only on weekends; a variety of operational and physical constraints, including limited existing parking at Fort Baker; existing congestion in and around Sausalito; and the fact that Fort Baker, as a destination by itself, is unlikely to draw enough visitors to justify regular service. No new parking would be provided at the site to accommodate ferry passengers. There would also be no ticket sales at Fort Baker, and no shuttle service would be provided to serve ferry passengers.

Cars would still be able to access Moore Road, which connects Center Road with the pier, and the existing parking near the pier would not be removed. There would be no alterations to parking anywhere at Fort Baker. Ferry operations would utilize a small portion of the pier on weekends, the majority of which would remain open for recreational uses including fishing and sightseeing.

Construction is anticipated to begin at Fort Baker in 2023. See full description in **Appendix A**.



the Proposed Project's impacts on bicycle conditions would be **less than significant**. Although the Proposed Project would have less-than-significant bicycle impacts, the NPS should consider Improvement Measure TR-4 to provide additional bike parking.

Fort Baker

The Proposed Project will not generate any new bicycle trips at the Fort Baker site, since ferry passengers will not be permitted to bring a bicycle on-board and rental bicycles are not available at the site. The new pedestrian pathway would potentially separate pedestrians from bicyclists, reducing the likelihood for conflicts. The Project would not create potentially hazardous conditions for cyclists nor interfere with bicycle accessibility in the area. Therefore, the impacts would be **less than significant**.

PARKING IMPACTS

Pier 31 ½

On-Site Parking

Under the Proposed Project, off-street parking for staff would be relocated into the interior of the Pier 31 shed building. Eight tandem parking spaces and three ADA accessible spaces would be provided. The ADA accessible spaces would be available to staff as well as visitors. Eight unrestricted spaces is a reduction from the current staff parking supply and would not accommodate the staff parking demand observed during the June 2017 site visit. During the mid-day period, 12 staff vehicles were parked in the on-site lot. The unmet staff parking demand would either move to off-site lots or shift to another mode of travel. This change does not create a substantial parking deficit and in the event that these staff continue to drive, their parking needs could be accommodated by the observed supply in nearby lots.

Off-Site Parking

As shown in **Table 7**, the Proposed Project would increase parking demand by approximately eight spaces during the peak utilization period (12:00PM – 3:00PM). The 2013 EIS found that there are 1,125 off-street and 690 on-street parking spots within one-quarter mile of Pier 31 ½. During the peak utilization period parking was, on average 80 percent occupied. Spot checks performed by Fehr & Peers in June 2017 of on-street and off-street parking showed that parking conditions have not substantially changed since the 2013 analysis. Given parking supply and observed utilization

EXHIBIT C

Category	Projected Range (2019)
Average Transportation Revenue per Angel Island Hop Passenger (excludes Alcatraz-Angel Island leg revenue)	\$22.50 – \$24.50
Park Cruise Ridership	80,000 – 90,000
Average Park Cruise Revenue per Passenger	\$30.50 – \$32.50
Number of Charter Trips Provided	20 – 40
Average Revenue per Charter Trip	\$20,000 – \$40,000
Average Food & Beverage Expenditure per Alcatraz/Angel Island Passenger	\$0.75 – \$0.85
Average Food & Beverage Expenditure per Park Cruise Passenger	\$0.75 – \$0.85
Total Projected Revenue	\$44,000,000 – \$52,000,000

Source: National Park Service

The Service's ridership projections for the Alcatraz and Angel Island ferry reflect the Alcatraz visitation limits imposed by the Service, discussed previously. Given these limits, the maximum number of visitors the Concessioner may transport to Alcatraz Island by passenger ferry annually is approximately 1.8 million, and the maximum number of Park Cruise passengers annually is 90,000. The Service plans to enforce the visitation limits presented in this Business Opportunity during the term of the Draft Contract. Therefore, as part of financial projections, Offerors must not project ridership exceeding visitation limits described herein.

The Alcatraz and Angel Island Hop Ferry projected revenue range presented in Exhibit 9 do not include Alcatraz Audio Tour fees, FLREA Expanded Amenity Fee, Behind-the-Scenes tour, or any Angel Island fees that do not contribute to the Concessioner's revenue.

FLEET SIZE AND MINIMUM VESSEL REQUIREMENTS

The Concessioner must provide and use a minimum of four passenger ferry vessels to provide the Required Services under the Draft Contract. The vessels must have the following minimum passenger capacities in order to provide for a comfortable, high quality visitor experience and also to ensure adequate capacity for return trips:

- Vessel 1: 700 passengers
- Vessel 2: 700 passengers
- Vessel 3: 500 passengers
- Vessel 4: 500 passengers

In addition, the Concessioner must use vessels that conform to the vessel minimum requirements described in detail in the Draft Contract Section 8(E)(2) and (3) and in Exhibit B (Operating Plan) Section 5(G) *Minimum Vessel Requirements*. The minimum vessel requirements require, among other things, the Concessioner to use EPA-certified Tier 3 propulsion and auxiliary engines within 36 months (1,096 days) following the effective date of the Draft Contract. The Concessioner may use additional vessels, as approved by the Service, as long as they conform to requirements specified in the Draft Contract and Exhibit B (Operating Plan).

RENT PAID TO PORT OF SAN FRANCISCO

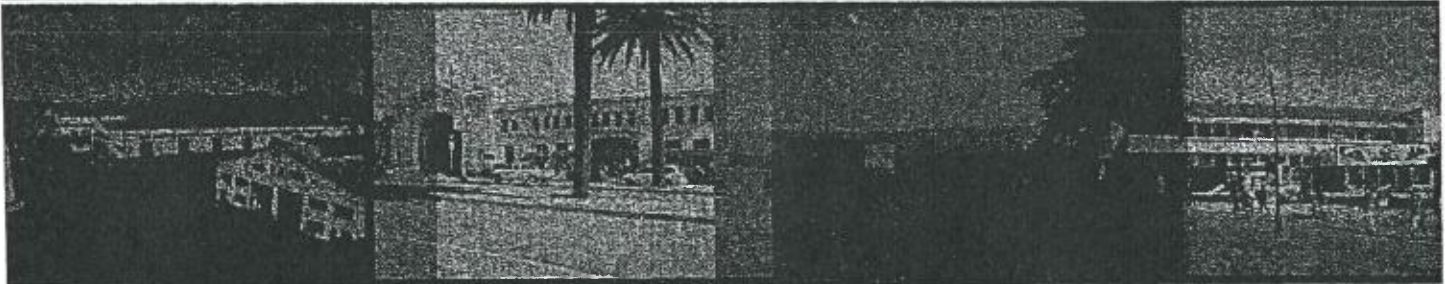
The Lease between the Port and the Concessioner describes the percentage rent and additional rent the Concessioner will pay directly to the Port for use of the San Francisco Embarkation Site throughout the term of the Draft Contract. Exhibit 10 summarizes this information.

EXHIBIT D

DRAFT

FINAL ALCATRAZ FERRY EMBARKATION AND EDUCATION SITE FEASIBILITY STUDY

May 2011



NPS PMIS GOGA 77160
Document No. 641/107703

Prepared for
National
Park Service
U.S. Department
of Interior

Prepared by

URS

Criterion 1d. Site minimizes travel time to Alcatraz Island to less than 15 minutes (critical).

Criterion 1e. Site offers opportunity for incorporating sustainability (value-added).

Criterion 1f. Site has adequate space to support operational activities (storage, deliveries, staff, etc.) (5,500 square feet is critical; 10,900 square feet is value-added).

Criterion 1g. Site ensures availability of administrative parking spaces within one block (five spaces is critical; ten spaces is value-added).

Objective 2. Allow for development of an immediately identifiable, distinct, first-class NPS visitor welcome area. This includes a site that allows a clearly defined sense of arrival, the setting of which is in keeping with a National Park site and an authentic Alcatraz Island experience; a site that ensures that NPS can define all aspects of the visitor experience, from pre-arrival to departure; a site that allows NPS the flexibility to modify and define interpretive materials, indoor and outdoor space, signage, and other features of the site; and a site that accommodates emerging technologies, growth, and visitor needs without unnecessary delays in approvals.

Criterion 2a. Building permit is provided with long-term lease of a non-NPS site that supports permanent installation of exhibits and facilities as deemed necessary by NPS (critical).

Criterion 2b. Facilities dedicated to NPS sole use for the Embarkation Facility (critical).

Criterion 2c. The NPS would have the ability to make required improvements to the exterior of assigned space to create highly visible and identifiable NPS/Alcatraz Island iconic architectural elements (critical).

Criterion 2d. Immediately adjacent uses (current and planned) are compatible with the NPS mission and desired visitor experience (critical).

Criterion 2e. View of Alcatraz Island desirable (a) from Embarkation Facility and (b) immediately after dispatch (value-added).

Objective 3. Provide adequate visitor support space and facilities to offer a comfortable, fully accessible, and welcoming experience, including a portal to the GGNRA that begins to connect visitors waiting for a ferry or visiting the site to the stories of Alcatraz Island, GGNRA, NPS, and the natural and cultural history of the San Francisco Bay Area, while accommodating visitor flow to and through the site without confusion.

Criterion 3a. Adequate space to present desired programming (as detailed in the Space Planning Model¹), including the ability to develop indoor, covered, and weather-protected space as well as outdoor space (critical and value-added).

Criterion 3b. Other events or nearby land use and related pedestrians or vehicles do not unduly confuse or impede Alcatraz Island visitors (value-added).

Criterion 3c. Capacity for a third berth that could connect visitors to other destinations (value-added).

Objective 4. Ensure convenient alternative access to the Alcatraz Island departure site through a variety of transportation modes, while providing for the opportunity to connect to other parklands (such as Fort Baker, Fort Mason, and Muir Woods National Monument).

¹ The Space Planning Model is described in Section 4.2 and Appendix A. Based on a variety of factors, the model presents the critical and value-added square footage that would be required at each site in order to satisfy NPS goals and objectives for the Embarkation Facility.

EXHIBIT E

operations are used to offset rent for the concessioner's pier leased from the Port, which reduces the amount available for improvements on Alcatraz Island or at other GGNRA parklands.

The Alcatraz ferry embarkation site and associated facilities should serve as a gateway to GGNRA, reflecting the Park Service's identity and providing a quality experience for visitors.

Under the current scenario, the condition of the existing embarkation site reduces the quality of the visitor experience. The existing embarkation site is on property that the concessioner has leased from the Port and is outside of GGNRA boundaries. Nevertheless, that embarkation site is the beginning and end point of the transportation services provided to the visiting public, and therefore is an integral part of the visitor services provided under the concession contract. Consequently, the Park Service has an interest in reviewing elements of the embarkation site facilities for purposes of considering their impact on the interpretation of GGNRA to the visiting public (including visitor appreciation and understanding of the resource). These elements include, for example, signs, logos, colors, or other means of demarcating the existing site as the Park Service's official Alcatraz Island departure location. Lack of formal authority, in combination with changing adjacent commercial uses and developments, hinders the Park Service's ability to create a clear sense of identity and quality visitor support services at the Alcatraz ferry embarkation site.

The Alcatraz ferry embarkation site should provide the space, circulation, and interpretive materials to appropriately and effectively orient visitors to Alcatraz Island and GGNRA. NPS policy is to provide public access and opportunities for all to enjoy and to learn about park resources. In its current configuration, space is unavailable at Pier 31½ to provide appropriate interpretive exhibits or an orientation to Alcatraz Island and GGNRA for visitors prior to departing for the island. These interpretive and orientation opportunities are also key for visitors wishing to visit Alcatraz Island but unable to secure reservations. The visitor facility does not currently provide a genuine park portal to GGNRA, and as such, many visitors or aspiring visitors to Alcatraz Island are unaware of the other recreational and educational opportunities provided by GGNRA.

The Alcatraz ferry embarkation site may provide a valuable opportunity for cross-bay ferry service to other GGNRA parklands. Convenient transit connections to other GGNRA parklands, such as Fort Baker, are currently unavailable from the existing ferry embarkation site. NPS policy promotes alternative transportation access that is energy conserving, convenient, and that provides multiple travel options for visitors. Increasing numbers of park visitors choose to use transit, do not have an automobile, and perceive travel by ferry as an enjoyable experience. The potential to add another (third) berth and promote additional special-event services to the ferry embarkation site would further enhance this opportunity.

Project Description

The Project retains the current Alcatraz ferry embarkation site at Pier 31½ and proposes improvements to the existing facility. It would use the historic Pier 31 north and south bulkhead

EXHIBIT F

SheppardMullin

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Arthur J. Friedman
415.774.2985 direct
afriedman@sheppardmullin.com

February 20, 2018

File Number: 56RZ-257264

Via Electronic Mail and Hand Delivery

President Hillis
Members of the Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Lisa.gibson@sfgov.org

Re: Supplement To Appeal of Preliminary/Final Mitigated Negative Declaration For Alcatraz Ferry Embarkation Project (Case No. 2017-000188ENV)

Dear President Hillis and Members of the Planning Commission

On behalf of the City of Sausalito (Sausalito), we provide the following additional comments and evidence to supplement Sausalito's appeal submitted on December 27, 2017 (Appeal) in advance of the Planning Commission's February 22, 2018 Appeal hearing.

SUMMARY OF CONCERNS

As explained in the Appeal, Sausalito's concerns regarding the Alcatraz Ferry Embarkation Project (Project) are limited to its authorization of new ferry service from Pier 31 ½ in San Francisco to Fort Baker, located adjacent to Sausalito, under contracts that may extend for fifty (50) years.

The Project purportedly analyzed in the proposed Final Mitigated Negative Declaration (FMND)¹ consists of: (1) a draft 30-year (plus two additional 10-year options, for a total of 50 years) "General Agreement" between the City and County of San Francisco, operating by and through the San Francisco Port Commission (Port) and the United States Department of the Interior, National Park Service (NPS) (Master Agreement); (2) a draft concession contract between NPS and the selected ferry concessioner (Concession Contract); and (3) a draft lease

¹ The San Francisco Planning Department (SF Planning) issued a Preliminary Mitigated Negative Declaration (PMND) on December 6, 2017. On February 15, 2018, SF Planning issued a revised, Draft Final Mitigated Negative Declaration, supported by SF Planning's Staff Report dated February 15, 2018.

SheppardMullin

San Francisco Planning Commission
February 20, 2018
Page 2

between the Port and the selected ferry concessioner (Port Lease) (collectively referred to herein as the "Project Contracts").²

The Planning Commission's task and obligation under California's Environmental Quality Act (CEQA) includes, among other things, to assess whether the proposed FMND accurately describes and adequately analyzes the proposed Project. Here, however, the Planning Commission cannot accomplish this task because the Project Contracts are not included in the Planning Staff's materials regarding this item. This omission further renders it impossible for members of the public to meaningfully consider the adequacy of San Francisco's environmental review regarding the Project's potential impacts, in violation of CEQA's mandatory information disclosure requirements.

Sausalito discovered since filing the Appeal that SF Planning never reviewed, much less analyzed the content of the Project Contracts during its environmental review of the Project and preparation of the FMND. On February 1, 2018, SF Planning responded to Sausalito's request for an explanation regarding why no Project Contracts were produced in response to Sausalito's Public Records Act Request (PRA) as follows:

The Planning Department only has the Environmental Application describing the project. Whatever Julie [Moore] provided from our files is all we have. **The agreement and contracts between NPS and the Port have nothing to do with our CEQA review**, therefore, we do not have copies of these.

(Attached as **Exhibit A** [emphasis added].) The flaw in this reasoning, of course, is that under CEQA, the "project" refers to the "underlying activity for which approval is being sought," which in this case is the Project Contracts. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal. App. 5th 465, * 9 (Jan. 12, 2018).) It is impossible for SF Planning to assure the accuracy of the Project's description, and therefore the adequacy of environmental review in the absence of the Project Contracts. This case vividly illustrates the consequences of conducting environmental review in a vacuum, without the benefit of the documents constituting the underlying activity for which approval is being sought.

As explained in greater detail below, the FMND is legally deficient largely because the "project description" does not accurately describe the actual Project as reflected in the Project Contracts. This inaccurate project description consequently distorts and invalidates virtually all of the FMND's environmental analysis regarding Fort Baker ferry service. As examples:

- The FMND's project description states: "[t]rips to Fort Baker would be limited to two per day and would occur on weekends only." (FMND, p. 17.)

However, there is no limit on the frequency of ferry service to Fort Baker in any of the Project Contracts. To the contrary, the Concession Contract provides that passenger ferry service shall be determined by the Operating Plan that

² On January 31, 2018, NPS released its Prospectus for the Project containing the draft Project Contracts.

NPS may modify at its discretion. (Concession Contract, pp. 4-5.) The Draft Operating Plan similarly contains no limitation regarding the number of ferry trips to Fort Baker. Moreover, not addressed in the FMND, the Project Contracts additionally authorize unlimited charter ferry services to Fort Baker for conferences and other special events. (Concession Contract, p. 4, Draft Operating Plan, p. B-12.)

- The FMND's project description states that a "maximum" of 40,000 visitors per year would travel by ferries to Fort Baker. (FMND, p. 20.) SF Planning Staff's report dated February 15, 2018 for this hearing similarly states: "[a]s defined in the PMND project description, the Fort Baker ferry service would be limited to a maximum of 40,000 passengers annually." (Planning Staff Report, p. 14.) San Francisco's traffic consultant, Fehr and Peers (F&P), therefore analyzed the Project's potential transportation and circulation impacts premised on this alleged "limit" of 40,000 annual passengers. F&P's original report explained that this assumed maximum limit is "based on ferry service that would be limited to two trips day and occur only on weekends," and the "fact that Fort Baker, as a destination by itself, unlikely to draw enough visitors to justify regular service." (**Exhibit B**, p. 10.)

However, as explained above, the Project Contracts impose no limit on the amount of regular ferry service to Fort Baker, and further authorize unlimited ferry charter service to Fort Baker that was neither described nor analyzed in the FMND. Moreover, the revised FMND now concedes that Fort Baker ferry passengers are not drawn solely by the attractions at Fort Baker itself, but rather additionally by access to the Marin Headlands, other regional parks and Sausalito. (FMND, pp. 121-122.) The assumptions underlying F&P's less than significant impacts findings therefore are unsupported by substantial evidence.

- The FMND's project description states that ferry service to Fort Baker would be provided by a variety of vessels ranging from 125 to 350 passenger capacity. (FMND, p. 17) The FMND's analysis of the Project's impacts accordingly was premised on this assumed vessel size. (Staff Report, p. 14.)

However, the Draft Operating Plan provides that, at a minimum, the concessioner must provide a total of four (4) passenger vessels: two vessels with a minimum passenger capacity of 700 passengers each; and two vessels with a minimum passenger capacity of 500 persons each. (Draft Operating Plan, p. B-13.) The NPS' Prospectus publication entitled "Business Opportunity," includes this identical description of "Fleet Size and Minimum Vessel Requirements." (**Exhibit C**, p. 16.)

- In apparent recognition of the fact that the Project Contracts impose no limits on bicycles boarding ferries destined for Fort Baker, the FMND's project description was revised to clarify that "there are **no plans** to accommodate bicycles on the ferry boats." (FMND, p. 17. [emphasis added]) This revision,

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however, reveals that the FMND's finding that the Project would cause no significant transportation and circulation impacts from bicycles is inaccurate and unsupported by substantial evidence. The FMND and F&P's report explain that the analysis of this potential impact was premised on the false assumption that "the proposed project would not generate any new bicycle trips at the Fort Baker site because ferry passengers will not be permitted to bring bicycles on board ferries from Pier 31 ½...." (FMND, p. 76; *see also* F&P report, **Exhibit B**, p. 53.)

It is entirely foreseeable that bicycles will be allowed to board ferries destined for Fort Baker during the 50-year life of the Project, particularly because of the Project's stated objective to improve "connectivity" to the Marin Headlands and nearby parklands (FMND, p. 121). Impacts from this potential use therefore must be analyzed.

The foregoing examples reveal that the Planning Commission may not lawfully approve the FMND in its current form. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 406 ["The negative declaration is inappropriate where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis."].) At a minimum, the Planning Commission must impose additional mitigation measures on the Project in response to the foregoing potentially significant impacts, including without limitation, the following:

1. No bicycles shall be permitted on ferries departing from Pier 31 ½ arriving directly or indirectly at Fort Baker. Bicycles shall be permitted, however, on ferries departing at Fort Baker. The departing ferries shall have the capacity to accommodate up to 50 bicycles each.
2. For any ferry arriving in Fort Baker with [*to be provided by Sausalito's traffic engineer*] or more passengers, therefore creating the potential for significant traffic, circulation and public safety impacts in Sausalito from passengers subsequently traveling to Sausalito in private cars for hire, there shall be connecting shuttle service to Sausalito to meet demand. This connecting shuttle service departing from Fort Baker shall be available only for ferry-connecting passengers, and shall be free of charge for these passengers.³
3. For any connecting shuttle service provided from Fort Baker to Sausalito, return shuttle service shall be provided from downtown Sausalito to connect with ferries departing from

³ Sausalito has retained a traffic engineer to determine the appropriate threshold trigger for this mitigation measure. Sausalito's traffic engineer takes issue with F&P's methodology and findings, and has concluded that Fort Baker ferry service may cause several significant transportation and circulation impacts. Sausalito will submit this evidence in the administrative record, adding to the existing evidence supporting a fair argument that the Project may cause significant impacts, in the event that the Planning Commission denies this Appeal.

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Fort Baker to San Francisco. These shuttles shall each have the capacity to transport a minimum of 20 bicycles.

4. Commencing with ferry service to Fort Baker, the National Park Service (NPS) shall provide Sausalito with quarterly reports regarding Fort Baker ferry ridership (in-bound and out-bound, including all passenger transport, charter ferries and/or other interpretative cruises), as well as ridership information, pedestrian and bicycles, regarding the connecting shuttle services (in-bound and out-bound).
5. In the event that shuttle/bus or other public transportation link is commenced from Fort Baker to Muir Woods, or any other destination, all such traffic shall be directed exclusively to the Alexander Avenue/101 Northbound on-ramp, and shall not travel through Sausalito.
6. If ferry service from Pier 31 ½ to Fort Baker exceeds 40,000 passengers for any calendar year, NPS and/or the Port of San Francisco (Port) shall fund a study, to be conducted and overseen by Sausalito, on the additional ferry service's potential transportation and/or public safety impact on Sausalito. Based on the findings of the study, NPS and/or the Port shall contribute their fair share to fund infrastructure and other improvements to mitigate impacts identified in the study caused by ferry service to Fort Baker.

SAUSALITO'S REQUEST

Sausalito's Appeal requested that San Francisco either prepare an Environmental Impact Report (EIR) to analyze the Project, or alternatively, sever the proposed Fort Baker ferry service from the Project. As an alternative, however, San Francisco may adopt additional mitigation measures to ensure that the Project's Fort Baker ferry service will have less than significant impacts.

As explained in the accompanying letter submitted by Sausalito Mayor Joan Cox, Sausalito is engaged in discussions with NPS regarding potential mitigation measures to be added to the Project to address the concerns addressed above and others. Sausalito therefore requests that the Planning Commission continue this hearing regarding the Appeal for at least 30 days. This extension would allow time for each of the public agencies and their respective engineers to work collaboratively to draft mitigation measures and employ other strategies designed to cure the FMND's current CEQA deficiencies and therefore resolve Sausalito's concerns. Alternatively, the Planning Commission may simply grant this Appeal and reject the proposed FMND for the Project.

THE OMISSION OF THE PROJECT CONTRACTS VIOLATES CEQA'S MANDATORY PUBLIC DISCLOSURE REQUIREMENTS

San Francisco's failure to disclose the Project Contracts to the public and include them with Planning Staff's materials regarding the Appeal violates CEQA's mandatory public disclosure and public participation requirements by thwarting both the Planning Commission's and the public's ability to meaningfully assess and/or modify the Project to minimize or avoid potentially significant environmental impacts.

"Public participation is an essential part of the CEQA process..." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1987) 42 Cal. 3d 929, 935.) "The 'privileged position' that members of the public hold in the CEQA process is based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision-making." (*Id.* at 936.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." (*County of Inyo v. City of Los Angeles* (1984) 160 Cal. App. 3d 1178, 1185.) "In short, a project must be open for public discussion and subject to agency modification during the CEQA process. This process helps demonstrate to the public that the agency has in fact analyzed and considered the environmental implications of its action." (*Ibid.*, citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86.)

The Planning Commission therefore may not lawfully approve the FMND without first providing both itself and members of the public sufficient notice and opportunity to review and consider the Project Contracts.

SAN FRANCISCO FAILED TO COMPLY WITH SPECIAL CONSULTATION REQUIREMENTS THAT APPLY TO THIS PROJECT OF STATEWIDE, REGIONAL, OR AREAWIDE SIGNIFICANCE

Sausalito demonstrated in the Appeal that San Francisco was required to consult with Sausalito in the same manner as a "responsible agency" because the Project is one of "Statewide, Regional or Areawide Significance," and because Sausalito is a public agency with transportation facilities within its jurisdiction which could be affected by the Project.

SF Planning contends in response that the Project has no such significance because the PMND determined that the Project would have less than significant impacts, and even if the Project had such significance, CEQA's consultation requirements for such projects apply only to the preparation of EIRs rather than negative declarations. (Staff Report, p. 4.) Both contentions, however, are incorrect.

First, contrary to SF Planning's claim, the PMND's finding that the Project's impacts would be less than significant is not relevant to the determination regarding whether a Project qualifies as one of Statewide, Regional or Areawide Significance. CEQA sets a lower threshold,

and defines such projects broadly to include those that “*substantially affect*,” among other things, sensitive wildlife habitats, bays and estuaries. Such is the case with the Project here.

Second, contrary to SF Planning’s claim, Public Resources Code section 21082.1 expressly imposes on lead agencies the procedural requirements applicable to projects of Statewide, Regional or Areawide Significance in connection with their preparation of EIRs or negative declarations. (Pub. Res. Code § 21082.1, subd. (c)(4)(C).) In fact, SF Planning’s interpretation is refuted by CEQA Guidelines section 15096(a) and (b), which explain that San Francisco was required to consult with Sausalito regarding this project of Statewide, Regional or Areawide Significance in part to assist in the determination regarding whether an EIR or negative declaration should be prepared.

Finally, SF Planning contends that it sent Sausalito a Notice of Availability of and Intent to Adopt a Negative Declaration on December 6, 2017. However, Sausalito has no record of receiving this notice.

THE REVISED FMND AND STAFF RESPONSE DO NOT CURE THE NUMEROUS CEQA DEFICIENCIES IDENTIFIED IN THE APPEAL

Sausalito hereby incorporates its Appeal letter dated December 27, 2017. Neither the revised FMND nor SF Planning Staff’s February 15, 2018 report cure the deficiencies identified therein. We further address select examples of these remaining deficiencies, without waiver of issues previously raised but not addressed again below.

A. The FMND’s Project Description Is Inaccurate And Legally Deficient

As explained above and in Sausalito’s original Appeal letter, the FMND’s project description is deeply flawed and inaccurate in numerous respects. These inaccuracies likely derive from the fact that SF Planning has never reviewed the Project Contracts, and instead has relied exclusively on NPS’s description provided in its application materials. The FMND’s inaccurate project description renders the FMND legally inadequate. The court in *City of Redlands*, *supra*, 96 Cal. App. 4th at 404-406 explained:

An accurate and complete project description is necessary for intelligent evaluation of the potential environmental impacts of the agency’s action. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal...and weigh other alternatives in the balance.

The FMND’s project description is further deficient because it fails to describe and consider the project as a whole, including reasonably foreseeable expansion of the project to include transport connections to the Marin Headlands, Muir Woods and/or other NPS destinations. (CEQA Guidelines, § 15063(a).) SF Planning states in response that “CEQA provides that the PMND need not engage in speculative analysis of environmental

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consequences for future unspecified development.” (Staff Report, p. 11.) That response, however, does not withstand legal scrutiny on this administrative record.

“The fair argument test requires the preparation of an EIR where there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.” (*County of Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1580; CEQA Guidelines, § 15063(b)(1).) “The finding of ‘significance’ of an environmental effect requires the evaluation of ‘direct physical changes in the environment [that] may be caused by the project and reasonably foreseeable indirect changes in the environment [that] may be caused by the project.’” (*Id.* at 1581, CEQA Guidelines, § 15064(d).)

“The test for the strength of the nexus between the project and in indirect physical change is whether ‘that change is a reasonably foreseeable impact [that] may be caused by the project.’” (*Ibid.*, citing CEQA Guidelines, § 15064(d)(3).) “Under the fair argument test, the inquiry into what is reasonably foreseeable depends on whether the administrative record contains enough evidence to show a reasonable possibility that a particular [activity] would [occur] in the future. (*Id.* at 1584.) Future direct or indirect project activities are not rendered speculative by virtue prediction. (*Id.* at 1586.) “Predicting the physical changes a project will bring about is an inescapable part of CEQA analysis.” (*Ibid.*, citing *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal. App. 4th 892, 919 [CEQA compels reasonable forecasting].) The CEQA Guidelines further provide that: “[d]rafting an EIR or preparing a negative declaration necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines, § 15144.)

Here, the administrative record contains more than sufficient evidence of a fair argument demonstrating the *possibility* that the Project may ultimately result in transport connections to Marin Headlands, Muir Woods and other NPS destinations.

- The 2011 Draft Final Alcatraz Ferry Embarkation and Education Site Feasibility Study (May 2011), states: “Given that visitation to Alcatraz Island is limited, the ferry embarkation site is more than just a transit stop....the Embarkation facility has the potential to be developed as a gateway to the GGNRA and the NPS as well as to Alcatraz Island. The offerings at the Embarkation Facility could be expanded in the future, and the Embarkation Facility itself could become a first-class, distinct experience for visitors to the GGNRA.” (**Exhibit D**, pp. 1-2-1-3.)

This same Study states that the Project objectives include: “...providing for the opportunity to connect to other parklands (such as Fort Baker, Fort Mason, and Muir Woods Monument.)” (*Id.*, p. 4-2.)

- On November 10, 2016, San Francisco’s CEQA consultant, Anchor QEA, LLC, submitted a memorandum to SF Planning providing the Project’s Description. The memo describes the purposes of the Project to include: “....provide a

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connection to other Golden Gate National Recreation Area (GGNRA) parklands and orientation to the national park system in general.” This memo further states that the Project would provide “convenient transit connections to other GGNRA parklands, such as Fort Baker....” It further states that additional ferry services would “provide visitors the opportunity to visit other parks within the Bay, including the Fort Baker Pier, Angel Island, or other destinations in San Francisco Bay in the future.” (**Exhibit E**, pp. 1-3 and 6.)

- The revised FMND now concedes that the Project would increase visitors to Fort Baker, the Marin Headlands and “nearby parklands.” (FMND, p. 121.) The vague reference to “nearby parklands” is unexplained. Moreover, while SF Planning’s report asserts that Fort Baker ferry arriving passengers would access the Marin Headlands solely by connecting pedestrian trails (Staff Report, p. 15), no evidence is provided to support this conclusory assertion.

Beyond the foregoing evidence affirmatively demonstrating that future transit connections from Fort Baker to other NPS sites are reasonably foreseeable, neither the FMND nor Planning Staff’s response provide evidence of any effort by San Francisco, much less the legally required best efforts, to find out all it can from NPS regarding the foregoing reasonable possibilities. Moreover, Sausalito attempted to gather such evidence by submitting a Freedom of Information Act (FOIA) request to NPS. Unfortunately, however, Sausalito’s efforts to date have been stymied by NPS’ assertion of baseless objections to Sausalito’s FOIA request. (**Exhibits F and G**). NPS’ conduct thus provides an independent reason for the Planning Commission to continue this Appeal until such time as NPS complies with Sausalito’s FOIA request and San Francisco complies with its obligation to use its best efforts to find out all it can regarding future foreseeable Project changes.

Finally, the FMND’s description of the Project’s environmental setting is legally deficient for the reasons set forth in the Appeal. Revisions to the PMND reflected in the FMND reveal two additional defects. First, as noted above, the FMND and Planning Staff concede that Fort Baker arriving ferry passengers will visit the Marin Headlands. The FMND’s description of the project setting, however, provides no information regarding the Marin Headlands. No information is provided regarding the pedestrian trails allegedly linking the two parks (Staff Report, p. 15), including the location, length, condition, and route of such trails, and the extent to which such trails present potential traffic and/or public safety concerns because they require crossing of Alexander Avenue. This omission renders the FMND’s description of the Projects’ environmental setting inadequate as an informational document. Second, although F&P acknowledges in its supplemental traffic report that the Project may generate as many as 32 new private car trips to deliver passengers to and from Sausalito, the FMND’s description of the Project’s environmental setting provides no information regarding parking capacity and vehicle queuing/loading capacity at the Fort Baker pier. This omission impedes the ability of the Planning Commission and members of the public to meaningfully assess the Project’s potential traffic and circulation impacts, including the ability to devise mitigation measures and/or alternatives.

B. The FMND's Analysis of Traffic and Circulation Impacts Is Deficient

As explained above, F&P's original and supplemental analysis is premised on the FMND's flawed description of the Project as "limiting" Fort Baker ferry service to 40,000 annual passengers, based solely on two roundtrips on weekends only, with no bicycles allowed on board departing ferries. Consequently, F&P's findings of less than significant impacts are unsupported by substantial evidence.

Sausalito's retained traffic engineer has identified several additional inaccuracies and deficiencies in F&P's analysis and findings. For example, F&P's supplemental traffic analysis concludes that Fort Baker ferry service may generate as many as 32 new private vehicles delivering passengers to and from Sausalito. It further asserts, however, that vehicles returning to the ferry landing to return to San Francisco "would likely arrive over a more dispersed period of time prior to the ferry departure, such that vehicles would not arrive simultaneously, drivers would drop off passengers, and queues would not form." (F&P Supplemental Report, p. 6.) This bare assertion, however is unsupported by analysis, investigation or data. It further defies logic. Contrary to F&P's assertion, returning vehicles are in fact more likely to arrive simultaneously, just prior to the ferry's scheduled departure to San Francisco. Moreover, the FMND provides no information, much less analysis regarding parking capacity, queuing and loading capacity and adjacent street access conditions at the Fort Baker pier. A fair argument thus supports the possibility that Fort Baker ferry service may cause significant traffic and circulation impacts. This is one of several findings that will be further supported in a report prepared by Sausalito's traffic engineer that Sausalito will submit to San Francisco's Board of Supervisors should the Planning Commission deny this Appeal.

Finally, F&P's supplemental traffic report contends that even if traffic from the Fort Baker ferry service were to increase congestion in Sausalito, it would not be considered a significant impact because the City of San Francisco does not use traffic congestion as a metric for assessing transportation impacts. (F&P Supplemental Report, p. 7.) However, San Francisco's policy reflects conditions unique to San Francisco (FMND, p. 65), and thus has no relevance nor application to the Project's potential traffic and circulation impacts on Sausalito. Moreover, even if San Francisco's transportation impacts policy had any application to Sausalito, it is well settled that a public agency may not rely on an adopted threshold of significance as a shield designed to avoid consideration of evidence presented supporting a fair argument that a certain impact may be significant notwithstanding the applicable threshold of significance. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 111-114.)

C. The FMND's Inaccurate Project Description Invalidates Virtually All Of The FMND's Analysis Regarding Fort Baker Ferry Service

As explained in the Appeal, several of the PMND's findings of less than significant impacts are premised on an inaccurate description of the Project, and therefore are unsupported by substantial evidence. The revised FMND and Planning Staff's report do not cure these deficiencies. Moreover, additional information obtained since the Appeal reveals additional deficiencies in the FMND. We address two such examples.

EXHIBIT G



United States Department of the Interior

NATIONAL PARK SERVICE
Golden Gate National Recreation Area
Fort Mason, San Francisco, CA 94123

IN REPLY REFER TO:
9.C (GOGA-CP)
NPS-2018-00372

January 30, 2018

Mr. Arthur J. Friedman
Via email: afriedman@sheppardmullin.com
Sheppard, Mullin, Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109

Dear Mr. Friedman:

We are writing to acknowledge your Freedom of Information Act (FOIA) request, dated January 23, 2018, and have assigned it control number NPS-2018-00372. Please cite this number in any future communications regarding your request. Please note this request has not been perfected as we require additional information from you.

You requested documents "*relating to the Alcatraz Ferry Embarkation Project (Project) proposed by the National Park Service (NPS) within the Golden Gate National Recreation Area in California, including:*

1. *All agreements constituting the proposed Project, including without limitation the proposed long-term agreement between NPS and the Port of San Francisco (Port), and all proposed concession contracts relating to Project, including contracts relating to ferry services to be provided as part of the Project.*
2. *All documents and communications relating to NPS' analysis of potential environmental impacts resulting from the Project's proposal to establish limited ferry service between Pier 31 ½ and the existing Fort Baker pier.*
3. *All documents and communications relating to NPS' analysis of potential environmental impacts resulting from the Project's proposal to provide interpretive cruises around San Francisco Bay.*
4. *All documents and communications relating to any existing or future plans, or potential or proposed projects, relating to improvements to the existing Fort Baker pier.*
5. *All documents and communications relating to any existing or future plans, or potential or proposed projects, relating to ferry service to Fort Baker.*
6. *All documents and communications relating to any existing or future plans, or potential or proposed projects, relating to transporting or facilitating the transportation of persons from Fort Baker to the Marin Headlands.*
7. *All documents and communications relating to any existing or future plans, or potential or proposed projects, relating to transporting or facilitating the transportation of persons from Fort Baker to Muir Woods.*
8. *A copy of the PowerPoint presentation that the Port, NPS, and/or the Golden Gate National Parks Conservancy presented at the January 22, 2018 joint meeting of the Bay Conservation and Development Commission's Design Review Board and the Port's Waterfront Design Advisory*

Committee.

9. *All documents and communications related to the Project's proposed "Queue 2."*
10. *All documents and communications related to the Project's proposed interpretive exhibit regarding "GGNRA Trailhead Info."*
11. *All documents and communications related to the Project's proposed signage at Queue 2 regarding "GGNRA Destinations."*

The FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records with a reasonable amount of effort. **Your request does not adequately describe the records sought; therefore, we are unable to process it at this time.** If you wish to pursue your request, please provide additional details, such as:

- Date range parameters,
- Key search terms,
- A list of record custodians and/or,
- Limiting the search to electronic records

According to our regulations, if we do not receive your written response clarifying what records you are looking for within 20 workdays from the date of this letter, we will presume that you are no longer interested in pursuing your request, we will not be able to comply with your request, and we will close our file on it. See 43 C.F.R. § 2.5(d).

Fee categories are determined by requester type, of which there are three: commercial use; educational institutions, noncommercial scientific institutions, and representatives of the news media; and other-use requesters. Our regulations require that your FOIA request contain sufficient information for us to determine your proper fee category. **Your request does not fulfill this requirement because you did not specify whom this request is for. We therefore are unable to process your request at this time.** If you wish to pursue your request, please provide us additional information so that we may determine your fee category. According to our regulations, if we do not receive your written response clarifying these points within 20 workdays from the date of this letter, we will presume that you are no longer interested in pursuing your request, we will not be able to comply with your request, and we will close our file on it. See 43 C.F.R. § 2.6(c).

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that can be processed in one to five workdays. The Normal track is for requests that can be processed in six to twenty workdays. The Complex track is for requests that can be processed in twenty-one to sixty workdays. The Exceptional/Voluminous track is for requests requiring more than sixty workdays for processing. The Expedited track is for requests that have been granted expedited processing. Within each track, requests are processed on a first-in, first-out basis. There are currently 13 open FOIA requests ahead of yours, one of which is Exceptional/Voluminous.

As stated, we will not begin processing your request until we receive further information from you. We believe that your request falls into the Exceptional/Voluminous processing track. You may narrow the scope of your request to obtain quicker processing in your currently assigned track or move the request into a faster track (which may have the effect of reducing the cost of

processing your request). If you have any questions about this, please contact us.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the NPS's response is in error. You must also include with your appeal copies of all correspondence between you and NPS concerning your FOIA request, including your original FOIA request and NPS's response. Failure to include with your appeal all correspondence between you and NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information
Department of the Interior
Office of the Solicitor
1849 C Street, N.W. MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

If you have questions about your request, please contact Liz Gill, Planning and Communications Assistant for GGNRA, at (415) 561-7402.

Sincerely,



Dana Polk
Acting Director of Communications and External Affairs

cc: Nancy Hori, Regional FOIA Officer, NPS Pacific West Region



CITY OF SAUSALITO

Received at CPC Hearing 2/22/18

J. Moore

Joan Cox, Mayor

Adam Politzer, City Manager
420 Litho Street, Sausalito, California 94965
Telephone: 415-289-4100 • WWW.SAUSALITO.GOV

February 20, 2018

President Hillis
Members of the Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Subject: Request for Continuance - 2017-000188ENV Alcatraz Ferry Embarkation Project
City of Sausalito's Appeal of Preliminary Negative Declaration

Dear President Hillis and Members of the Planning Commission:

Despite conscientious efforts over a 2-year period to collaborate on a 50-year Master Plan for the Alcatraz Ferry Embarkation Project, the City of Sausalito was forced to appeal a Preliminary Mitigated Negative Declaration that is inconsistent with that Plan in order to protect the health, safety and welfare of its current residents and the generations to come. This approval process is our City's only opportunity to collaborate with the Port of San Francisco and the National Park Service to avoid adverse environmental impacts to Sausalito. We have no objection to the improvements planned at Pier 31 1/2 or to the proposed ferry service to Alcatraz Island. The only component of the Plan at issue for us is the proposed ferry service to Fort Baker, our neighbor to the South.

The City of Sausalito supports regional planning solutions that get people out of their cars and onto public transportation such as ferries. However, we have to ensure that reducing impacts on San Francisco and the Golden Gate Bridge does not result in increased congestion and overcrowding in Sausalito. Our small town of 7,000 is already burdened by over a half million tourist bicyclists that visit Sausalito annually, causing significant impacts to traffic, parking, and circulation. We must ensure additional visitors from the proposed Fort Baker Ferry Service do not exacerbate this already critical situation.

The Planning Commission staff report comprised of 350 pages was first made available to us on Thursday, February 15, 2018. It includes an updated traffic report that we saw for the first time then. We have hired a traffic engineer to evaluate the new data presented, but we need more time to meaningfully respond to the staff's lengthy analysis and the new traffic report.

More importantly, we have been working with NPS to develop a mutually acceptable solution to potential impacts. We have provided NPS with a list of mitigation measures we believe would reduce the potential impacts of the Master Plan to a level of insignificance. However, particularly in light of the new data identified in the staff report, we need more time to continue these discussions. Therefore, we respectfully request that the hearing on our appeal be continued for a minimum of 30 days. (If our request for a postponement is not granted, we will provide our substantive response to the staff report under separate cover by close of business Wednesday.)

Sincerely,

City of Sausalito


Joan Cox, Mayor

cc: Sausalito City Council Members
John Rahaim, Director of Planning
Jonas P. Ionin, Commission Secretary

FAX NUMBERS:

Administration: (415) 289-4167
Recreation: (415) 289-4189

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Public Works Engineering: (415) 339-2256

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SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC hearing 2/22/18
T. Ojeda

MEMO

RESIDENTIAL PIPELINE ENTITLED HOUSING UNITS 2017 Q3

1650 Mission St.
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San Francisco,
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State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents completed units and development projects in the current residential pipeline to the third quarter of 2017 (Q3). The total number of entitled units is tracked by the San Francisco Planning Department and is updated quarterly in coordination with the *Quarterly Pipeline Report*. Subsidized housing units – including moderate and low income units – as well as inclusionary units are tracked by the Mayor's Office of Housing; these are also updated quarterly.

	RHNA Production Goals 2015 - 2022	New Units Built 2015 Q1 to 2017 Q3	Entitled by Planning in 2017 Q1 Pipeline*	Percent of RHNA Goals Built and Entitled by Planning
Total Units	28,869	12,023	21,529	116.2%
Above Moderate (> 120% AMI)	12,536	8,297	18,437	213.3%
Moderate Income (80 - 120% AMI)	5,460	519	835	24.8%
Low Income (< 80% AMI)	10,873	3,207	2,257	50.3%

* This column does not include seven entitled major development projects that are not expected to be fully completed within this current RHNA reporting period. These projects have a total of 25,790 net new units, including about 5,490 net affordable units (23% affordable). However, phases of these projects are included when applications for building permits are filed and proceed along the development pipeline.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

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San Francisco reports actual production in its progress towards meeting its Regional Housing Need Assessment (RHNA) goals. These figures are submitted annually on April to the State Department of Housing and Community Development. The following table shows actual production – i.e. built units – through the third quarter of 2017.

Progress Towards Meeting 2022 RHNA Production Goals, as of 2017 Q3

	RHNA Housing Goals, 2015 - 2022	Actual Production, 2015-2016	Actual Production, Q1 to Q3 2017	Actual Production, 2015 to Q3 2017	Actual Production, 2015 to Q3 2017 as % of RHNA Housing Goals
TOTAL	28,869	10,026	1,997	12,023	41.6%
Very Low Income	6,234	2,048	206	2,254	36.2%
Low Income	4,639	537	416	953	20.5%
Moderate Income	5,460	489	30	519	9.5%
Above Moderate	12,536	6,952	1,345	8,297	66.2%

Administrative Code 10E.4 (b)(1) calls for a summary of data on the total number of units at various stages of the housing production process and how completed and pipeline projects compare with San Francisco's RHNA production goals. The table below presents a summary of completed units and development projects in the current residential pipeline to the third quarter of 2017 (Q3).

Summary of Completed and Entitled Units, as of 2017 Q3, As Required by Administrative Code 10E.4(b)(1)

	RHNA Housing Goals, 2015 - 2022	Actual Production, 2015 to Q3 2017	Total Entitled by Planning, 2017 Q3*	Actual Production and Entitled, 2017 Q3*	Actual Production and Entitled, as % of RHNA Housing Goals
TOTAL	28,869	12,023	21,529	33,552	116.2%
Very Low Income	6,234	2,254	344	2,598	41.7%
Low Income	4,639	953	1,913	2,866	61.8%
Moderate Income	5,460	519	835	1,354	24.8%
Above Moderate	12,536	8,297	18,437	26,734	213.3%

* This column does not include seven entitled major development projects that are not expected to be fully completed within this current RHNA reporting period. These projects have a total of 25,790 net new units, including about 5,490 net affordable units (23% affordable). However, phases of these projects are included when applications for building permits are filed and proceed along the development pipeline.

Memo

The residential pipeline for the purposes of this report only includes entitled projects. The following table shows entitled units at various stages of development but are not yet built. Units under construction and projects with active building permits are likely to be completed within the RHNA reporting period. Typical duration from filing of building permit to building completion typically ranges from two to four years, depending on the size and complexity of the project. The current eight year RHNA period ends in 2022.

Entitled Units, 2017 Q3

	Entitled by Planning, No Permits Filed*	Entitled, Building Permit Filed	Building Permit Approved or Issued	Under Construction	Total Entitled by Planning*
TOTAL	6,178	2,846	5,931	6,574	21,529
Very Low Income	-	-	118	226	344
Low Income	184	32	734	963	1,913
Moderate Income	358	107	73	297	835
Above Moderate	5,636	2,707	5,006	5,088	18,437

* This column does not include seven entitled major development projects that are not expected to be fully completed within this current RHNA reporting period. These projects have a total of 25,790 net new units, including about 5,490 net affordable units (23% affordable). However, phases of these projects are included when applications for building permits are filed and proceed along the development pipeline.

The State Department of Housing and Community Development (HCD) determines these RHNA goals that San Francisco's Housing Element must address. The RHNA total is the minimum number of housing units that a region or jurisdiction must plan for in each RHNA reporting period. The total number of entitled units is tracked by the San Francisco Planning Department and is updated quarterly in coordination with the *Quarterly Pipeline Report*. Subsidized housing units – including moderate and low income units – as well as inclusionary units are tracked by the Mayor's Office of Housing; these are also updated quarterly.

$$\frac{1}{2}$$

12



SHEET INDEX

- A-0 VICINITY MAP, SITE/ROOF PLAN & PROJECT DATA
- A-1.0 EXISTING BASEMENT PLAN & 1st FLOOR PLAN
- A-1.1 PROPOSED BASEMENT & 1st FLOOR PLANS
- A-1.2 REFLECTED CEILING PLAN
- A-2.0 PROPOSED SOUTH ELEVATION
- A-2.1 PROPOSED WEST ELEVATION

AREA SUMMARIES

- EXISTING BUILDING 1ST & 2ND FL. COMBINED
1,788 SQ. FT. PER TRUE NORTH SURVEY
DATED NOV. 13/2007
- PROPOSED BUILDING
FLOOR AREA: 554 SQ. FT.
PATIO AREAS: 335 SQ. FT.

SCOPE OF WORK:

- ALTERATION OF BASEMENT & STORAGE AREA
- ADDITION OF NEW DWELLING UNIT PER
ORDINANCE 182-16 (ADU).

PROJECT DATA:

NEW UNIT AT 3880a 21st STREET
CODE: 2013 SFBCC
CONSTRUCTION TYPE: V/B
SPRINKLING: PER 903.3.1
OCCUPANCY GROUP: R-3
FLOORS: 3 LEVEL - WITH BASEMENT
FULL LOT AREA: 2,650 SQ. FT.
BLOCK/LOT: 3803/024
ZONING: RH-2 RESIDENTIAL - TWO FAMILY
HEIGHT/BULK DISTRICT: 40-X
FRONT SETBACK: EXISTING
REAR SETBACK: EXISTING UNCHANGED



TECTA
ARCHITECTURE
INTERIORS
PLANNING

3800 MARKET STREET
SAN FRANCISCO, CA 94114
TEL: 415.582.4827
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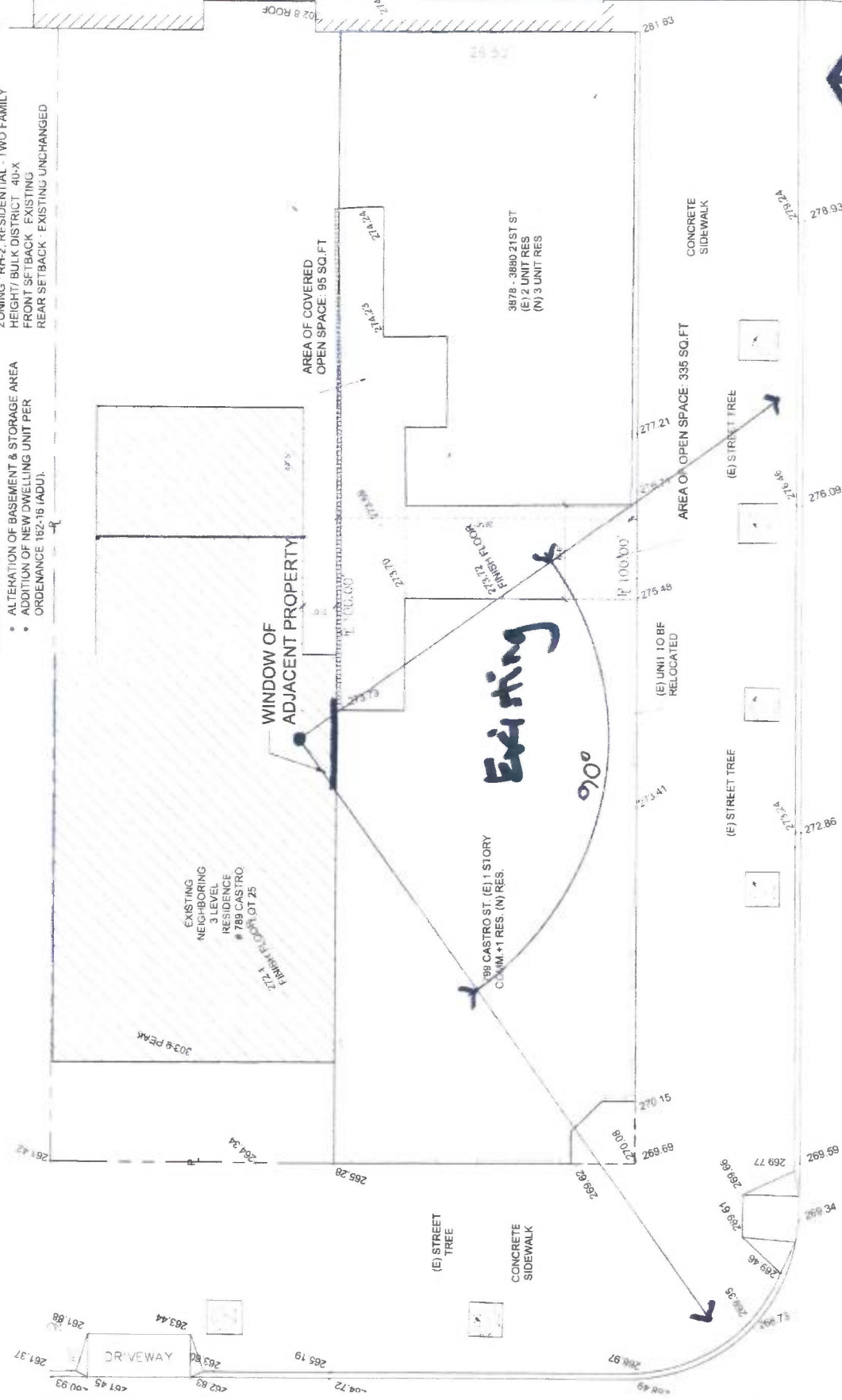
UNIT RELOCATION
3878 / 3880 21st STREET
SAN FRANCISCO, CA 94114

SITE PLAN

A-0.1

Scale: 1/4" = 1'-0"

1 EXISTING SITE PLAN

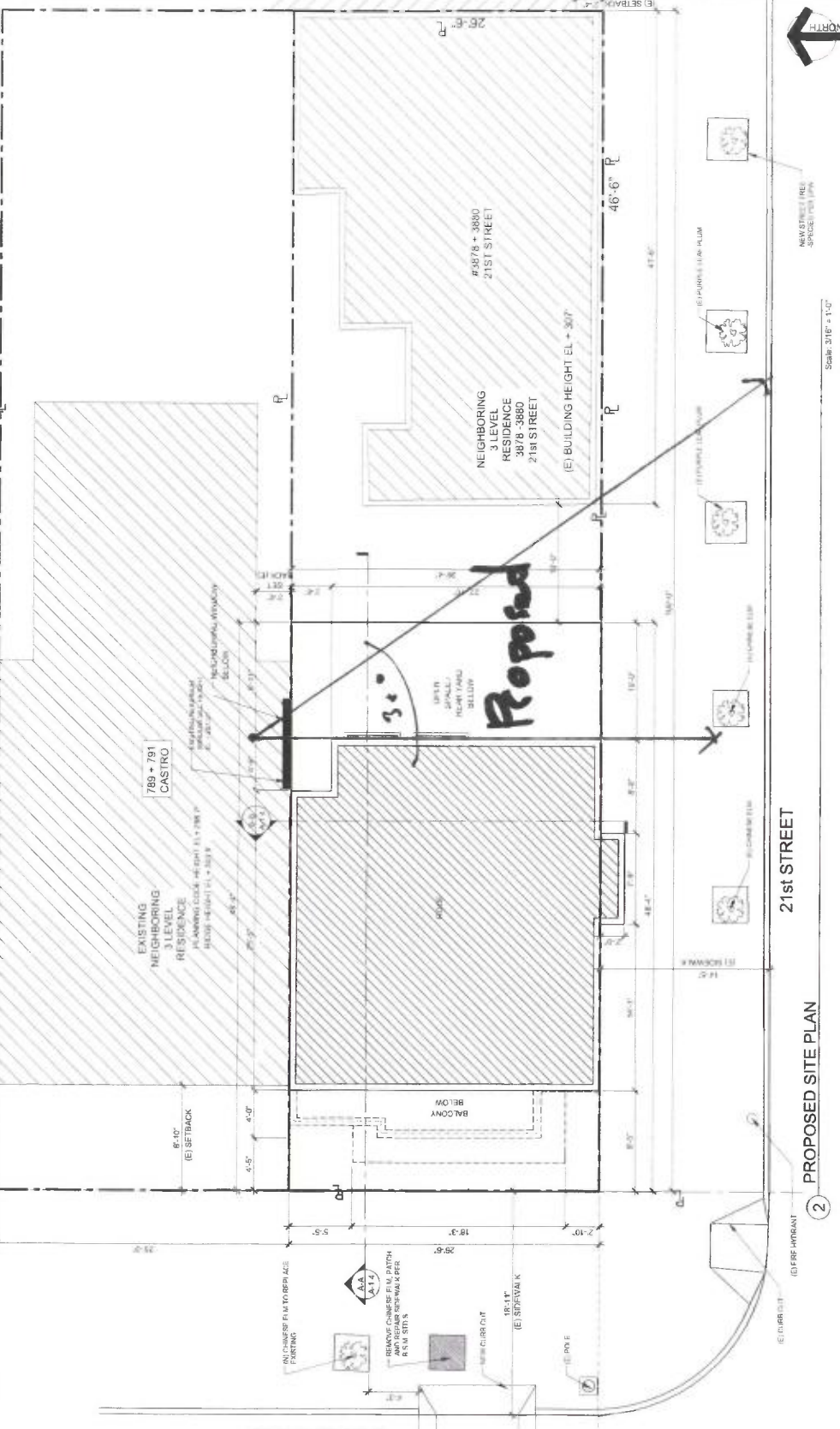
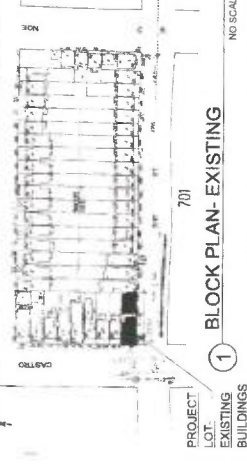


NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	01/15/2015
2	ISSUED FOR PERMITTING	01/15/2015
3	ISSUED FOR PERMITTING	01/15/2015
4	ISSUED FOR PERMITTING	01/15/2015
5	ISSUED FOR PERMITTING	01/15/2015
6	ISSUED FOR PERMITTING	01/15/2015
7	ISSUED FOR PERMITTING	01/15/2015
8	ISSUED FOR PERMITTING	01/15/2015
9	ISSUED FOR PERMITTING	01/15/2015
10	ISSUED FOR PERMITTING	01/15/2015

PROJECT DATA:
REMODELED RESIDENCE AT 799 CASTRO STREET
CODE: 2015 SFB
CONSTRUCTION TYPE: V-B
SPRINKLERING: PER 903.3.1
OCCUPANCY GROUP: R-3
FLOORS: 4 LEVELS - THREE STORIES OVER A BASEMENT
FULL LOT AREA: 2,862 SQ. FT.
BLOCK LOT: 3603/024
ZONING: RH-2 RESIDENTIAL - TWO FAMILY
HEIGHT/BULK DISTRICT: 40-X
FRONT SETBACK: AVERAGE COMPLIES
REAR SETBACK: PROPOSED VARIANCE FROM 25' SEPARATION BETWEEN BUILDINGS

AREA SUMMARIES
EXISTING BUILDING 2,860 SQ. FT. PER TRUE NORTH SURVEY DATED NOV. 13, 2007
PROPOSED BUILDING
FLOOR AREA: 3,009 SQ. FT.
GARAGE: 283 SQ. FT.
BALCONY: PATIO AREAS: 212 SQ. FT.
SCOPE OF WORK:
ALLOCATION OF EXISTING COMMERCIAL BUILDING
CONVERSION OF OCCUPANCY TO R-3
(E) RESIDENCE RELOCATION UNDER SEPARATE PERMIT SUBMIT ALL

SHEET INDEX:
A-0 VICINITY MAP, SITE/ROOF PLAN & PROJECT DATA
A-1.0 EXISTING SITE PLAN
A-1.1 PROPOSED BASEMENT + FIRST FLOOR PLANS
A-1.2 PROPOSED SECOND + THIRD FLOOR PLANS
A-1.3 ROOF PLAN
A-1.4 PROPOSED SECTIONS
A-2.0 PROPOSED WEST AND EAST ELEVATIONS
A-2.1 PROPOSED SOUTH ELEVATION
A-2.2 PROPOSED NORTH ELEVATION
A-2.4 EXISTING SOUTH ELEVATION
A-2.5 EXISTING NORTH ELEVATION



Scale: 1/8" = 1'-0"

A hand-drawn architectural sketch of a house. The house has a gabled roof with a chimney on the right side. The roof pitch is indicated as 12/10. The chimney is labeled "5'-0" INT. WALL HT." and "5'-0" MAX. HT. INCREASE". The house has a front door and a window. The sketch is drawn on a grid background.



TECMA
1000 S. GARDEN ST. SUITE 100
DENV CO 80202
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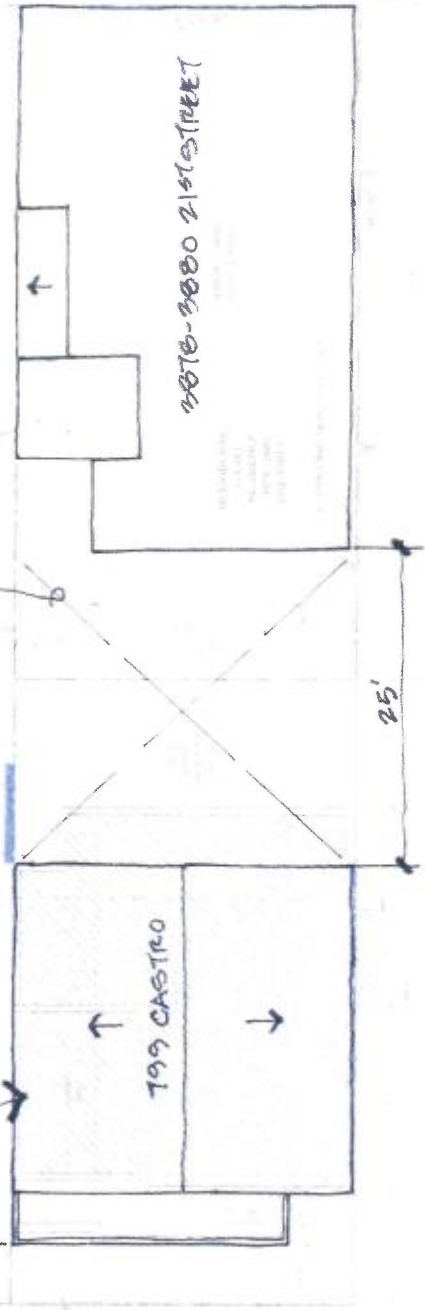
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TECMA
1000 S. GARDEN ST. SUITE 100
DENV CO 80202
303.733.1234
WWW.TECMA.ORG

CODE COMPLIANT REAR YARD.
USABLE OPEN SPACE
FOR ALL UNITS,
BOTH (E) & PROPOSED UNITS

GABUE ROOF
NO ROOF DECK

REQUIRED
FRONT SETBACK



REQUIRED REAR YARD
FOR ALL BUILDING
ELEMENTS

PROPOSED 21ST STREET FRONT

A-0

Floor Area Ration (FAR) Tabulations of Properties Adjacent 799 Castro Street

FAR Tabulations of Properties Adjacent 799 Castro Street

Corner Lots

APN	No.	Street	Units	Building Area (sq ft)	Parcel Area (sq ft)	FAR
3622/095	801	Castro Street	-	1446	2650	0.55
2770/001	800	Castro Street	-	1340	1875	0.71
3603/129-130	751-753	Castro Street	-	2056	2500	0.82
2752/020	3900-3922	21st Street	-	4199	4373	0.96
3622/071	847	Castro Street	-	2224	1950	1.14
3603/024	799	Castro Street	-	3315	2650	1.25
2770/011	3900-3902	22nd Street	-	2423	1873	1.29
2752/035	700	Castro Street	-	7665	3080	2.49
Average FAR of Corner Lots.						1.15

APN	No.	Street	Units	Building Area (sq ft)	Parcel Area (sq ft)	FAR
2770/040-043	876A-B, 880A-B	Castro Street	-	2195	7401	0.30
2770/010	870-872	Castro Street	-	2536	7410	0.34
2770/009D	860	Castro Street	-	1085	3083.75	0.35
2752/036-037	728-730	Castro Street	-	1177	3125	0.38
3603/117-119		21st Street	-	1142	2850	0.40
3603/114-116		21st Street	-	1147	2850	0.40
3622/107	3865-3867	21st Street	-	1173	2850	0.41
3603/101-102	571-573	Liberty Street	-	1222	2850	0.43
2770/009	840	Castro Street	-	1330	3079	0.43
2770/009C	856	Castro Street	-	1395	3079	0.45
3603/112-113		21st Street	-	1338	2850	0.47
3622/103	548-550	Hill Street	-	1371	2850	0.48
2770/012	3904	22nd Street	-	930	1873	0.50
3603/041	545	Liberty Street	-	1420	2850	0.50
2752/038	706-706A	Castro Street	-	1254	2500	0.50
3603/018	3852	21st Street	-	1450	2850	0.51

APN	No.	Street	Units	Building Area (sq ft)	Parcel Area (sq ft)	FAR
3603-099-10	771-773	Castro Street	-	1291	2500	0.52
3622/072	841	Castro Street	-	1000	1873	0.53
3622/095	801	Castro Street	-	1446	2650	0.55
2770/009A	846	Castro Street	-	1718	3083.75	0.56
3603/036	567	Liberty Street	-	1682	2850	0.59
3622/080	3881	21st Street	-	1700	2850	0.60
3622/081	3877	21st Street	-	1700	2850	0.60
3603/039	555	Liberty Street	-	1715	2850	0.60
3622/066	560	Hill Street	-	1729	2848	0.61
3603/014	3436	21st Street	-	1740	2850	0.61
3603/016	3844	21st Street	-	1740	2850	0.61
3603/108-109		21st Street	-	1797	2850	0.63
3622/082	3875	21st Street	-	1838	2848	0.65
2752/007	714	Castro Street	-	2020	3125	0.65
2752/008	720	Castro Street	-	2020	3123	0.65
3603/110-111	757-759	Castro Street	-	1636	2495	0.66
2752/005	710	Castro Street	-	2060	3123	0.66
3603/037	563	Liberty Street	-	1885	2848	0.66
3622/063	544	Hill Street	-	1896	2848	0.67
3603/019	3856	21st Street	-	1900	2848	0.67
2752/013	738	Castro Street	-	2093	3125	0.67
2752/009	724	Castro Street	-	2100	3123	0.67
3622/113-114	827-829	Castro Street	-	1750	2600	0.67
3622/077	811	Castro Street	-	1800	2622	0.69
2770/009B	850	Castro Street	-	2140	3079	0.70
2770/001	800	Castro Street	-	1340	1875	0.71
3603/034	575	Liberty Street	-	2059	2850	0.72
2752/016	744	Castro Street	-	2266	3125	0.73
2770/035	812-814	Castro Street	-	4033	5497	0.73
3622/062	540	Hill Street	-	2102	2848	0.74
2752/011	732	Castro Street	-	2319	3125	0.74
3603/040	549	Liberty Street	-	2135	2848	0.75

APN	No.	Street	- Building Area (sq ft)	Parcel Area (sq ft)	FAR
3622/069	580	Hill Street	2141	2848	0.75
2752/006	712	Castro Street	2360	3125	0.76
3603/026	787-787A	Castro Street	1900	2495	0.76
2770/006	824-826	Castro Street	2400	3125	0.77
2770/010C	886	Castro Street	2435	3100	0.79
3622/075	823	Castro Street	2100	2657	0.79
2752/018	748	Castro Street	2510	3123	0.80
3603/020	3860	21st Street	2300	2850	0.81
2752/002	704	Castro Street	2024	2495	0.81
2752/012	734-736	Castro Street	2550	3125	0.82
3603/129-130	751-753	Castro Street	2056	2500	0.82
3603/033	579	Liberty Street	2350	2848	0.83
3622/087	3847	21st Street	2392	2848	0.84
3603/038	559	Liberty Street	2421	2848	0.85
2752/015	742	Castro Street	2700	3125	0.86
2770/038	834	Castro Street	5312	6041.25	0.88
3622/068	576	Hill Street	2525	2850	0.89
3622/084	3859	21st Street	2600	2850	0.91
2752/017	746	Castro Street	2916	3125	0.93
3622/067	572-574	Hill Street	2660	2848	0.93
3622/076	817	Castro Street	2518	2659.65	0.95
2752/020	3900-3922	21st Street	4199	4373	0.96
3622/073	835	Castro Street	1808	1873	0.97
3622/086	3851	21st Street	2752	2848	0.97
2752/014	740	Castro Street	3050	3123	0.98
2752/004	708	Castro Street	3060	3125	0.98
3603/017	3848	21st Street	2953	2848	1.04
2770/013	3910	22nd Street	2000	1873	1.07
2770/034	808	Castro Street	2844	2625	1.08
3603/025	789-791	Castro Street	2728	2500	1.09
3622/071	847	Castro Street	2224	1950	1.14
3622/078	807-809	Castro Street	3104	2625	1.18

Floor Area Ratio (FAR) Tabulations of Properties Adjacent 799 Castro Street

APN	No.	Street	Units	Building Area (sq ft)	Parcel Area (sq ft)	FAR
3603/027	785	Castro Street	1	2998	2495	1.20
3603/030	767	Castro Street	1	3097	2500	1.24
3622/065	552-554	Hill Street	2	3550	2848	1.25
3603/024	799	Castro Street	3	3315	2650	1.25
3622/085	3855	21st Street	3	3600	2848	1.26
2770/011	3900-3902	22nd Street	2	2423	1873	1.29
2770/002	806	Castro Street	1	2513	1875	1.34
2752/019, 2752/040-041	750-752	Castro Street	2	4195	3123	1.34
3603/028	781-783	Castro Street	2	3360	2495	1.35
3622/070	584	Hill Street	1	3265	2278	1.43
2752/035	700	Castro Street	12	7665	3080	2.49
Overall Average FAR						0.79

SUMMARY OF FLOOR AREA RATIO (FAR) TABULATIONS

91 Properties surveyed, including 8 corner lots.

Average FAR of Corner Lots 1.15
Overall Average FAR 0.79

799 Castro Street Existing FAR [3 units] 1.25

799 Castro Street Proposed FAR w/out Parking
(3010+2320)/2650 [4 units] 2.01

799 Castro Street Proposed FAR w/ Parking
(3010 + 2320 + 306)/2650 [4 units] 2.13

Proposed 799 Castro Street FAR will be 2.5 to 2.7 times greater than the average FAR in the district.

Based on 2.10.18 design

Data collected from the San Francisco Property Information Map <http://propertymap.sfplanning.org/>

M A N S B A C H A S S O C I A T E S , I N C .

Real Estate Consultation
Arbitration
Valuation

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San Francisco
California 94104

Phone 415/288-4101
Fax 415/288-4116

February 21, 2018

Ryan J. Patterson, Esq.
Zacks, Freedman & Patterson PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

RE: Impact On Value On 789 Castro Street Residence
 Of Proposed New 799 Castro Street Residence
 San Francisco, CA

Dear Mr. Patterson:

At your request, this letter presents my research and findings concerning the impact on value on the residence at 789 Castro Street caused by the new residence proposed for construction on the adjacent property at 799 Castro Street.

I have conducted a personal inspection of the site. I have also reviewed the plans for the proposed new residence at 799 Castro Street prepared in 2018 by Tecta Associates.

The proposed new 799 Castro Street residence will result in a loss of views, light and air to the adjacent 789 Castro Street residence. These losses will adversely impact the value of 789 Castro Street.

The developer of the 799 Castro residence is seeking exemptions from the San Francisco Planning Code as part of its City permit approvals. Such exemptions, known as variances, are addressed under Section 305 of the San Francisco Planning Code. Section 305 (c) (4) requires that the granting of a variance not be "materially injurious" to property or improvements in the vicinity.

I. Impacts on 789 Castro Street

Detrimental impacts on 789 Castro Street caused by the proposed residence at 799 Castro Street are summarized as follows:

- Sunlight and Air:

Blockage of windows of master bedroom suite will result in loss of sunlight and air.

- View

Blockage of windows of master bedroom suite will eliminate views of sky and vistas of Castro Street.

II. Two Scenarios for New Residence

The analysis herein considers two scenarios for the proposed 799 Castro Street residence. The first scenario involves the residence proposed by the property owner, which requires the granting of variances. I have reviewed several alternatives for the new residence, but each has the same impact. Based on my inspection of the subject site and my review of the plans for the new residence, it would drastically affect the southern rear side of the 789 Castro Street property by blocking existing views, light and air.

The second scenario involves a code-conforming residence. In this scenario, no variances would be needed. As can be seen in the attached site plan for that residence, no blockage would occur. This scenario was developed by the architect engaged by the owner of the adjacent 789 Castro Street property, Garavaglia Architecture.

III. Methodology

The appraiser conducted market research to estimate the impact on value to 789 Castro Street residence from the proposed new residence at 799 Castro Street.

The appraiser sought to find matched pairs of similar properties with and without the type of blockage that will occur at 789 Castro Street, and to compare sales prices. Due to the uniqueness of every property in San Francisco and of each property's positioning relative to neighboring properties, the appraiser was unable to find exact matched pairs.

Continued market research did yield price differentials for View and No-View single family home properties in Noe Valley. The resulting price differentials will serve as the basis for estimating the impact on value to 789 Castro Street residence from the proposed new residence at 799 Castro Street.

IV. Research on Value Impact of Views in Noe Valley

Market research was conducted on 2017 Noe Valley home sales to isolate the impact of view versus lack of view on home prices. The following three tables display homes sales in Noe Valley for View and No-View homes, organized by home size.

Table 1

NOE VALLEY HOME SALES - SMALL
1,000 Square Feet to 1,399 Square Feet
WITH VIEWS

<u>Ref.</u>	<u>Address</u>	<u>Year Built</u>	<u>Sale Price</u>	<u>Sale Date</u>	<u>Type</u>	<u>Home Sq. Ft.</u>	<u>View</u>
1	47 Newburg Street	1942	\$1,650,000	5/23/2017	2BD / 1BA	1,000	Downtown
2	1249 Diamond Street	1927	\$1,738,000	8/25/2017	2BD / 1BA	1,126	Twin Peaks and Downtown
3	729 Duncan Street	1951	\$1,800,000	8/11/2017	2BD / 1BA	1,086	Downtown and Bay
4	4301 26th Street	1950	\$2,185,000	6/9/2017	3BD / 2BA	1,365	Downtown and Bay
Average			\$1,843,250				

NOE VALLEY HOME SALES - SMALL
1,000 Square Feet to 1,399 Square Feet
NO VIEWS

5	409 27th Street	1900	\$1,600,000	9/26/2017	2BD / 1BA	1,000	
6	61 Homestead Street	1923	\$1,635,000	4/10/2017	2BD / 1BA	1,200	
7	1445 Diamond Street	1939	\$1,500,000	4/12/2017	2BD / 2 BA	1,200	
8	1363 Sanchez Street	1900	\$1,500,000	2/15/2017	2BD / 1BA	1284	
9	183 Day Street	1922	\$1,650,000	7/28/2017	2BD / 1BA	1,349	
Average			\$1,577,000				

Source: Mansbach Associates, Inc., Multiple Listing Service

Table 2

**NOE VALLEY HOME SALES - MEDIUM
1,400 Square Feet to 1,699 Square Feet
WITH VIEWS**

<u>Ref.</u>	<u>Address</u>	<u>Year Built</u>	<u>Sale Price</u>	<u>Sale Date</u>	<u>Type</u>	<u>View</u>
1	523 Alvarado Street	1909	\$2,000,000	6/13/2017	3BD / 1BA	south and east
2	437 Valley Street	1927	\$2,143,700	8/22/2017	3BD / 2BA	Bay and southern
Average			\$2,071,850			

**NOE VALLEY HOME SALES - MEDIUM
1,000 Square Feet to 1,699 Square Feet
NO VIEWS**

3	1141 Church Street	1922	\$1,550,000	5/13/2017	2BD / 2BA	
4	44 Valley Street	1939	\$1,950,000	4/28/2017	2BD / 2BA	
5	557 Duncan Street	1954	\$2,020,000	7/19/2017	3BD / 2 BA	
6	1621 Castro Street	1890	\$1,500,000	7/19/2017	3BD / 2.5BA	
Average			\$1,755,000			

Table 3

**NOE VALLEY HOME SALES - LARGE
Over 1,700 Square Feet
WITH VIEWS**

<u>Ref.</u>	<u>Address</u>	<u>Year Built</u>	<u>Sale Price</u>	<u>Sale Date</u>	<u>Type</u>	<u>Home Sq. Ft.</u>	<u>View</u>
1	178 Eureka Street	1908	\$2,275,000	1/11/2017	2BD / 2.5BA	1,725	Downtown
2	4312 23rd Street	1911	\$2,400,000	10/4/2017	3BD / 2BA	1,870	South and East
3	661 Alvarado Street	1927	\$1,978,000	8/25/2017	3BD / 1BA	1,870	South and East
4	1633 Duncan Street	1905	\$2,200,000	5/22/2017	3BD / 2BA	1,790	South and West
5	4177 Cesar Chavez St	1900	\$2,301,111	9/25/2017	3BD / 2BA	1,795	West

Average **\$2,230,822**

**NOE VALLEY HOME SALES - LARGE
Over 1,700 Square Feet
NO VIEWS**

6	79 Clipper Street	1900	\$1,850,000	4/26/2017	3BD / 2BA	1,890	
7	4217 22nd Street	1908	\$1,900,000	7/19/2017	3BD / 2BA	1,913	

Average **\$1,875,000**

Table 1 shows Noe Valley homes sales occurring in 2017 for homes in the size range from 1,000 square feet to 1,399 square feet. The differential of a View versus a No-View property is calculated as follows:

View: \$1,843,250
No-View: (\$1,577,000)

Differential: \$ 266,250

Table 2 shows sales data for medium size homes ranging from 1,400 to 1,699 square feet. The differential of a View versus a No-View property is calculated as follows:

View: \$2,081,750
No-View: (\$1,755,000)

Differential: \$ 326,750

Table 3 shows sales data for large size homes containing over 1,700 square feet. The differential of a View versus a No-View property is calculated as follows:

View: \$2,230,822
No-View: (\$1,875,000)

Differential: \$ 355,822

V. Findings

The research shows a range of view impacts from \$266,250 to \$355,822. Given the square footage of the 789 Castro Street house of 2,728 square feet, a dollar impact toward the high end of the range is concluded to be market-oriented.

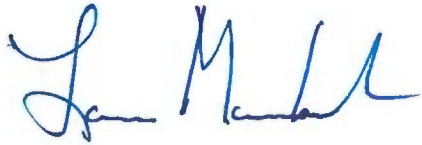
In conclusion, based on a review of the proposed as-designed new residence at 799 Castro Street requiring variances versus a conforming residence with no variances, the impact on value to the 789 Castro Street property due to the variances requested is:

**THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS
(\$325,000)**

Ryan J. Patterson, Esq.
February 21, 2018
Page 4

If you have any questions on this matter, please feel free to contact me.

Sincerely,
MANSBACH ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "L. Mansbach", with a stylized flourish at the end.

Lawrence L. Mansbach, MAI

Attachments:

Qualifications of Lawrence L. Mansbach
Site Plans for Code-Compliant New Residence – No Variances Required
Certification

ATTACHMENTS

QUALIFICATIONS OF LAWRENCE L. MANSBACH, MAI

Lawrence L. Mansbach is an independent real estate appraiser and consultant and president of the firm of Mansbach Associates, Inc. Following is a brief resume of his background and experience:

EXPERIENCE

MANSBACH ASSOCIATES, INC.
President

San Francisco, CA

Mr. Mansbach is president of Mansbach Associates, Inc., a San Francisco-based real estate consultation, market research and valuation firm.

Mr. Mansbach has over 30 years of experience in the real estate consulting and appraisal field. His current focus is on arbitration and litigation support including expert witness testimony. He also provides a wide range of valuation services for purchase and sale activities, lending decisions, tax matters, and public sector functions.

Property types appraised include office, retail, apartment, industrial/R&D, hotel, condominium, vacant land and high end single family residences.

EDUCATION

1980-1982	University of California – Haas School of Business Master of Business Administration. Concentration in real estate and finance.	Berkeley, CA
1974-1976	University of Washington Master of Arts	Seattle, WA
1970-1974	University of California Bachelor of Arts – Highest Honors	Berkeley, CA

PROFESSIONAL

Member of the Appraisal Institute (MAI)
State of California- Certified General Real Estate Appraiser
California Real Estate Broker
California State Board of Equalization – Appraiser For Property Tax Purposes

EXPERT TESTIMONY

Qualified as an Expert in Superior Court – San Francisco, Santa Clara, Alameda, Contra Costa, Marin, and Napa.
United States Tax Court.
American Arbitration Association, JAMS, ADR Services.

CAREER HIGHLIGHTS

Recent accomplishments include:

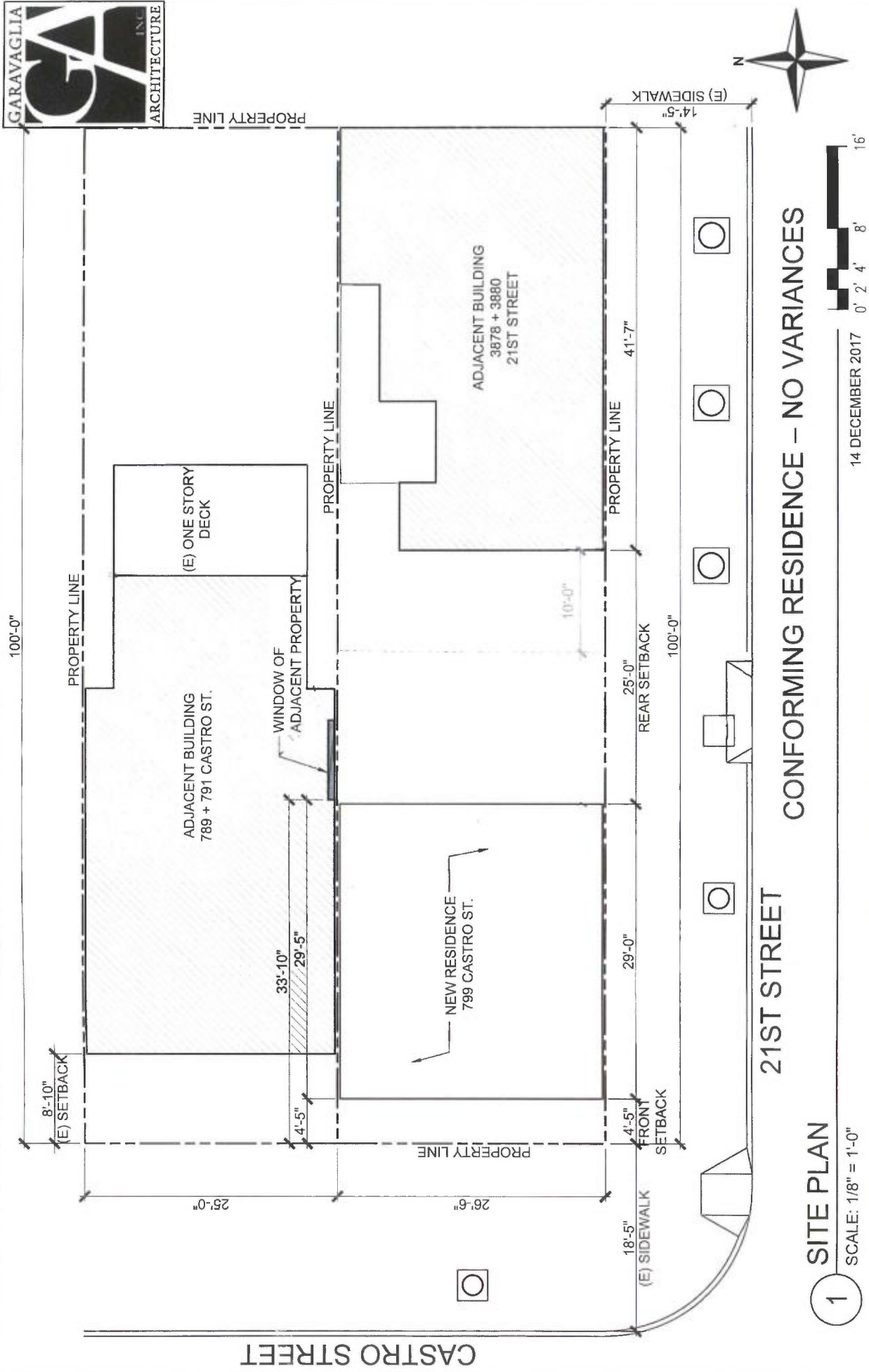
- Arbitrated 400,000 square foot office lease transaction
- Arbitrated telecommunications lease in Contra Costa County
- Arbitrated ground lease for highest volume store of national supermarket chain
- Served as a consultant on largest private school tax-exempt Bond issues in San Francisco.
- Served as the consultant to the estate of Dean Martin for estate tax purposes.
- Represented client on property tax appeal of Bank of America World Headquarters.
- Served as appraiser on tax-exempt bond issue for Mission Bay development in San Francisco.
- Served as appraiser and consultant for expansion of the San Francisco State University campus
- Appraised General Dynamics campus in Mountain View
- Appraised Hunters Point Shipyard
- Appraised portions of Golden Gate National Recreation Area

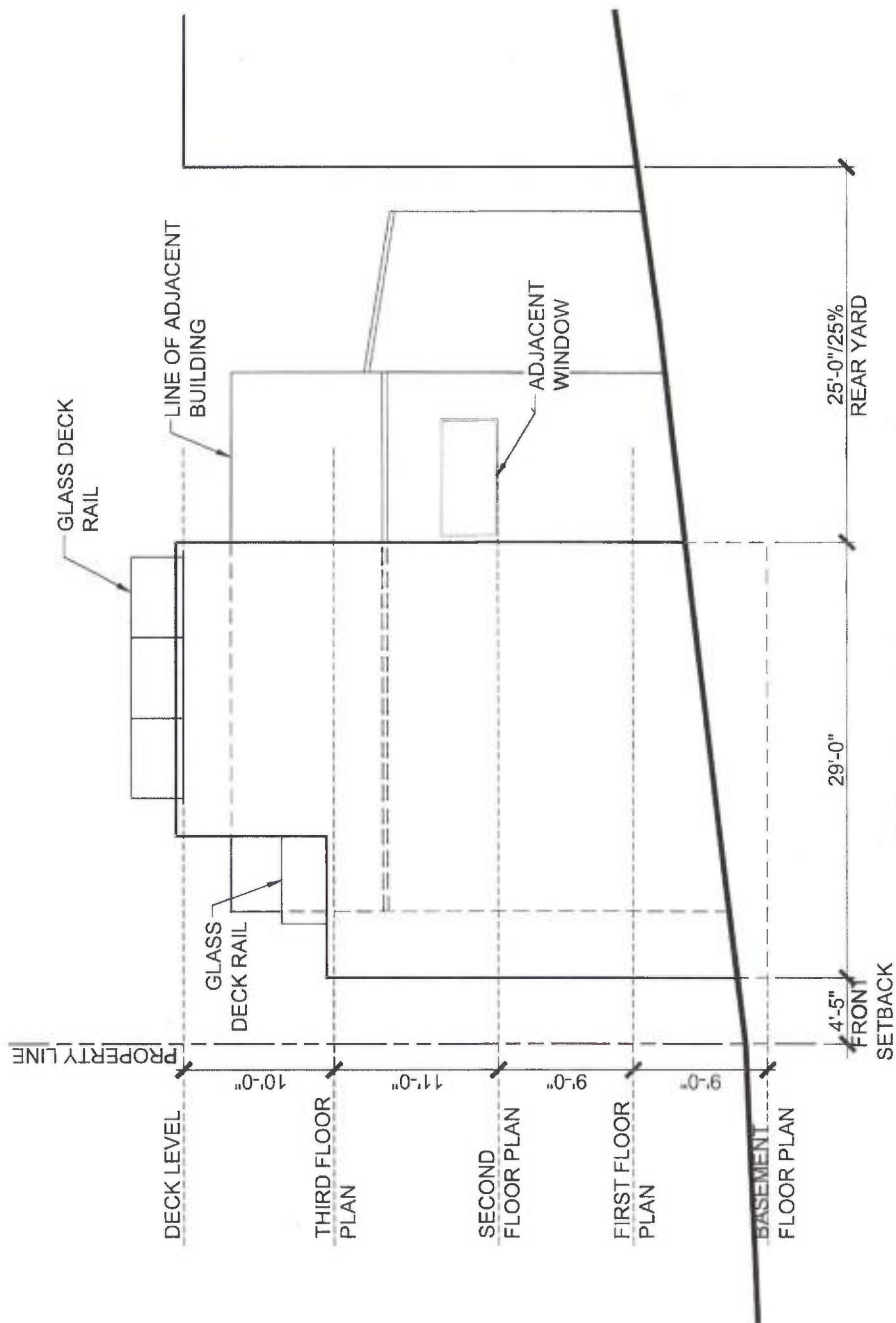
Mr. Mansbach began his career as an analyst with the planning consulting firm of John M. Sanger and Associates in San Francisco. From 1977 to 1980, he was an economic development planner with the San Francisco Department of City Planning. He was the principal author of the Central Waterfront Plan which was an early precursor to the Mission Bay development. During the 1980's, Mr. Mansbach worked at the real estate appraisal and consulting firm of Mills-Carneghi, Inc., eventually becoming a partner.

Mr. Mansbach established his own firm, Mansbach Associates, Inc. in downtown San Francisco in 1990. He has worked with a variety of clients on valuation and consulting matters concerning property types ranging from vacant land to high rise office buildings. Mr. Mansbach also was associated with GMAC Commercial Mortgage Corp. in the late 1990's where he worked on the design of a technology/data base driven commercial appraisal product.

Mr. Mansbach has been a guest lecturer at classes at the University of California, Berkeley and Golden Gate University in San Francisco. He has been quoted on real estate matters in the San Francisco Chronicle and Examiner, and has published in the Northern California Real Estate Journal. He was also interviewed on KCBS radio. Speaking engagements include the Annual Conference of the Northern California Chapter of the Appraisal Institute, the Society of Municipal Analysts, and the Tax Section of the California State Bar. Mr. Mansbach has addressed various municipal government bodies in the Bay Area as well as the Moody's and Standard and Poor's rating agencies. He also served as the chair of the Experience Review Committee for the local chapter of the Appraisal Institute.

Mr. Mansbach is active in local community matters, particularly in school financing mechanisms. He devised a parcel tax strategy which generated a nearly \$3,000,000 windfall for a Bay Area school district.





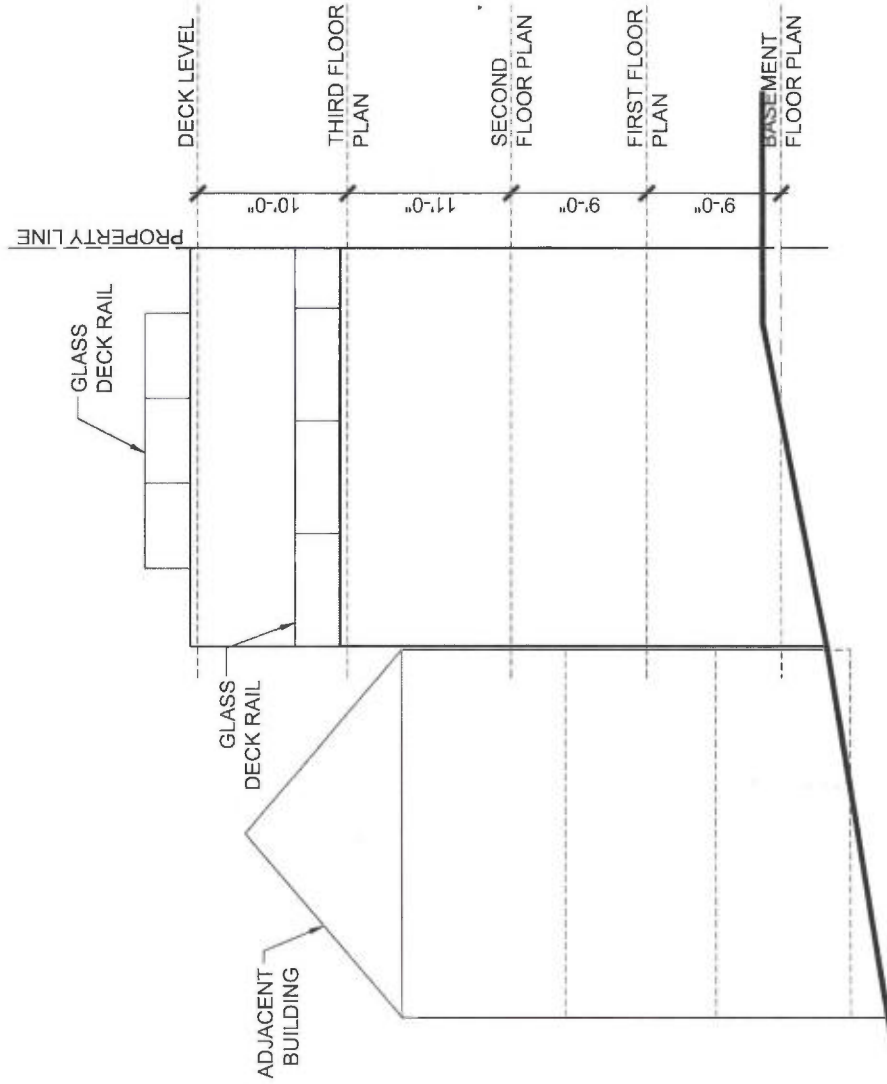
CONFORMING RESIDENCE – NO VARIANCES

1 SOUTH ELEVATION @ 21ST STREET

SCALE: 1/8" = 1'-0"

14 DECEMBER 2017





CONFORMING RESIDENCE – NO VARIANCES

WEST ELEVATION @ CASTRO STREET

SCALE: 1/8" = 1'-0"

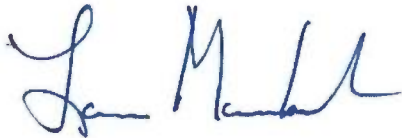
14 DECEMBER 2017



CERTIFICATION:

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
6. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
7. I have made a personal inspection of the property that is the subject of this report.
8. No one provided significant professional assistance to the person signing this report.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. As of the date of this report, Lawrence Mansbach has completed the requirements of the continuing education program of the Appraisal Institute.
12. I have not provided professional services regarding the subject property in the past three years.



Lawrence L. Mansbach, MAI
SCREA #AG004175

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

February 8, 2018

VIA E-MAIL

Nancy Tran
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479
Nancy.H.Tran@sfgov.org

Re: 799 Castro Street, San Francisco
Project Sponsor's Updated Proposal—Hearing on February 22, 2018

Dear Ms. Tran:

This past week, the neighbors around 799 Castro Street met twice, once with the Project Sponsor and his architect and once separately to discuss the Project Sponsor's updated proposal. As you know, the neighbors are a very active and organized group committed to finding a solution for this project that will benefit the neighborhood as a whole, including the Project Sponsor.

The general consensus reached by the neighbors is that they cannot support the project in its current form. Although the Project Sponsor has made changes to its proposal since the iteration reviewed by the Planning Commission on December 14, 2017, the newest version does not take the Commissioners' comments fully into account. Though reduced in size, the proposed project is still oversized for the lot considering the existing two-unit (soon to be three-unit) building. The proposal does not resemble the "modern cottage" described by Commissioner Hillis; does not provide enough open space in the rear yard to give the ADU "proper exposure" and make it "livable" as requested by Commissioner Moore; and still "sticks out aesthetically" in this "very lovely block of older homes" as Commissioner Melgar commented on December 14, 2017.

The neighbors would like to see these concerns addressed as follows:

1) Reduce the building envelope, including an additional five feet at the rear. The rear reduction means the building would be reduced by only about 250 square feet, yet the rear yard would be increased sufficiently to eliminate the need for a rear yard variance and provide adequate light and ventilation for the proposed ADU. Further, this reduction in size would bring the project closer to Commissioner Hillis's vision of a "modern cottage."

2) Soften the style of the façade to better blend into the neighborhood's historic architecture. The proposed contemporary architecture will cause the project to aesthetically disrupt an iconic San Francisco neighborhood. While a contemporary or modern style house is

not objectionable in principle, this manifestation of the style is incongruous. A style based on a Queen Anne pattern of massing and fenestration that incorporates contemporary styling could meet the neighborhood's needs. The neighbors are in agreement with the Project Sponsor that a faux-Victorian style is inappropriate. However, in this neighborhood, a contemporary building should be in keeping with the neighboring homes or incorporate some traditional elements.

3) Change the flat roof to a pitched roof to better incorporate the project into the neighborhood. At the Project Sponsor's meeting on Wednesday, January 31, 2018 the Project Sponsor and his architect were both adamant that Planning repeatedly refused to allow them to construct a pitched roof, despite the fact that the neighborhood prefers it. The neighbors are aware of numerous instances whereby Planning recently approved projects in the area allowing pitched roof construction.

As requested by the Project Sponsor at the January 31st meeting, attached please find exemplars of the type of "compromise" style described by many neighbors at the January 31st meeting. These pictures are merely illustrations intended to provide inspiration rather than exact specifications, elements, or requirements. Please also find attached a sketch from architect Mike Garavaglia reflecting the increased rear yard and pitched roof concepts.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

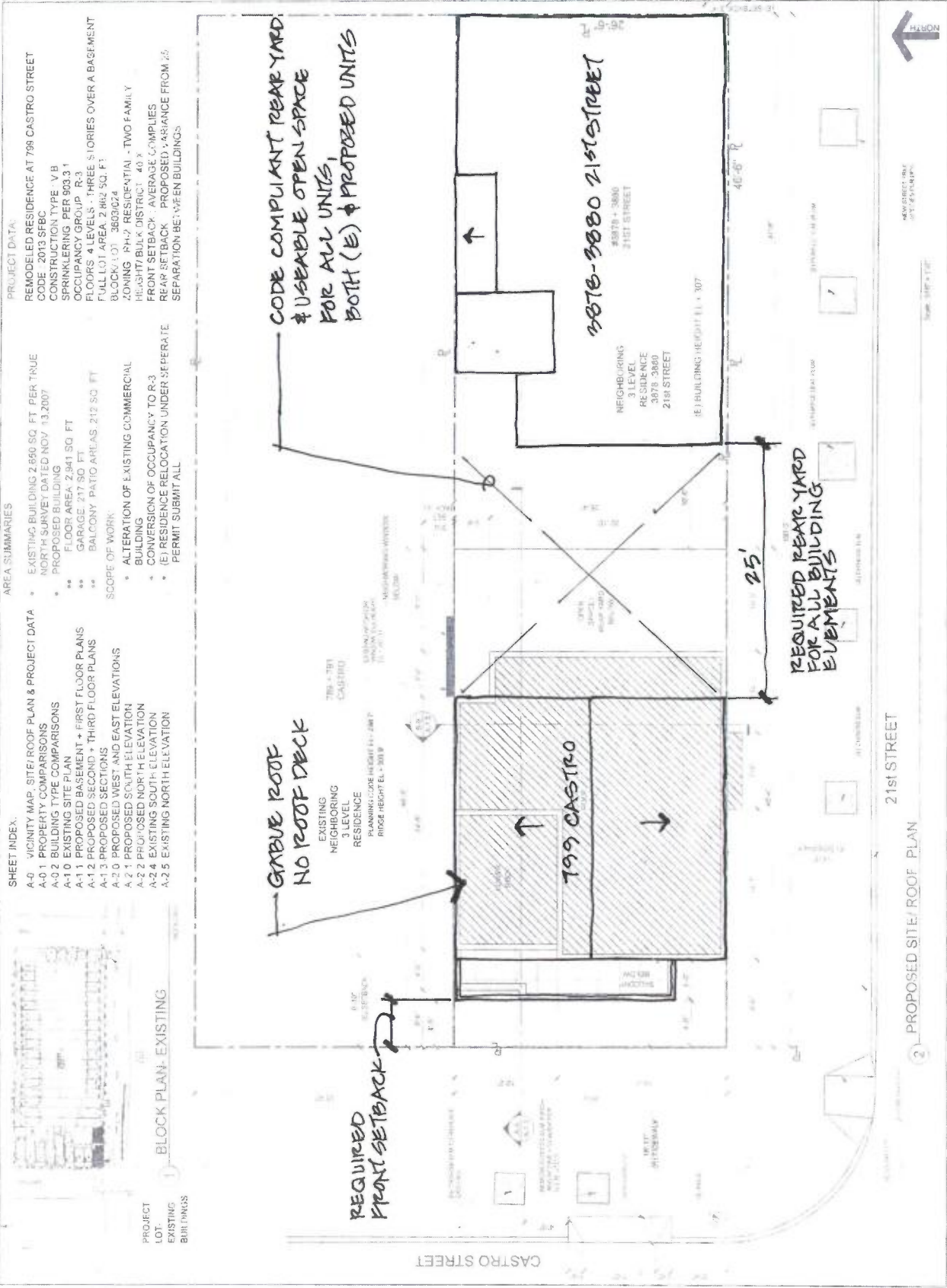


Shoshana Raphael
Attorneys for Andrew Zacks and Denise Leadbetter











TECTA

ARCHITECTURE
INTERIORS
PLANNING

1001 S. GATEWAY BLVD
SUITE 200
SAN FRANCISCO, CA 94114
TEL: 415.382.5544
WWW.TECTA.COM



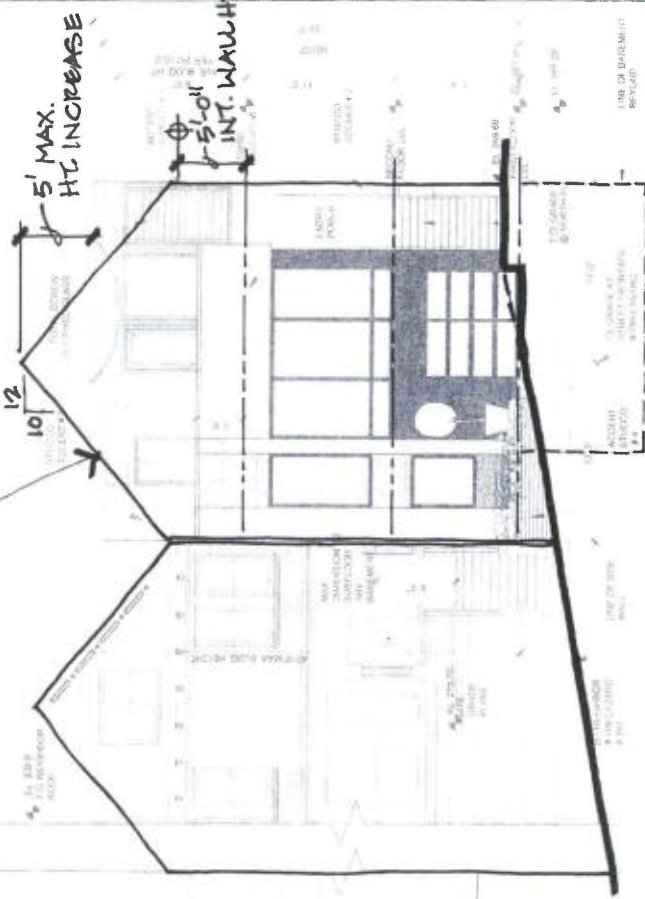
NEW RESIDENCE
799 CASTRO
SAN FRANCISCO, CA 94114



PROPOSED
WEST AND EAST
ELEVATIONS

A-2.0

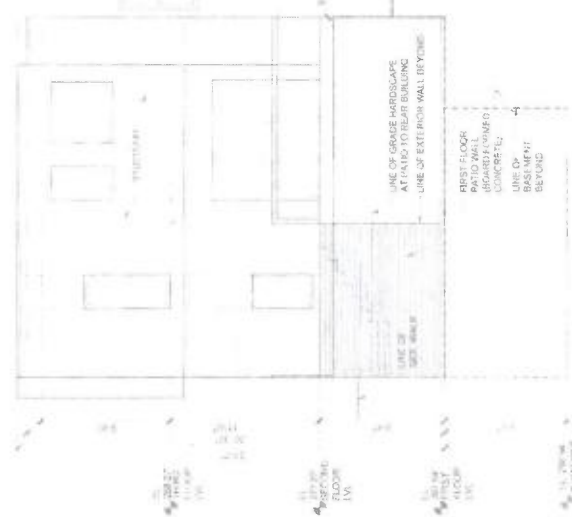
MATCH ADJACENT (789)
ROOF SLOPE FOR PREDOMINATE
NEIGHBORHOOD MASSING
CONFORMITY



(1) WEST FRONT ELEVATION - CASTRO STREET

GRADE ANALYSIS
• WEST ELEVATION: AVERAGE GRADE = 491.1'
• FIRST FLOOR: 495.0' FT. X 41.5' X 14.55' FT. X 4.5' = 31.74 CY
• SECOND FLOOR: 10 CY
• TOTAL CY TO BE REMOVED: 41.74

EXISTING GRADE PLANE ANALYSIS
• WEST ELEVATION: AVERAGE GRADE = 491.1'
• EAST ELEVATION: AVERAGE GRADE = 491.1'
• SOUTH ELEVATION: AVERAGE GRADE = 491.1'
• NORTH ELEVATION: AVERAGE GRADE = 491.1'
• AVERAGE GRADE PLANE FOR PROPERTY IS: 491.1'
• LIMIT PROPOSED LEVEL IS: 491.1'
• PROPOSED GRADE PLANE IS LESS THAN 10:1 SLOPE



(2) EAST REAR ELEVATION

Scale: 1/8" = 1'-0"

From: Tran, Nancy (CPC)
To: [Shoshana Raphael](#)
Cc: [HATEF MOGHIMI](#); [Dianne Fong-Torres](#); [Ryan Patterson](#); [Andrew Zacks](#); [Mitch](#); [Ben Fong-Torres](#); [Peter Seubert](#); [cat@cattaylor.com](#); [Richard](#); [Peter Overstreet](#); [Lauren Geissler](#); [Galen WM Leung](#); [Karen DeLara](#); [Joseph & Lauren Giometti](#); [Peter Seubert](#); [Jeremy Zhijun Zeng](#); [Mike Garavaglia](#); [Barbara Berkeley](#); [Audrey Vernick](#); [Ryan Patterson](#); [desireedelara@me.com](#); [d2dana@hotmail.com](#); [Alvaro Carvajal](#); [Autumn Skerski](#); [goncalves.flavia@gmail.com](#); [marthajasten@cs.com](#); [Pdemasco@gmail.com](#); [karen.demasco@gmail.com](#); [alex.fujinaka@gmail.com](#); [ANDREW M ZACKS](#); [Denise Leadbetter](#); [Skin Zone](#); [Washington, Delvin \(CPC\)](#); [HATEF MOGHIMI](#)
Subject: RE: 799 Castro Street Project
Date: Wednesday, February 14, 2018 4:53:26 PM

Please see my responses below in blue.

From: Shoshana Raphael [<mailto:shoshana@zfplaw.com>]
Sent: Wednesday, February 14, 2018 10:00 AM
To: Tran, Nancy (CPC)
Cc: [HATEF MOGHIMI](#); [Dianne Fong-Torres](#); [Ryan Patterson](#); [Andrew Zacks](#); [Mitch](#); [Ben Fong-Torres](#); [Peter Seubert](#); [cat@cattaylor.com](#); [Richard](#); [Peter Overstreet](#); [Lauren Geissler](#); [Galen WM Leung](#); [Karen DeLara](#); [Joseph & Lauren Giometti](#); [Peter Seubert](#); [Jeremy Zhijun Zeng](#); [Mike Garavaglia](#); [Barbara Berkeley](#); [Audrey Vernick](#); [Ryan Patterson](#); [desireedelara@me.com](#); [d2dana@hotmail.com](#); [Alvaro Carvajal](#); [Autumn Skerski](#); [goncalves.flavia@gmail.com](#); [marthajasten@cs.com](#); [Pdemasco@gmail.com](#); [karen.demasco@gmail.com](#); [alex.fujinaka@gmail.com](#); [ANDREW M ZACKS](#); [Denise Leadbetter](#); [Skin Zone](#)
Subject: 799 Castro Street Project

Dear Ms. Tran,

In reference to my letter to you dated February 8, 2018 (attached again here for your convenience), it appears my letter "crossed in the mail" with the Project Sponsor's updated renderings. I received the updated renderings from one of the neighbors on the same day that I emailed you the letter. The latest renderings ignore the neighbors' request for a peaked roof, stated many times over the course of this process and again at the Project Sponsor's meeting on January 31st.

The project sponsor has stated that the Planning Department rejected a peaked roof on this project. Following up on the letter, please confirm that the Planning Staff has refused to allow a peaked roof design for the project. Both the Project Sponsor and his architect reiterated the Planning Department's assertion at the January 31st meeting held by the Project Sponsor. Has Planning been opposed to a peaked roof in the past? Due to the extensive project history prior to my involvement and information available to me, I'm unable to find written documentation from the Department requiring a flat roof. I did find past design comments strongly encouraging a sloped roof up until 2013 – after that it appears that the Department was amenable to the proposed flat roof following internal senior management discussion. Would Planning oppose a peaked roof now? Are there particular reasons that Planning would reject a peaked roof? It is my understanding that either sloped or flat roof are acceptable options.

Please advise on Planning's position regarding a peaked roof. Thank you for your time and attention to this matter.

Best,

Shoshana Raphael

Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 956-8100
Facsimile: (415) 288-9755
www.zfplaw.com

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City and County of San Francisco



Mark Farrell
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

February 21, 2018

Corey Teague
Assistant Zoning Administrator
1650 Mission Street, 5th Floor
San Francisco, CA 94103

Appeal No.: 18-022
Appeal Title: Zacks vs. ZA
Subject Property: 799 Castro Street & 3878-3880 21st Street
Determination Type: Letter of Determination
Record No.: 2017-014202ZAD

Dear Corey Teague:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above referenced **Letter of Determination**. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the subject determination is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **April 25, 2018, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

Andrew Zacks, Appellant
c/o Ryan Patterson & Shoshana Raphael, Attorneys for Appellant
Zacks, Freedman & Patterson PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

Hatef Moghimi, Subject Property Owner
c/o Tom Tunny, Attorney for Subject Property Owner
Reuben Junius & Rose LLP
One Bush Street, Suite 600
San Francisco, CA 94104



CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

FEB 21 2018

APPEAL # 18-022

PRELIMINARY STATEMENT OF APPEAL

I / We, **Andrew Zack**, hereby appeal the following departmental action: **ISSUANCE of Letter of Determination Record No. 2017-014202ZAD** by the **Zoning Administrator** which was issued or became effective on: **February 06, 2018**, for the property located at: **799 Castro Street & 3878-3880 21st Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **April 05, 2018, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. 2K

Respondent's and Other Parties' Briefs are due on or before: **April 19, 2018, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, April 25, 2018, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

The Zoning Administrator erred or abused his discretion.

Appellant or Agent (Circle One):

Signature: Shoshana Raphael

Print Name: Shoshana Raphael



**SAN FRANCISCO
PLANNING DEPARTMENT**

BOARD OF APPEALS

FEB 21 2018

APPEAL # 18-072

Letter of Determination

February 6, 2018

Ryan Patterson
Zacks, Freedman & Patterson, PC
235 Montgomery Street, Suite 400
San Francisco, CA 94104

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address:	799 Castro Street / 3878-3880 21 st Street
Assessor's Block/Lot:	3603/024
Zoning District:	RH-2 (Residential-House, Two-Family)
Staff Contact:	Nancy Tran, (415) 575-9174 or nancy.h.tran@sfgov.org
Record No.:	2017-014202ZAD

Dear Mr. Patterson:

This letter is in response to your request for a Letter of Determination regarding the property at 799 Castro Street / 3878-3880 21st Street. The subject parcel is a corner lot located at Castro and 21st Streets within the RH-2 (Residential-House, Two Family) Zoning District and 40-X Height and Bulk District. The request seeks to determine the process required to demolish and construct a new structure at 799 Castro Street.

1. *Can the Project's conditional use application to demolish the existing dwelling at 799 Castro Street be approved before the City has granted final approval of a building permit for construction of the replacement building?*

Yes. Pursuant to Planning Code Section 317(d)(2), "Conditional Use Authorization is required for approval of the permit for Residential Demolition, and the Commission shall consider the replacement structure as part of its decision on the Conditional Use application." On September 19, 2014, the property owner filed Building Permit Application No. 201409196883 to allow for alterations to the subject building. Those alterations are considered to be a Residential Demolition per Planning Code Section 317. On April 13, 2017, the property owner submitted an application for the required Conditional Use Authorization (Case No. 2017-004562CUA) to allow the scope of work sought under Building Permit Application No. 201409196883.

It is noted that your request cites a passage in Planning Code Section 311(e), which states "an application authorizing demolition in any R District...of a dwelling shall not be approved and issued until the City has granted final approval of a building permit for construction of the replacement building." In presuming that your request seeks clarification on the applicability of this section, it is noted that Section 311 establishes "procedures for reviewing building permit

Ryan Patterson
235 Montgomery Street, Suite 400
San Francisco, CA 9410

February 6, 2018
Letter of Determination
799 Castro Street / 3878-3880 21st Street

applications for lots in R Districts." As such, the "application" referenced in Section 311(e) is a building permit application, not an application for Conditional Use Authorization.

2. *Which portion of the structure at 799 Castro Street constitutes the residential use?*

The previous residential use area within the structure is not evident and therefore cannot be distinguished from the non-conforming commercial use.

3. *Is it possible to demolish only the residential use at 799 Castro Street without demolishing the commercial use?*

As noted previously, the prior residential use area cannot be distinguished from the non-conforming commercial use.

4. *Is it possible to demolish and "re-establish" a rent-controlled dwelling unit in one building (799 Castro Street) as an ADU in another building (3878-3880 21st Street)?*

The Dwelling Unit at 799 Castro Street may be demolished with a Conditional Use Authorization pursuant to Planning Code Section 317, and a new Accessory Dwelling Unit (ADU) may be established on the same property if it meets the requirements of Planning Code Section 207(c)(4), particularly that it be "constructed entirely within the 'living area' (as defined in subsection (c)(6)(B)(iii)) or the buildable area of an existing single-family home or within the built envelope of an existing and authorized auxiliary structure on the same lot

5. *Has a building permit application been filed or been finally issued for the Project replacement structure?*

As noted previously, Building Permit Application No. 201409196883 was submitted for the scope of work proposed for 799 Castro Street. The scope of work sought under this permit requires Conditional Use Authorization and a Variance from the Planning Code. As such, the subject permit cannot be approved until such authorizations are received.

6. *Prior to the final approval of the Project's variance application, is the Project in compliance with development standards of the Planning Code?*

As noted previously, Building Permit Application No. 201409196883 requires Conditional Use Authorization and a Variance from the Planning Code. Planning Department staff reviewed the subject plans and determined that the project complies with all other applicable provisions of the Planning Code, including the Residential Design Guidelines.

7. *Prior to the final approval of the Project's variance application, can the Project's conditional use application be granted?*

Ryan Patterson
235 Montgomery Street, Suite 400
San Francisco, CA 9410

February 6, 2018
Letter of Determination
799 Castro Street / 3878-3880 21st Street

Because the Project requires both Conditional Use Authorization and a Variance from the Planning Code, a joint hearing with the Planning Commission and Zoning Administrator was conducted on December 14, 2017, and continued to February 22, 2018, so that all aspects of the project are considered at the same time. The Planning Commission can take action prior to the issuance of the Zoning Administrator's written decision on the Variance. That said, the subject building permit application cannot be approved by the Planning Department until the required Conditional Use Authorization and Variance are both obtained.

8. *Once the commercial use at 799 Castro Street is changed, will that residential use be a conforming use or a nonconforming use?*

Removal of the existing commercial use will bring the property closer into conformity with Planning Code, as a residential use is principally permitted in the RH-2 Zoning District. Because the subject property contains three existing Dwelling Units where two Dwelling Units are permitted under the base density, one unit will be considered a legal, nonconforming Dwelling Unit. Under the Planning Code, the owner may designate which one of the three units is nonconforming. Once the nonconforming unit is designated, that unit is subject to the limitations outlined in Planning Code Section 181(c). Under the Planning Code, the existing residential use at 799 Castro Street may be expanded beyond the current building envelope if the owner designates the dwelling unit in the structure as one of the two conforming Dwelling Units on site.

9. *Once the commercial use at 799 Castro Street is changed to a residential use, can that the residential use be expanded to extend beyond the building envelope as it existed on January 1, 2013?*

See response to Question 8.

10. *What is the minimum setback required by the Planning Code between the two proposed structures at the Project site?*

Planning Code Section 134 requires a rear yard of 25% of the total lot depth or 15 feet (whichever is less) between two residential buildings on the same lot. Because the subject lot depth is 100 feet, a minimum separation of 25 feet is required under the Planning Code.

11. *From which Planning Code subsections does the Project require variances? Does the Project's variance application seek variances from these subsections' requirements?*

Based on the latest plan set dated September 20, 2017, the Project requires Variances from the front setback and rear yard requirements of the Planning Code. Planning Code Section 132 requires a front setback of 4 feet 5 inches from the front property line. The proposal is to construct to the front property line; therefore, the proposal requires a Variance from the front setback requirement of Planning Code Section 132. As noted previously, Planning Code Section 134 requires a rear yard of 25 feet between the two buildings. The proposal

Ryan Patterson
235 Montgomery Street, Suite 400
San Francisco, CA 9410

February 6, 2018
Letter of Determination
799 Castro Street / 3878-3880 21st Street

provides a separation of 10 feet between the two buildings; therefore, the project requires a Variance from the rear yard requirement of Planning Code Section 134.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Corey A. Teague
Acting Zoning Administrator

cc: Property Owner
Nancy Tran, Planner
Neighborhood Groups

City & County of San Francisco
BOARD OF APPEALS

CONTACT INFORMATION FOR PARTIES

BOARD OF APPEALS

FEB 21 2018

APPEAL # 18-022



Appeal No(s): _____

APPELLANT(S)

Name: Andrew Zachs

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: Shoshana Raphael & Ryan Patterson

Phone Number: (415) 956-8100 Fax Number: (415) 288-9755

Email Address: Shoshana@zfplaw.com, ryan@zfplaw.com

Mailing Address: 235 Montgomery Street, Suite 400, San Francisco, CA 94104
Street City State Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: Hatef Haghighi, subject property owner & project sponsor

Phone Number: (415) 425-1815 Fax Number: _____

Email Address: hatef@me.com

Mailing Address: _____
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: Thomas Tunny, Preuben, Junius & Rose, LLP

Phone Number: (415) 567-9000 Fax Number: (415) 399-9480

Email Address: tunny@preubenlaw.com

Mailing Address: 1 Bush Street, Suite 600, San Francisco, CA 94104
Street City State Zip





Received at CPC Hearing 2/22/18
D. Ganevson

TO: SF Planning Department

RE: Proposal for 1327 Chestnut

This letter is to express my SUPPORT as a member of the community for the beauty salon proposal at 1327 Chestnut which will be known as Be Radiant Salon Studios.

I understand that this is the location on the 2nd floor next to Yuki Lashes salon, an existing neighborhood business with the same owner, who would like to open Be Radiant Salon. This proposal will provide convenience for beauty services such as hair styling, waxing, and manicures to the neighborhood.

I have seen the proposed floor plan and I agree that this will be a benefit for the community to which I have no objections.

Thank you,

Reagan Penwell 2.15.18
Signature Date

Reagan Penwell
Name

2829 Pierce Street, San Francisco CA 94123
Address

(415) 629-2151
Phone Number

TO: SF Planning Department

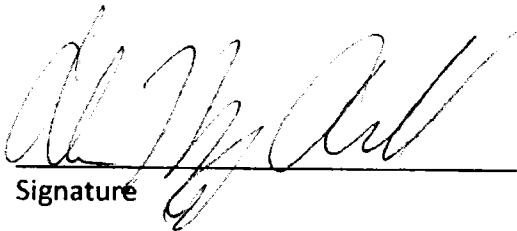
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Thank you,


Signature

2.15.18
Date

Margaret Arnold
Name

1656 Leavenworth St 94109
Address

919-260-4333
Phone Number

TO: SF Planning Department

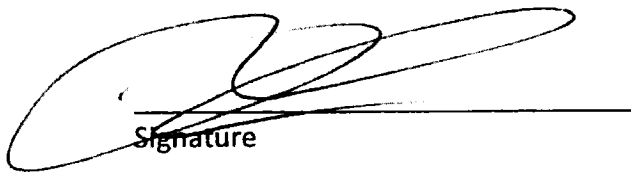
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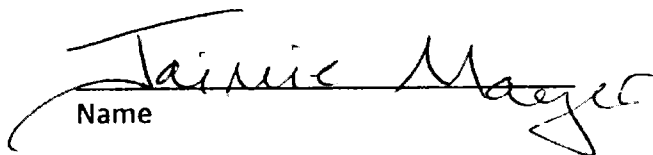
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Thank you,


Signature

2/15/18
Date


Name

1309 Church St., SF, CA 94114
Address

7738326657
Phone Number

TO: SF Planning Department

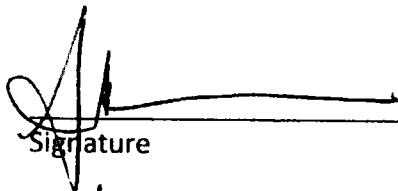
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Thank you,



Signature

2/15/18

Date

Anna Berries

Name

1624 Greenwich St. ST, CA 94123

Address

415-250-4587

Phone Number

TO: SF Planning Department

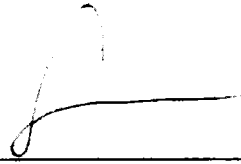
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I have seen the proposed floor plan and I agree that this will be a benefit for the community to which I have no objections.

Thank you,



Signature

2.14.18

Date

SHIRLEY JONKANC

Name

1000 GREEN ST SE # 902 94123

Address

415.5321730

Phone Number

TO: SF Planning Department

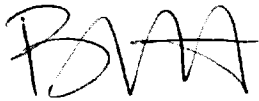
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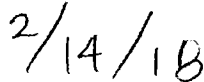
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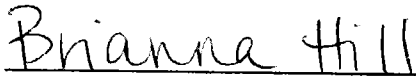
Thank you,



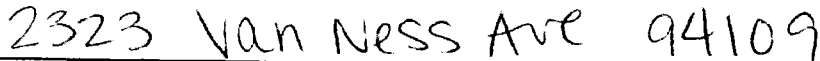
Signature



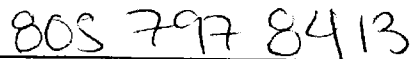
Date



Name



Address



Phone Number

TO: SF Planning Department

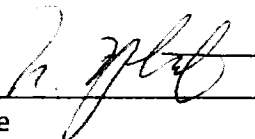
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I have seen the proposed floor plan and I agree that this will be a benefit for the community to which I have no objections.

Thank you,


Signature

2/14/18
Date

Mardy Young
Name

2875 Van Ness Ave SF CA 94109
Address

(415) 673-4219
Phone Number

TO: SF Planning Department

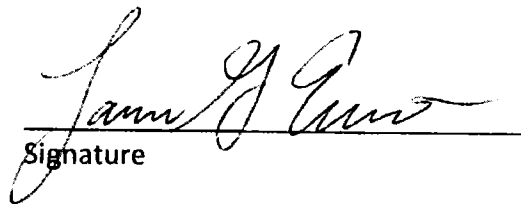
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Thank you,


Signature

2/14/18
Date

Lauren Engwer
Name

2940 VAN NESS AVE
Address

916-532-8264
Phone Number

TO: SF Planning Department

RE: Proposal for 1327 Chestnut

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Thank you,


Signature

2.14.18
Date

Irene Brunner
Name

324 Todd way mill Valley CA
Address

94941

415 465 2455
Phone Number

TO: SF Planning Department

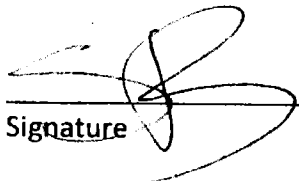
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Thank you,


Signature

2/14/18
Date

Stephanie Behring
Name

1485 Chestnut St, San Francisco, CA 94123
Address

925-858-5819
Phone Number

TO: SF Planning Department

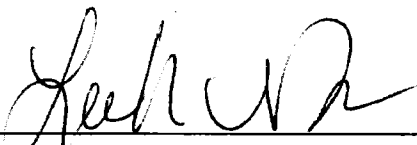
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Thank you,


Signature

2/14/18
Date

Leah Nau
Name

3615 Buchanan St Apt. 202
Address

(908) 268-5411
Phone Number

TO: SF Planning Department

RE: Proposal for 1327 Chestnut

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Thank you,

Myra Hyams 2/15/18
Signature Date

Myra Hyams
Name

2245 Lombard St. Apt B, SF, 94123
Address

415-306-2832
Phone Number

TO: SF Planning Department

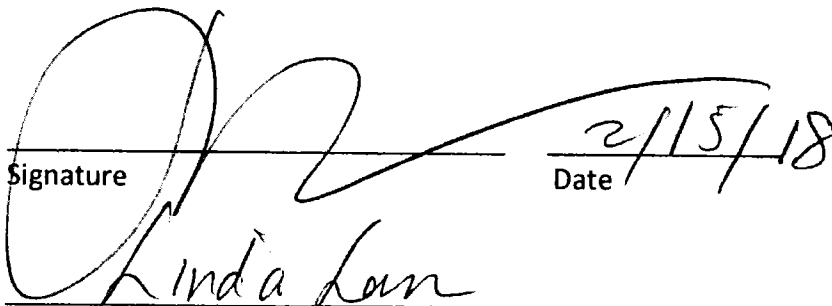
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Thank you,


Signature _____ Date 2/15/18
Name Linda Lam

574 6th Ave SF, CA 94118
Address

415-871-3383
Phone Number

TO: SF Planning Department

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Thank you,

Huan L. Chen 2-15-18
Signature Date

Huan Lian Chen,
Name

1327 Chestnut st. 94123
Address

(415) 771-2821
Phone Number

TO: SF Planning Department

RE: Proposal for 1327 Chestnut

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Thank you,


Signature

2/14/18
Date

JEMMA JOREL LESTER
Name

1147 BAY ST, SAN FRANCISCO, CA 94123
Address

845-389-3958
Phone Number

TO: SF Planning Department

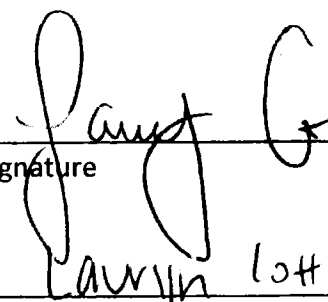
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Thank you,



Signature

Carolyn Loth
Name

2.17.18

Date

1408 Francisco St SF CA 94123

Address

925.230.0020

Phone Number

TO: SF Planning Department


RE: Proposal for 1327 Chestnut

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Thank you,


Signature

2/17/18
Date

Dayna Kaufman
Name

572 Chestnut St. SF, CA 94133
Address

(818) 606-7113
Phone Number

TO: SF Planning Department

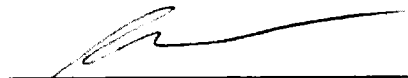
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Thank you,


Signature

2/17/18
Date

Alyssa Merrin
Name

1424 McAllister St
Address

202 316 1506
Phone Number

TO: SF Planning Department

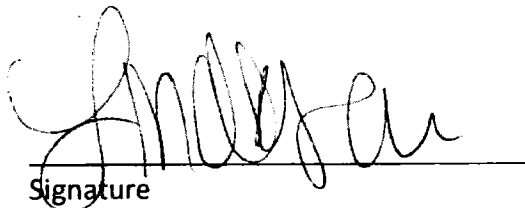
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Thank you,


Signature

2/17/18
Date

Lindsay Coe
Name

2 Oak Way #201
Address

415.413.6145
Phone Number

TO: SF Planning Department

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Thank you,

Nichole Grant-Nogueira

Signature

2/19/18

Date

NICHOLE GRANT-NOGUEIRA

Name

240 BAY, #4259, San Francisco, CA 94133

Address

214-417-3232

Phone Number

TO: SF Planning Department


RE: Proposal for 1327 Chestnut

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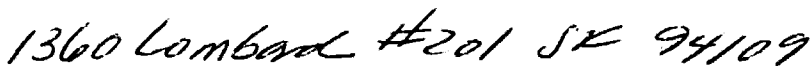
Signature




Date



Name



Address



Phone Number

TO: SF Planning Department

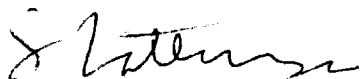
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Thank you,


Signature

2/19/17
Date

Shannon Nathanson
Name

750 2nd St SF CA 94107
Address

650-996-7350
Phone Number

TO: SF Planning Department

RE: Proposal for 1327 Chestnut

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Thank you,

Kathryn O'Leary
Signature

2/19/18
Date

Kathryn O'Leary
Name

2661 Sacramento St.
Address

415-705-9902
Phone Number

TO: SF Planning Department

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Thank you,

C. Lombana 2-21-18
Signature Date

Claudia Lombana
Name

1452 Francisco St. #1
Address

415-871-4686
Phone Number

TO: SF Planning Department

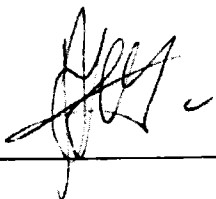
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This letter is to express my SUPPORT as a member of the community for the beauty salon proposal at 1327 Chestnut which will be known as Be Radiant Salon Studios.

I understand that this is the location on the 2nd floor next to Yuki Lashes salon, an existing neighborhood business with the same owner, who would like to open Be Radiant Salon. This proposal will provide convenience for beauty services such as hair styling, waxing, and manicures to the neighborhood.

I have seen the proposed floor plan and I agree that this will be a benefit for the community to which I have no objections.

Thank you,

 2/14/2018

Signature Date

ANASTASIA BENKO

Name

1224 Chestnut street

Address

(415) 806 6717

Phone Number

TO: SF Planning Department

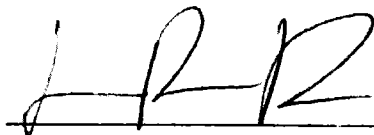
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Thank you,



Signature

2/14/17

Date



Name

3615 Buchanan St #202

Address

424-832-6091

Phone Number

TO: SF Planning Department

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Thank you,



Signature

2/21/18

Date

Mandana Ansari

Name

2320 California St 94115

Address

408 209 0356

Phone Number

TO: SF Planning Department

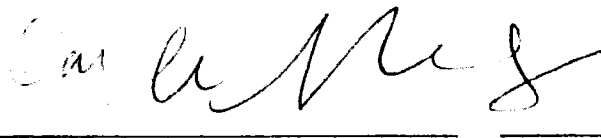
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 2/21/2018

Signature

Date

Careen Higa

Name

2905 VANNESS AVE #205

Address

909265 7568

Phone Number

TO: SF Planning Department

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Signature

2/21/18
Date

Christina Lee
Name

2701 Van Ness Ave

Address

415-515-5051
Phone Number

TO: SF Planning Department

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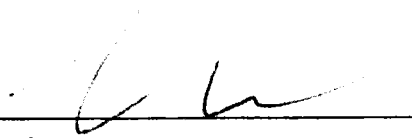
Signature

Date

Name

Address

Phone Number



2/21/14

SARA WEST

1173 Vallejo St, San Francisco, CA

206 335-0688

TO: SF Planning Department

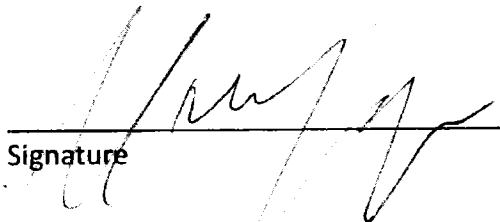
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 2/21/17
Signature Date

Michelle Trancante
Name

2315 Van Ness Ave, Apt #5
Address

619 769 1665
Phone Number

Ganetsos, Dori (CPC)

To: Jardines, Esmeralda (CPC)
Subject: RE: 2017-014736CUA

-----Original Message-----

From: Marilo Calabuig [<mailto:mcalatemp@yahoo.com>]

Sent: Thursday, February 08, 2018 6:10 PM

To: Secretary, Commissions (CPC)

Subject: 2017-014736CUA

To who it might concern,

I object to the opening of the beauty salon, DBA BeRadiant Salon.

Best,

Mariló Calabuig

Received at CPC Hearing 2/22/18

D. Ganevson

BeRadiant Salon Studios

Proposal for use at 1327 Chestnut St

Overview	Page 3
Employment/Business Opportunities	Page 4
Services	Page 6
External Changes	Page 7
Internal Changes	Page 8
Neighborhood Concerns	
ADA Compliance	Page 9
Lack of foot traffic	Page 10
Potential for illegal activity	Page 11
More services not needed	Page 12
Neighborhood Support Letters	

Overview

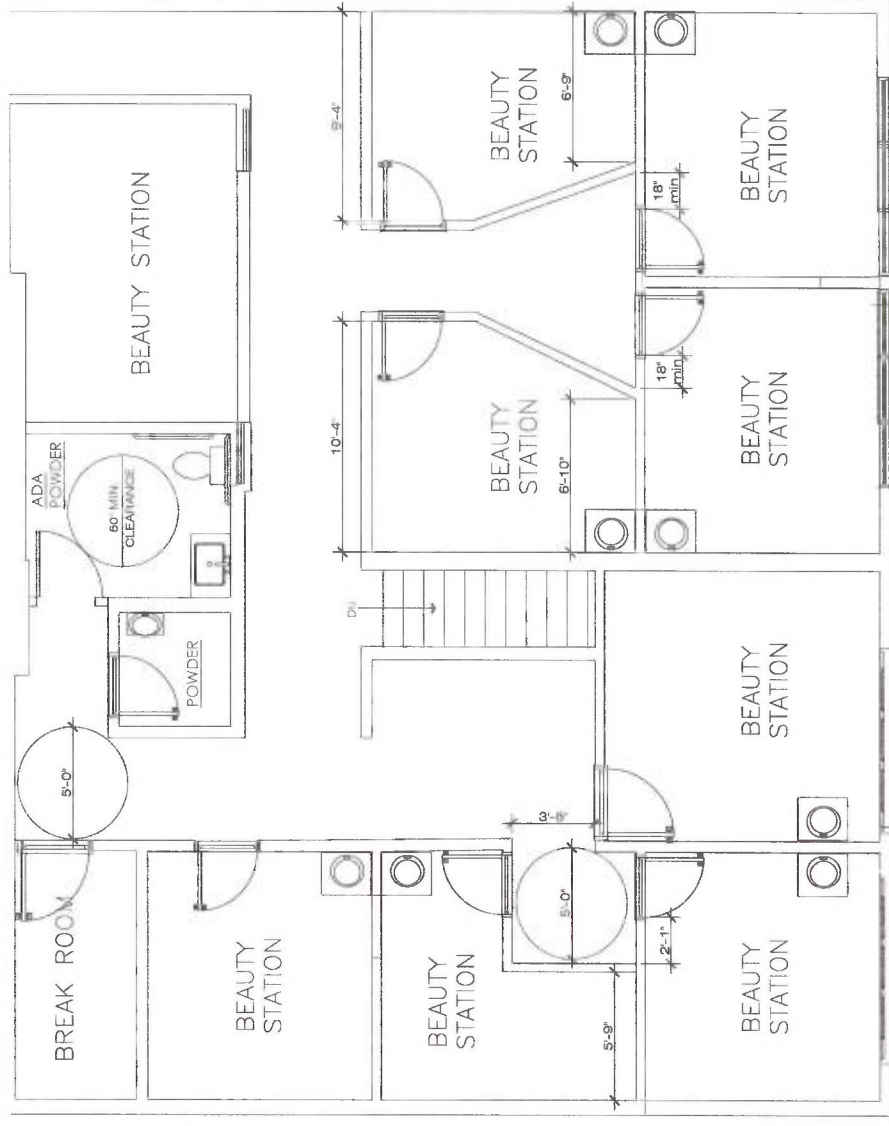
The location of the proposal at 1327 Chestnut St has been vacant for over 2 years. A missed opportunity for the neighborhood which can now offer various beauty services and salon suites which facilitate entrepreneurship.

We are proposing to invest to provide:

- Convenient beauty services
- Small business opportunities
- Employment opportunities
- Grow an existing neighborhood small business

While at the same time:

- Making no external changes
- Keeping the character of the community
- Investing in ADA access



Employment Opportunities

Existing Business

Yuki Lashes

1325 Chestnut St

Eyelash Extensions only

2 Rooms

3 Lash Stylists

Proposed Business

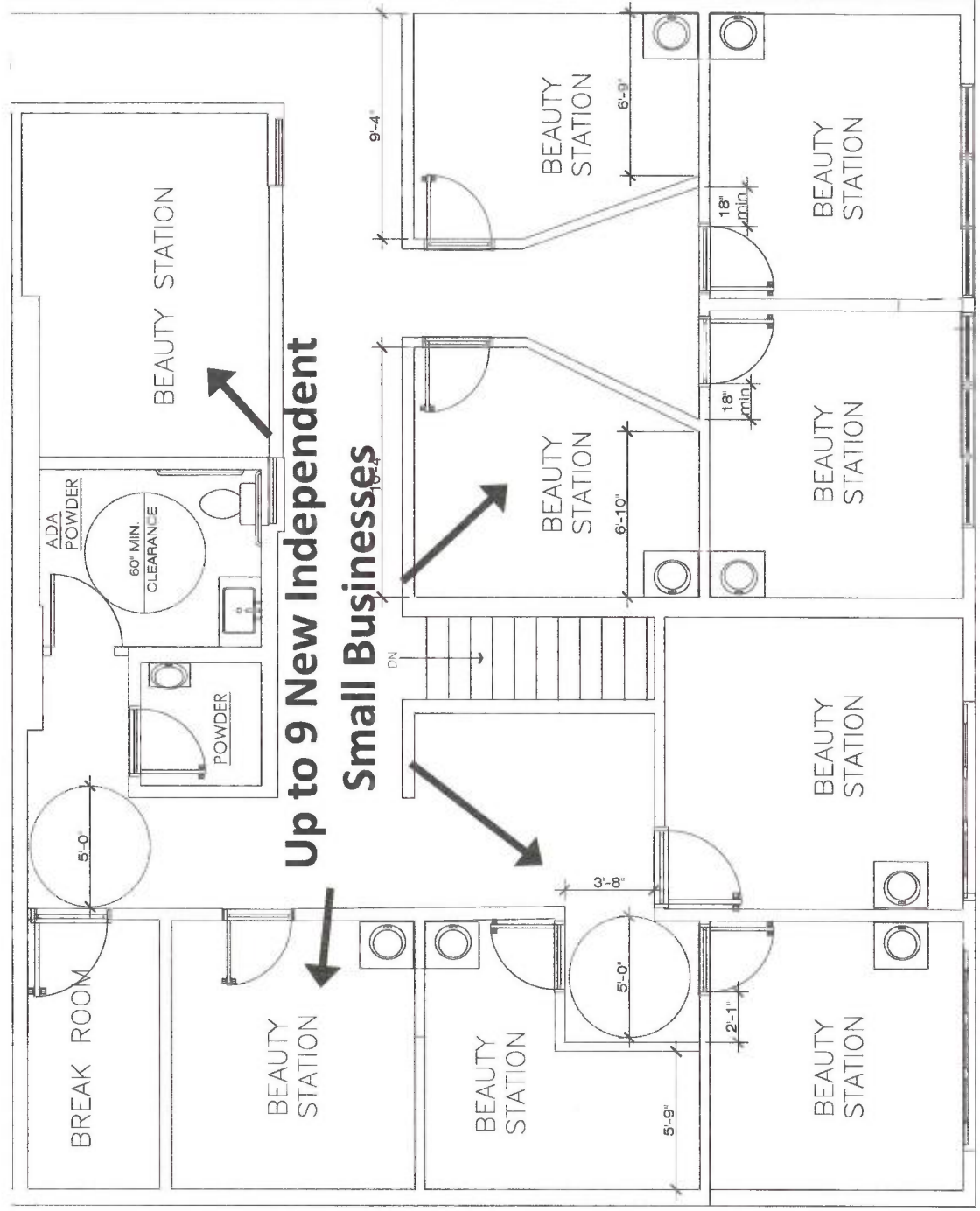
BeRadiant Salon

1327 Chestnut St
2nd Floor

9 Rooms

Up to 18 Stylists
and 1 receptionist plus
cleaning service
= **19 new opportunities**

Business Opportunities



Services

The convenience of many services and competitive stylists in one location including:

- Hair Styling
- Barber
- Facials
- Makeup
- Eyelash Extensions
- Waxing
- Threading
- Hair Coloring
- Children's Cuts
- Shampoo
- Manicure
- Pedicure
- Blowdry
- Bridal Prep

Minimal External Changes

Curtains

Curtains



Signage on door

Minimal change preserves the character of the neighborhood

Beautiful Internal Changes

Bright Lighting

Clean
Design



Hardwood
Floors

Elegant
Furnishings

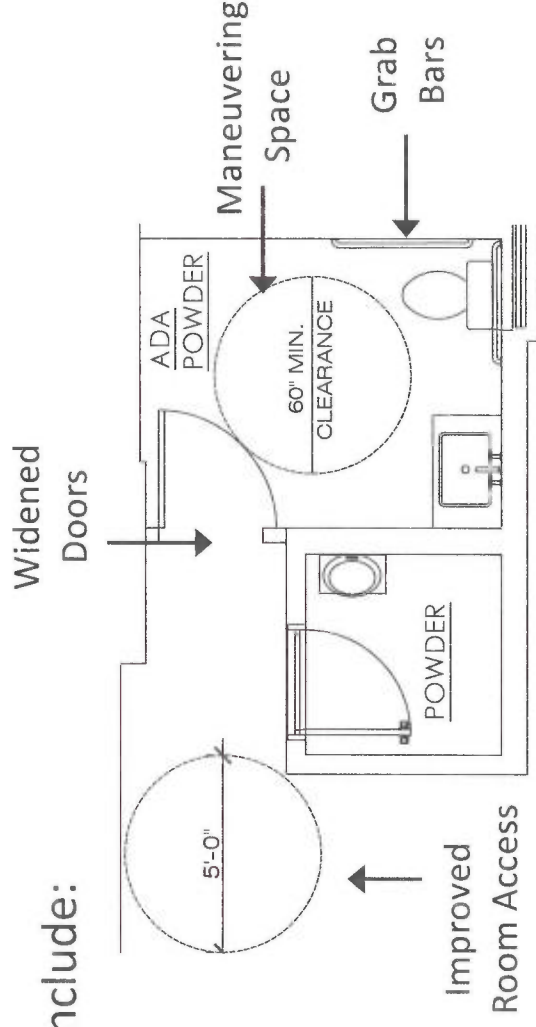
We are excited to further invest in the neighborhood
and make something beautiful

ADA Compliance

Greater access is good business

Improvements to the existing space include:

- Provide an improved path of travel
- Accessible unisex restroom
- Support bars within bathrooms
- Handrails on the stairs
- Signage and alarms
- Accessible drinking fountains
- ADA-compliant hallways and entrance doors



ADA Rules:

“does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story”

Lack of Foot Traffic

Quality beauty services primarily rely on two sources of business with foot traffic providing only a limited source of customers:

- Referral business: The best advertisement for any business is satisfied customers and this has been true for Yuki Lashes. We have experienced significant growth from referrals from friends and family members.
- Yelp: Positive customer experiences on Yelp have also been a large source of customers. Many clients make their appointments online based solely on positive reviews.



Potential For Illegal Activity

We cannot fail to comply with regulations, laws, or licensing that will place our entire investment and business plans at risk including:

- SF County Business License
- California Board of Barbering and Cosmetology Establishment License
- Required Esthetician/Barber/Cosmetologist License as appropriate
- Placement of Consumer Notices
- Hygiene and Maintenance Standards
- Liability Insurance
- No massage services will ever be offered. This is a separate business license which we will not be obtaining at any time.

We are always open to the public at any time!

Please come by and we will be happy to address any concerns or suggestions.

More Services Not Needed

“Competition in the marketplace is good for consumers and good for business”¹

- BeRadiant will provide the only opportunity for independently-minded professionals in the area to open their own business.
- Healthy competition encourages:
 - More creative product offerings
 - Greater service options and points of view
 - Pressure to improve customer experiences
 - More competition which means lower prices
- Observing successful competitors can teach you and your employees how to improve your practices and shows you what works in your market
- Provides an alternative for customers who are not a good fit for your business

¹“Competition Counts – How consumers win when businesses compete” Federal Trade Commission
<https://www.ftc.gov/sites/default/files/attachments/competition-counts/zgen01.pdf>

Neighborhood Support

- Positive Feedback On The Proposal
- Potential Customers Are Excited For These Services.
Great inadvertent market research!
- 31 Letters of Support

We are happy to answer any questions you may have
and appreciate your time and consideration.