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2013 AUG 28 AM 11:38

MARIPOSA-UTAH STREET NEIGHBORHOOD ASSOCIATION
550 UTAH ST.
SAN FRANCISCO, CA
94110

August 27, 2013

Re: Proposed Development at 480 Potrero: Appeal of Planning Commission Motion 18944, 2011.0430E Mitigated Negative Declaration.

Honorable Members of the Board of Supervisors:

MUNA appeals the ill-considered approval of the Mitigated Negative Declaration, 2011.0430E by the San Francisco Planning Commission, requests that the approval be over turned and that the Planning Department Staff to require the proponent of this project to comply with the applicable provisions of CEQA and the SF Planning Code. We request that all of our repeated communications to the Planning Department Staff seeking their enforcement of the legal requirements (including the communications from the Verdi Club and the surrounding community), which have all been ignored by the Planning Commission staff, be included in the record of this appeal. We also request that the video recording of the hearing by the Planning Commission during which the appellants' attempt to present their case were limited to "comments by the public at 3 minutes each" rather than being provided the mandated time to present their appeal as required by the Commission rules be made a part of the record.

Specifically, based on the following, we request that the approval of the MND be over turned and that the proponent be required undertake the following actions and to prepare a formal Environmental Impact Report for this project:

- The CEQA review was inadequate because it was based on an erroneous statement of existing conditions at the time the PMND was issued i.e. a parking lot rather than as the proponent stated "a vacant lot". There is a significantly increased impact of moving an average of 50 cars a day into the neighborhood as well as the increased parking from the project. This was not analyzed, nor was the project noticed after the submission was issued. There is no mention in the Planning Commission Response to Comments on actions taken against the sponsor for submitting an erroneous application under penalty of perjury (the sponsor was leasing the property for a parking lot, while stating to the City the lot was vacant).
- The project was not properly noticed. Specifically proper notice to the impacted community, specifically the residents of the 50 plus-units at Mariposa Gardens an EJ community was not made and proper site signage was not maintained prior to the hearing on the PMND.
- No health risk assessment was required or completed. No analysis or even mention of the sensitive receptors (children attending classes at the adjacent Verdi Club, the large number of elderly using the Club and young children at the Mariposa Housing Development) in discussing the risk of exposure to asbestos and other chemicals admittedly on the project nor of noise impact of the project. The staff points to the EIR for the Eastern Neighbor Hoods which does not deal with sites where sensitive receptors are known to exist. Also the staff contends "no long term exposure to toxics" exists without discussing the risks of even short term exposure to these sensitive receptors. The proponent should be required to prepare a health risk assessment of the potential impacts of construction in serpentine rock containing high levels of asbestos in close proximity to the Verdi Club and Mariposa Gardens.
- No contemporaneous Phase I ESA report was prepared or available to the public before the PMND was issued. The only Phase I document submitted was admitted by the staff to be over 13 years old. Staff

concludes this is sufficient without any information on impacts on the site for over a decade could be ignored. Instead the staff dismisses the need for a Phase I saying the Health Department will deal with it later. This precludes the public's right to have this issue addressed as part of the environmental review.

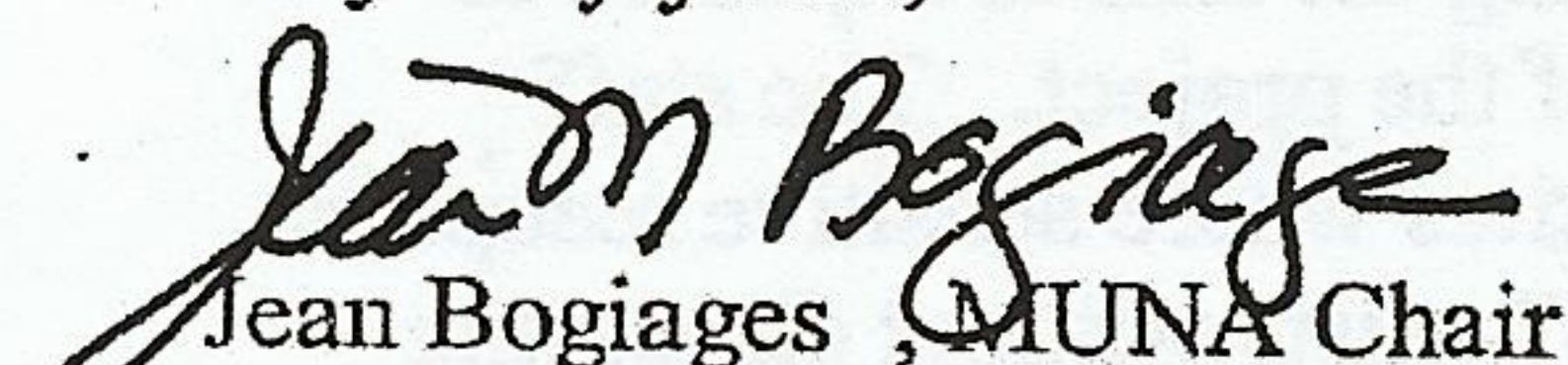
- No notice of the project was provided to Down Town High school as is required by law since it is within 1/4 mile of the project. Staff has ignored this specific requirement. There is no precedent which allows staff to simply ignore the law.
- The proponent failed to submit a geotechnical report for the current project, rather than reliance on one from 2004 prepared for a different and much smaller project. The Staff response to comments admits no project specific geotechnical report and then states the project will not result in any meaningful change in the topography of the site and there will be no piles. They ignore what is stated elsewhere that the project will require an excavation 16 feet in depth. Most of this work is being done immediately adjacent to the Verdi Club. The report should include an analysis of potential impact to the adjacent Verdi Club a recognized historical resource under the California Historic Preservation Act.
- The Planning Commission denied the appellants right to due process by considering its comments as public comments, rather than providing the appellant the required equal opportunity (15 minutes to present a case) as was provided to the proponent and Planning Department Staff.
- The project violates Section 101.1(b), is completely out of character with the surrounding neighborhood, will restrict the viewscape and will degrade the existing visual character of the surrounding area. (The building will be at least 4 stories taller than any building between 10th and Mission Streets and the new General Hospital, and is completely out of character with any structures on the entire length of Potrero.). Staff provided no site specific justification for ignoring this concern, or explaining why an exemption should have been granted.
- The project does not comply with the open space requirements of the code, not just fencing in a part of the roof and calling it open space. (Planning Code Section 135 (required open space))

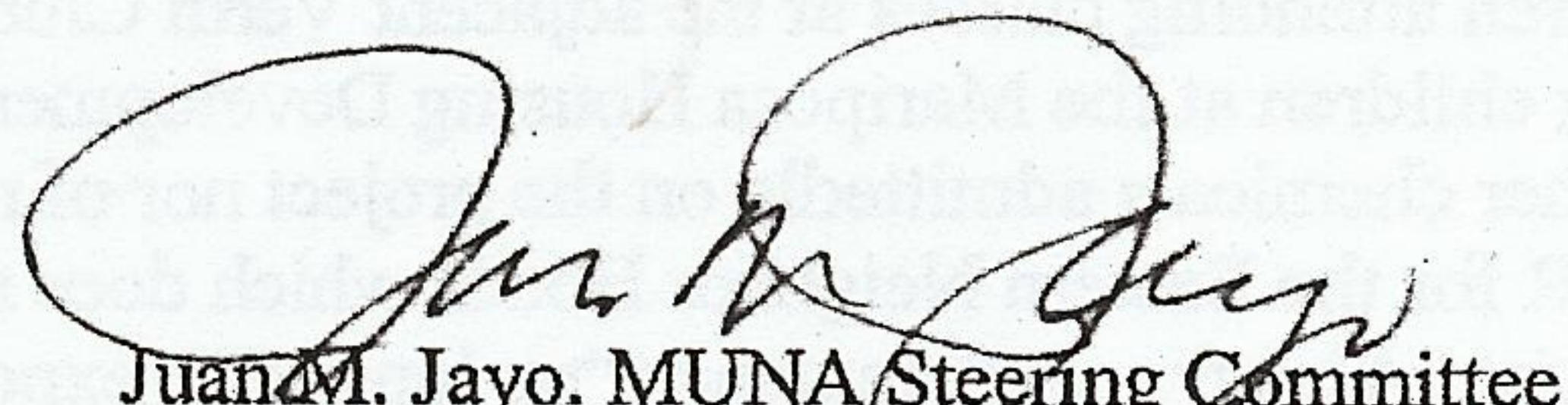
We also raise the following violations of the San Francisco Planning Code which were not properly considered by the Planning Commission.

- The project violates Planning Code Section 134 (required back yards) and there is no reasonable basis of the approved exception.
- The project does not comply with Planning Code Section 140. (48% of the units do not meet code requirements for light and air exposure.)
- The project violates Planning Code Section 147 and 295. (The Planning Department ignored a shadow study showing violation.)
- The project violates Planning Code Section 260,
- The Planning Department has not required that the plans for the project be reviewed, approved and signed by a licensed architect as required by law.

In light of the incomplete attempts to follow the CEQA law, we request a formal Environmental Impact Report for this project.

Very truly yours,


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