

*Juan Martin Jayo*  
*Attorney at Law*  
*PO Box 7442*  
*San Francisco, CA. 94120*

July 8, 2013

San Francisco Planning Department  
Attention: Bill Wycko  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Mitigated Negative Declaration, 2011.0430E related to the project proposed for 480 Potrero Avenue and Large Project Authorization 2011.0430X  
Hearing Date: July 18, 2013

Planning Department Directors:

I write on behalf of the Mariposa-Utah Street Neighborhood Association to augment the information contained in the October 10, 2012 appeal of the preliminary approval of the mitigated negative declaration for this project. In addition to the information contained in the appeal and attachments we request that you consider the following additional information.

- The Planning Department never responded to my letter sent Dec 13, 2012 which raised concerns regarding Hazards & Hazardous Materials located at the site and the City's failure to require a health risk assessment for susceptible residents in the area including children at the Verdi Club classes and the Mariposa Gardens (see copy attached)
- An investigation of the record discloses no indication that the project plans were prepared or approved by a licensed architect.
  - Ben Fu told the reporter from The Potrero View that Reza Khoshnevisan, was the licensed architect for the project.
  - Having checked on his licensing with the State of CA, he is not a licensed architect, or an engineer.
  - The individual identified as the architect at the two community meetings held by the proponent, Brad Terrell is to the best of our knowledge also not a licensed architect.
- The Phase I Environmental Site Assessment is 13 years old, does not comply with ASTM standards, and we believe by law is no longer valid. It is insufficient to suggest as has the DPH that it will require a Phase I after entitlement is granted, as protection from CEQA.

<http://dbiweb.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=200561397>

- Even that report contained concerns that have not been properly addressed for this new, different and significantly larger project, including:
  - Expected damage to other buildings from vibrations
  - Was extremely concerned for the Verdi Club
  - Project was not planning to drill below water level
  - Project was 5 stories tall
  - Insisted on monitoring all throughout the various stages of excavation so recalculations could be made based on actual conditions
  - Questioned whether the bedrock could be drilled into at the SW corner of the site
- Project Sponsor for 2011.0430 has removed the Geotechnical Report by Treadwell & Rollo, Inc. & the Site Survey by Transamerican Engineers from the permanent record for 2002.0151DEK . These reports created in 2004 were for another project which had a very different design.
- MUNA needs access to this report and the ability to review it for information relevant to the upcoming hearing.
- Jean Bogiages, the primary appellant for MUNA and other impacted parties not been sent written notice of the hearing on July 18.
- Despite having formally requested notice of all hearings on this project, no notice of the July 18, hearing was provided to me.
- Signs posted for the July 18 Meeting do not indicate that Mitigated Negative Declaration, 2011.0430E will be voted on, in violation of regulatory notice requirements.
- The project description is erroneous.
  - The proponents project submission describes the proposed site as unoccupied, a vacant lot which is untrue. The property has been used as a parking lot for an average of 50+cars per day for at least several years and is currently leased by the proponent to a local garage for such parking.
  - No analysis of the impact of this difference on the impact of parking in the surrounding neighborhood, or potential releases of hazardous materials from the vehicles has been undertaken or proposed.
  - The City has advised that the current use is illegal.
- The Planning Department failed to provide any notice of the proposed project to the 60+ residences in the Mariposa Gardens Public Housing development despite its close proximity (across the street), in violation of the CEQA Guidelines Section 15201 et seq. and the Public Resource Code .
  - This failure occurred despite the fact that the people in this development to a great extent fall within the protections of the City's environmental justice protections.
  - Planning Officials have advised that while they failed to provide notice they plan no corrective actions.

- The Verdi Club, parcel 3073/002B has a CHRSC rating of 3CS which makes it eligible for listing under the Nation Historic Preservation Act with is a Mandatory Finding of Significance. The 2004 Geotechnical report indicates that the current plans could structurally harm the Verdi Club.
  - The project proponent has made no investigation of the impacts on this historical resource nor provided any mitigation therefore.
- Despite numerous requests the Planning Department has not fully complied with MUNA requests for documents relevant to this project, documents necessary for evaluation of the impacts of this project and to prepare for the upcoming hearing.

MUNA requests that the appeal of the mitigated declaration be granted and the declaration be rescinded. If the proponents want to proceed with a project it they should be required to comply with the legal and regulatory requirements of the State and the City of San Francisco, and it is clear that they have not done so on this project to date. MUNA believes this is the only path that will avoid the risk to the city of a legal challenge under CEQA and litigation to compel compliance with applicable statutory and regulatory requirements.

MUNA requests that the request "Large Project Authorization" be denied and the proponent be required to address the community concerns as outlined in the original appeal and the information included in this letter.



Juan M. Jayo