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CODE SECTION 31.16(b)(5)**

**(Note: Pursuant to California Government Code, Section
65000(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)**

From: Kimberly D. Schultz [KSchultz@hansonbridgett.com]
Sent: Friday, April 03, 2015 2:23 PM
To: BOS Legislation, (BOS)
Cc: Brett Gladstone; Stephanie J. Nelson
Subject: Hearing This Tuesday: Appeal of Approval of Categorical Exemption Determination of 53
States Street San Francisco, CEQA Categorical Exemption Case No. 2014.0177E
Attachments: 53 States Street Second Letter to Board of Supervisors April 2 2015.pdf

Dear Sir or Madam:

Please see attached letter which will be hand delivered to the Board this afternoon. Thank you.

Sincerely,

Kimberly D. Schultz
Legal Secretary
Hanson Bridgett LLP
(415) 995-5136 Direct
(415) 541-9366 Fax
KSchultz@hansonbridgett.com



HansonBridgett

425 Market Street, 26th Floor
San Francisco, CA 94105

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The foregoing applies even if this notice is embedded in a message that is forwarded or attached.

BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL B.Gladstone@hansonbridgett.com



**RECEIVED AFTER THE ELEVEN-DAY
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April 2, 2015

BY EMAIL (bos.legislation@sfgov.org) AND HAND DELIVERY

President London Breed
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Hearing This Tuesday: Appeal of Approval of Categorical Exemption
Determination of 53 States Street San Francisco, CEQA Categorical
Exemption Case No. 2014.0177E

Dear President Breed and Honorable Members of the Board of Supervisors:

On behalf of 53 States Street, LLC, the project sponsor for the project, enclosed please find some of the many letters from neighbors expressing their support for the project (including letter of support from the other adjacent neighbor).

We oppose a continuance.

I also enclose (1) a list of changes to the project our client is making and (2) summary of our failed attempt to mediate.

We appreciate your consideration of this matter.

Very truly yours,

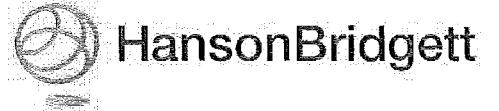
A handwritten signature in black ink, appearing to read "Brett Gladstone", written over a circular stamp or seal.

M. Brett Gladstone

Enclosures

cc: Supervisor John Avalos
Supervisor David Campos
Supervisor Julie Christensen
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Katy Tang
Supervisor Scott Wiener

April 2, 2015
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Supervisor Norman Yee
Jeanie Poling, Planning Department
Hector Martinez, Appellant
Via E-mail only
John Lum
Marvin Tien

Transmittal to Board of Supervisors Objecting to Another Continuance

From: Brett Gladstone

Sent: Friday, April 03, 2015 11:38 AM

To: 'david.campos@sfgov.org'; 'mark.farrell@sfgov.org'; 'Tang, Katy (BOS)'; 'norman.yee@sfgov.org'; 'scott.wiener@sfgov.org'; 'jane.kim@sfgov.org'; 'john.avalos@sfgov.org'; 'malia.cohen@sfgov.org'; 'julie.christensen@sfgov.org'; 'eric.mar@sfgov.org'; 'london.breed@sfgov.org.'

Cc: 'hillary.rosen@sfgov.org'

Subject: Tuesday's Hearing on 53 States Street Objection to Another Continuance

I just learned that the appellant, Hector Martinez, has requested another continuance. There has already been a two week continuance. As the representative of the property owner, we would oppose any more continuances, for several reasons:

1. We agreed to mediate and agreed to a continuance of two weeks for that. As indicated in the email below, we attended a mediation, but the Appellant walked out. Attempts to reschedule have been unsuccessful (see below).
2. Based on what we heard the Appellant wants to change in the project, we feel that that project would not be feasible to stay as a two units. The zoning encourages two units. As a result, we do not believe that another mediation would accomplish anything.
3. We were prepared to offer some compromises at the mediation, which Appellants attended but then walked out before we could explain them. Nonetheless, we are prepared to submit those compromises to Appellant anyway before the Tuesday hearing. We do not need to be in a mediation to offer those compromises. We are doing it through emails.

Brett Gladstone

Cell 601-3178

From: Brett Gladstone

Sent: Friday, April 03, 2015 9:42 AM

To: 'Hector Martinez'

Cc: mac_mcgilbray@communityboards.org

Subject: RE: Mediation Times

You asked several weeks ago that my client mediate this dispute, so that it may be settled without going to the Board of Supervisors. I told you that we could, but that there was a limited number of days thereafter that we could have our client there, as he would be in Taiwan attending to his father who has had a heart attached.

We agreed on a date about ten days ago. As you may recall, and was witnessed by Cordell the mediation staff person at Community Boards, you and your wife and the other condominium owners in your building walked out when our team showed up. You told me you would not meet unless my client was there.

When I mentioned my client had to suddenly go to Asia, as his father was having heart surgery, you told me I was lying. I offered to give you an Affidavit signed under penalty of perjury in which my client would confirm where he was at the date we attended a mediation. You did not respond.

I and the mediation staff suggested we go forwards anyway, but you refused to and you and your group walked out.

In emails and calls over the next twelve days, I gave you at least five dates that were convenient for our team, including dates that my client could attend a mediation. You told me that neighbors opposing the project needed to be there with you, and you found that none of the dates we gave you were you able to get the neighbors to the mediation.

I mentioned that you are the Appellant, not the neighbors and not your fellow condo owner, and that a mediation can occur with just you there. You worried you could not make an agreement there without discussing with neighbors. I then mentioned that you did not need to agree to anything during the mediation. I mentioned that we could discuss the matter with you at a mediation, and that you could go back to the neighbors the following day and let us know after that if we had a deal.

For reasons none of us understand, you were not willing to do that.

For that reason alone, we are not convinced that you really wished to settle this in a mediation. My client wonder if the lack of willingness to mediation in a meeting between you and my client and me indicates that your request for mediation was about delay.

We planned to offer some compromises in a mediation. You did not give us the opportunity to do so. The compromises were to be contingent on your removing your appeal.

Nonetheless, I have asked my client to consider sending you a letter today offering those compromises, and not requiring your to remove your appeal.

I hope you will respond to those proposed changes when I send them to you.

Brett Gladstone

Additional Project Modifications To Be Made In Plans to be Attached to Building Permit for 53 States Street

[These do not need approval of the Planning Commission or additional environmental approval due to the limited scope].

1. Add a glass privacy screen alongside the east property line starting at the top of the solid railing of the deck facing Appellant, to increase privacy.
2. Paint side of building facing Appellant in a way that will reflect light the most, and in a color chosen by Appellant.
3. Pay for a new skylight to go into roof of Appellant's building to regain any small light loss to his adjacent windows.
4. Add planters to the deck closest to Appellant for more greenery.
5. Add a 24 gallon tree instead of the smaller one required by Code.
6. Leaving the rear yard tree in place if that is what the owners of the rear condo wish.
7. A preconstruction meeting between Appellant and the second condominium owner in Appellant's building to coordinate hours of construction.



400 Montgomery Plaza, Suite 1000
San Francisco, California 94111

MARCO J. CURIALE
T 415.681.0168
E curiale@curialewilson.com

January 6, 2015

JOSEPH C. WILSON
T 415.681.0469
E wilson@curialewilson.com

CHRISTOPHER J. KELLER
T 415.681.0474
E ckeller@curialewilson.com

MICHELLE F. GOYAL
T 415.681.0471
E mfgoyal@curialewilson.com

Cindy Wu
Commission President
Planning Commissioners
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear President Wu and Planning Commissioners,

I live at 101 States Street, #7 and have owned my home there for 10 years.

I am writing to express my strong support for the proposed two-unit building at 53 States Street. I saw the notice that was posted on the street, and was curious about the project as I heard some of my neighbors were protesting the project due to what they are calling its "massive size and inappropriateness" to the neighborhood.

I have reviewed the plans, and I not only think the project fits in but also am puzzled at what my neighbors are contesting. They claim that the building is too large, and are demanding that the units be made smaller. Looking at the plans and also the perspective of the building, I cannot understand how they came to that conclusion. I think it fits in exceptionally well and believe it will be a big improvement to the street.

I urge you to approve the project.

Sincerely,

Christopher Keller
101 States Street, Unit 7
San Francisco, CA 94111

William E. Roberts

2370 Market Street, #145

San Francisco, CA 94114

<<<<.....>>>>

Re: Development of 53 States Street, San Francisco, CA 94114

To whom it may concern:

I lived at 53 States Street for almost a year with my former girlfriend and her two teenage children. She and her former husband had done almost \$500,000 worth of work over the 16 years they lived in the home, and was only about 90% completed. But, unfortunately, it was all done in the hopes to create a downstairs rental unit, with a full bath and kitchen. No work was done on the original home of over 100 years old (it doesn't even have a functioning bathroom). It would take somewhere from \$750K to \$1Million to complete the downstairs unit and repair the upstairs home.

I have seen the project, and have been to several of the meetings at City Hall. I completely support the 2 unit project that is being proposed. I also believe it is in character with the neighborhood, and feel that it is not over scaled, like some others feel. As opposed to what is there now, it will be a beautiful home for not just one family, but two.

Sincerely,



William E. Roberts

California Real Estate Broker

DRE #00991220 NMLS #324996

Dear Ms. Chang:

I am writing in regard to the 53 States Street project adjacent to our property to the east.

Regrettably, we are unable to attend the planning commission meeting on 6 January 2015 in person due to work obligations. Nonetheless, we would like you to know that there does not seem to be a consensus in the Corona Heights neighborhood with respect to this development. In our view, that lot has been a blight on the neighborhood for many years. Therefore, although we do not look forward to many months of disruption from the construction, we welcome a sensibly planned and well thought out multi-family dwelling of moderate size in that space. States Street contains widely diverse properties along its length, as a quick drive through will confirm. The latest plans (30 Dec 2014) from Mr. Lum and his firm, as we understand them, would seem to be reasonably well in character with these criteria.

Please also note that the existing abandoned structure is basically uninhabitable. As it stands, it is both an eyesore and a potential problem area. The process has been on hold for over a year, awaiting approval, while several other projects on States Street have moved forward and are even nearing completion. During this time, the architect, John Lum and his colleagues have met with persons from the neighborhood numerous times to review the plans, and to gather input and feedback. This input has largely been incorporated (within reason) into the revisions, while also striving to satisfy their client's requirements as well as all building and zoning codes. I would like to go on record to say that in my view, John Lum and his firm have been very responsive to neighbors' concerns and requests regarding their properties. In our case, we appreciate that the property line windows in the rear will not be blocked and that the developers have committed to assisting with the adjacent landscaping in the front (tree and shrub removal from our property line planters) and in the rear (removal of the property line fence and installation of a more visually appealing fence on the 53 States side of the property line). The developer also responded to our issues with the unmanaged foliage in the rear that had spilled over onto our property (pruning and removal) and the homeless problem that had developed in front of 53 States installation of (timed and motion sensor activated lighting). We assume that during construction, appropriate care will be taken to minimize noise and disruption to the greatest extent possible.

We understand that the construction of a multistory building in the 53 States space will largely close our now open light-well to the east. However, we understood that as a risk when we purchased our property (*caveat emptor*). Fortunately, we believe that the development of the 53 States Street space will have an overall positive effect on property values in the neighborhood. Given this, we look forward to the completion of this project without further delay.

If you have any questions or require additional information or clarification, please do not hesitate to contact me.

Best regards,

Christopher J. Struck
57 States Street
San Francisco, CA 94114-1401
Tel: +1 415 923-9535
Email: cistruck@ix.netcom.com

From: **Stuart Hills** stuarthills@me.com
Subject: 53 States Street
Date: January 7, 2015 at 8:29 AM
To: lina.chang@sfgov.org
Cc: **John Lum** john@johnlumarchitecture.com

Dear Ms. Chang,

I live at 173 States Street and have reviewed the plans for the proposed structure at 53 States Street. Although I am out of the notification area I am familiar with the subject property. I support the project as shown in the plans dated 12.24.14

Sincerely,
Stuart Hills