

**From:** [ME Lee](#)  
**To:** [BOS Legislation. \(BOS\)](#)  
**Subject:** Rebuttal to developer of 939 Lombard, 9/12/23 3 pm hearing  
**Date:** Wednesday, September 6, 2023 2:30:31 PM  
**Attachments:** [Rebuttal to Respopnse Brief 939 Lombard CEQA appeal.pdf](#)

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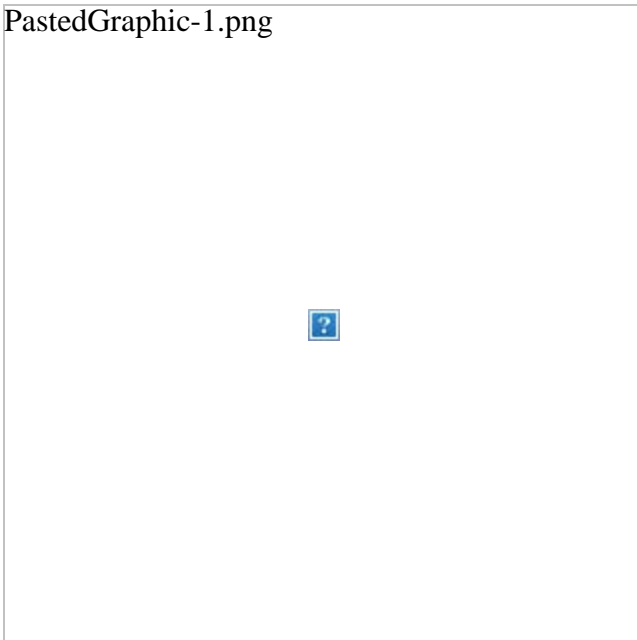
(Sorry if duplicated)

To all respected Elected officials, government officials, parents, neighbors...

939 Lombard developer hired an expensive law firm, Reuben, Junius, & Rose to response on the Appeal.

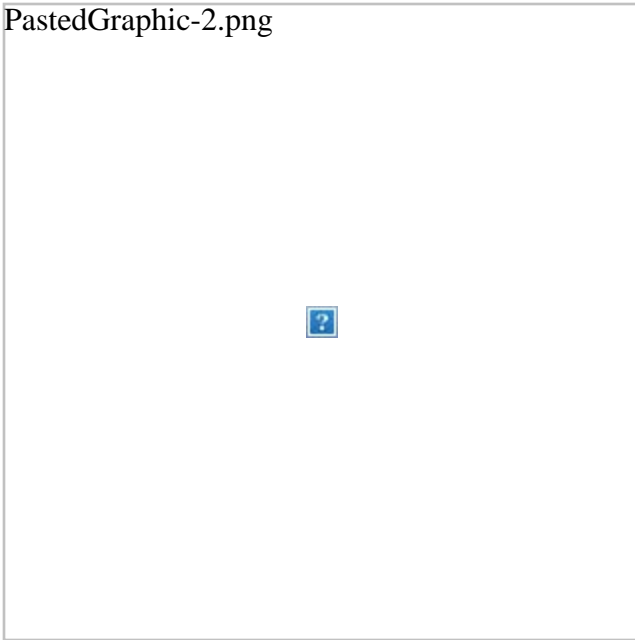
Some Photos enclosed, in case you cannot open the file in the next email.

PastedGraphic-1.png



Yick Wo huge size playground; rendered almost useless. No parents want their kids to be too close to the construction, the noise will travel for a mile.

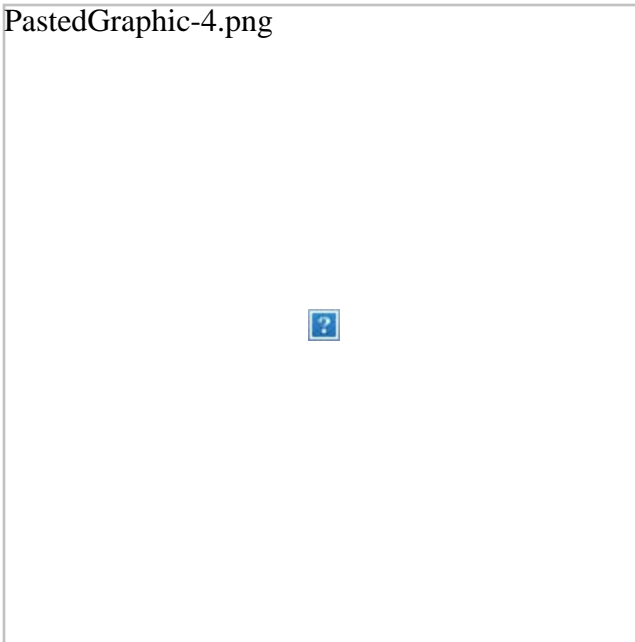
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World famous crookedest Street; almsot all tourists will walk, driveby . Tens of millions each year. Building a non-conforming new house will hurt SF image as a world beautiful city.

Tourists marvel at how beautiful the city; heard remarks by the tourists that how ugly this modern ugly box design new house.

PastedGraphic-4.png



Nothing can be closer than this retaining wall, no barriers. Nothing can be built here.

PastedGraphic-6.png

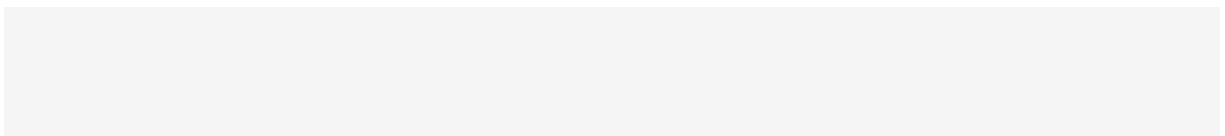


Playground will get most of the dangerous dust, fumes...falling objects.

PastedGraphic-7.png



School buses and parents cars are double parking twice a day during school days. Construction crews and delivery can cause more dangers and to jay walk pedestrians.



## Rebuttal to Response Brief - 939 Lombard Permit Appeal on CEQA

### **Introduction:**

Respected Board of Supervisors,

We appreciate the detailed response from the Project Sponsor; however, several points require further consideration due to their misrepresentation of the actual concerns and the scope of the CEQA review. Our appeal is driven by the need to ensure thorough assessment and transparency in evaluating the environmental impacts of the proposed project on the neighborhood and community.

### **1. Unsubstantiated Claims:**

The assertion that our concerns about geotechnical issues, noise, shadow, dust, fumes, traffic, and habitat loss are unsubstantiated is incorrect. Our appeal is grounded in verifiable data and expert opinions, all of which were meticulously detailed in our previous submission. These are legitimate concerns that warrant a comprehensive examination to uphold the principles of CEQA.

### **2. Aesthetics and CEQA:**

While aesthetics might not be a standalone CEQA issue, the Project Sponsor's assertion that neighborhood character and aesthetics are entirely detached from CEQA lacks nuance. The impact of a project on the neighborhood's visual integrity can indirectly contribute to a change in the environment, which is, in fact, a subject of CEQA review.

### **3. Community Concessions:**

The Project Sponsor's commendable responsiveness to community concerns is acknowledged. Nevertheless, it's crucial to emphasize that mere concessions do not eliminate potential adverse impacts. Aesthetic alterations may not account for the broader environmental effects that our appeal seeks to address.

### **4. Appellant's Intent:**

The suggestion that our appeal is driven by a desire to obstruct all development on the property misrepresents our stance. Our primary concern revolves around responsible development that takes into account the broader neighborhood context and ensures minimal environmental disruption. This is a genuine CEQA concern, aimed at protecting the collective interests of the community.

#### **5. Yick Wo Elementary School:**

While Yick Wo Elementary School has not formally filed an appeal, the concern for its potential exposure to impacts is shared by us as concerned community members. We raise this issue not as official representatives of the school, but as individuals vested in safeguarding the well-being of our neighborhood's educational institutions.

#### **6. Categorical Exemption:**

Our appeal is not based on unfounded opinions but rather on substantial evidence from experts and comprehensive data analysis. To dismiss our concerns as mere opinions is to disregard the due diligence and research that underline our appeal's basis. A categorical exemption should not be blindly upheld in the face of valid environmental concerns.

#### **Conclusion:**

In conclusion, we reiterate our commitment to a fair and thorough review of the project's environmental impacts. Our appeal is not driven by personal interests but by a genuine desire to ensure the sustainable and responsible development of our community. We kindly request the Board of Supervisors to consider the verifiable evidence we have presented and prioritize the interests of the larger community in the final decision.

Thank you for your consideration of these vital matters.

Sincerely,  
/s/ Martin Lee Eng  
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