

## Wong, Jocelyn (BOS)

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**From:** Wong, Jocelyn (BOS)  
**Sent:** Thursday, June 20, 2019 8:03 AM  
**To:** Lynch, Laura (CPC)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** FW: PLANNING DEPARTMENT RESPONSE MEMO: Appeal of CEQA Exemption Determination - Proposed Seawall Lot 330 Project - Appeal Hearing on June 25, 2019  
**Attachments:** Memorandum for Objector Safe Embarcadero For All.pdf  
**Categories:** 190611

Thank you Laura. We will add it to the appeal file.

### *Jocelyn Wong*

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**From:** Lynch, Laura (CPC) <laura.lynch@sfgov.org>  
**Sent:** Wednesday, June 19, 2019 6:15 PM  
**To:** Wong, Jocelyn (BOS) <jocelyn.wong@sfgov.org>  
**Subject:** RE: PLANNING DEPARTMENT RESPONSE MEMO: Appeal of CEQA Exemption Determination - Proposed Seawall Lot 330 Project - Appeal Hearing on June 25, 2019

Hi Jocelyn,

The SEFA Appeal Letter states "The grounds for this appeal include all those grounds raised in writing to the Port in the "Memorandum For Objector Safe Embarcadero For All", dated 22 April 2019 and incorporated here by reference (including all its exhibits)"; however, it memo looks like it was never submitted to the Clerk of the Board. I received a copy from the Port and have attached it to be added to the record.

Thank you,

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[San Francisco Property Information Map](#)

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**Subject:** PLANNING DEPARTMENT RESPONSE MEMO: Appeal of CEQA Exemption Determination - Proposed Seawall Lot 330 Project - Appeal Hearing on June 25, 2019

Good afternoon,

Please find linked below a response memo received by the Office of the Clerk of the Board from the Planning Department regarding the appeal of the determination of categorical exemption from environmental review under CEQA for the proposed project at Seawall Lot 330.

[Planning Department Memo - June 17, 2019](#)

**The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on June 25, 2019.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190611](#)

Best regards,

**Jocelyn Wong**

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9 an unincorporated association of  
10 South Beach and Rincon Hill residents

11 SAN FRANCISCO PORT COMMISSION

12 In Re: Item 8A, Seawall Lot 330

13 **MEMORANDUM FOR OBJECTOR**  
14 **SAFE EMBARCADERO FOR ALL**

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TABLE OF CONTENTS

1  
2 I. INTRODUCTION ..... 1  
3 II. THE PROJECT AND THE PROCEDURE FOR ITS CONSIDERATION VIOLATE  
4 STATE LAW ..... 2  
5 A. Any Lease of Seawall Lot 330 for Non-Public Trust Use Requires Specific  
6 Review by the Port Commission at a Public Hearing ..... 2  
7 B. Any Lease to the City for a Residential Shelter on Lot 330 Must be for Fair  
8 Market Value Approved First by the Port Commission and Ultimately by the  
9 State Lands Commission, Which Must Adopt Statutorily Required Findings  
10 Per AB 2797 ..... 4  
11 1. The Project must be reviewed by the State Lands Commission ..... 6  
12 2. The proposed rental rate does not reflect the fair market value of the Lot .... 7  
13 3. The Project and the proposed lease are inconsistent with the Port’s public  
14 trust obligations ..... 8  
15 C. The MOU Procedure Employed Here Violates State and Local Open Meeting  
16 Laws ..... 9  
17 D. Seawall Lot 330 is a Hazardous Site that is Unsuitable for the Project and Human  
18 Habitation ..... 10  
19 E. The Project is Not Categorically Exempt Under CEQA. Further CEQA  
20 Analysis is Required before the Change of Use can be Approved and the  
21 Shelter Built ..... 11  
22 1. The Infill Categorical Exemption Does Not Apply ..... 12  
23 2. There Are Unusual Circumstances Giving Rise to Potentially  
24 Significant Impacts ..... 14  
25 3. The Project and the proposed lease are inconsistent with the Port’s public  
26 trust obligations ..... 8  
27 i. Urban Decay ..... 15  
28 ii. Hazardous Substances ..... 15  
iii. Cumulative Impact ..... 16  
III. CONCLUSION ..... 16

1 **I. INTRODUCTION**

2 This Memorandum is submitted on behalf of Safe Embarcadero for All, an  
3 unincorporated association of South Beach and Rincon Hill residents, that opposes the Port’s  
4 proposal to convert the existing public parking facility on Seawall Lot 330 (“the Lot”) to a  
5 homeless shelter (the “Project”). For the reasons stated below, and any others that might be  
6 articulated before or at the Port Commission’s public hearings on the Project, approval of the  
7 Project would violate state and local law, including Senate Bill 815, Assembly Bills 418 and  
8 2797, CEQA, and numerous provisions of local law.

9 In October 2018, the Mayor of San Francisco promised to add 1,000 new homeless  
10 shelter beds to the City by 2020, with 500 to be built by the summer of 2019. On March 4,  
11 2019, and less than halfway to her promised summer-end goal, the Mayor announced plans to  
12 build and open a massive 200-bed homeless shelter on The Embarcadero by September. Since  
13 then, the City has been moving at an unprecedented speed to fulfill the Mayor’s promise. That  
14 has led to a closed-door, secretive, fast-tracked process. There has been no meaningful  
15 community consultation, a failure to timely respond to Sunshine Ordinance/public record  
16 requests, no attempt to analyze—let alone address—environmental impacts raised by the  
17 public, and no concern shown for the harm this facility will have on over 14,000 area residents  
18 and millions of visitors.

19 The Project will have significant and substantial impacts on the environment, the densely  
20 populated residential community surrounding the Lot, and the surrounding Port properties held  
21 in trust for the People of the State of California – impacts that have not been considered, let  
22 alone analyzed, in conformance with the requirements of law. The Lot contains toxic and  
23 contaminated soils that preclude its use for residential purposes absent substantial remediation.  
24 Moreover, the Port Commission cannot approve the Project because there is no evidence  
25 before it as to whether the proposed lease is for fair market value, as required by state law. The  
26 Port’s proposed action on April 23, 2019, the approval of a memorandum of understanding  
27 (“MOU”), violates the conditions of the grant of the Lot from the State of California.

28 The Project was announced in early March without any meaningful prior community  
consultation. The Project was not even presented in advance to a single Waterfront Advisory

1 Group, as would usually occur and is customary for a project of this scale. Moreover, in a  
2 concerted effort to obscure and conceal the details of the Project and its harmful environmental  
3 impacts, the City has unlawfully delayed and refused to produce public records containing or  
4 describing the specifics of the Project. This has hampered the ability of members of the public,  
5 including our client, to review, understand and comment on the Project. The supporting  
6 materials for this agenda item were made available only two business days before the Port  
7 Commission's public hearing, over the course of a holiday weekend. Over the past month, our  
8 client has been stonewalled and frustrated by the Port and other responsible City agencies'  
9 refusal to properly respond to numerous Sunshine Ordinance and Public Records Act requests  
10 for public information about or related to the Project.

11 At an absolute minimum, the Port Commission must defer action on the Project until Port  
12 Staff and the City produce ALL of the public records requested and our client has an adequate  
13 opportunity to evaluate this information and potentially include it in the submission to this  
14 Commission. The Port must also take additional time to further assess and document its  
15 obligations, as further set forth herein. In light of the foregoing, the Port Commission's refusal  
16 to continue the hearing would be an egregious insult to thousands of concerned residents and  
17 citizens and an outright assault on open government.

18 Should the Port Commission decide to act now, it must disapprove the Project.

19 **II. THE PROJECT AND THE PROCEDURE FOR ITS CONSIDERATION**  
20 **VIOLATE STATE LAW**

21 Port staff claim that the Project is an acceptable interim use of Port property because this  
22 segment of Seawall Lot 330 is not needed for public trust purposes, and the Project meets the  
23 legal requirement that the Port receive fair market value for interim, non-public trust use of the  
24 Lot. (Stats. 2007, c. 660 ("SB 815"), § 4(c); Stats. 2011, c. 477 ("AB 418"), § 6(d).) Port staff  
25 mistakenly understates the extent to which any proposed use of the Lot remains subject to  
26 public trust limitations and thereby materially overstates the Port's legal authority to approve  
27 the Project.

28 **A. Any Lease of Seawall Lot 330 for Non-Public Trust Use Requires Specific Review by**  
**the Port Commission at a Public Hearing**

Seawall Lot 330 is subject to the Port's independent jurisdiction over its land use. (Ch.

1 1333, Stats. 1968, as amended (the “Burton Act”), § 12; San Francisco Charter, § B3.581; SB  
2 815, § 1(j).) The Port’s oversight of the lot, like all Port property, requires compliance with the  
3 conditions and requirements of the state’s grant of waterfront land to the Port, including all  
4 applicable state laws, such as SB 815 and AB 418. (Burton Act, § 3.) These statutes restrict the  
5 use of Port land for non-trust purposes, even on an interim basis. (SB 815, § 4; AB 418, §6.)  
6 Both SB 815 and AB 418 require any lease of Port land to be for “fair market value,” and  
7 require the resulting revenue to be used for trust purposes. (SB 815, § 4(c); AB 418, § 6(d).)

8 SB 815 and AB 418 define “lease” as “a ground lease or space lease of real property,  
9 license agreement **for use** of real property, temporary easement, right-of-way agreement,  
10 development agreement, or any other agreement granting to any person any right to use,  
11 occupy, **or improve real property** under the jurisdiction of the port.” (SB 815, § 1(n).) SB  
12 815 addressed the vast gap between the Port’s resources and its capital needs. After finding  
13 that the economic shortfall was due in part to the Port’s “inability to make optimal use of the  
14 designated seawall lots” SB 815 authorized the Port to lease certain property, including  
15 Seawall Lot 330, for non-trust uses, subject to multiple conditions.

16 Prior to executing a non-trust lease, the Port must submit the proposed lease to the State  
17 Land Use Commission (SLC) for consideration, along with supporting documentation  
18 including documentation related to value. Thus, California law requires that the Port  
19 Commission may authorize non-trust uses on Seawall Lot 330 only by specific review of an  
20 enforceable, fully negotiated lease agreement for fair market value. (SB 815, § 4; AB 418, §  
21 9(e)(1).) Similarly, the San Francisco Charter contemplates the transfer of real property  
22 interests in Seawall Lot 330 shall be executed by a lease, franchise, permit, or license, all of  
23 which are enforceable agreements. (San Francisco Charter, section B.581.) With regard to the  
24 rental of Port owned real property, the Port’s authority includes the exclusive ability and  
25 obligation over leases and franchises granted or made by on Port land. (*Id.*)

26 Therefore, for the Port to lawfully lease the Lot for non-public trust use, the Port  
27 Commission itself must approve a *lease* of Port land for fair market value at a public hearing.  
28 The Commission cannot delegate its obligation to ensure fair market rental rates by approving  
an MOU. By delegating its plenary authority to administer leases to its staff, the Commission

1 is unlawfully shirking its mandatory duty under the City Charter and the conditions of the  
2 State's grant of the Lot to the City. Neither SB 815, AB 418, nor the San Francisco Charter,  
3 authorizes the transfer of any real estate interest from the Port Commission to the City by  
4 memorandum of understanding ("MOU"). The proposed MOU between the Port and the  
5 Department of Homelessness and Supportive Housing ("the Department") is not a binding  
6 agreement and is therefore legally insufficient to approve the transfer of a rental interest in  
7 Seawall Lot 330 from the Port to the Department.

8 **B. Any Lease to the City for a Residential Shelter on Lot 330 Must be for Fair Market**  
9 **Value Approved First by the Port Commission and Ultimately by the State Lands**  
10 **Commission, Which Must Adopt Statutorily Required Findings Per AB 2797**

11 Assuming, *arguendo*, that the MOU is a lease under applicable law, the Port must obtain  
12 approval from the State Lands Commission before it is executed. The MOU cannot obtain  
13 approval from the State Lands Commission because the proposed rent does not reflect fair  
14 market value. Specifically, the deficient MOU provides no supporting documentation of the  
15 fair market value of the property or that the lease is "on terms consistent with prudent land  
16 management practices as determined by the Port" (SB 815, § 4; AB 2797, § 7). It also fails to  
17 address the impact of the Navigation Center on the Port's ongoing efforts to develop the  
18 neighboring properties at Piers 28, 30, and 40, as would be needed for the SLC to determine  
19 whether the lease is otherwise in the best interests of the state and consistent with the public  
20 trust.

21 Seawall Lot 330 was once tide and submerged land under the San Francisco Bay.  
22 California acquired title to tide and submerged lands within its borders when it became a state  
23 in 1850. State ownership of these lands was "subject to the public trust," for commerce,  
24 navigation, fisheries and other recognized uses. In the late 1870's, a new seawall was  
25 constructed on the waterside of an existing seawall originally built along the San Francisco  
26 waterfront, and the area between the two walls was filled. The filled land, which included  
27 Seawall Lot 330, retained the title of tide and submerged lands owned by the State in its  
28 sovereign capacity, subject to the public trust. In 1968, the City acquired title to Seawall Lot  
330 when the Legislature passed the Burton Act, pursuant to which it granted to the City  
sovereign lands within the City and County of San Francisco. (Stats. 1968, ch. 1333.) These



1 granted lands remained subject to the public trust and were also subject to the terms of a  
2 statutory trust imposed by the Burton Act. (See Defend our Waterfront v. State Lands  
3 Commission (2015) 240 Cal.App.4th 570, 576.)

4 In 2003, the State Lands Commission approved a land exchange that terminated the  
5 public trust over an approximately half-acre section of Seawall Lot 330, for the construction of  
6 the Watermark project. (See SLC Staff Report dated October 20, 2003, Minute Item No. C35.)  
7 The public trust restrictions on the remainder of Seawall Lot 330 were loosened in 2007, when  
8 Senate Bill 815 was enacted to allow the Port Commission to lease this Lot for non-trust  
9 purposes, provided certain conditions are met. (SB 815, § 4.) In 2011, Assembly Bill 418 was  
10 enacted to exempt Seawall Lot 330 from the public trust, the Burton Act and SB 815. But, that  
11 exemption was specifically based on the proposed use of the Lot for the America's Cup. (AB  
12 418, § 1(h), 1(k).) Similarly, AB 1273 was enacted in 2013 (Stats. 2013, c. 381.) to facilitate  
13 the Lot's use by the Golden State Warriors and to extend the requirement that any transfer of  
14 the Lot be subject to review for fair market value by the State Lands Commission.

15 Finally, the legislature adopted AB 2797 in 2016 (Stats. 2016, c. 529), expressly  
16 imposing a requirement of State Lands Commission review and oversight of non-trust uses and  
17 leases of the designated seawall lots, including Seawall Lot 330. Section 7(e) of this Bill  
18 directly and unambiguously outlines the duties of the SLC and the required findings as follows:

19 (a) As used in this act, "nontrust lease" means a lease of all or any portion of  
20 the designated seawall lots free from the use requirements established by the  
21 public trust, the Burton Act trust, and the Burton Act transfer agreement....

22 ...

23 (e) A non-trust lease shall be for fair market value and on terms consistent  
24 with prudent land management practices as determined by the port and  
subject to approval by the commission as provided in paragraph (1)

25 ...

26 (1) Prior to executing a non-trust lease, the port shall submit the  
27 proposed lease to the commission for its consideration, and the  
28 commission shall grant its approval or disapproval in writing within 90  
days of receipt of the lease and supporting documentation, including

1 documentation related to value. In approving a non-trust lease, the  
2 commission shall find that the lease meets all of the following:

3 (A) Is for fair market value.

4 (B) Is consistent with the terms of the public trust and the Burton  
5 Act trust, other than their restrictions on uses.

6 (C) Is otherwise in the best interest of the state.

7 (2) Whenever a non-trust lease is submitted to the commission for its  
8 consideration, the costs of any study or investigation undertaken by or at  
9 the request of the commission, including reasonable reimbursement for  
10 time incurred by commission staff in processing, investigating, and  
11 analyzing such submittal, shall be borne by the port; however, the port  
12 may seek payment or reimbursement for these costs from the proposed  
13 lessee.

14 The above criteria are not satisfied here, and the Port Commission is improperly  
15 proposing to approve the Project without submitting it to the State Lands Commission for  
16 review.

17 **1. The Project must be reviewed by the State Lands Commission**

18 Seawall Lot 330 is subject to AB 2797. The State Lands Commission (“SLC”) must  
19 review and approve the proposed non-trust use of the Lot before the Port executes a lease. The  
20 Staff Report and supporting documentation contain no analysis of the Port’s public trust  
21 obligations, including the requirement to submit any proposed lease of the Lot for non-trust  
22 purposes to the State Lands Commission. The Staff Report acknowledges that residential use  
23 of Port property is not typically allowed, but goes on to wrongly assert that the Project is an  
24 “acceptable interim use . . . because this segment of Seawall Lot 330 is not needed for public  
25 trust purposes and the Port will receive fair market value of the use. . .” This misstates the test  
26 under SB 815 and AB 2979. Having stated that public trust restrictions are attached to the Lot,  
27 the question for the Port is not whether the Lot is “needed” for public trust purposes, but  
28 whether the criteria in AB 2979, § 7(e) are satisfied.

There is no question that Seawall Lot 330 is subject to AB 2797, and therefore the SLC’s  
oversight. Section 1(m) of this Bill defines “designated seawall lot” as “any of those parcels of  
real property situated in the city that are defined as designated seawall lots in Senate Bill 815

1 or Assembly Bill 2649.” Each of these Bills includes Seawall Lot 330 in its definition of  
2 “designated seawall lot.” (SB 815, § 1(j); Stats. 2012, c. 757 (AB 2649), § 1(h).)

3 Prior to entering into a non-trust lease, AB 2797 provides that the Port “shall submit the  
4 proposed lease to the commission for its consideration.” (AB 2797, § 7(e)(1).) Indeed, the  
5 Port’s Director has noted that the State Lands Commission would need to approve a lease or  
6 sale of this Lot. (“Informational Presentation on Potential Next Steps Regarding Piers 30-32  
7 and Seawall Lot 330,” February 22, 2019, p. 19.) Yet the Staff Report and draft resolution of  
8 the Project make no mention of this requirement, and it appears the Port intends to ignore it.

9 It may be that, in characterizing the transaction as an “MOU” rather than a “lease,” the  
10 Port intends to circumvent SLC review. But as outlined above, there is no state law that  
11 authorizes the grant of non-trust use rights to Port land via an MOU. If the City contends that  
12 the MOU is functionally similar to a lease for the purposes of AB 2797, the Project must be  
13 subject to all of its requirements, including review by the SLC, and the requirement that the  
14 lease be for fair market value.

15 **2. The proposed rental rate does not reflect the fair market value of the Lot**

16 Port Staff concede the above legal constraint that any lease transaction for the Lot must  
17 be for “fair market value” (“FMV”). As noted above, this and other findings are required by  
18 AB 2797 enacted in 2016. (See Staff Report at pages 6-7.). The Staff Report and proposed  
19 MOU state the rental rate will be \$0.79/square foot, or \$36,860.61/month. According to the  
20 Staff Report, this is based on the Port’s Parameter Rent Schedule and the current parking  
21 revenue for this part of the Lot.

22 This rental rate falls far short of the fair market value of the Property, and is insufficient  
23 to justify the finding required by AB 2797. This is a uniquely valuable piece of land, due to its  
24 location near the Bay Bridge, The Embarcadero, and the unobstructed Bay view. (Mansbach  
25 Report, attached hereto as **Exhibit A**, at p. 6.) An expert appraisal has confirmed that the value  
26 of this lot is in the vicinity of **\$95 million** (Mansbach Report, p. 4). The Port’s Parameter Rent  
27 Schedule does not adjust rental rates based on a property’s location, which means that the  
28 Port’s rental rates for more desirable locations –such as Lot 330 – do not realistically reflect

1 their fair market value. (Mansbach Report, p. 6.) The rental figure of \$0.79 per square foot “s  
2 not indicative of the achievable market rent for the subject property.” (*Id.*) A fair market value  
3 for the lease of the area to be occupied by the Project would be **\$3,062,000 per annum.**  
4 (Mansbach Report, pp. 5-6.) Yet the Port proposes to lease the land to a City agency at a  
5 fraction of this cost – around \$442,327 per annum.

6 Therefore, a vote in favor of the MOU by the Port Commission would violate its statutory  
7 duty to obtain fair market rent for non-public trust uses of the Seawall lots, per AB 2797. And  
8 any approval decision by the Port must be reviewed by the State Lands Commission, in  
9 accordance with AB 2979.

10 **3. The Project and the proposed lease are inconsistent with the Port’s public trust**  
11 **obligations**

12 A further, crucial requirement is that the non-trust use of the land must be “consistent  
13 with the terms of the public trust and the Burton Act trust, other than their restrictions on uses.”  
14 The Staff Report does not address this requirement and Proposed Resolution No. 19-16 is  
15 devoid of any findings addressing this critical issue. In a similar context, the Court of Appeal  
16 confirmed that impact of a non-trust use on trust resources must be analyzed. The Court held  
17 that a non-trust use cannot be permitted when it would detrimentally affect trust resources.  
18 (Environmental Law Foundation v. State Water Resources Control Bd. (2018) 26 Cal.App.5th  
19 844, 859.) The Court of Appeal specifically found that “the determinative fact is the impact of  
20 the activity on the public trust resource,” and that the public trust doctrine precluded non-trust  
21 activities to the extent that they harmed trust resources. (*Id.*, at 860.)

22 Here, the Port is under an express duty to protect the public trust – including the  
23 waterfront and its amenities – for all users. Allowing this Project will have a detrimental  
24 impact on the adjacent public trust property, including the scenic Embarcadero walkway that is  
25 heavily used by residents and tourists, just across the street from Lot 330.

26 The Project will also impact the value of surrounding Port property and have a  
27 deleterious impact on the development potential of the Lot. Given the highly politicized nature  
28 of this use, prospective purchasers and other possible users of the Lot will be afraid of the  
fallout of displacing the occupants of the Project. (Mansbach Report, p. 2.) The result is a

1 blighted asset, directly flowing from the actions of this Commission.

2 In summary, approval of the Project would be a breach of this Commission's statutory  
3 and other legal obligations under the public trust doctrine.

4 **C. The MOU Procedure Employed Here Violates State and Local Open Meeting Laws**

5 "The people of this State do not yield their sovereignty to the agencies which serve them. The  
6 people, in delegating authority, do not give their public servants the right to decide what is  
7 good for the people to know and what is not good for them to know. The people insist on  
8 remaining informed so that they may retain control over the instruments they have created."

Gov't Code § 54950.

8 The Brown Act, California's Open Meeting Law, and the San Francisco Sunshine  
9 Ordinance command that the people's business be conducted in the open, through public  
10 hearings, allowing comment and input on the issues under consideration. The use of an MOU  
11 to affirm after the fact, a secret, closed-door process to determine a critical legal and factual  
12 question squarely violates these principles.

13 The Brown Act dictates that "[a]ll meetings of the legislative body of a local agency shall  
14 be open and public, and all persons shall be permitted to attend any meeting of the legislative  
15 body of a local agency." (§ 54953, subd. (a).) This Act is to be construed liberally in favor of  
16 openness (San Diego Union v. City Council (1983) 146 Cal.App.3d 947, 955.) It is a violation  
17 of the Brown Act for an agency to defer public decisions to a closed meeting. (Shapiro v. San  
18 Diego City Council (2002) 96 Cal.App.4th 904.) Here, by delegating the ultimate decision  
19 regarding the lease of Port land to a closed process, the Port and City have deprived the public  
20 of the ability to meaningfully review and comment on this decision.

21 The entire process here echoes the comments of the Civil Grand Jury in relation to  
22 previous projects proposed for this site. For example, its report on the Port of San Francisco the  
23 Grand Jury noted the proposed Golden State Warriors arena complex had been a "notable  
24 failure", and that there was "very little outreach to community members and neighborhood  
25 groups that would have been be affected" as a result of the "attempted fast-tracking" of that  
26 Project (at p. 6).

27 Compounding the closed door, secretive nature of the MOU procedure employed by the  
28 Port, is the failure to produce records public records in response to requests by counsel and

1 other citizens. Over the past month, counsel and members of the public have made dozens of  
2 requests for information related to the Project to multiple City agencies, including the Port,  
3 Mayor’s Office, HSH, and the Planning Department. Several of these requests remain  
4 outstanding. And hundreds of documents relevant to the Project were withheld by the City  
5 until the evening of April 19. This document dump, made after hours on the eve of a holiday  
6 weekend just two business days before the Port Commission’s public hearing, is a clear  
7 violation of the Brown Act and SF Sunshine Ordinance – to ensure that official actions are  
8 openly deliberated, and that members of the public are given the information necessary to  
9 meaningfully participate in this process.

10 **D. Seawall Lot 330 is a Hazardous Site that is Unsuitable for the Project and Human**  
**Habitation.**

11 The Project site is a former railyard and adjacent to a former gas station. Numerous soils  
12 reports in the Port’s files have identified significant contamination issues at the site.  
13 (Declaration of Patrick Buscovich S.E, ¶3 (attached hereto as **Exhibit B.**) There is no evidence  
14 that remediation work has occurred to prepare the site for residential occupancies, as required  
15 by the Maher Ordinance. The Maher Ordinance (San Francisco Health Code, Art. 22A) was  
16 enacted to set out a process for the investigation and remediation of hazardous substances in  
17 soils at certain sites, including sites with historic bay fill. (Health Code, § 22A.1.2.)

18 Here, Seawall Lot 330 is within the Maher Ordinance zone, and the Project proposes to  
19 convert the land from an industrial to a residential use. The documented toxic conditions at the  
20 Lot include benzene levels that are elevated beyond the federal thresholds for residential use,  
21 and unsafe lead and arsenic levels above the residential cancer risk. (AllWest Environmental,  
22 “Environmental Site Assessment” dated April 19, 2019, (“AllWest Report”) attached hereto as  
23 **Exhibit C.**)

24 Moreover, in its administrative review for prior projects proposed at the Lot – including  
25 development as part of a cruise terminal and the Warriors arena complex – the City has  
26 required remediation to occur before any development occurs on the site. For example, the  
27 environmental findings for the proposed cruise ship terminal found “hazardous wastes . . . are  
28 present in the soil, and that site mitigation (remediation) would be required.” (San Francisco

1 Planning Commission Motion No. 16625, adopted July 321, 213, Case No. 2000-1229E.) The  
2 more recent Phase I report prepared by AllWest engineering identified a risk of “vapor  
3 intrusion concern (VIC) from historical land use activities” due to benzene and naphthalene  
4 concentrations. (AllWest Report, p. 2.)

5 The contamination and toxic soils issues are even more concerning when the temporary  
6 nature of the structures proposed here is considered. Seawall Lot 330 is at a major risk of  
7 liquefaction in the event of an earthquake given the soils conditions are mere fill on top of what  
8 was once part of the Bay. Indeed, according to the Catex Determination, a Geotechnical  
9 Memorandum prepared by DPW confirmed the property is “on a site subject to liquefaction.”  
10 This means that when a major earthquake occurs in the Bay Area, toxic silt and water could  
11 spout up and onto the site, putting all its occupants at substantial risk of bodily injury and toxic  
12 exposure. (Buscovich Declaration, ¶ 4.)

13 The public agency applicant, Department of Public Works, submitted a Maher Ordinance  
14 application in reliance on historic soils reports for the Lot. The Department of Public Health  
15 required further boring and testing to occur at the site. As the AllWest Report notes, the “full  
16 extent of the contamination issues, and the appropriate mitigation or remediation strategy,  
17 cannot be determined until further evaluation is completed.” (AllWest Report, p. 2.)

18 Yet the Port Commission is proposing to approve this Project before the environmental  
19 and health risks are even understood, let alone mitigated. In their haste to approve the Project,  
20 the City and the Port Commission have not properly considered the potential health and safety  
21 risks posed by the Project. The Port Commission should not approve a project that will  
22 endanger its prospective users, not to mention the existing residents of the South Beach and  
23 Rincon Hill neighborhoods.

24 **E. The Project is Not Categorically Exempt Under CEQA. Further CEQA Analysis is**  
**Required before the Change of Use can be Approved and the Shelter Built**

25 The lease for and construction of a shelter proposal is a “Project” for the purposes of  
26 CEQA because it will lead to a physical change in the environment, and there is no applicable  
27 categorical exemption. For previous projects proposed at this site, a full EIR has been  
28 prepared. This Project should be subjected to the same level of review, both to ensure the

1 safety of its residents, and that its environmental impacts are adequately analyzed.

2 At the very least, an Initial Study should be prepared, so that the public is afforded a  
3 meaningful opportunity to comment on the proposed CEQA action. Here, the City is  
4 attempting to rubberstamp this Project a mere six weeks after the Project was first notified.  
5 And the exemption determination and MOU were made available only two business days  
6 before the hearing at which it is proposed to be adopted. The entire process appears to have  
7 been calculated to leave affected residents out of the loop.

8 **1. The Infill Categorical Exemption Does Not Apply**

9 The Planning Department has determined that the Project is categorically exempt as  
10 “infill development.” (CCR section 15332). In order to qualify for this categorical exemption,  
11 all of the following criteria must be satisfied:

- 12 (a) The project is consistent with the applicable general plan designation and  
13 all applicable general plan policies as well as with applicable zoning  
14 designation and regulations.
- 15 (b) The proposed development occurs within city limits on a project site of no  
16 more than five acres substantially surrounded by urban uses.
- 17 (c) The project site has no value as habitat for endangered, rare or threatened  
18 species.
- 19 (d) Approval of the project would not result in any significant effects relating  
20 to traffic, noise, air quality, or water quality.
- 21 (e) The site can be adequately served by all required utilities and public  
22 services.

23 The CEQA Guidelines go on to note that this exemption is “intended to promote infill  
24 development within urbanized areas.” The Project is not consistent with this purpose, because  
25 it is not permanent infill “development.” According to the City, it is a temporary use, so that  
26 the categorical exemption is inapt for the Project. The Project actually restricts long term in-  
27 fill development by stigmatizing the site, diminishing the value of the Lot and increasing the  
28 costs of any future permanent development.

Moreover, several of the criteria for this exemption are not satisfied. First, the Project is  
not consistent with all applicable general plan designations, policies, and zoning regulations.



1 Here, the applicable policies and regulations must include SB 815 and AB 2979. These laws  
2 provide that the lease of the site for nontrust uses must be reviewed by the State Lands  
3 Commission. The Staff Report itself notes that “residential use of Port property is typically not  
4 allowed” – this is an explicit acknowledgement that the Project is *not* consistent with applicable  
5 plans and policies. The Catex Determination asserts that the Project is consistent, but provides  
6 no evidence or analysis to support this conclusion.

7 To the contrary, the Project is inconsistent with the Waterfront Land Use Plan  
8 (“WLUP”), which is the applicable general plan for Port property. The WLUP does not  
9 authorize the construction of homeless shelters on Port property. Chapter 3 of the WLUP sets  
10 out policies regarding governing interim uses of Port land. At page 74, the WLUP deals with  
11 interim uses of Seawall Lots North of China Basin Channel (which includes Lot 330), noting  
12 that the Port should “promote the productive use of vacant seawall lots on an interim basis” by:

13 Discouraging construction of any facilities which would tend to deter  
14 redevelopment of seawall lots for permanent uses, but permit temporary  
15 structures or structures which are easily removed . . . to promote uses and  
16 activities which would enliven the area.

16 The Project is not consistent with this policy. If it is built, it will deter future  
17 redevelopment of the site, and the development of adjacent sites (see Mansbach Report, p.2).  
18 And the Project cannot be said to “enliven the area,” as contemplated by the WLUP.

19 Approval of the Project also has the potential to result in significant effects relating to  
20 traffic, noise, air quality, and water quality. The hazardous materials onsite alone raise a  
21 significant risk of water and air quality impacts. (Buscovich Declaration, ¶ 3-5). Such impacts  
22 need to be properly analyzed to comply with CEQA.

23 Finally, there is no evidence the site can be adequately served by all required utilities and  
24 public services. There is currently no water, electric, or gas service at the site (Buscovich  
25 Declaration, ¶ 10.). And for the purposes of the Project, “public services” must include the  
26 services required by the anticipated homeless residents. There is no evidence that the  
27 availability of such services were considered. Unlike other Navigation Centers, the Project  
28 proposed here is nowhere near homeless support services.

1 Accordingly, the Project fails to qualify for an infill development categorical exemption.  
2 In any event the Class 32 Infill Development Exemption applies only to the *construction* of  
3 such development – it does not extend to the operation of a facility that in itself may have  
4 significant environmental impacts. Where, as here, the scope of a proposed Project is broader  
5 than the scope of the categorical exemption relied on, a public agency cannot use that  
6 exemption to circumvent the requirement to undertake an Initial Study. (Association for a  
7 Cleaner Environment v. Yosemite Community College Dist. (2009) 116 Cal.App.4th 629,  
8 640.) In this context, the Port cannot rely on the Infill Development exception to avoid CEQA  
9 review of the entire Project, including the removal of hazardous waste (as will likely be  
10 required here), and the operation of a Navigation Center.

## 11 **2. There Are Unusual Circumstances Giving Rise to Potentially Significant Impacts**

12 Even if the Infill exemption is applicable, no categorical exemption can apply where  
13 “there is a reasonable possibility that the [Project] will have a significant effect on the  
14 environment due to unusual circumstances.” (Pub. Res. Code section 15300.2(c).) Unusual  
15 circumstances may arise where “the project has some feature that distinguishes it from others  
16 in the exempt class, such as its size or location.” (Berkeley Hillside Preservation v. City of  
17 Berkeley (2015) 60 Cal.4th 1086, 1105.)

18 Here, both the Project and its proposed site present numerous unusual circumstances.  
19 First, a homeless shelter is not consistent with the ordinary understanding of infill  
20 development, being the construction of permanent housing or commercial buildings to fill in  
21 gaps in urban areas. And the Project is by far the largest Navigation Center ever proposed for  
22 the City, so its size is unusual even compared to other centers. The largest existing Navigation  
23 Center was built to accommodate 128 guests. The proposed Navigation Center has a planned  
24 occupancy of 200 guests.

25 Its location is also unusual - previous centers have been built in less residential areas, but  
26 this Project is proposed in a densely populated area, on a prime piece of waterfront land. The  
27 Central Waterfront (Dogpatch) location referenced in the Staff Report is not an appropriate  
28 comparator. It is located in a non-residential area on a dead-end street between an industrial  
crane and rigging firm and a MUNI maintenance facility. The Embarcadero, as a major

1 commercial and tourist thoroughfare for the City, is an unusually sensitive site when it comes  
2 to new development, and the surrounding neighborhood is one of the most densely populated  
3 residential sections of the City.

4 The Project has the potential to cause the following significant environmental impacts, all  
5 of which preclude the use of a categorical exemption.

6 **i. Urban Decay**

7 The impacts caused by the Project, which will concentrate hundreds of homeless  
8 individuals on a single lot, are “physical impacts” under CEQA. These impacts may include an  
9 increase in trash, abandoned property, discarded syringes, and crime in the surrounding  
10 neighborhood. Such impacts are all elements of “urban decay,” which the Court of Appeal has  
11 recognized as a physical impact for the purposes of CEQA (Placerville Historic Preservation  
12 League v. Judicial Council of California (2017) 16 Cal.App.5th 187.) These impacts have not  
13 been identified or analyzed at any point.

14 Importantly, the testimony of members of the public constitutes “substantial evidence” of  
15 potential CEQA impacts. (Georgetown Preservation Society v. County of El Dorado (2018) 30  
16 Cal.App.5th 358, 375: where “many commentators objected to the size and over-all appearance  
17 of [a] proposed building,” it could not “seriously be disputed that this body of opinion meets  
18 the low threshold needed to trigger an EIR. . .”) Here, the Port has received hundreds of  
19 comments in writing and at hearings related to the Project, raising concerns about the potential  
20 environmental impacts of the Project, including its aesthetic and urban decay impacts. This is  
21 substantial evidence that overwhelmingly demands that further environmental review be  
22 conducted.

23 **ii. Hazardous Substances**

24 As outlined above, the site has significant issues with toxic soils and groundwater. This  
25 has the potential to adversely impact adjacent residents during construction of the Project, and  
26 the residents of the Project itself. The Project proposes to install a 4-6” thick concrete slab.  
27 However, a slab of this thickness is inadequate to protect the residents of the building from  
28 toxic soils, and would not support the structure in a major seismic event. (Buscovich

1 Declaration, ¶ 7.) An 18-24” mat slab would be needed to support the structure and create an  
2 impervious layer that will protect the occupants of the Project from toxic exposure (Buscovich  
3 Declaration, ¶ 5)

4 Importantly, the Project description claims that only 43 cubic yards of soil will be  
5 excavated – conveniently just below the 50 cubic foot threshold that would trigger further  
6 CEQA review. But to excavate and install a concrete slab underneath the entire footprint of the  
7 Project, the excavation required will be much more extensive than 50 cubic yards. (Buscovich  
8 Declaration, ¶ 7–8.)

9 The Catex Determination also fails to consider the effects of removing the concrete  
10 slabs at the end of the lease – the removal the concrete slabs will kick up the contaminated soil,  
11 creating potential air and water quality impacts. (Buscovich Declaration, ¶ 9.) Heavy  
12 machinery will be required to remove the slabs, which will create vibrations that could damage  
13 nearby buildings, particularly given that the soil in this area is prone to liquefaction. (*Id.*) These  
14 potential impacts are unusual and should be fully reviewed under CEQA.

### 15 **iii. Cumulative Impact**

16 CEQA provides that categorical exemptions are “inapplicable when the cumulative  
17 impact of successive projects of the same type in the same place, over time is significant.”  
18 (Pub. Res. Code section 15300.2(b). Here, District Six already houses several navigation  
19 centers and other homeless services. Adding yet another Center to this District creates a  
20 significant cumulative impact, by concentrating multiple Centers – and all the attendant impacts  
21 outlined above – in a small area of the City. This cumulative impact means that a categorical  
22 exemption cannot be invoked here.

## 23 **III. CONCLUSION**

24 The Port Commission exists to ensure that land use decisions regarding Port property are  
25 guided by considerations beneficial to the Public, not just those of those who wield power at a  
26 given moment in time. The Port has allowed the political directives of the Mayor to constrain  
27 public outreach and limit community involvement around a well-intentioned but ultimately  
28 misguided and unrealistic proposal and timeline. Not surprisingly, after having been shut out of

1 the process, thousands of San Francisco residents oppose the Project. Yet, the Port Commission  
2 races forward at break neck speed, notwithstanding the legal constraints imposed by California  
3 law and the unquestionably legitimate concerns of affected residents and neighbors.

4 Opponents of the Project, such as Safe Embarcadero for All, have presented numerous  
5 legal and factual arguments against the Project, including the undeniable environmental impacts  
6 of establishing a "navigation center" on land that the Port knows is currently dangerous for  
7 human habitation. These concerns in turn raise serious considerations about both the process  
8 that has occurred to date and the substance of the Project. The Port is also completely ignoring  
9 its obligation to submit the proposed lease to the State Lands Commission.

10 While the City and Port claim that the Project is temporary, the reality is that sheltering  
11 200 persons on the Lot involves a long-term land use decision that will permanently and  
12 irrevocably blight the Lot in direct contravention of the Port's primary mission and this  
13 Commission's legal duty. Once a shelter is established on the site, the Lot's potential for  
14 development will be irretrievably lost. Capable developers will never be willing to venture into  
15 an entitlement process poisoned by the inescapable stigma of displacing hundreds of persons yet  
16 again.

17 Finally, there is no rational way to justify approval of the MOU and the Project under the  
18 public trust, the primary doctrine governing all activities at the Port. Without a plan to house  
19 (or at a minimum transition) the newly sheltered residents to permanent housing, a lease  
20 termination right is pure fiction. While it appears from their public comments that some  
21 Commissioners have already embraced the use of the Lot as a shelter, those same  
22 Commissioners should ask if they are prepared to call for the displacement of 200 future shelter  
23 residents as required by law. If the answer to the question is no, the proposed MOU and the  
24 Project must be disapproved.

25  
26 Dated: April 22, 2019

ZACKS, FREEDMAN & PATTERSON, PC

27  
28 By: Andrew M. Zacks

Attorneys for Objector Safe Embarcadero for All

# **EXHIBIT A**

**APPRAISAL OF:**  
**SEAWALL LOT 330**  
**SAN FRANCISCO, CALIFORNIA**

**Prepared For:**

**Andrew M. Zacks, Esq.**  
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**235 Montgomery Street, Suite 400**  
**San Francisco, CA 94104**

**Prepared By:**

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April 22, 2019

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

**Re:   Seawall Lot 330  
      San Francisco, CA**

Dear Mr. Zacks:

The appraisal presented herein concerns the property known by the Port of San Francisco as Seawall Lot 330. It is located along the inland side of The Embarcadero just south of the Bay Bridge. You have requested that I undertake a fair market value appraisal as a non-public trust use is being proposed for the subject property.

## **I.   Appraisal Problem**

Seawall Lot 330 historically served as back-up land for the maritime activities occurring at the Port of San Francisco, and particularly Pier 30-32. With the decline of commercial shipping at the Port, alternative uses have been proposed. An impediment to non-maritime use is the Public Trust Doctrine applied by the State Lands Commission. Uses that are generally not permitted are those that are not water-dependent or related, do not serve a state-wide purpose, or can be located on non-waterfront property. Examples include residential, non-maritime related retail, and offices.

State legislation was enacted to remove the public trust doctrine from Seawall Lot 330. As a result, a portion of the lot has been developed with a 22 story condominium project known as the Watermark.

The State legislation also states the while the Port may transfer land on Seawall 330 for non-trust purposes, the consideration received by the Port must be equal to or greater than the fair market value.



Andrew M. Zacks, Esq.  
April 22, 2019  
Page 2

A portion of Seawall Lot 330 is being proposed for use as a Navigation Center. While the proposed term of the Memorandum of Understanding (MOU) is 32 months, it may be extended for an additional 24 months.

Despite the time limits in the MOU, the market perception is that controversial uses can generate a "cause celebre" status for a site to the point where a temporary use effectively becomes a long-term if not permanent use. Local examples include the International Hotel property in San Francisco which required nearly 40 years before new construction could occur. Publicly owned sites can experience even longer time frames. The Peoples' Park site in Berkeley has essentially been untouchable for close to 50 years.

For this reason, this appraisal addresses the fee simple interest in the subject property.

## **II. Subject Property**

The subject property is located along The Embarcadero between Bryant and Beale Streets opposite Pier 30-32. It covers a site area of 101,330 square feet. It occupies all of Lot 02 of Assessor's Block 3771, and a portion of Lot 02 of Assessor's Block 3770. It is presently utilized as a surface parking lot.

The MOU area is stated as 46,659 square feet on Seawall Lot 330.

## **III. Zoning and Use**

The zoning district for the subject property is the South Beach Downtown Residential Mixed Use District, or SB-TDR. Residential development is encouraged, and non-residential use is limited to one square foot for every six square feet of residential use. The 1997 Waterfront Land Use Plan of the Port of San Francisco allows a wider range of uses, including residential. The height limit ranges from 65 feet along The Embarcadero, stepping back to 105 feet.

The Port has prepared a detailed study of the development potential of the subject property, with these maximum conclusions:

Residential units: 315  
Non-residential space: 40,000 square feet  
Total building square footage: 413,400 square feet  
Parking spaces: 325 spaces

The above development potential is considered to represent the highest and best use of the subject property.

#### **IV. Methodology – Sales Comparison Approach**

In the Sales Comparison Approach, the market value for the subject site is established by comparison to other similar properties which have recently sold. The table on the following page identifies sales of the properties considered to be relatively similar to the subject property. The prices paid for the comparables are shown on an absolute basis, on a price per square foot of site area basis, and on a price per planned dwelling unit basis. The latter is a frequently cited metric by purchasers of residential development sites. Unless otherwise noted, all transactions occurred on a cash or cash equivalent basis. Details of each sale were confirmed with parties familiar with the transactions.

#### **V. Analysis of Comparables**

**Sales 1** through **4** pertain to site sales intended for residential development where the buyer obtained the development approvals; otherwise known as entitlements. Sites with entitlements sell for premium prices, reflecting the time, cost and risk of the approval process. The subject property lacks entitlements, so **Sales 1** through **4** match this condition. **Sale 5** will be separately addressed below.

On a price per square foot of site area basis, the range shown by **Sale 1** through **4** is relatively narrow; from just under \$700 per square foot (**Sale 2**) to just over \$900 per square foot (**Sale 3**). In the case of **Sale 3**, the buyer is expecting to construct a residential development but details, such as number of units, have yet to be determined.

The range of the comparable prices on a per unit basis is from \$192,222 to \$242,728. Density of development influences the per unit prices, with lower density of development associated with the higher per unit prices, and vice versa. An example is **Sale 2** with the lowest density. It has the lowest price per square foot and the highest price per unit.

**Sale 5**, 75 Howard Street, formerly contained an eight story parking garage. Construction is presently underway on a 19 story, 120 unit condominium development. The approval process started in 2011. In May 2017, an 80 percent interest in the property sold. Details could not be verified, but the price reported reflected a full value of \$110,000,000 for an entitled site. The property is similarly situated as the subject

Table 1

**COMPARABLE RESIDENTIAL SITE SALES  
SAN FRANCISCO, CALIFORNIA**

<u>Ref</u>	<u>Address/ Block-Lot</u>	<u>Neighborhood</u>	<u>Sale Date</u>	<u>Site SF</u>	<u>Zoning / Height</u>	<u>Price</u>	<u>\$/SF</u>	<u>No. of Units</u>	<u>Units/ AC</u>	<u>\$/Unit</u>
1	901 Tennessee Street 4108-17	Dogpatch	Mar-16	10,000	UMU 40 ft.	\$8,500,000	<b>\$850.00</b>	40	174	<b>\$212,500</b>
2	950 Tennessee Street 4108-01B	Dogpatch	Jul-17	36,098	UMU 40 ft.	\$25,000,000	<b>\$692.56</b>	103	124	<b>\$242,718</b>
3	1815-1819 Market Street 3502-068	Upper Market	May-18	4,408	NCT-3 85	\$4,000,000	<b>\$907.44</b>	NA	NA	<b>NA</b>
4	1120 Valencia Street near 22nd Street	Mission	Oct-18	4,134	Valencia NCT 55 feet	\$3,460,000	<b>\$836.96</b>	18	190	<b>\$192,222</b>
5	75 Howard Street 3742-045	Downtown	May-17	20,928	C-3-O 200	\$110,000,000	<b>\$5,256.12</b>	120	250	<b>\$916,667</b>
	Subject	South Beach		101,330	SB-TDR 65-105			315	135	

Source: Mansbach Associates, Inc.

property, with both being on the inland side of The Embarcadero. The 200 foot height limit for **Sale 5** is a major advantage over the subject property, as well as it having entitlements at the time of sale.

## **VI. Valuation**

Relative to **Sales 1** through **4**, the subject is a superior property. Its location on The Embarcadero will afford unobstructed Bay views from any future development project. The only potentially offsetting factor is the large size of the subject property in relation to the comparables. Market typically exhibit an inverse relationship between price per square or price per unit and site size.

The valuation parameters for the subject property are as follows:

\$1,000 per square foot x 101,330 square feet = \$101,330,000  
\$300,000 per unit x 315 units = \$94,500,000

Due to the large size of the subject property, the value conclusion is closer to the lower, price per unit figure.

In conclusion, based on the research and analysis presented in this report and subject to the assumptions and limiting conditions contained herein, the market value conclusion of the fee simple interest in the subject property, as of April 22, 2019, is:

**NINETY FIVE MILLION DOLLARS**  
**(\$95,000,000)**

Based on market data, the exposure time and marketing time are estimated at within twelve months

## **VII. Allocation to MOU Site Area**

The above final value conclusion is equivalent to \$937.53 per square foot of site area.

This figure is applied to the MOU site area as follows:

\$937.53 per square foot x 46,659 square feet = \$43,745,000 (rounded)

### **VIII. Rental Analysis**

The market rent determination for long term land leases is typically calculated by applying a percentage rate, known as the land rent percentage rate, to the fee value of a given property.

Land rent percentage rates would ideally be obtained from recent transactions in San Francisco. However, these transactions between private parties rarely occur in the San Francisco. Throughout the country, land lease transactions occur most frequently in only Hawaii and Manhattan, both of which are land constrained markets.

The land lease percentage rate is based primarily on expectations of the long-term inflation rate. The lessor is seeking to receive an income stream that will provide a rate of return to at least meet if not exceed the inflation rate. The lessor is in a position similar to the buyer of long-term bonds. During the periods of the 1970's and 80's, inflation expectations were high and land lease rates (and bond yields) were also correspondingly high. The percentage rate in ground leases was often 10 percent.

More recently, the inflation rate has declined and the return requirements on bonds and other investments have also declined, including land and other long-term lease percentage rates.

The appraiser is aware of several lease transactions on the Peninsula involving the leasing of land by Google in Mountain View. The land percentage rates vary between 6.0 percent and 7.0 percent.

The desirability of Seawall Lot 330 for development on a long-term lease basis would be expected to attract abundant demand from potential lessees. Market forces would be expected to drive the land percentage rate to the high end of the range, or 7.0 percent.

Applying the 7.0 land percentage rate results in the following annual market rental amounts:

#### SWL 330

\$95,000,000 @ 7.0 percent = \$6,650,000

Andrew M. Zacks, Esq.  
April 22, 2019  
Page 6

MOU Site Area

\$43,745,000 @ 7.0 percent = \$3,062,000

**IX. Parameter Rent Schedule – Paved Land**

The MOU reviewed by the appraiser states that the monthly rent for the MOU area will be equivalent to \$0.79 per square foot. It further states that this rental rate is consistent with the Port Commission approved FY 2017-18 Parameter Rent Schedule for paved land.

The appraiser has reviewed the FY 2017-18 Parameter Rent Schedule. In particular, the following sources are cited as the basis for Land Rent:

Port of San Francisco  
Santa Cruz Harbor  
Pillar Point Harbor  
Spud Point Harbor  
Morro Bay Harbor  
Crescent City Harbor

None of these sources account for the superior locational characteristics of Seawall Lot 330 including its presence along The Embarcadero, unobstructed Bay view, and proximity to downtown San Francisco.

Therefore, the rental figure of \$0.79 per square foot monthly is not indicative of the achievable market rent for the subject property

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I trust that my analysis is useful to you. If you have any questions or need any further assistance, please contact me. The reader is also referred to the Addenda, which contains items pertaining to Appraisal Institute requirements.

Sincerely,  
Mansbach Associates, Inc



Lawrence L. Mansbach, MAI

## **ADDENDA**

Definitions

Assumptions and Limiting Conditions

Certification

Qualifications

## **DEFINITIONS**

### **PURPOSE OF THE APPRAISAL**

The purpose of this appraisal is to provide the appraiser's best estimate of the current market value of the subject property.

### **INTENDED USER AND INTENDED USE OF REPORT**

The intended user of this appraisal is the client, Andrew M. Zacks, Esq. This appraisal is intended for the exclusive use of the client to estimate the market value of the subject property. It is not intended for use for any other function.

**EFFECTIVE DATE OF VALUE:** April 22, 2019

**DATE OF REPORT:** April 22, 2019

### **SCOPE OF WORK**

In preparing this appraisal, the appraiser

- inspected the existing premises;
- investigated the relevant market;
- gathered and analyzed comparable data,
- arrived at an opinion of value.

### **RESTRICTED APPRAISAL REPORT**

This is a Restricted Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2 of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report.

**INTEREST APPRAISED:** Fee Simple Interest

### **DEFINITION OF MARKET VALUE**

Market Value means the most probable price a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated.



2. Both parties are well informed or well advised, and acting in what they consider their own best interests.
3. A reasonable time is allowed for exposure in the open market.
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto.
5. The price represents the normal consideration for the property sold unaffected by special financing or creative financing or sales concessions granted by anyone associated with the sale.

*(Source :Office of the Comptroller of the Currency under 12CFR, Part 34,Subpart C- Appraisals,34.42 Definitions [f].)*

## **ASSUMPTIONS AND LIMITING CONDITIONS:**

1. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
2. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
3. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
9. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
10. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
11. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

12. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
13. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
14. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
15. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.
16. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

**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

## **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.

# **EXHIBIT B**

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I, Patrick Buscovich, declare as follows:

1. I am a licensed civil and structural engineer, practicing for more than 40 years in San Francisco, California. I make this declaration in support of the above-captioned appeal. Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

2. I have reviewed the city records for Seawall Lot 330 (the "Lot"), including past soils reports, and visited the site. I have reviewed documents related to the proposed Navigation Center at the Property (the "Project"), including the Project application, the categorical exemption determination, and the geotechnical memorandum from DPW.

3. Numerous soils reports in the Port's files have identified significant contamination issues at the site. It appears that hazardous materials are present in the soil and groundwater, as a result of industrial activities on the site. These materials include lead, benzenes, and other toxic substances. It is crucial that the Project is designed, and mitigation measures imposed, to ensure both the safety of adjacent residents during construction, and the safety of future occupants of the site.

4. The DPW Geotechnical memorandum (attached as **Exhibit 1**) for the Lot acknowledges that "the fill below the groundwater table is highly susceptible to liquefaction." The high potential for liquefaction which means that when a major earthquake occurs in the Bay Area, the soil will liquefy underneath the structure and destabilize it. Toxic silt and water could also spout up and onto the site, putting all its occupants at substantial risk of bodily injury and toxic exposure.

5. The DPW memorandum states the Department understands that the Project will be "supported on a concrete mat footing." Putting in a mat slab would be the right decision for a liquefaction site with toxics in the ground. But it would be important to build a slab that's thick enough to support the structure and create an impervious layer that will prevent the occupants from toxic exposure. An 18-24" mat slab would likely be necessary to achieve this. Alternatively, it would be possible to cap the contaminated soil with 12" of clean fill and use a 12" slab.





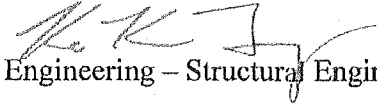
# **EXHIBIT 1**



## GEOTECHNICAL MEMORANDUM

---

**TO:** Rachel Alonso  
Project Manager  
SFPW - Bureau of Architect

**FROM:** Kit Tung, P.E.   
SFPW Bureau of Engineering – Structural Engineering Section

**DATE:** April 2, 2019

**SUBJECT:** SeaWall Lot 330 – Navigation Center Foundation Discussion

---

London N. Breed  
Mayor

Mohammed Nuru  
Director

Patrick Rivera  
Manager

Design & Engineering  
30 Van Ness Ave.  
San Francisco, CA 94102  
tel 415-558-4000

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

We understand that a Navigation Center is proposed to be constructed at SeaWall Lot 330. The triangular lot is bounded by the Embarcadero at the east, Bryant street at the northwest and Beale Street at the southwest. The project site is now used as a parking lot, and was a cargo rail terminus as shown in 1938 aerial photos.

The site is founded on artificial fill with thickness ranging from 20 to 40 feet, and generally heterogeneous granular fill with varying amount of silt, clay, gravel bricks, and debris. The artificial fill is underlain by approximately 10 to 20 feet of soft and compressible Young Bay Mud. Young Bay Mud is underlain by sedimentary deposit consisting of sand and clay. Franciscan bedrock is about 50 feet below grade at the corner of Bryant Street and Beale Street to about 150 feet at the Embarcadero.

Groundwater could be as shallow as 3 feet below ground surface. However, fluctuations in groundwater levels should be expected during seasonal changes or over a period of years because of precipitation changes, perched zones, tidal influence, and changes in drainage patterns.

The artificial fill below the groundwater table is highly susceptible to liquefaction during a major earthquake as indicated by the Seismic Hazard Zone Map prepared by the California Division of Mines and Geology (CDMG). Liquefaction is a phenomenon in which saturated, cohesionless soil experiences a temporary loss of strength due to the buildup of excess pore water pressure during cyclic loading. Liquefaction-induced lateral spreading may occur due to close proximity from shoreline.

GHD-GTC Joint Venture prepared the Seawall Vulnerability Study of the Northern Seawall for Port of San Francisco in 2016. At SeaWall Lot 330, the lateral spread displacement from a magnitude 8.0 San Andreas (median) seismic event is expected to range from 0 to 5 inches and the total vertical displacement is about 1 to 5 inches. This estimated vertical displacement corresponded well with an earlier 1992 liquefaction study at Embarcadero Waterfront prepared by Harding Lawson

Associates, which estimate the project site to experience liquefaction-induced settlements on the order of about 1 to 6 inches.

It is our understanding that the Navigation Center will be supported on a concrete mat foundation. The estimated lateral spreading horizontal ground displacement is lower than the 18 inches upper limit for shallow foundation with Risk Category II (ASCE 7-16, Table 12.13-2). Therefore, it is feasible to mitigate liquefaction and lateral spreading if the mat foundation is designed to accommodate differential settlement caused by liquefaction. The differential settlement threshold is  $0.015L$  for single-story structures (other than concrete and masonry wall system) with Risk Category II (ASCE 7-16, Table 12.13-3).

The Young Bay Mud has completed consolidation settlement under the existing fill placed over 80 years ago. In addition, the Young Bay Mud could be over-consolidated due to heavy cargo trains parked on the site. Therefore, the consolidation settlement is expected to be small for the lightly loaded Navigation Center (approximately 200 psf) founded on compacted structural fill.

No field investigation was performed for this memorandum. The geotechnical discussions made in this memorandum are based on the assumption that the soil and groundwater conditions do not deviate appreciably from those presented in geologic maps and relevant geotechnical studies.

# **EXHIBIT 2**

# Patrick Buscovich & Associates

Structural Engineers, Inc.

235 MONTGOMERY STREET, SUITE 823, SAN FRANCISCO, CALIFORNIA 94104-3105 • TEL: (415) 788-2708 FAX: (415) 788-8653

## Patrick Buscovich S.E. Oracle

**Education:** University of California, Berkeley ~ Bachelor Science, Civil Engineering 1978  
~ Master Science, Structural Engineering 1979

**Organizational:** State of California; Building Standards Commission  
Commissioner 2000 – 2002  
City & County of San Francisco; Department of Building Inspection (DBI)  
Commissioner/Vice President 1995 – 1996  
UMB Appeal Board 2005-2006.  
Code Advisory Committee 1990-1992  
Chair of Section 104 Sub-Committee.  
Structural Engineers Association of Northern California (SEAONC)  
President 1997 – 1998  
Vice President 1996 – 1997  
Board of Directors 1994 – 1999  
College of Fellows  
Edwin Zacher Award 1999  
Structural Engineers Association of California (SEAOC)  
Board of Directors 1996 – 2000  
Applied Technology Council (ATC)  
President 2007 – 2008  
Board of Directors 2000 – 2009

**License:** California, Civil Engineer C32863, 1981  
Structural Engineer S2708, 1985

**Experience:** *Patrick Buscovich and Associates, Structural Engineer – Senior Principal (1990 to Present)*  
*Specializing in existing buildings, seismic strengthening, rehabilitation design, building code/permit consultation/peer review, expert witness/forensic engineering*

- Expert Witness/Forensic Engineering/Collapse & Failure Analysis
- Commercial Tenant Improvement.
- Seismic Retrofit Consultation.
- Peer Review/Building Code Consulting.
- Permit Consultant in San Francisco (DBI, DCP, SFFD & BSUM).
- Member of the following SEAONC/DBI Ad-Hoc Committees:  
Committee to revise San Francisco Building Code Section 104F/3304.6.  
Committee to draft San Francisco UMB ordinance.  
1993 Committee to revise the San Francisco UMB ordinance.  
Blue-Ribbon panel to revise earthquake damage trigger, 1998  
Secretary, Blue Ribbon Panel on seismic amendments to the 1998 SFBC.  
Secretary, Blue Ribbon Panel Advising San Francisco Building Department on CAPSS.
- Co-Author of the following SF DBI Code Sections.  
EQ damage trigger
- Coordinator for San Francisco UMB Seminars 1992, 1993 & 1994. SEAONC.
- Seminar on San Francisco UMB Code 1850 to Present. SEAONC.
- Member San Francisco UMB Bond Advisory Committee.
- Speaker at numerous San Francisco Building Department Building Inspection Seminar on UMB, 1993.
- Speaker at numerous code workshops for the San Francisco Department Building Inspection.
- Co-author of 1990 San Francisco UMB Appeals Board Legislation.
- Co-author of San Francisco Building Code Earthquake Damage Trigger for Seismic Upgrade, Committee Rewrite 2008.
- As a San Francisco Building Commissioner, directed formulation of Building Occupancy Resumption Plan (BORP)
- Chaired the 1995 update on the San Francisco Housing Code.
- Directed formulation of UMB tenant protection program
- Consultant to the City of San Francisco for evaluation of buildings damaged in the Loma Prieta October 17, 1989 earthquake to assist the Bureau of Building Inspection regarding shoring or demolition of "Red-Tagged" structures.
- Consultant to San Francisco Department of Building Inspection on the Edgehill Land Slide.
- Consultant to numerous private clients to evaluate damage to their buildings from the October 17, 1989 earthquake.
- Project Administrator for multi-team seismic investigation of San Francisco City-owned Buildings per Proposition A, 1989 (\$350 million bond).
- Project Manager for seismic strengthening of the Marin Civic Center.
- Structural engineer for Orpheum Theater, Curran Theater and Golden Gate Theater.
- Consultant on numerous downtown SF High Rise Buildings.
- Rehabilitation & seismic strengthening design for 1000's of privately owned buildings in San Francisco.
- Structure Rehabilitation of Historic Building.
- Structural consultant for 1000's single family house alteration in San Francisco

### Previous Employment

- Previous Employment 1979-1980 PMB, Senior Designer  
1980-1990 SOHA, Associate

**Public Service:** Association of Bay Area Government – Advisory Panels  
Holy Family Day Home – Board of Director  
Community Action Plan for Seismic Safety (CAPPS) advisory panel.

# **EXHIBIT C**

# AllWest Environmental

## ENVIRONMENTAL SITE ASSESSMENT

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Seawall Lot 330, San Francisco, CA 94105

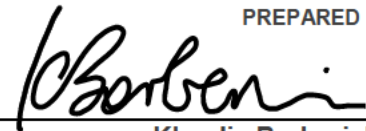


PREPARED FOR:

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

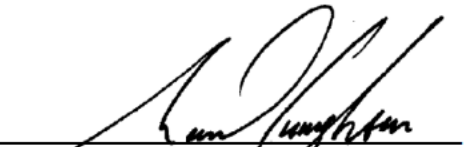
ALLWEST PROJECT 19050.20  
April 19, 2019

PREPARED BY:



Klaudia Barberi, PG  
Project Manager

REVIEWED BY:



Marc B. Cunningham  
USEPA Environmental Professional  
President





## TABLE OF CONTENTS

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<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>Page 1</b>
<b>II.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>Page 2</b>
<b>III.</b>	<b>ENVIRONMENTAL PROFESSIONALS' DECLARATION .....</b>	<b>Page 3</b>
<b>IV.</b>	<b>SCOPE OF WORK AND LIMITATIONS .....</b>	<b>Page 3</b>
<b>V.</b>	<b>ENVIRONMENTAL ISSUES MATRIX.....</b>	<b>Page 5</b>
<b>VI.</b>	<b>ASSESSMENT FINDINGS .....</b>	<b>Page 6</b>
	A. Site Information .....	Page 6
	B. Historical Land Use: Site and Vicinity .....	Page 7
	C. Physical Characteristics .....	Page 11
	D. Natural Hazards .....	Page 12
	E. Site Characteristics .....	Page 13
	F. Hazardous Materials in Facility and Operational Systems.....	Page 14
	G. Hazardous and Non-Hazardous Materials and Wastes .....	Page 14
	H. Pollution Sources, Controls and Treatment .....	Page 14
	I. Regulatory Database Search .....	Page 16
<b>VII.</b>	<b>INFORMATION SOURCES .....</b>	<b>Page 24</b>
	<b>ENVIRONMENTAL ACRONYMS</b>	
	<b>FIGURES</b>	Figure 1: Regional Map Figure 2: Vicinity Map Figure 3: Aerial Photograph
	<b>PHOTOGRAPHS</b>	1 through 23
	<b>APPENDIX A</b>	<u>EDR® Reports</u> Radius Map™ Sanborn Map Report Aerial Photo Decade Package Topo Map Report City Directory Abstract
	<b>APPENDIX B</b>	Site and Agency Documents
	<b>APPENDIX C</b>	Report Author Credentials
	<b>APPENDIX D</b>	Authorization for Reliance and General Conditions



# ENVIRONMENTAL SITE ASSESSMENT

Seawall Lot 330, San Francisco, CA 94105

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## I. EXECUTIVE SUMMARY

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AllWest has completed an environmental site assessment of the real property referenced above. This assessment was performed in accordance with the scope and limitations of 40 CFR Part 312 Standards and Practices for All Appropriate Inquiry; Final Rule and ASTM E 1527-13 Standard Practice for Environmental Site Assessments (ESA): Phase I Environmental Site Assessment Process for the subject property. Any data gaps, exceptions to or deletions from these practices are described in Section III of this report. AllWest conducted a site visit of the subject property on April 17, 2019.

This executive summary is provided solely for the purpose of overview. Any party who relies on this report must read the full report. The executive summary may omit details, any one of which could be crucial to the proper understanding and risk assessment of the subject matter.

The subject property is referred to as Seawall Lot 330. It is located in the South of Market (SOMA) neighborhood in the City of San Francisco, San Francisco County, California. There is no address associated with the subject property parcels. However, the parking lot currently operating on the subject property is addressed as 1 Bryant St.

The subject property is sited on two irregularly shaped lots, which together form a sawtooth shape. The two parcels are approximately 2.3 acres (101,000 square feet) in combined area. The property has approximately 600 feet of street frontage along The Embarcadero, which adjoins to the east. Beale St. adjoins to the southwest, with approximately 330 feet of street frontage. Bryant St. wraps around the subject property to the north and northwest, with approximately 320 feet of street frontage. The southern end of Main St., which extends toward the northwest, terminates at Bryant St. on the northwest side of the property.

The property is a paved public parking lot operated by Impark. Other than a small parking attendant booth of wooden construction and a portable toilet, there are no structures on the subject property.

Subject property elevation is approximately 5 feet above mean sea level (msl). The subject property and the vicinity slope towards the east. Groundwater is approximately 7.5 to 9.5 feet below ground surface (bgs). Based on the topographic slope and location of the San Francisco Bay, the groundwater flow direction beneath the property and vicinity is expected to be northeast to southeast.

AllWest assessed the site's land use history by reviewing Sanborn maps, aerial photographs, city directories, topographic maps, and other relevant documents. Our review indicates it was partly located beneath San Francisco Bay, before the area was filled, and partly in an industrial area used for cargo shipping and warehousing operations, specifically coal, as early as 1887. The area was filled by 1912 to accommodate The Embarcadero and the associated Belt Railroad, later renamed to the Beltline Railroad. The subject property was used as a railroad car depot/storage from at least 1931 until the early 1980s. By 1993, the site was paved over and used as a surface parking lot. Main St., which extended between the two parcels towards The Embarcadero, was no longer present on the property by 1993.

The subject property is located in the Maher Zone enforcement area. Under the Maher ordinance (SF Health Code 22A, SF Bldg Code article 106A.3.4.2), oversight by the San Francisco Department of Public Health (SFDPH) is required for the characterization and mitigation of hazardous substances in soil and groundwater, if more than 50 cubic yards of soil are to be removed during redevelopment. Contaminant sources in the Maher Zone include filling of the historical San Francisco Bay shoreline, past industrial use and the use of debris from the 1906 earthquake in fill materials.

In 2001, Subsurface Consultants Inc. (SCI) completed a soil and groundwater quality investigation on the site as part of the Maher ordinance application for the

adjoining condominium development at 501 Beale St. Five borings were drilled, including four (E-1, E-2, E-3 and E-5) on the subject property.

The borings were drilled to depths ranging from 21.5 to 31.5 feet bgs. Two discrete soil samples were collected from each boring at depths of 1 foot bgs and 5.5 or 6 feet bgs. Composite soil samples were created by combining two or three samples of fill material collected from 10.5 to 21 feet bgs in the same boring. Soil samples were analyzed for total petroleum hydrocarbons (TPH) as gasoline, TPH as diesel and TPH as motor oil, volatile organic compounds (VOC), semi-VOCs (SVOC), metals, chlorinated pesticides, polychlorinated biphenyls (PCBs) and asbestos. Chlorinated pesticides, PCBs and asbestos were not detected in soil.

Fill materials beneath the property contained elevated levels of TPH as motor oil (up to 520 milligrams/kilogram [mg/kg]), exceeding the Tier 1 Environmental Screening Level (ESL) of 100 mg/kg at all drilling locations. Phenanthrene, the only SVOC detected, exceeded the Tier 1 ESL in one deeper soil sample (13 mg/kg). The soils also contained elevated levels of lead (up to 400 mg/kg) above the residential cancer risk ESL of 82 mg/kg, and soluble lead (up to 45 milligrams per liter [mg/L]), above the soluble threshold limit concentration (STLC) of 5 mg/L. One soil sample also had an elevated concentration of arsenic (4.6 mg/kg), above the arsenic residential cancer risk ESL of 0.067 mg/kg.

Grab groundwater samples also were collected from each boring and analyzed for TPH as gasoline, TPH as diesel, TPH as motor oil, VOCs and SVOCs. SVOCs were not detected in groundwater.

Groundwater samples were found impacted with TPH, namely TPH as diesel (up to 200,000 micrograms/liter [ug/L]) and TPH as motor oil (up to 290,000 ug/L), exceeding the Tier 1 ESL of 100 ug/L for both constituents. Benzene and naphthalene exceeded the cancer risk vapor intrusion ESL for residential use in one groundwater sample. We note, however, the laboratory detection limits exceeded the current applicable ESLs in the remaining groundwater samples; therefore, the 2001 data is invalid for these constituents.

To identify the site's potential inclusion on environmental databases and evaluate off-site environmental concerns, AllWest reviewed a site-specific radius report provided by Environmental Data Resources, Inc. (EDR). The radius report searched agency lists and databases for recorded sites within the industry standard search radii. EDR also searches selected national collections of business directories. These databases fall within a category of information

EDR classifies as "High Risk Historical Records" (HRHR).

The subject property was not identified on any environmental databases. EDR's agency database search did not identify current, historical or surrounding land use conditions that appear likely to significantly impact subject property soil, soil vapor or groundwater resources.

## II. CONCLUSIONS AND RECOMMENDATIONS

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AllWest has conducted a Phase I Environmental Assessment for the subject property in general accordance with 40 CFR Part 312 Standards and Practices for All Appropriate Inquiry; Final Rule and ASTM E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

AllWest has identified a Recognized Environmental Condition (REC) stemming from the documentation of contaminants identified at concentrations exceeding ESLs in both soil and groundwater during a 2001 investigation on the subject property. The full extent of the contamination issues, and the appropriate mitigation or remediation strategy, cannot be determined until further evaluation is completed

Since the entire property is paved, the presence of the documented contaminants does not pose a direct exposure risk for the current subject property use and occupants.

Under Maher regulation, any site redevelopment or renovation activities disturbing more than 50 cubic yards of soil will trigger a mandatory subsurface investigation at the subject property. Investigation data must be submitted for evaluation by the SFDPH Local Oversight Program (LOP) to determine the need for remediation and/or development of a Soils Management Plan (SMP).

Should the subject property be redeveloped and/or otherwise converted to residential use, the potential for a vapor intrusion concern (VIC) from historical land use activities is considered moderately low due to benzene and naphthalene concentration exceeding the cancer risk vapor intrusion human health risk level in a residential use scenario in at least one groundwater sample collected during the 2001 investigation.

### III. ENVIRONMENTAL PROFESSIONALS' DECLARATION

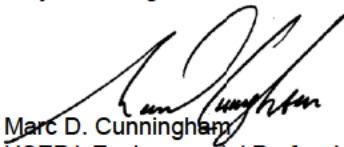
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We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10. We have the specific qualifications based on education, training and experience to assess a property of the nature, history, and setting of the subject property.

We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



Klaudia Barberi, PG  
Project Manager



Marc D. Cunningham  
USEPA Environmental Professional

### IV. SCOPE OF WORK AND LIMITATIONS

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This Phase I ESA was prepared in accordance with AllWest's April 2019 proposal for the Seawall Lot 330 in San Francisco, California. This assessment was performed in general accordance with industry standard 40 CFR Part 312, except as set forth in the proposal. The work conducted by AllWest is limited to the services agreed to with Zacks, Freeman & Patterson, PC. No other services beyond those explicitly stated should be inferred or are implied.

The objective of this ESA was to evaluate the subject property for conditions indicative of a release or threatened release of hazardous substances on, at, in or to the property. AllWest's professional services were performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in the location of the subject site at the time of our investigation. This warranty is in lieu of all other warranties, expressed or implied.

Our professional judgment regarding the potential for environmental impacts is based on limited data and

our investigation was not intended to be a definitive investigation of contamination at the site. Unless specifically set forth in our proposal, the scope of work did not include groundwater or soil sampling, or other subsurface investigations, a strict compliance audit of the site, or a review of the procedures for hazardous material use, waste storage or handling prior to disposal, or for personnel safety and health training and monitoring procedures, analyses of radon, formaldehyde, lead paint, asbestos and other hazardous materials or indoor air quality, occupational health and safety or wetlands surveys.

The purpose of conducting a Phase I ESA is to assess the subject property for conditions indicative of releases or threatened releases of hazardous substances on, at, in or to the property resulting from its current, historical and surrounding land use activities. As noted in 40 CFR Part 312, Environmental Assessments are purely qualitative with conclusions drawn from a multitude of sources as evaluated by the environmental professional using professional judgment. Since soil and groundwater data are typically not generated during assessment activities, report conclusions such as "the site is clean" or alternatively "the site is contaminated" cannot be provided.

Recognizing the limitations of the Phase I ESA methodology, AllWest assesses the potential for site contamination using a four-tier probability scale designated as:

Very Low: 1–5% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

Low: 10% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

Moderately Low: 20–30% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up; and

Moderate: greater than 30% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up.

As defined above, these terms are used throughout the report.

Entities relying on the report should realize that uncertainty of site environmental conditions can be further reduced via soil and groundwater sampling. While this option certainly costs additional monies and extends the assessment's time frame, it also

quantitatively documents site conditions, which can facilitate future disposition or refinance activities.

Regarding any subsurface investigation, sampling undertaken or subsurface reports reviewed, our opinions are limited to only specific areas and analytes evaluated and AllWest is not accountable for analyte quantities falling below recognized standard detection limits for the laboratory method utilized. AllWest does not warrant or guarantee the subject property suitable for any particular purpose, or certify the subject site as clean or free on contamination. As with any assessment, it is possible that past or existing contamination remains undiscovered.

The professional opinions set forth in this report are based solely upon and limited to AllWest's visual observations of the site and the immediate site vicinity, and upon AllWest's interpretations of the readily available historical information, interviews with personnel knowledgeable about the site, and other readily available information. Consequently, this report is complete and accurate only to the extent that cited reports, agency information and recollections of persons interviewed are complete and accurate. The opinions and recommendations in this report apply to site conditions and features as they existed at time of AllWest's investigation. They cannot necessarily apply to conditions and features of which AllWest is unaware and has not had the opportunity to evaluate. Future regulatory modifications, agency interpretations, and/or policy changes may also affect the compliance status of the subject property. AllWest

has made no attempt to address future financial impacts to the site (e.g., reduced property values) as a result of potential subsurface contaminant migration.

**DATA GAPS:** AllWest has made a good faith effort to obtain information required by 40 CFR Part 312 to formulate a professional opinion. Instances where data gaps occur are detailed within our report with an opinion as to whether the information void is significant, impacting our ability to identify conditions indicative of a release or potential release of hazardous substances. In general, if a data gap is identified by AllWest, it will be discussed in the report's conclusion section with a recommendation for additional work.

This Phase I ESA was prepared for the sole and exclusive use of Zacks, Freeman & Patterson, PC, the only intended beneficiary of our work. This report is intended exclusively for the purpose outlined herein and the site location and project indicated and is intended to be used in its entirety. No excerpts may be taken to be representative of the findings of this assessment. The scope of services performed in execution of this investigation may not be appropriate to satisfy other users, and any use or reuse of this document or its findings, conclusions or recommendations presented herein is at the sole risk of the user. This report is not a specification for further work and should not be used to bid out any of the recommendations found within.



## V. ENVIRONMENTAL ISSUES MATRIX

Seawall Lot 330, San Francisco, CA

AllWest Project 19050.20

<i>On-Site Issues</i>	<i>Located</i>	<i>Regulatory Compliance</i>		<i>Recommended Action</i>	<i>Refer To Section</i>
55-Gallon Drums	No				
Above Ground Tanks	No				
Underground Tanks	No				
Evidence of Material Discharge/Release	No				
Transformers (PCBs)	No				
Hazardous Materials	No				
Hazardous Wastes	No				
Asbestos Walls, Ceilings, Floors, Fireproofing & Bulk Insulation	No				
Lead Based Paints	No				
Mold	No				
Air Quality Issues	No				
Radon	No				
Sensitive Ecological Areas	No				
Monitoring Wells	No				
Regulatory Database Listings	No				
Historical Contamination	REC			Contamination documented during previous subsurface investigation	H.2
CREC/HREC	No				
Earthquake Zone	No				
Elevators	No				
Maher Zone	Yes			Phase II required if >50 cubic yards of soil disturbed or change in proposed land use	H.2
<i>Off-Site Issues</i>	<i>Located</i>	<i>Within ¼ Mile</i>	<i>Within ½ Mile</i>	<i>Recommended Action</i>	<i>Refer To Section</i>
NPL Sites	No				
SEMS Sites	No				
RCRA TSDF	No				
EnviroStor Sites	Yes	2	15 w/in 1 mile	None	I.9
CPS-SLIC Sites	Yes	1	5	None	I.11
LUST Sites	Yes	17	79	None	I.13

Note: ASTM-designated search radius for NPL and EnviroStor sites is 1 mile.

## VI. ASSESSMENT FINDINGS

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### A. SITE INFORMATION

1. **PURPOSE:** This ESA was conducted for Zacks, Freeman & Patterson, PC, to evaluate the environmental condition and health risks associated with the subject property, should the subject property be redeveloped and/or otherwise converted to residential use.
2. **PROPERTY ADDRESS:** The subject property is referred to as Seawall Lot 330. It is located in the South of Market (SOMA) neighborhood in the City of San Francisco, San Francisco County, California. There is no address associated with the subject property parcels. However, the parking lot currently operating on the subject property is addressed as 1 Bryant St., therefore, this address was researched. The subject property location is shown on the attached figures and within the EDR report in Appendix A.
3. **ASSESSOR'S PARCEL NUMBER:** The subject property is identified with assessor's parcel numbers (APNs) 3770/002 and 3771/002. The San Francisco Property Information Map (SFPIM) noted that until March 2, 2004, parcel 3771/002 was known as parcel 3771/001.
4. **ZONING:** According to the SFPIM, the subject property is zoned SB-DTR, South Beach Downtown Residential.
5. **SITE DESCRIPTION:** The subject property is sited on two irregularly shaped lots, which together form a sawtooth shape. The two parcels are approximately 2.3 acres (101,000 square feet) in combined area. The property has approximately 600 feet of street frontage along The Embarcadero, which adjoins to the east. Beale St. adjoins to the southwest, with approximately 330 feet of street frontage. Bryant St. wraps around the subject property to the north and northwest, with approximately 320 feet of street frontage. The southern end of Main St., which extends toward the northwest, terminates at Bryant St. on the northwest side of the property.
6. **CURRENT USE OF PROPERTY BY TENANT(S):** The property is a paved parking lot operated by Impark. Other than a small parking attendant booth of wooden construction and a portable toilet, there are no structures on the subject property. Signs observed on the property during the site visit indicated the parking lot is unattended.

7. **CURRENT USE OF SURROUNDING PROPERTIES:** Surrounding land use includes residential and commercial properties. Sites neighboring the subject property include the following.

Northeast: The Embarcadero, followed by Pier 28 on the San Francisco Bay, occupied by Hi Dive Bar

East: The Embarcadero, followed by Pier 30/32 on the San Francisco Bay, occupied by Red's Java House and partially used as a surface parking lot and partially vacant

Southwest: Beale St., followed by Bayside Village Apartments with several addresses, including 500 & 570 Beale St.

West: Watermark condominiums at 501 Beale St.

Northwest: Bryant St., followed by Caltrans Maintenance facility at 434 Main St. and Bay Bridge Pump Station at 480 Main St. (per EDR report)

North: Bryant St., followed by Portside Condominiums at 38 Bryant St. and an office building at 2 Bryant St.

A diesel aboveground storage tank was observed on the Caltrans property adjoining northwest, across Bryant St.

8. **SITE RECONNAISSANCE:** Ms. Klaudia Barberi of AllWest visited the subject property unescorted on April 17, 2019. The property is undeveloped and used as a parking lot. Access during the site visit was unrestricted. Adjoining properties were observed from public right-of-ways. Site photographs are included with this report.
9. **INTERVIEWS WITH PRESENT PROPERTY OWNER(S):** Prior to AllWest's site inspection, we forwarded an environmental questionnaire to our client, to collect information on past uses and ownerships of the property and to identify potential conditions that may indicate the presence of releases or threatened releases of hazardous substances at the subject property. The questionnaire was not completed prior to the publication of this report.

Although the lack of a completed environmental questionnaire is considered a data gap, it does not impact our ability to evaluate conditions indicative of a release or threatened release of hazardous substances on the subject property.

10. PREVIOUS REPORTS: AllWest reviewed the following previous environmental reports prepared for the subject property, which were provided by the SFDPH. Copies of the reports are included in Appendix B.

- *Results of Hazardous Materials Investigation, Seawall Lot 329 and 330, Embarcadero, Bryant, and Beale Streets, San Francisco, California, Subsurface Consultants, Inc. (SCI), June 28, 2001.*

The report documented the results of a soil and groundwater quality investigation at the subject property. Its findings are discussed in detail in Section H.2.

- *Results of Soil Gas Testing for Methane, Seawall Lot Development, The Embarcadero, Bryant Street, and Beale Street, San Francisco, CA, Fugro West, Inc., March 3, 2003.*

The report documented the results of soil gas testing for methane at the subject property. Its findings are discussed in detail in Section H.2.

The client provided the following work plan for AllWest's review.

- Maher Investigation Work Plan, Seawall Lot 330 Project, San Francisco, California, TRC, April 12, 2019

The work plan documented the scope of work for a Maher site investigation on a portion of Seawall Lot 330 for a proposed Waterfront SAFE Navigation Center. The details are summarized in Section H.

## B. HISTORICAL LAND USE: SITE AND VICINITY

1. HISTORICAL USE OF THE PROPERTY: Historical documents in the form of aerial photographs, Sanborn maps, topographic maps, city directories and municipal records were researched by AllWest, to evaluate past land use of the subject property. AllWest attempted to review historical documents as far back in time as the property contained structures or was used for agricultural, residential, commercial, industrial or governmental purposes, and used professional judgment to determine the extent of historical research.

Sanborn maps, aerial photographs, US Geological Survey topographic maps and city directories were reviewed for this study. The Sanborn maps were dated 1887, 1899, 1913,

1949, 1950, 1970, 1974, 1984, 1988, 1990 and 1999. The aerial photographs covered the years 1931, 1938, 1946, 1956, 1958, 1963, 1968, 1974, 1982, 1993, 1998, 2005, 2009, 2012 and 2016. The topographic maps were dated 1895, 1899, 1915, 1947, 1948, 1950, 1956, 1968, 1973, 1995, 1996, and 2012. City directories spanning from 1910 to 2014 also were reviewed. The historical sources were obtained from EDR of Shelton, Connecticut and are provided in Appendix A.

Permit and other records available from the City and County of San Francisco's Department of Public Health, Building and Fire Departments also were requested and reviewed, if available. A chain-of-title review was not conducted.

## Sanborn Fire Insurance Maps

The Sanborn Map Company of New York produced maps for urbanized areas from the late 1800s to the late 1900s to underwrite potential fire hazards. The maps depict individual buildings and provide descriptive information on building construction materials, hazardous materials and the property's general use.

1887: The mid-section of the subject property was situated over the San Francisco Bay. Main St. Wharf crossed the northern portion of the property. Along the southern portion of the property were buildings and structures associated with Oregon Improvement Co's Coal Yard, which extended southwest off-site. The buildings and structures included part of a warehouse in the southwest corner and a freight storage shed. Other features included "stationary hoisting engine houses on trestle" and "movable hoisting engine on trestle" and four rows of "bunkers", "plates?" and runways from bunker", which extended off-site.

1899: The developments over the property remained the same, however, some labels map changed in the southern portion of the property. The two buildings in the southern portion, mentioned earlier, were labeled as coke sheds. The four rows of bunkers remained. There were two areas along the bay labeled "frame for Derrick tracks elevated 20". Hoisting engines also were present, as were two platforms.

1913: The subject property was situated entirely on land that had been filled. Main St. crossed the northern portion of the property. Belt railroad tracks crossed the northern tip of the property, north of Main St. Water pipes crisscrossed the property, which was otherwise undeveloped.



1949: No significant changes were indicated on the subject property from the 1913 map.

1950: No significant changes were indicated on the subject property from the 1949 map.

1970: No significant changes were indicated on the subject property from the 1950 map.

1974: No significant changes were indicated on the subject property from the 1970 map.

1984: No significant changes were indicated on the subject property from the 1974 map.

1988: No significant changes were indicated on the subject property from the 1984 map.

1990: No significant changes were indicated on the subject property from the 1988 map.

1999: The southern portion was labeled as parking. Fewer railroad tracks were depicted across the northern portion.

## Aerial Photographs

1931: Train tracks were visible across the northern portion of the property. The remainder of the property appeared used for railroad car storage/depot.

1938: The use of the subject property was unchanged from the 1931 photograph.

1946: Train tracks appeared no longer visible across the northern portion of the property. The remainder of the property was used for railroad car storage/depot.

1956: No significant changes were noted on the subject property from the 1946 photograph.

1958: No significant changes noted on the subject property from the 1956 photograph, although fewer railroad cars were visible.

1963: No significant changes were noted on the subject property from the 1958 photograph, although only a few railroad cars were visible.

1968: No significant changes were noted on the subject property from the 1963 photograph.

1974: Railroad cars were no longer stored on the subject property. No developments were noted.

1982: No significant changes were noted on the subject property from the 1974 photograph.

1993: The property appeared paved and occupied with densely parked cars. Main St. no longer extended across its northern portion.

1998: The property was mostly vacant, with a few cars visible.

2005: Cars were parked across the property.

2009: No changes were noted on the subject property from the 2005 photograph.

2012: No changes were noted on the subject property from the 2009 photograph.

2016: No changes were noted on the subject property from the 2012 photograph.

## Topographic Maps

1895: The subject property was depicted at the shoreline of San Francisco Bay.

1899: The subject property was depicted at the shoreline of San Francisco Bay.

1915: The property was situated entirely on land that had been filled. Main St. extended across the northern portion. The property was otherwise vacant.

1947: The entire property was covered with railroad spurs.

1948: No development features were depicted on this map, only city blocks.

1950: The entire property was covered with railroad spurs.

1956: No changes were indicated on the subject property from the 1950 map.

1968: No changes were indicated on the subject property from the 1956 map.

1973: No changes were indicated on the subject property from the 1968 map.

1995: No development features were depicted on this map, only city blocks. Main St. no longer extended across the northern portion of the property.

1996: No changes were indicated on the subject property from the 1995 map.

2012: No changes were indicated on the subject property from the 1996 map.

## City Directories

1 Bryant St., the address for the existing parking lot, was not listed in the city directories. No other addresses associated with the subject property have been identified.

## SFDBI Permits

Ms. Barberi of AllWest visited the San Francisco Department of Building Inspection (SFDBI) office on April 17, 2019, to inquire about historical permit records. The SFDBI had no records on file for the subject property parcels or 1 Bryant St.

## SFDPH Documents

Available documents filed by the SFDPH for the subject property and adjoining properties were provided by email for AllWest's review and are listed below. SFDPH is the Certified Unified Program Agency (CUPA) for the City of San Francisco. Information regarding hazardous substances, obtained from the documents, is discussed in detail in Section H. Copies of the documents are included in Appendix B.

### Subject Property and Adjoining Property

June 2006: Results of Hazardous Materials Investigation, Seawall Lots 329-330, SCI

March 2004: Result of Soil Gas Testing for Methane, Seawall Lot Development, The Embarcadero, Bryant Street and Beale Street, Fugro

April 2019: Maher Ordinance Application, Embarcadero SAFE Navigation Center, Seawall Lot 330

### Adjoining Properties

March 2004: Maher Compliance Confirmation from DPH for the construction of the adjoining building at 501 Beale St. (Watermark Condominiums)

November 2010: Soil Investigation Work Plan, Article 22A Compliance, Brannan Street Wharf Project, San Francisco California, an area south of the subject property, along The Embarcadero, between Pier 32 and Pier 38

August 2011: Planned Maher Project – No Further Action Required letter, Brannan Street Wharf Project, Wharf Area by Piers 30, 32, 36 and 38

Above-listed files for adjoining properties did not contain environmental information of concern to the subject property. However, they indicate that similar subsurface conditions exist, as a result of historical filling of the entire area.

## SFFD Documents

The San Francisco Fire Department (SFFD) did not respond to AllWest's request for a file review prior to the publication of this report.

## Online Research

The California Department of Toxic Substances Control (DTSC) EnviroStor and State Water Resources Control Board (SWRCB) GeoTracker databases were reviewed online. The subject property was not listed on the databases.

A historical photograph of the subject property and surrounding area, taken in February 1912, indicates that the subject property was filled by that time. The photograph is included in the photolog.

## Summary of Historical Land Use

AllWest's land use history review for the subject property indicates it was partly located over the San Francisco Bay, in an industrial area used for cargo shipping and warehousing operations, specifically coal, as early as 1887. The area was filled by 1912 to accommodate construction of The Embarcadero and the associated Belt Railroad, later renamed to Beltline Railroad. The subject property was used as a railroad car depot/storage from at least 1931 until the early 1980s. By 1993, the subject property was paved over and used as a surface parking lot. Main St., which extended between the two parcels towards The Embarcadero, was no longer present on the property by 1993.

AllWest's assessment of the site's historical land use and tenant activities did not encounter significant data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property. The earliest available historical sources reviewed for this study dated back to 1887, after the initial development of the property. However, review of earlier sources would not likely provide additional useful information of environmental significance, based on the amount of time that has passed since initial development and filling of the area along the San Francisco Bay shoreline in the early 1900s.

2. HISTORICAL USE OF SURROUNDING PROPERTIES: AllWest reviewed the previously referenced Sanborn maps, aerial photographs, topographic maps and city directories to assess the historical land use in the immediate site area.

### Sanborn Fire Insurance Maps

1887: Piers on the San Francisco Bay were present to the east. Oregon Improvement Co's Yard extended to the south and southwest. Lumber and coal yards were present to the west and northwest, across Bryant St.

1899: Pacific Coast Company's Coal Yard, Bunkers and Sheds were present extending to the south and southwest. Properties across Bryant St. included a box factory, a Humboldt warehouse and saloons to the northwest and north.

1913: The area had been filled to match the current shoreline. The Embarcadero was present to the east, followed by a pier under construction. The lot to the southwest was largely vacant, with a few small structures housing a saloon and a dwelling, a dilapidated coal bunker, and office, shed sheds and another saloon. Standard Box Co. was present to the west, across Bryant St. Humboldt warehouse was also still present. Beltline railroad tracks extended to the north-northwest.

1949: The pier previously under construction was occupied by Matson Navigation Co. The lot to the southwest was developed with a gas station at the corner of Beale and Brannan Sts., and buildings occupied by United Engineering Co., including two machine shops, tool shop, electrical shop, office, garage, sheet metal shop, joiner shop and storage. The Bay Bridge was depicted. Matson Navigation Co. occupied a building adjoining northwest. A warehouse of the railroad tracks was present to the north-northwest.

1950: There were no significant changes noted on the adjoining properties from the 1949 map.

1970: The gas station at the corner of Beale and Brannan was modified and a repair shop had been added. In place of United Engineering Co. a drug and sundries warehouse and US post office garage were present. Bay Bridge maintenance yard was present on the lot to the northwest. No other significant changes were noted from the 1950 map.

1974: Matson Navigation Co. appeared no longer present on the adjoining pier or the building to the

northwest. No other significant changes were noted from the 1970 map, although many labels were illegible.

1984: A note indicated that all buildings on piers 30 and 32 had been removed. No other significant changes were noted from the 1974 map.

1988: Bayside Village was present to the southwest. Delta Line Co. offices were present at the entrance to the pier adjoining east. A note indicated a railroad equipment storage yard in the area adjoining west. There were no other significant changes noted on the adjoining properties from the 1984 map.

1990: There were no significant changes in development noted on the adjoining properties from the 1988 map.

1999: Delta Line Co. was gone from the pier to the east. No other significant changes were noted from the 1990 map.

### Aerial Photos

1931: The lot to the south was undeveloped. A train depot appeared present on the lot to the northwest. Other lots were developed with buildings. Piers were visible to the east, across The Embarcadero.

1938: Bay Bridge was present. Some of the buildings previously present appeared to have been removed to accommodate the bridge. The lot to the south was partly developed with a building. A building resembling a gas station depicted on the 1949 Sanborn map was present at the corner of Beale and Brannan. The lot to the northwest also was developed with a building on the south side of the bridge.

1946: Adjoining lots were further developed with buildings.

1956: No significant changes were noted in the area immediately surrounding the subject property from the 1946 photograph.

1958: The gas station building at the corner of Beale and Brannan appeared redeveloped, consistent with the 1970 Sanborn map depiction. No other significant changes were noted in the area immediately surrounding the subject property from the 1956 photograph.

1963: No significant changes were noted in the area immediately surrounding the subject property from the 1958 photograph.

1968: No significant changes were noted in the area immediately surrounding the subject property from the 1963 photograph.

1974: One of the buildings adjoining northwest of the property was gone. No significant changes were noted in the area immediately surrounding the subject property from the 1968 photograph.

1982: The photograph quality was too poor to discern many details. No significant changes were observed in the surrounding area from the 1974 photograph.

1993: Bayside Village replaced all previously existing buildings southwest of the property. The lot to the north also appeared redeveloped with current buildings.

1998: A roof was visible in the area of the current AST on the property adjoining northwest. A large white canopy or structure was visible on the pier to the east. No other significant changes were noted in the area immediately surrounding the subject property from the 1993 photograph.

2005: The Watermark condominium building, adjoining west, was present. Bay Bridge Pump Station appeared present northwest of the property. The white canopy over the pier was gone. No other significant changes were noted in the area immediately surrounding the subject property from the 1998 photograph.

2009: No significant changes were noted in the area immediately surrounding the subject property from the 2005 photograph.

2012: One of the piers on the bay, southeast of the property, was in the process of being removed. No other significant changes were noted in the area immediately surrounding the subject property from the 2009 photograph.

2016: The pier to the southeast was gone, with landscaping visible. No significant changes were noted in the area immediately surrounding the subject property from the 2016 photograph.

## Topographic Maps

1895-1999: No development details were depicted on these maps, only city blocks.

1915-1973: The shoreline was filled to current day appearance. Railroad spurs extended onto the lot adjoining northwest. No other significant development details were depicted in the area immediately surrounding the subject property.

1995-2012: The railroad spurs were no longer depicted. No developments were depicted, only city streets.

## City Directories

Previously referenced city directories were reviewed for vicinity facility listings indicative of potential environmental concern. Listings included a mix of residential, commercial and light industrial business going back further in time. Many listings included businesses noted on the Sanborn maps, including a gas station at the corner of Beale and Brannan Streets (590 Beale St.). No dry cleaners were listed at nearby properties.

## Summary of Historical Vicinity Land Use

AllWest's land use history review of the subject property vicinity indicates it was partly located over the San Francisco Bay in an industrial area used for cargo shipping and warehousing operations, such as coal and lumber, as early as 1887. The area to the east was filled by 1912 to accommodate The Embarcadero and the associated Belt Railroad. The Bay Bridge was completed to the northwest in 1936. Until the 1980s the area was occupied by commercial and light industrial companies, including a gas station at the corner of Beale and Brannan Sts. to the southwest. By the 1980s, land use on the surrounding properties began transforming to commercial, retail and residential.

AllWest's assessment of the subject property's current and historical surrounding land use activities did not encounter data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property.

## C. PHYSICAL CHARACTERISTICS

1. **TOPOGRAPHY**: According to the 1996 USGS topographic map of San Francisco, the topographic elevation of the subject property is approximately 5 feet above msl. The subject property and the vicinity slope gently to the east toward the San Francisco Bay.
2. **VEGETATION**: Vegetation includes trees and low-growing landscape plants across the property and around the perimeter. Landscaping appeared unkempt, with weed growth in many areas.

3. SOILS: Soils at the subject property are classified by the U.S. Department of Agriculture Soil Conservation Service as Urban land. The Urban land series consists of soils disturbed by development and fill. They are reported as clayey, with very slow infiltration rates.

Based on the 2001 soil and groundwater investigation, the subject property is underlain by approximately 12 to 24 feet of fill consisting of silty and clayey sand with gravel, brick and wood fragments in some areas. The materials are underlain by black and dark gray fat clay, known as Bay Mud.

4. GEOLOGY: Based on a review of the USGS Note 36 California Geomorphic Provinces map, the property is located in the Coast Ranges geomorphic province of California. The coastline is uplifted, terraced and wave-cut. The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata. The northern and southern ranges are separated by a depression containing the San Francisco Bay.

The northern Coast Ranges are dominated by the irregular, knobby landslide-topography of the Franciscan Complex. The eastern border is characterized by strike-ridges and valleys in Upper Mesozoic strata. In several areas, Franciscan rocks are overlain by volcanic cones and flows of the Quien Sabe, Sonoma and Clear Lake volcanic fields. The Coast Ranges are subparallel to the active San Andreas Fault. The San Andreas is more than 600 miles long, extending from Point Arena to the Gulf of California. West of the San Andreas is the Salinian Block, a granitic core extending from the southern extremity of the Coast Ranges to north of the Farallon Islands. Geologically, the area of the subject property is underlain by Mesozoic era Eugeosynclinal Deposits.

5. HYDROLOGY: According to California's Groundwater Bulletin 118, the subject property is located in the San Francisco Bay Hydrologic Region and lies in the Downtown San Francisco Groundwater Basin (Basin No. 2-40). The Downtown San Francisco groundwater basin is located on the northeastern portion of the San Francisco Peninsula and is one of five basins in the eastern part of San Francisco, each separated from the other by bedrock ridges (Phillips, et al. 1993). The groundwater basin consists of shallow unconsolidated alluvium underlain by less permeable bedrock within the watershed located east and northeast of the Twin Peaks area including Nob and Telegraph Hills to the north and Potrero Point to the east, as well as most of the downtown area. Bedrock outcrops

along much of the ridge form the northeastern and southern basin boundaries.

Based on 2001 data collected at the subject property, groundwater is expected to be encountered at 7.5 to 9.5 feet bgs. Based on the topographic slope and location of the San Francisco Bay, the groundwater flow direction beneath the property and vicinity is expected generally to the east, with variations from northeast to southeast.

The nearest significant surface water to the subject property is San Francisco Bay, located approximately 180 feet to the east. There are no water supply wells, aboveground water tanks or water reservoirs at the subject property. The property does not fall under requirements of the National Pollutant Discharge Elimination System (NPDES) and storm water runoff is directed to drains along the adjacent streets which are connected to the municipal sewer.

## D. NATURAL HAZARDS

1. SEISMICITY: The San Francisco Bay Area is considered seismically active, and earthquakes are an unavoidable geologic hazard in San Francisco City and County. Based on available geologic literature, no active fault traces traverse the property. The property is not located within an Alquist-Priolo Special Study Zone for fault rupture hazard according to the California Division of Mines and Geology maps; however, the site area is seismically active. The SFPIM website indicated the subject property is located within a seismic hazard zone for liquefaction.

The closest active faults to the site are the San Andreas Fault located approximately nine miles to the southwest and the Hayward fault located approximately ten miles to the northeast.

2. RADON: Out-gassing of radon has not been identified as a problem in San Francisco County. The U.S. EPA has prepared a map to assist national, state and local organizations to target their resources, and to implement radon-resistant building codes. The map divides the country into three Radon Zones, Zone 1 being those areas with the average predicted indoor radon concentration in residential dwellings exceeding the EPA Action limit of 4.0 picoCuries per Liter (pCi/L) and Zone 3 being those areas with the average predicted indoor radon concentration in residential dwellings less than 2 pCi/L.

It is important to note that the California Department of Health Services (DHS), in its California Statewide Radon Survey of 1990, has



found homes with elevated levels of radon in all three zones, and both EPA and DHS recommend property-specific testing in order to determine radon levels at a specific location. However, the DHS Radon Survey does give a valuable indication of the propensity of radon gas accumulation in structures. Review of the DHS Radon Survey places the property in Zone 2, Moderate Potential, where average predicted indoor radon levels are between 2 and 4 pCi/L.

According to the EDR report, 10 state radon tests were conducted in the site zip code of 94105; radon did not exceed 4 pCi/L in any of the tests. Results reported for 14 federal radon tests conducted in San Francisco County reported average radon concentrations well below 4 pCi/L.

Based on the radon zone classification, radon is not a significant environmental concern.

3. **SENSITIVE ECOLOGICAL AREAS:** Sensitive ecological areas include wetlands, rivers or creeks, marsh areas and land dedicated for open space. According to the U.S. Fish and Wildlife Service National Wetlands Inventory, the nearest sensitive ecological area to the subject property is the San Francisco Bay located approximately 180 feet to the east.
4. **FLOODING:** Flood maps prepared by the Federal Emergency Management Agency (FEMA) are not available for the City and County of San Francisco.

According to the 100-Year Storm Flood Risk Map adopted by the San Francisco Public Utilities Commission (SFPUC) on September 25, 2018, the subject property is outside of the 100-year flood zone.

Based on the SFPIM website, the subject property is located within a flood notification area within the City of San Francisco, within a block that has the potential to flood during storms.

5. **MASS WASTING:** No physical evidence of mass wasting, such as landslides, was observed at the property. No retaining walls were observed. Uneven ground surface was observed across the northern portion of the property, where Main St. and former railroad tracks/spurs extended.
6. **OIL AND GAS WELLS:** According to the California Department of Conservation, Department of Oil, Gas and Geothermal Resources map, no oil or natural gas production wells are located on or adjoining to the subject property.

## E. SITE CHARACTERISTICS

1. **PARKING:** The subject property is used as a paved parking lot, with 310 designated stalls.
2. **ROADWAYS:** The property is bordered by The Embarcadero to the east, Beale St. to the southwest and Bryant St. to the north and northwest. The parking lot is accessible from Bryant St. There are no roads on the property, although Main St. extended toward The Embarcadero between the two subject property parcels until at least 1982.
3. **FENCES:** The subject property is not fenced.
4. **OUTSIDE STORAGE:** There is no outside storage on the subject property.
5. **BASEMENTS:** There are no basements on the subject property.
6. **WELLS:** No evidence of monitoring, domestic water, irrigation or injection wells was observed or documented on the subject property.
7. **SUMPS:** No sumps were observed.
8. **STORM DRAINS:** One storm water catch basin was observed on the property, although others may be present in areas which were obstructed by parked cars during the site visit. Storm water runoff is anticipated towards storm drains located on the property and in the adjoining streets.
9. **PONDS:** No ponds or other surface water bodies were observed on the subject property.
10. **SEWAGE SYSTEM:** There are no structures on the subject property connected to the municipal sanitary sewer system. Surrounding properties are serviced by the San Francisco Public Utilities Commission (SFPUC).
11. **POTABLE WATER SYSTEM:** There are no structures on the subject property connected to the municipal water system. Potable water is supplied to the residents of San Francisco by the SFPUC. The agency's most recent Annual Water Quality Report available online (2017), documented compliance with all applicable water quality standards. Although not a source of potable water, one fire hydrant was observed on the property.
12. **WASTEWATER SYSTEMS:** No wastewater treatment systems were observed at the subject property.

13. **POWER DISTRIBUTION SYSTEMS:** Electricity and natural gas are provided to the property by Pacific Gas & Electric Company (PG&E). Overhead power lines were observed across the property. One PG&E-owned pole-mounted transformer was observed along Bryant St. Transformers installed prior to 1979 may contain PCBs. As its owner, PG&E is responsible for the transformer maintenance and repairs. The transformer appeared in good condition.
14. **EASEMENTS:** No known easements are located on the subject property, except for utilities.

## **F. HAZARDOUS MATERIALS IN FACILITY AND OPERATIONAL SYSTEMS**

1. **FACILITY DESCRIPTION:** Except for a wooden parking attendant booth, approximately four by six feet in area, and a portable toilet, the subject property was undeveloped at the time of this assessment. As no significant permanent structures were present, hazardous materials in facility and operational systems were not assessed.

## **G. HAZARDOUS AND NON-HAZARDOUS MATERIALS AND WASTES**

1. **MANUFACTURE/USE:** The subject property was used as a surface parking lot during the site visit. No manufacturing has been documented on the subject property. Coal storage was documented on part of the property, prior to filling of the historical San Francisco Bay shoreline. The property was subsequently used as a railroad car depot/storage.
2. **STORAGE:** Hazardous materials storage was not observed during the site visit or documented in regulatory agency files.
3. **GENERATION AND DISPOSAL:** No on-site hazardous waste generation or disposal was observed during the site visit; none was documented.
4. **UNDERGROUND STORAGE TANKS (USTs):** No evidence of former or existing USTs was found or observed during the course of this ESA.
5. **ABOVEGROUND STORAGE TANKS (ASTs):** No evidence of former or existing ASTs was found or observed during the course of this ESA.

6. **SOLID WASTE:** Three trash bins were observed on the subject property.
7. **MEDICAL WASTE:** No evidence of current or historical medical waste disposal was found by AllWest.

## **H. POLLUTION SOURCES, CONTROLS AND TREATMENT**

1. **AIR:** The subject property has no sources of air emissions.
2. **SOIL AND GROUNDWATER:**

*Maheer Area* - The subject property is located in the Maheer Zone (Article 22A, Maheer Ordinance). Subsurface investigations completed with the oversight of state and local environmental regulatory agencies have documented the presence of lead, mercury and other toxic metals, and petroleum hydrocarbons such as oils and creosotes, in shallow soil, fill material and groundwater throughout the area. The sources of these contaminants are filling of the historical San Francisco Bay shoreline, past industrial use and the use of debris from the 1906 earthquake in fill materials. Any site redevelopment or renovation activities disturbing more than 50 cubic yards of soil will trigger a mandatory subsurface investigation at the subject property. Investigation results must be submitted for evaluation by the SFDPH LOP to determine the need for remediation and/or development of a Soils Management Plan (SMP).

We note that since the subject property is paved and utilized as a public parking lot, the potential presence of subsurface contamination related to location within the Maheer Zone does not pose an exposure risk for the current subject property use/occupants.

*2001 Soil and Groundwater Investigation* - In 2001, SCI completed a soil and groundwater quality investigation on the property as part of the Maheer ordinance application for the adjoining condominium development at 501 Beale St. Five borings were drilled, including four (E-1, E-2, E-3 and E-5) on the subject property. Analytical data from the four borings is discussed below.

The borings were drilled to depths ranging from 21.5 to 31.5 feet bgs. Two discrete soil samples were collected from each boring at depths of 1 foot bgs and 5.5 or 6 feet bgs. Composite soil samples were created by combining two or three samples of fill material collected from 10.5 to 21 feet bgs in the sample boring. Soil samples were analyzed for TPH as gasoline, TPH as diesel and

TPH as motor oil, VOC, SVOC, metals, chlorinated pesticides, PCBs and asbestos. Selected samples were also analyzed for soluble chromium, lead, and mercury. Chlorinated pesticides, PCBs and asbestos were not detected in soil.

Table 1 summarizes TPHs, VOCs and SVOCs detected in the soil samples.

**Table 1. Soil Quality Data (mg/kg)**

Boring ID	TPHg	TPHd	TPHmo	BTEX	N	P
E-1@1'	1.2	35	<b>180</b>	ND	<0.005	<b>&lt;40</b>
E-1@5.5'	<1.0	<1.0	5.9	ND	<0.005	<4.0
E-1 comp	<1.0	2.2	6.7	NA	NA	<2.0
E-2@1'	3.0	32	<b>160</b>	B-<0.005 T-0.0073 E-<0.005 X-0.0076	<0.005	<b>&lt;40</b>
E-2@6'	<1.0	1.5	<5.0	ND	<0.005	<2.0
E-2 comp	<1.0	16	36	NA	NA	<2.0
E-3@1'	<1.0	34	<b>160</b>	B-<0.005 T-<0.005 E-<0.005 X-0.0052	<0.005	<b>&lt;40</b>
E-3@5.5'	<1.0	19	48	ND	0.24	<b>13</b>
E-3 comp	<1.0	2.0	16	NA	NA	<4.0
E-5@1'	6.7	150	<b>340</b>	ND	<0.005	<b>&lt;40</b>
E-5@6'	1.2	130	<b>450</b>	ND	<0.005	<b>&lt;40</b>
E-5 comp	2.1	99	<b>520</b>	NA	NA	<b>&lt;40</b>
Residential ESL Cancer Risk (1)	NV	NV	NV	B-0.33 T-NV E-5.9 X-NV	3.8	NV
Residential ESL Non- Cancer Risk (2)	430	260	12,000	B-11 T-1,100 E-3,400 X-580	130	NV
Tier 1 ESL	100	260	100	B-0.025 T-3.2 E-0.43 X-2.1	0.042	7.8

N – Naphthalene; P – Phenanthrene; TPHg – TPH as gasoline; TPHd – TPH as diesel; TPHmo – TPH as motor oil; ND-not detected; NV-no value established; NA-not analyzed  
(1) Direct Exposure Human Health Risk Levels, Residential: Shallow Soil Exposure, Cancer Risk  
(2) Direct Exposure Human Health Risk Levels, Residential: Shallow Soil Exposure, Non-Cancer Risk  
SFBRWQSB ESL Table Jan 24, 2019 (Rev. 1)  
Value in bold exceeds ESL

Overall, fill materials beneath the property contained elevated levels of TPH as motor oil (up to 520 mg/kg), exceeding the Tier 1 ESL of 100 mg/kg at all drilling locations. Phenanthrene, the only SVOC detected, exceeded the Tier 1 ESL in

one deeper soil sample (13 mg/kg). 1,3,5-Trimethylbenzene also was detected in one soil sample at 0.0069 mg/kg; however, ESLs have not been established for this constituent.

The soils also contained elevated levels of lead, which was detected in all soil samples at concentrations ranging from 23 to 400 mg/kg, exceeding the residential cancer risk ESL of 82 mg/kg in 10 out of 12 soil samples analyzed. One soil sample exceeded the arsenic residential cancer risk ESL of 0.067 mg/kg, at a concentration of 4.6 mg/kg.

Soluble metals analyses revealed that lead exceeded the STLC concentration of 5 mg/L in nine out of 14 soil samples analyzed. Measured lead concentrations ranged from 0.26 to 45 mg/L. Mercury and chromium did not exceed the total, STLC or TCLP values.

Grab groundwater samples also were collected from each boring. They were analyzed for TPH as gasoline, TPH as diesel, TPH as motor oil, VOCs and SVOCs. SVOCs were not detected in groundwater.

Table 2 below summarizes TPHs and VOCs detected in the groundwater samples.

**Table 2. Groundwater Quality Data (ug/L)**

Boring ID	TPHg	TPHd	TPHmo	Benzene	N
E-1	83	<b>2,300</b>	<b>3,200</b>	<1	<b>&lt;5</b>
E-2	<b>160</b>	<b>200,000</b>	<b>290,000</b>	1.1	<b>6.3</b>
E-3	<50	<b>36,000</b>	<b>99,000</b>	<1	<b>&lt;5</b>
E-5	<50	<b>1,600</b>	<b>4,500</b>	<1	<b>&lt;5</b>
ESL	NV	NV	NV	0.42	4.6
Tier 1 ESL	100	100	100	0.42	0.17

N – Naphthalene; TPHg – TPH as gasoline; TPHd – TPH as diesel; TPHmo – TPH as motor oil; ND-not detected; NV-no value established; NA-not analyzed  
ESL – Cancer Risk Vapor Intrusion Human Health Risk Levels, Residential Use  
SFBRWQSB ESL Table Jan 24, 2019 (Rev. 1)  
Value in bold exceeds ESL

Groundwater samples were found to be impacted with TPH, namely TPH as diesel (up to 200,000 micrograms/liter [ug/L]) and TPH as motor oil (up to 290,000 ug/L), exceeding the Tier 1 ESL of 100 ug/L for both constituents. Benzene and naphthalene exceeded the cancer risk vapor intrusion ESL for residential use in one groundwater sample. We note, however, that the laboratory detection limits exceeded the current applicable ESLs in the remaining groundwater samples; therefore, the 2001 results cannot be assessed for these constituents. p-isopropyl toluene also was detected in one sample;



however, ESLs have not been established for this constituent.

Based on the analytical data, additional soil and groundwater quality investigation in the vicinity of boring E-2 was recommended, to further evaluate the source and extent of TPH, benzene and naphthalene found in groundwater at this location. No documentation of performance of additional assessment was identified.

Soil and groundwater contamination documented on the subject property in 2001 represents a REC.

*2019 Work Plan* - On April 12, 2019, TRC prepared a Maher site investigation work plan for a proposed Waterfront SAFE Navigation Center in the southern portion of the subject property, in coordination with the San Francisco Public Works Department. TRC proposed advancing four borings to 5 feet bgs with a hand auger. One soil sample was proposed from each boring and submitted for analysis of TPH as gasoline, TPH as diesel, TPH as motor oil, VOCs, polynuclear aromatic hydrocarbons, SVOCs, organochlorine pesticides, PCBs, metals, hexavalent chromium and asbestos. Soluble lead analysis also was proposed. Asphalt samples are also to be sampled for asbestos.

Additionally, four shallow soil vapor probes are to be installed within the proposed building footprint, to a depth of 5.5 feet bgs. Soil vapor samples were to be submitted for VOC and methane analysis.

The proposed work had not been completed as of the publication date of this ESA.

3. VAPOR INTRUSION: As part of our assessment AllWest evaluated the potential for vapor intrusion into property structures following the general methodology outlined in ASTM E-2600-15, utilizing professional judgment.

The Tier 1 screening assessment was employed to determine if a potential VIC exists at the site. The subject property, adjoining properties, and hydraulically up-gradient properties were assessed to determine known or suspect contaminated sites within approximate minimum search distances.

A Tier 1 screening assessment consists of a search distance test to identify if there are any known or suspected contaminated sites within the primary and secondary areas of concern; a chemicals of concern test to determine if chemicals of concern exist at the known or

suspected contaminates sites; and a plume test to determine whether or not chemicals of concern in the contaminated plume may be within the critical distance.

The critical distance is defined as the linear distance in any direction from the nearest edge of the plume to the site. If the distance from the site to the nearest edge of a petroleum hydrocarbon plume is less than 30 feet or less than 100 feet for non-petroleum chemicals of concern, then it is presumed that a potential vapor intrusion condition (pVIC) exists and additional screening may be necessary.

The potential for a VIC from current land use is considered low. Should the subject property be redeveloped for residential use, the potential for a VIC from historical land use activities is considered moderate due to benzene and naphthalene concentrations exceeding the cancer risk vapor intrusion human health risk level in a residential use scenario in at least one groundwater sample collected during the 2001 investigation.

The potential for a VIC from surrounding land use is considered low due to the absence of suspect contaminated sites within 30/100 linear feet of the subject property building.

## METHANE

No known methane issues were reported for the property. There is no evidence the property is located within 1,000 feet of an active landfill, an active oil well or an abandoned/inactive oil well.

Three soil gas samples collected within the footprint of the building adjoining west of the subject property (501 Beale St.) in 2004 revealed methane concentrations of 0.010%, 0.015% and 0.012%, significantly lower than the regulatory guidance level of 1.25% established by the RWQCB at that time.

## I. REGULATORY DATABASE SEARCH

To address on-site and off-site environmental concerns as provided by federal, tribal, state and local government records and recorded environmental clean-up liens, AllWest contracted the services of EDR. The purpose of the records search was to assess the potential presence of hazardous substance contamination at the subject property as a result of activities conducted on properties within the ASTM-designated search distances. A list of the state

and federal regulatory databases searched, summary of findings and detailed records are presented in Appendix A.

Regulatory-listed sites and high-risk historical facilities identified by EDR as being within their approximate minimum search distances from the subject property on the ASTM-required databases are listed in Table 3, and summarized in Appendix A and their respective locations identified by number in Appendix A's figures. The number of sites shown in Table 3 may not exactly reflect what is provided in the EDR report due to multiple (duplicate) listings, outdated (historical databases), and differing minimum search radii as specified in ASTM E 1527-13. Additionally, some map locations shown on the EDR figures refer to more than one site, some sites are listed multiple times in the EDR report and some map locations shown on the EDR figures were determined by AllWest to be incorrect.

The EDR report listed several orphan sites (sites which addresses are as inadequate or incomplete as to render locating the site on a map ineffective) that could be within the approximate minimum search distances on the ASTM-required databases. By using additional sources of information, AllWest determined that they are not associated with the subject or adjoining properties, nor are they a significant concern to the subject property.

When reviewing the EDR report AllWest was particularly interested in the regulatory status of sites within the search radius that were adjoining or hydraulically up-gradient to the subject site. In general, only up-gradient hazardous materials release sites represent a potential environmental impact to the subject property. Chemical release sites located hydraulically down-gradient or cross-gradient (perpendicular) are considered unlikely to impact the site. The groundwater flow direction beneath the property and vicinity is expected generally to be to the east, with variations to the northeast and southeast, making sites to the northwest to southwest up-gradient of the subject property.

The subject property was not listed in the regulatory database report. A summary of the on- and off-site database listings is included in Table 3.

**Table 3. Regulatory Database Search Summary**

<b>Section</b>	<b>Regulatory List</b>	<b>Search Radius</b>	<b>Number of Listed Sites within Search Radius</b>	<b>Number of Listed Sites on Subject Property</b>
I.1	NPL	1 mile	None	None
I.2	RESPONSE	1 mile	1	None
I.3	RCRA – CORRACTS	1 mile	1	None
I.4	SEMS	½ mile	None	None
I.5	SEMS-ARCHIVE	½ mile	3	None
I.6	RCRA – TSDF	½ mile	None	None
I.7	RCRA Generators	Site & Adjoining	1	None
I.8	ERNS	Site	None	None
I.9	EnviroStor	1 mile	15	None
I.10	Toxic Pits	1 mile	None	None
I.11	CPS-SLIC	½ mile	5	None
I.12	State Landfills (SWF/LF)	½ mile	None	None
I.13	LUST	½ mile	79	None
I.14	Registered UST	Site & Adjoining	3	None
I.15	Registered AST	Site & Adjoining	2	None
I.16	HAZNET	Site	None	None
I.17	EDR <sup>®</sup> Historical Auto Stations	1/8 mile	2	None
I.18	EDR <sup>®</sup> Historical Cleaners	1/8 mile	2	None
I.19	EDR <sup>®</sup> Manufactured Gas Plants	1 mile	5	None

**1. U.S. Environmental Protection Agency (EPA): National Priority List (NPL)**

The NPL is a U.S. EPA database listing of the United States’ worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. In addition, the NPL report includes information concerning cleanup

agreements between the U.S. EPA and potentially Responsible Parties (commonly called Records of Decision, or RODS), any liens filed against contaminated properties, as well as the past and current U.S. EPA budget expenditures tracked within the Superfund Consolidated Accomplishments Plan (SCAP). The search radius for NPL is one mile.

The subject property is not listed on the NPL. There are no NPL facilities within one mile of the subject property.

## **2. DTSC: Equivalent National Priority List (RESPONSE)**

The RESPONSE database is a DTSC database listing of the State of California's NPL-equivalent sites. These confirmed release sites are generally high-priority and have a high potential risk. They are those where the DTSC is involved in remediation of the site. The search radius for RESPONSE is one mile.

The subject property is not listed on RESPONSE.

There is one RESPONSE facility within one mile of the subject property. Site K (Seawall Lot 333) at 1-59 & ½ Townsend St. is located 0.25 mile south and cross-gradient of the subject property. This a Certified O&M – Land Use Restrictions Only site. Soil is the reported medium affected. Based on the site's location and status, this listing is not of significant environmental concern to the subject property.

## **3. U.S. EPA: RCRA Information System Corrective Action (CORRACTS) Facilities**

The RCRA-CORRACTS database contains information pertaining to hazardous waste treatment, storage, and disposal facilities (RCRA TSDFs) which have conducted, or are currently conducting, a corrective action(s) as regulated under the Resource Conservation and Recovery Act. The search radius for CORRACTS is one mile. The following information is included within the CORRACTS database:

- Information pertaining to the status of facilities tracked by the RCRA Administrative Action Tracking System (RAATS);
- Inspections and evaluations conducted by Federal and State agencies;
- All reported facility violations, the environmental statute(s) violated, and any proposed and actual penalties; and
- Information pertaining to corrective actions undertaken by the facility or U.S. EPA.

The subject property is not listed on CORRACTS.

There is one CORRACTS facility listed within one mile of the subject property. H&H Ship Service Co. Inc., at 220 China Basin St., is located more than ½ south and cross-gradient of the subject property. Based on its location this site is not of significant environmental concern to the subject property.

## **4. U.S. EPA: Superfund Enterprise Management System (SEMS)**

The SEMS database, formerly known as CERCLIS, is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation, by the U.S. EPA for the release or threatened release of hazardous substances. Once a site is placed in the SEMS, it may be subjected to several levels of review and evaluation, and ultimately placed on the NPL. The search radius for SEMS is ½ mile.

The subject property is not listed on SEMS. There are no SEMS facilities within ½ mile of the subject property.

## **5. U.S. EPA: SEMS-ARCHIVE Sites**

The SEMS-ARCHIVE database, formerly known as CERCLIS-NFRAP, contains information pertaining to sites, which have been removed from the U.S. EPA's SEMS database. Sites listed in the SEMS-ARCHIVE may be sites where, following an initial investigation, either no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration. The search radius for the SEMS-ARCHIVE is ½ mile.

The subject property is not listed on SEMS-ARCHIVE.

There are three SEMS-ARCHIVE facilities within ½ mile of the subject property. Electric Smelting Co., at 91 Federal St., is located 0.29 mile to the southwest and cross- to up-gradient of the subject property. Finn, John, Metal Works, at 384 2nds St., is located 0.37 mile to the southwest and cross- to up-gradient of the subject property. Both sites are reported on the Lead Smelters List as well. Neither of the SEMS-ARCHIVE listings contained significant information. Based on their archive status, distance of approximately 1/3 mile and relative immobility of lead, these listings are not expected to represent an environmental concern.

PG&E Gas Plant San Francisco 502 1B, at King and 2<sup>nd</sup> Streets, is located 0.37 mile south and cross-gradient of the subject property. Based on its archive status, relative immobility of contaminants found at former gas plants, cross-gradient location and distance of more than 1/3 mile, this site is not of environmental concern to the subject property.

**6. U.S. EPA: RCRA - Treatment, Storage and Disposal Facilities (TSDF)**

The RCRA-TSDF is a U.S. EPA listing of facilities that were permitted under RCRA to perform on-site treatment, storage or disposal of hazardous wastes. The search radius for RCRA-TSDF is ½ mile. The sites listed in RCRA-TSDF do not necessarily pose an environmental threat to the surrounding properties, because the TSDF permit imposes stringent monitoring and reporting requirements. The following information is also included in the RCRA-TSDF database:

- Information pertaining to the status of facilities tracked by the RCRA-RAATS;
- Inspections and evaluations conducted by federal and state agencies; and
- All reported facility violations, the environmental statute(s) violated, and any proposed and actual penalties.

The subject property is not listed as an RCRA-TSDF. There are no RCRA-TSDFs within ½ mile of the subject property.

**7. U.S. EPA: RCRA Generators List**

The RCRA Generators list is a U.S. EPA listing of facilities that generate hazardous wastes or meet other applicable waste generating requirements under RCRA. The facilities listed on the RCRA Generators list have not necessarily released hazardous waste into the environment or pose an environmental threat to the surrounding properties. These listed sites are required to properly contain the wastes generated and remove their wastes from the site within 90 days. Furthermore, the facilities that report waste generation activities are more inclined to perform the required monitoring. The search radius for RCRA Generators list is the subject property and adjoining properties.

The subject property is not listed in the RCRA generators database.

There is one RCRA waste generator adjoining the subject property. Caltrans at 434 Main St. is a small quantity generator, with no violations found. The listing in itself is not of environmental concern and indicates compliance.

**8. U.S. EPA: Emergency Response Notification System (ERNS) List**

The ERNS list is a U.S. EPA maintained list of reported incidents that concerning the sudden and/or accidental release of hazardous substances, including

petroleum, into the environment. The search radius for ERNS is the subject property.

The subject property is not listed on the ERNS list.

**9. DTSC: EnviroStor Sites**

The EnviroStor database is a DTSC listing of sites under investigation, that could be actually or potentially contaminated and that may present a possible threat to human health and the environment. The search radius for EnviroStor is one mile.

The subject property is not on the EnviroStor list.

There are 15 EnviroStor sites listed within one mile of the subject property. Four EnviroStor listings are located within ½ mile cross- to up-gradient of the subject property. They are tabulated below.

<b>Facility Name and Address</b>	355 Bryant St.
<b>Distance</b>	0.25 mile southwest
<b>Groundwater Gradient</b>	Cross- to up-gradient
<b>Status</b>	DTSC determined the potential risk posed by polyaromatic hydrocarbons, the chemicals of concern at the site, did not pose an unacceptable level of risk to public health or the environment under current site conditions. Based on these findings, the site is not of significant concern to the subject property.
<b>Facility Name and Address</b>	415 Bryant St.
<b>Distance</b>	0.35 mile southwest
<b>Groundwater Gradient</b>	Cross- to up-gradient
<b>Status</b>	Soil was found to be impacted with lead. Removal was to be overseen by the County. Based on the nature of contamination this listing is not of environmental concern to the subject property.
<b>Facility Name and Address</b>	Electrical Shop 528 Folsom St.
<b>Distance</b>	0.36 mile west
<b>Groundwater Gradient</b>	Up-gradient
<b>Status</b>	This is a historical listing. This address was not listed in any other databases. Notes on the EnviroStor website indicate facility was identified on a drive by; oil patch and

	discolored soil was noted (9/14/1981). More information reportedly was needed as of 6/12/1987. Based on the available notes and the lack of further regulatory action, this listing is unlikely to be of environmental concern to the subject property.
<b>Facility Name and Address</b>	199 Fremont St. Property
<b>Distance</b>	0.39 mile northwest
<b>Groundwater Gradient</b>	Cross- to up-gradient
<b>Status</b>	This is Voluntary Cleanup site, which was referred to another agency as of 12/28/1998. Based on aerial photography, it appears the site has since been redeveloped and/or is in the process. The potential medium affected was listed as soil. Based on the site status and distance of nearly 0.4 mile, this listing is unlikely to be of environmental concern.

Other EnviroStor sites are located cross-gradient and/or more than ½ mile of the subject property. The listings are not of environmental concern based on their location.

**10. DTSC: Toxic Pits Cleanup Act Sites (Toxic Pits; TPCA)**

The TPCA is a DTSC listing of hazardous waste cleanup sites regulated pursuant to the California Toxic Pits Cleanup Act (Toxic Pits). It identifies sites suspected of containing hazardous substances where cleanup has not yet been completed. We note, this database has not been updated since July 1995. The search radius for the TPCA list is one mile.

The subject property is not listed on the TPCA site list. There are no TPCA sites located within one mile of the subject property.

**11. Regional Water Quality Control Board (RWQCB): Cleanup Program Sites (CPS)-Spills, Leaks, Investigations, and Cleanup (SLIC)**

The CPS-SLIC is a California RWQCB listing of sites that have reported spills, leaks, investigative activities, and/or cleanup actions. The search radius for the CPS-SLIC list is ½ mile.

The subject property is not listed on the CPS-SLIC list.

There are five CPS-SLIC listings within ½ mile of the subject property. One CPS-SLIC listing, Continental Construction at 301 Howard St., is located 0.35 mile to the northwest and cross- to up-gradient of the

subject property. The site soil and groundwater were found to be contaminated with an oily material whose primary constituents included volatile organic hydrocarbons and polynuclear aromatic hydrocarbons, consistent with unrefined petroleum material. This site has open case status, but is inactive. The groundwater flow direction was not documented at this site, however, two sites nearby reported it is to the northeast, and north and west, indicating that this listing is not located directly up-gradient of the subject property. Based on its distance, and variations in hydraulic gradient, this listing is not of significant environmental concern.

The other four listings are located 0.25 to 0.5 mile cross-gradient of the subject property. Based on their location, these listings are not of environmental concern to the subject property.

**12. California Integrated Waste Management Board: Solid Waste Information System (SWF/LF) Facilities**

The SWF/LF is a California Integrated Waste Management Board (CIWMB) listing of all permitted active, inactive or closed landfills. The search radius for SWF/LF is ½ mile.

The subject property is not listed on the SWF/LF list. There are no SWF/LF sites within ½ mile of the subject property.

**13. SWRCB: Leaking Underground Storage Tanks (LUST)**

The LUST list is a RWQCB listing of sites that have reported leaking USTs. A site may be listed on LUST by reporting the tank system(s) failed tank testing, that routine monitoring of tank system(s) showed evidence of leakage, or that verification sampling during tank removal showed subsurface contamination.

Fuel leak case research conducted at the Lawrence Livermore National Laboratory indicates that attenuation and degradation play major roles in reducing hydrocarbons in groundwater to non-detectable levels within several hundred feet of the contaminant source. Research findings indicate that in over 90 percent of the petroleum hydrocarbon cases, groundwater contaminant plumes do not extend more than 250 feet from the source. The mobility of a gasoline additive called Methyl Tertiary Butyl Ether (MTBE) is currently being researched. Preliminary findings indicate that MTBE is highly soluble in water and moves easily through soil particles and into groundwater where it may spread over a distance greater than 250 feet. MTBE will transfer to groundwater from gasoline leaking from USTs, pipelines, car emissions into the atmosphere and other components of gasoline vapor distribution. MTBE has



been an additive to gasoline since approximately 1985, but banned in California since 2004.

The subject property is not listed as an LUST site.

There are 79 LUST listings, including duplicates, within ½ mile of the subject property. Eight listings were reported within 1/8 mile, with two listings mapped incorrectly. Zelinsky & Sons at 955-975 Bryant St. was located more than a mile away, and therefore, is not of environmental concern based on distance. Caltrans at 120 Rickard St. (reported as Richard St.) is located in a distant part of San Francisco, and therefore, also not of environmental concern.

The six LUST listings confirmed within 1/8 mile are tabulated below. Additionally, all of the LUST sites within ¼ mile also have a regulatory status of case closed. Based on the locations and regulatory status of all LUST sites, they are unlikely to be of significant concern to the subject property.

<b>Facility Name and Address</b>	Bayside Village 2 Brannan St.
<b>Distance</b>	Adjoining south
<b>Groundwater Gradient</b>	Cross to up-gradient
<b>Status</b>	Completed-case closed as of July 1995. Impacted soil removed. Contaminants not detected following remediation. Not of environmental concern.
<b>Facility Name and Address</b>	Caltrans (2 listings) 434 Main St.
<b>Distance</b>	Adjoining northwest
<b>Groundwater Gradient</b>	Up-gradient
<b>Status</b>	Both listings have a completed-case closed status as of May 2000. Soil impacts only. Case Closure Summary stated minimal residual soil contamination noted. Not of environmental concern.
<b>Facility Name and Address</b>	Caltrans 435 Beale St.
<b>Distance</b>	0.085 mile northwest
<b>Groundwater Gradient</b>	Up-gradient
<b>Status</b>	Completed-case closed as of December 1996. Soil impact only. Not of environmental concern.
<b>Facility Name and Address</b>	Brannan & Embarcadero

<b>Distance</b>	35 & 101 Brannan St. 0.087 mile south
<b>Groundwater Gradient</b>	Cross-gradient
<b>Status</b>	Completed-case closed as of August 1996. No Closure Letter available on GeoTracker. Not of environmental concern based on cross-gradient location and case closed.
<b>Facility Name and Address</b>	US Marine Corps 160 Harrison St.
<b>Distance</b>	0.12 mile northwest
<b>Groundwater Gradient</b>	Cross- to up-gradient
<b>Status</b>	Completed-case closed as of August 2000. Soil impacts only. Not of environmental concern.

There are no open LUST sites within ½ mile of the subject property. None of the remaining LUST sites are of environmental concern based on distance and or regulatory status.

#### 14. SWRCB: Registered Underground Storage Tank (RUST) List

The RWQCB Underground Storage Tank Program maintains a list of registered USTs in the site area. The sites listed on the RUST list have not necessarily released hazardous substances into the environment or pose an environmental threat to the surrounding properties. Since Federal and California UST regulations require periodic monitoring for UST leakage and the immediate reporting of evidence of UST leakage, only those sites listed on the LUST list have the potential of environmental impact. The search radius for the RUSTs is ¼ mile.

The subject property was not listed on the RUST list.

There are three adjoining registered UST facilities. There is one 1,000-gallon UST at the Bay Bridge Pump Station as 480 Main St. The double-walled tank was installed in 2000 in secondary containment. It is equipped with continuous interstitial monitoring. Based on the construction of the UST, and its relatively recent installation in 2000, it is not of environmental to the subject property.

There is one UST listing for the Caltrans facility at 434 Main St. The listing indicates two USTs were present and removed from the facility in 1990 and 1996. The facility was not listed as a LUST. The former presence of the USTs is not of environmental concern to the subject property.

2 Brannan St. also was listed as having a UST. The UST was removed in 1986. The address also was listed as a LUST, discussed in Section I.13, which received closure from the local oversight agency. The area has since been redeveloped with an apartment building and commercial space. This listing is not of environmental concern.

#### **15. California EPA: Registered Aboveground Storage Tank (RAST) List**

The RWQCB Aboveground Storage Tank Program maintains a list of registered aboveground storage tanks (ASTs) in the site area. The sites listed on the RAST list have not necessarily released hazardous substances into the environment or pose an environmental threat to the surrounding properties. The search radius for the RAST list is ¼ mile.

The subject property is not listed on the RAST list.

There are two RAST listings, both at the adjoining Caltrans facility at 434 Main St. According to one of the listings, a 6,000-gallon AST is present at this address. No other information was provided in the listing. The other listing indicated the presence of an AST up to 3,000 gallons in volume. This listing indicated a CERS ID #10055791. The Hazardous Materials Unified Program Agency date was April 1, 2018, indicated the AST is permitted.

During the site visit AllWest observed one diesel AST at 434 Main St. The AST was located behind a locked gate under a roofed area. Current information suggests the AST is maintained as required. The listings are of significant environmental concern to the subject property at this time.

#### **16. DTSC: Hazardous Waste Information System (HAZNET) List**

The data on the HAZNET list is extracted from the copies of hazardous waste manifests received each year by the DTSC. The volume of manifests is typically 700,000 to 1,000,000 annually, representing approximately 350,000 to 500,000 shipments. Data from the manifests is submitted without correction, and therefore many contain some invalid values for data elements such as generator ID, TSD ID, waste category and disposal method. The search radius for HAZNET is the subject property.

The subject property was not listed on the HAZNET database.

#### **17. EDR® Historical Auto Stations**

EDR maintains a proprietary list of possible historical automotive repair shops and gasoline stations derived from city directories, telephone directories and other historical sources.

The subject property is not listed as a historical auto station.

There are two historical auto station listings reported within 1/8 mile of the subject property. The listed addresses, which adjoined the subject property to the south, were associated with one parcel. The 590 Beale St. listing dates back to 1940. The 2 Brannan St. listing is dated between 1953 and 2003. 2 Brannan St. was listed as a LUST, as discussed in Section I.13. It received case closure from the local oversight agency. The area has since been redeveloped with an apartment building and commercial space. The listings are not of environmental concern.

#### **18. EDR® Historical Cleaners**

EDR® maintains a proprietary list of possible historical dry cleaner businesses derived from city directories, telephone directories and other historical sources.

The subject property is not listed as a historical dry cleaner.

There are two historical dry cleaners reported within 1/8 mile of the subject property, but neither is at an adjoining property.

SCV Holdings Corp., listed between 1994 and 2012, was located at 140 Brannan St. and 0.11 mile to the south and cross-gradient. It is not listed in any other databases. Based on its cross-gradient location, it is unlikely to be of environmental concern to the subject property. S&H Inc. was listed once in 1997 at 274 Bryant Street 0.21 mile away and cross- to up-gradient. Its brief presence at this location, indicates this former dry cleaner is unlikely to be of environmental concern.

#### **19. EDR® Historical Manufactured Gas Plants**

EDR maintains a proprietary list of coal gas plants (manufactured gas plants) derived from city directories, telephone directories and other historical sources.

The subject property is not listed as a historical manufactured gas plant.

There are five historical manufactured gas plants located within 0.4 to 1 mile of the subject property. Based on relative immobility of contaminants found at former gas plants and a distance of 0.4 mile or greater, these former sites are not of significant environmental concern to the subject property.

## **Summary**

The subject property was not listed in any environmental databases.

The agency database search found no surrounding or adjoining sites that appear likely to have significantly



impacted the soil or groundwater underlying the subject property.

Our search for recorded environmental clean-up liens and reviews of federal, tribal, state and local government records did not encounter data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property.

## VII. INFORMATION SOURCES

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### A. HISTORICAL SOURCES

#### Aerial Photographs

EDR<sup>®</sup> Aerial Photo Decade Package, April 10, 2019, Environmental Data Resources, Inc., Shelton, Connecticut.

#### Sanborn<sup>®</sup> Fire Insurance Maps

EDR<sup>®</sup> Certified Sanborn<sup>®</sup> Map Report, April 10, 2019, Environmental Data Resources, Inc., Shelton, Connecticut

#### Topographic Maps

EDR<sup>®</sup> Historical Topo Map Report, April 10, 2019, Environmental Data Resources, Inc., Shelton, Connecticut.

#### City Directories

EDR<sup>®</sup> City Directory Abstract, April 16, 2019, Environmental Data Resources, Inc., Shelton, Connecticut.

### B. AGENCY DATABASES

The EDR<sup>®</sup> Radius Map<sup>™</sup> Report, April 10, 2019 Environmental Data Resources, Inc.

### C. ENVIRONMENTAL STUDIES

Alquist-Priolo Special Studies Zones Act, Special Publication No. 42, 1997, California Division of Mines and Geology

California Statewide Radon Survey, 1990, California Department of Health Services

California's Groundwater, Bulletin 118, 2006, California Department of Water Resources

Geology of Northern California, Bulletin No. 190, 1966, California Division of Mines and Geology

Interim Guidance for Sampling Agricultural Soils, State of California Department of Toxic Substances Control (DTSC), June 2000

Geologic of California, Norris and Webb, 1990, John M. Wiley & Sons

California Department of Conservation, Department of Oil, Gas and Geothermal Resources maps, [http://www.consrv.ca.gov/DOG/maps/Pages/index\\_map.aspx](http://www.consrv.ca.gov/DOG/maps/Pages/index_map.aspx)

### D. PLANNING, BUILDING AND ASSESSOR

San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103. Contact: 415-558-6378

San Francisco Department of Building Inspection, 1660 Mission Street, San Francisco, CA 94103. Contact: 415-558-6088

San Francisco Assessor-Recorder's Office, 1 Dr. Carlton B. Goodlett Place, City Hall, Room 190, San Francisco, CA 94102. Contact: 415-554-5596

### E. FIRE AND ENVIRONMENTAL HEALTH

San Francisco Department of Public Health, Environmental Health Division, 1390 Market Street, Suite 210, San Francisco, CA 94102. Contact: 415-252-3800

San Francisco Department of Public Health, Environmental Health Management, Local Oversight Program, 1390 Market Street, Suite 210, San Francisco, CA 94102. Contact: 415-252-3900

San Francisco Fire Department, 698 Second Street, San Francisco, CA 94107. Contact: 415-558-3384

State Water Resources Control Board (SWRCB) GeoTracker database website: <http://www.geotracker.swrcb.ca.gov/>

Department of Toxic Substances Control (DTSC) EnviroStor database website: <http://www.envirostor.dtsc.ca.gov/public/>

## **F. WATER QUALITY**

San Francisco Department of Public Works, 1 Dr. Carlton B. Goodlett Place, City Hall, Room 348, San Francisco, CA 94102. Contact: 415-554-6920

San Francisco Public Utilities Commission, 1155 Market Street, 11<sup>TH</sup> Floor, San Francisco, CA 94103. Contact: 415-554-3155

Regional Water Quality Control Board, San Francisco Bay Region (Region 2), 1515 Clay Street, Suite No. 1400, Oakland, CA 94612. Contact: 510-622-2300

## **G. AIR QUALITY**

Bay Area Air Quality Management District, 375 Beale Street, San Francisco, CA 94105  
Contact: 415-749-4900

## **H. PREVIOUS / OTHER REPORTS**

Results of Hazardous Materials Investigation, Seawall Lot 329 and 330, Embarcadero, Bryant, and Beale Streets, San Francisco, California, Subsurface Consultants, Inc. (SCI), June 28, 2001.

Results of Soil Gas Testing for Methane, Seawall Lot Development, The Embarcadero, Bryant Street, and Beale Street, San Francisco, CA, Fugro West, Inc., March 3, 2004.

Maher Investigation Work Plan, Seawall Lot 330 Project, San Francisco, California, TRC, April 12, 2019.