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**From:** Brett Gladstone [BGLadstone@hansonbridgett.com]  
**Sent:** Friday, April 03, 2015 11:58 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: Tuesday's Hearing on 53 States Street Objection to Another Continuance

Please distribute to Members of the Board and their aides at your earliest convenience.

If you need to reach me, try 601 3178

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**From:** Brett Gladstone  
**Sent:** Friday, April 03, 2015 11:38 AM  
**To:** 'david.campos@sfgov.org'; 'mark.farrell@sfgov.org'; 'Tang, Katy (BOS)'; 'norman.yee@sfgov.org'; 'scott.wiener@sfgov.org'; 'jane.kim@sfgov.org'; 'john.avalos@sfgov.org'; 'malia.cohen@sfgov.org'; 'julie.christensen@sfgov.org'; 'eric.mar@sfgov.org'; 'london.breed@sfgov.org.'  
**Cc:** 'hillary.rosen@sfgov.org'  
**Subject:** Tuesday's Hearing on 53 States Street Objection to Another Continuance

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

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

Brett Gladstone

Cell 601-3178

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**From:** Brett Gladstone  
**Sent:** Friday, April 03, 2015 9:42 AM  
**To:** 'Hector Martinez'  
**Cc:** [mac\\_mcgilbray@communityboards.org](mailto:mac_mcgilbray@communityboards.org)  
**Subject:** RE: Mediation Times

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

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

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

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

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

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

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

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

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

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

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

Brett Gladstone