

From: [michael cruz](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: Case #: 190826- Appeal of CEQA Community Plan Evaluation- 655 4th Street
Date: Sunday, August 18, 2019 11:55:00 AM
Attachments: [interior photos before and after.pdf](#)
[interior photos before and after b.pdf](#)

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Date: August 18, 2019

Re: CEQA and Project 655 4th St

Case #: **190826- Appeal of CEQA Community Plan Evaluation- 655 4th Street**

Dear San Francisco Supervisors,

My name is Michael Cruz. I am part of the 601 Fourth St Coalition. The Fourth Street Coalition is a committed, organized alliance that wants to coexist with the 655 4th Street Project developed by Tishman Speyer. We support this project. San Francisco needs more housing.

However, due to the 3 year construction schedule, we are very concerned about major disruption our lives: business and personal. Based on our challenges listed below, **an exemption should not be granted. There is need for further study and testing.**

Thank you for your consideration,

Michael Cruz

CHALLENGE # 1 — NOISE LEVELS = HEARING DAMAGE

- > Over the course of 3 years, the EIR cites dB levels will reach 90 dB. 85 dB level causes hearing damage
- > 90 dB level based on 100' from property line. 601 Fourth Street units — 30' from property line. Our dB level will be much higher
- > We are homeowners and small business owners already affected by 4 years of light rail construction on 4th Street
- > Tishman Speyer Rincon Hill Project
 - "After months of listening to Rincon hill residence complain that after hours construction was disrupting their sleep and rattling their nerves, the cities department of building inspection

on Friday start

issuing new night noise permits.*

- “**David Vasen**, who moved into the Metropolitan when his wife was 34 weeks pregnant, said “her last six weeks of pregnancy were amongst the worst... because of construction noise.”

- TS project violated construction time agreements

- Complaints from neighbors

* *SF Chronicle, JK Dineen. 2014*

HEARsmart website:

“...extended or repeated exposure to sounds at or above 85 decibels (approximately the level of a vacuum cleaner) can cause hearing loss

OSHA website:

“A one-time exposure to a sudden powerful noise, such as an explosion, may damage your hearing instantly. Prolonged exposures to loud noise can lead to a gradual, but permanent, loss of hearing. Damage can occur within the ear at noise levels similar to that of running a lawn mower for eight hours. At first, this may cause a temporary loss of hearing that may last as long as 14-16 hours. With repeated exposure to high noise levels and periodic exposures to very high noise levels (e.g., with the use of nail guns), as is common at most construction job sites, your hearing may not fully recover. More often, the loss of hearing occurs slowly over time from exposure to moderate levels of noise. When that happens, the hearing loss becomes permanent. This is why workplace noise is sometimes referred to as a stealth long-term hazard – because it is a painless, gradual process.”

CHALLENGE # 2 — AIR AND LIGHT

> Below are photos of air and light of unit 210 — before and after photos due to 655 4th Street project

> This unit will be facing into a 40 story tower.

CHALLENGE # 3 — LOSS OF BUSINESS

> **Noel and Katharina** have rented out since 2003 without problems. When the light rail construction started in 2015, we could not rent out for two months. We lost rental income -- ended up renting below market value. 13% lower than previous tenant.

> **Michael Cruz and Kevin Rudich** have a tenant who has had to rent out office space on the Embarcadero because she cannot conduct meetings and international conference calls in her live/work space loft.

> **Sandy Lee, Christopher Ulrich and Tom Hunt** have rented out their unit on the first floor corner facing the TS job site since Sept 2014. When the light rail project started they had to reduce the rent by 12%. With the coming construction of this tower they expect to have to reduce the rent by another 50% and they will also be losing their outside parking place which is a huge asset to their property. Because of this they have considered selling but local agents have said that they should expect at least a 20 - 30% reduction in the price they could get for their loft.

> **MG+CO is a design studio.** Our staff works in a quiet, uninterrupted environment. We often have conference calls and meetings with clients in house and they take place in a quiet environment. The 90DbA will not allow us to complete our work effectively. My staff will not tolerate that disruption and I will have attrition of people who have been with me for 15 years. We will be looking for a new office location.

> **SF Supervisor Walton** recognized city-approved projects were affected by ongoing Van Ness construction. (JULY 23, 2019 — JOE FITZGERALD RODRIGUEZ - SF GATE)
- “These people are being put out of their business through no fault of their own,” said Supervisor Shamann Walton of the SF County Transportation Authority Board.

- Last year, Bootleg and Bar and Kitchen closed on Van Ness. They attributed their woes to city-led Van Ness construction.

CHALLENGE # 4 — 3RD STREET LIGHT RAIL PROJECT DAMAGES 601 4TH STREET

> The original EIR never contemplated the cumulative affect of the damage done to our building during the 3rd Street Light Rail project still going on in front of our building.

> Due to the proof of 601 4th Street building damage, who knows what the damage will be during and after the 655 4th Street project. This project is much greater in scope than the light rail project.

An exemption should not be granted. There is need for further study and testing.



CURRENT LIGHT INTO EAST FACING LOFT



LIGHT INTO EAST FACING LOFT WITH NEW TOWER