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Board of Supervisors Hearing - Appeal of Determination of Exemption from Environmental Review – 302 Greenwich Street/1531 Montgomery Street. Sept 12, 2017

Members of the Board, thank-you for the opportunity to present our arguments related to the appeal regarding the Class 3 exemption for a CEQA assessment for the Conditional Use Application for re-opening of a restaurant at the former site of Julius Castle restaurant.

During preparation for this hearing, I had a discussion with Ms. L Lynch of Planning to mutually clarify and understand aspects of the appeal documents. One question she posed was whether we opposed the project itself or the CEQA exemption. To us, these are intricately linked, given that a restaurant without the environmental issues of noise, odor and traffic would not raise objections.

From the approval of the CUA itself, we maintain that issues exist that would preclude approval as per comments in document by Volker, S submitted to Planning Commission prior to the July 6, 2017 hearing.

“Pursuant to section 303(c), the Commission may only “authorize a conditional use if the facts presented are such to establish that:

Such use . . . as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, with respect to aspects including but not limited to the following:

(B) The accessibility and traffic patterns of persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking . . .

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.”

The safety, convenience and general welfare of persons residing in the vicinity *are* impacted. The issue of traffic has been addressed from a theoretical perspective only with no “facts presented” that support item B above.

Planning has deemed that the project meets CEQA exemption criteria based on section of code dealing with conversion of small structures that indicates an exemption “where only minor exterior changes are made” but for which “all necessary public services and facilities are available” and “the proposed project and its location do not involve unusual circumstances.” We argue that all services are not available and that the project does involve unusual circumstances. The CUA itself underlines the fact that the use is non-conforming, in a residential neighborhood and has lain dormant, and decaying, for a decade.

From the CEQA perspective, there are 3 key specific aspects to address – public transit, parking/traffic and noise.

We disagree with the finding by Planning that there is adequate transit service to the project site. Although planning code apparently indicates that a site is adequately serviced if a transit stop is

within 0.5 mi, the stops on the east side of Julius Castle (Embarcadero) or the west side (North Beach) are not only approach this distance limit, but also come with a 10-15 story climb. The #39 bus that stops at Union/Montgomery (250 yards, not 250 feet from Julius Castle as per the Planning document) ceases operation at 7pm so is itself only potentially of use to early arrivers and none of those leaving the restaurant. Planning acknowledges issues with topography but indicates this is not unique in San Francisco citing Nob Hill, but no data is presented to show what proportion of patrons climb such heights to dine at one of Nob Hill restaurants. It is virtually inconceivable that patrons coming to the proposed “high-end” restaurant in their dining finery will make such an ascent/descent, over ankle-breaking terrain, often in the dark. Adhering to the technical specifics of the guidance by Planning ignores the realities of the situation.

Although parking *per se* is not a CEQA issue, it does drive the traffic issue for Julius Castle. As with any area of San Francisco, parking is problematic. For the 2 blocks (1500 linear feet of street) between Union (the nearest cross street to the project) and Julius Castle, there are only ~48 parking spots serving 105 housing units on Montgomery alone (many of which have at least some off-street parking) but not counting the many homes without any parking up and down the Filbert & Greenwich steps. Parking is minimal at any time and particularly problematic for those returning home from work in the evening, highly relevant for the hours of operation of the project. The parking issue will be further aggravated by the project via the removal of 8 spots (~15% of the total street parking on the Union-to-Greenwich aspect of Montgomery St) due to the proposed white zone (6 spots) and permits for owner/restauranteur (2 spots).

Thus, anyone attending Julius Castle as a patron, will not be able to park anywhere near the restaurant and will have to either drive themselves to drop-off a patron and then exit out of Montgomery to roam the area to find parking, or come by taxi/ride-share, or use a valet service (if this is ever applied for by the sponsor). The area in question (Montgomery dead-end at Greenwich) is a quiet residential area with limited traffic in general and particularly in the evening after residents have returned home from work. Based on current traffic load and estimates based on hours of operation and restaurant seating, the traffic will increase approximately 5-fold above current levels. Although the project may be of “limited scale” from CEQA perspective, this is not a trivial or insignificant change to the neighborhood. The “new” traffic is not the sedentary resident returning home but rather taxi/uber/valet vehicles moving at speeds not well tolerated by the nature of the road. Valet service could further augment this problem given that the nearest potential valet parking is about 0.4 mi away by car with a vertical drop of over 10 stories, making “runners” unlikely but rather requiring shuttling of valet drivers back-and-forth generating double again the traffic impact.

Although CEQA guidelines require that substantial evidence is required for decision making, the Planning Commission used only a screening algorithm to determine if an assessment of traffic was needed but which factored in the impact of employee traffic alone and determined that an assessment was not needed. This may be appropriate for a typical business site but in the case of a restaurant, over 80% of the traffic is patron-related and any decision based on employee travel only is a substantial underestimate of the environmental impact. Limited consideration is given for service vehicles (garbage, linen, food, beverage etc.) related to restaurant activity, nor to

issues of the impact on emergency vehicle access, be it large fire trucks or ambulances trying to get to patrons/residents with acute medical needs. Concerns exist regarding pedestrian safety given the amount of pedestrian traffic in this area, darkness during most hours of operation, and the tendency for vehicles to accelerate rapidly (and noisily) when leaving Julius Castle due to the steepness of the hill in the initial 200 feet from the restaurant.

The lack of a traffic plan in the sponsor's CUA speaks to the fact that this is a complicated problem due to the uniqueness of the site and begs for a proper assessment before proceeding with the project. While stating on one hand that transit access is adequate, the sponsor has also indicated the need for a valet service, which seem contradictory.

In sum, public transit is unhelpful and parking is virtually non-existent. This will *de facto* mean a many-fold increase in traffic in this residential area to open a long-dormant restaurant. We hold that these factors merit a traffic assessment to gauge the impact on the neighborhood.

The issue of noise (traffic, entry/exit/waiting, restaurant operations/entertainment/outdoor dining/drinking/services) is dismissed on the basis that the site is "located within a dense urban environment with a diverse number and type of uses within the area" and that "the operational noises associated with a restaurant use are typical of this dense urban environment". We dispute this assessment as superficial while homogenizing the city and ignoring the actual specifics of the site. Many residents have voiced their concerns in writing and in person at the Planning Commission hearings about the noise level with the prior restaurant and have greatly enjoyed the decade-long peace (apart from Telegraph Hill parrots) since closure. Beyond those just in the immediate vicinity of Julius Castle, owners living below Julius Castle at the bottom of the cliff on which Julius Castle is perched (not even notified of site developments because they are not within the 300ft scope) suffer from the noise that travels exceedingly well down the cliff. We argue that this area around the proposed project is indeed not "dense urban ... with diverse number and type of uses" because the only use is residential. The first business is 1/6th of a mile away (a 9-5pm weekday framing shop with exceedingly low foot traffic) while the next operations (the raucous Grant Ave establishments) are 0.3 miles distant. The "new" noise of a re-opened restaurant is not simply added to a low rumble of other commercial activities but is inserted into the otherwise quiet evenings of a totally residential neighborhood.

The variety of neighborhoods in SF makes the city unique, and enclaves such as Montgomery St., in which a true residential neighborhood exists, should be preserved to encourage city living, including for families with children. The project is neither needed by, nor beneficial to the neighborhood, but rather a dream of one individual, that will negatively effect many. The sponsor is not engaged in restaurant activity as a livelihood, but rather will lease the facility to a restaurateur. The project is not about public benefits, but rather personal desire, or personal profit via real estate speculation. The sponsor has not worked with those most likely to be impacted, as was promised during hearings in late 2014. At a minimum, a proper assessment of the environmental impact should be conducted for the benefit of those expected to bear the brunt of the changes.

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