

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; BOS Legislation, \(BOS\)](#)
Subject: FW: New doc for file 180697 Fw: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project
Date: Monday, July 30, 2018 8:46:45 AM
Attachments: [Extra arguments Appeal to the Planning Commission decision for the 429 Beale - 430 Main project for the SF Planning Commission.pptx](#)
[Letter to the SF Board of Supervisors, appeal sustained, no building at 430 Main 429 Beale.pdf](#)
[Maher Map San Francisco.pdf](#)
[AirPollutantExposureZoneMap San Francisco.pdf](#)
[430 Main in Red areas, prone to a phenomenon known as liquefaction, in which the soil acts like a liquid in the event of a quake. Google Maps .pdf](#)
[image001.png](#)
[image002.png](#)

From: Julietta Mihai [mailto:juliettamihai@yahoo.com]
Sent: Friday, July 27, 2018 9:52 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: New doc for file 180697 Fw: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project

Dear Madams / Sirs,

Please register this document for the hearing on July 31, 2018, Board of Supervisors, file no.180697

Sincerely,
Julietta Mihai, SR II

----- Forwarded Message -----

From: Nelu Mihai <nelumihai@prodigy.net>
To: "Vallie.Brown@sfgov.org" <Vallie.Brown@sfgov.org>; "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>; "Sandra.Fewer@sfgov.org" <Sandra.Fewer@sfgov.org>; "Jane.Kim@sfgov.org" <Jane.Kim@sfgov.org>; "Aaron.Peskin@sfgov.org" <Aaron.Peskin@sfgov.org>; "Hillary.Ronen@sfgov.org" <Hillary.Ronen@sfgov.org>; "Ahsha.Safai@sfgov.org" <Ahsha.Safai@sfgov.org>; "Catherine.Stefani@sfgov.org" <Catherine.Stefani@sfgov.org>; "Norman.Yee@sfgov.org" <Norman.Yee@sfgov.org>; "rafael.mandelman@sfgov.org" <rafael.mandelman@sfgov.org>; "Katy.Tang@sfgov.org" <Katy.Tang@sfgov.org>
Sent: Friday, July 27, 2018 8:36 PM
Subject: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project

Dear Madam Supervisor Jane Kim,
Dear Madam Supervisor Malia Cohen,
Dear Madam Supervisor Vallie Brown,
Dear Madam Supervisor Sandra Lee Fewer,
Dear Sir / Supervisor Aaron Peskin,
Dear Madam Supervisor Hillary Ronen,
Dear Sir / Supervisor Ahsha Safai,
Dear Sir / Supervisor Rafael Mandelman,
Dear Madam Supervisor Catherine Stefani,
Dear Ms. Supervisor Katy Tang,
Dear Sir / Supervisor Norman Yee,

We sustain and request the full admission of the appeal filled by Dane Ince for the affected people, in a timely manner, and, more than that, we present more evidences in order to totally reject the 429 Beale Street / 430 Main Street project, based on the curent legislation and additional certitudes, presented as follows:

1) The Planning Commission ignored that the lot at 430 Main **IS NOT A RESIDENTIAL LOT, but an industrial lot.** No exemption was granted to transform the lot into a residential lot. As per report <http://50.17.237.182/PIM/>
Our appeal should be admitted.

2) Since the project sponsor wants to take out more than 12000 cubic feet of soil (meaning more than 5000 cubic feet form the 430 Main parcel, the Planning Commission did something illegal by approving this project **without having a STROMWATER CONTROL PLAN** ("Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review." as per report <http://50.17.237.182/PIM/>). Our appeal should be admitted.

3) Also, the approval is illegal because this **430 Main lot is in a potential flooding area, during storms.** ("This lot is in a block that has the potential to flood during storms." as per report <http://50.17.237.182/PIM/>)

4) More than that, according to the PIM, *the 430 Main lot is in a Air Pollutant Exposure Zone and the Health Code art. 38 should have taken into consideration.* ("Health Code Article 38 Air Pollutant Exposure Zone

Description: Site is located in an area with elevated pollutant concentrations. Sensitive use buildings, as defined in the Applicability section of the Ordinance, must comply with Health Code Article 38.

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(Maher Ordinance (Health Code Article 22A)

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6) The Planning Commission ignored that the lot at 429 Beale **IS NOT A RESIDENTIAL LOT, but an industrial lot.** No exemption was granted to transform the industrial lot into a residential lot. As per report <http://50.17.237.182/PIM/>
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7) Since the project sponsor wants to take out more than 12000 cubic feet of soil (meaning more than 5000 cubic feet from the 429 Beale parcel, the Planning Commission did something illegal by approving this project **without having a STORMWATER CONTROL PLAN** ("Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review." as per report <http://50.17.237.182/PIM/>). Our appeal should be admitted.

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11) Since 1990 (28 years; As per report <http://50.17.237.182/PIM/>) the City of San Francisco received many requests to link the 430 Main and 429 Beale parcels into one parcel, and to

build residential buildings, not industrial as the PIM indicates, with more than 200 units. All the requests were denied, except the most recent, for which we made the appeal. In 2018 the Planning Commission voted (excepting one vote) that our 300 units at 201 Harrison should be condemned to not livable conditions in order to build illegally 140 units at 430 Main and 429 Beale, in an industrial zone. How is possible to ignore that was decided in 28 years of analysis? The ethic commissioner should be involved in this matter. Our appeal should be approved.

12) The Planning Commission ignored the environmental issues related to the underground resistance structure of the two lots and the adjacent lots, as 201 Harrison lot.

The project will destroy the underground resistance structure of the whole area Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge

13) The Planning Commission ignored the environmental issues related to the underground water presence under the two lots.

There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings

14) The Planning Commission ignored the environmental issues related to the geotechnical parameters of the 430 Main and 429 Beale lots.

No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

15) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines for the 430 Main and 429 Beale lots.

The 430 Main and 429 Beale parcels are too small (approx. 36 yards width) and would create more hazard, including during the 2 years of estimated construction period. It is no way to place the cranes on Main or Beale, or nearby the excavation area, because all the surrounding streets are EXITS TO THE BAY BRIDGE.

There is no realistic way to build reasonable housing units according to the proposed project (the units would be like prison cells, not having windows facing west or east or south east)

16) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines and Safety requirements for the 430 Main and 429 Beale lots.

The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission that approved such a non-professional project, not only to Tidewater Capital. Our appeal should be admitted.

17) The Planning Commission ignored the environmental issues related to the Health Code Article 38, Article 22 A, and other articles, for the 430 Main and 429 Beale project.

The extra costs for health insurance, medical expenses, heating and restructuring the surrounding buildings if the project would be built would be the responsibility of the City of San Francisco and Tidewater Capital.

The extra costs would come from the certitude that the proposed project:

- Is a barrier for the sunlight coming from east, for the inhabitants of 201 Harrison St.,
- decreases the temperatures in our apartments (201 Harrison Street apartments),
- increases the costs for utilities for the inhabitants of 201 Harrison St.
- destroys the LIVABILITY of multiple existing buildings, not only the 201 Harrison St. buildings
- increases the pollution in the already area located in a High Exposure to Air Pollutants Zone
- Increases the noise level in the area,

18) The Planning Commission ignored the environmental issues related to the fact that the project does not follow the Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections

19) The project does not address the citizens in need for housing, but addresses high income people coming from south, single persons, without a real desire to establish a home in San Francisco.

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

20) As supervisors, you have the responsibility to think for the future, think that a human citizen needs more than a cellular studio, think about housing for families who would do something for San Francisco

Do not encourage the “only for profit” projects, hidden under false representations as “affordable housing” (The project sponsor did not prove that they have 18 affordable housing units in their real plans, the plans were not presented until now

21) The exemption to Section 140 of the Code should not have been accepted by the Planning Commission, because it specifies the necessity to have at least 25 feet open space in front of our windows, facing the Bay (facing Bryant). There is no way to have a healthy life at 5 feet distance (the approved distance between the 201 Harrison building with windows, and the future 430 Main - 429 Beale building).

22) The 5 feet distance does not comply the Civil Code, Division 2, Title 2, Chapter 3 Section 801

“The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

- 1. The right of pasture;*
- 2. The right of fishing;*
- 3. The right of taking game;*
- 4. The right-of-way;*
- 5. The right of taking water, wood, minerals, and other things;*
- 6. The right of transacting business upon land;*
- 7. The right of conducting lawful sports upon land;*
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;*
- 9. The right of receiving water from or discharging the same upon land;*
- 10. The right of flooding land;*
- 11. The right of having water flow without diminution or disturbance of any kind;*
- 12. The right of using a wall as a party wall;*
- 13. The right of receiving more than natural support from adjacent land or things affixed thereto;*
- 14. The right of having the whole of a division fence maintained by a coterminous owner;*
- 15. The right of having public conveyances stopped, or of stopping the same on land;*
- 16. The right of a seat in church;*
- 17. The right of burial;*
- 18. The right of receiving sunlight upon or over land as specified in Section 801.5. (Amended by Stats. 1978, Ch. 1154.)”*

23) We are pursuing this appeal to the final stage because we want the 430 Main / 429 Beale project to be properly studied by the San Francisco City Planning Dept. and we want our environmental issues mitigated by the developer / project sponsor.

24) We are also pursuing this to ensure we have exhausted all avenues with the city in the

event there are issues later after 430 Main is built.

25) An Environmental consultant was hired to review the exemptions of the Environmental review of the 430 Main project and its environmental impacts on Bay Crest and it has been submitted to the Board of Supervisors to be heard on July 31st.

26) No Transit Impact Report or study was presented to the Planning Commission. An objective Transit Impact Report should be done, and our appeal should be accepted, at least because all the surrounding streets to the project are EXISTING TO THE BAY BRIDGE, already creating problems for the whole area (the 201 Harrison St. cannot enter their garages during the commute time; the future inhabitants of 430 Main / 429 Beale would add more cars in the area, on the parking spots on Main, Beale, and Bryant, that are existing to the Bridge, street already redesigned to have lower lanes

27) The proposed building will be a barrier for the direct sunlight and sun coming from south-east and this will CHANGE THE CLIMATE (THE WEATHER IN THE NEIGHBORHOOD) BY LOWERING THE TEMPERATURE IN THE 201 Harrison St. building, BUT KILLING THE PLANTS AND THEREFORE BY REDUCING THE OXYGEN IN THE AIR BECAUSE OF THE MISSING PLANTS -THE ONLY SOURCE OF OXYGEN (in the plants' metabolism, the plants eat carbon dioxide and eliminate oxygen, by contrary to the human beings)

28) The Planning Commission totally ignored the evidence that the project would not serve the real needs of the citizens of San Francisco. The whole project is a financial affair, not intended to create housing, but to load the area with an insecure, multiplying and amplifying the noise, obstructing the sunlight and the free air circulation building. The project is for transforming two industrial parcels, having two industrial buildings of one and two-story, into a residential, expensive rental building addressing out of the city young singles. The local zoning would be totally destroyed. That lots should be better transformed into a park, because the Planning Commission already destroyed the sunlight from west by approving four tall buildings on Harrison Street.

29)The Planning Commission totally ignore the evidence that the project for this building you will create a new daily hazard for our lives.

All the inhabitants of the area, not only those in 201 Harrison St. units, would not have sun, because this building would be a barrier to the sunlight coming from east, because the proposed building would be a tall building perpendicular on the trajectory of the sunlight coming from east. The sunlight, as you know, transfers caloric radiation from the sun, meaning direct heating. By cutting or direct heating from the sun, the 430 Main / 429 Beale building would let us without heat during the colder seasons. In fact, it would let us in cold every day, because San Francisco is usually a foggy, cloudy city, and the Planning Commission wants to make it colder by approving non-professional and anti-life projects. The temperature in our apartments would be decreased, because the only source of sunlight for our building would be destroyed by the 430 Main / 429 Beale tall building. Not only the apartments facing the Bay would be without caloric energy / heating radiation from the sunlight, but also the other apartments because the cold is transmitted from wall to wall (the low temperature propagation principle). The direct consequences would be the increase of living costs for hundreds of people, including the government officials working in the building on Harrison Street, behind our bulging. The government building would also have increased costs.

30) All these buildings are concrete building. The concrete does not allow the heat propagation, so the low temperature in our apartments would be a certitude; therefore, the City of San Francisco should pay for imposing us to suffer and be exposed to colds, flu, increased costs, and other inconveniences.

31) The livability of many surrounding buildings would be totally destroyed thru multiple ways: missing the sunlight, missing caloric energy from direct sunlight from east, missing fresh and saline air from the Bay, missing fresh air, adding pollution by the obstruction of the evacuation paths for the carbon dioxide from the Bay Bridge that would be created by this new building. The hard traffic on Bay Bridge already creates large quantities of **poisonous substances emissions, carbon dioxide, and other harmful substances that are usually heavier than the air and go toward the ground level. By adding a new building under the bridge, you will create a barrier for the elimination of the toxic gases created but the cars passing on the Bay Bridge.**

We request an expertise to determine the current level of pollution around the Bay Bridge, on a circular area with a radius of 250 yards from the point of the bridge above 430 Main / 429 Beale, and an expertise to estimate the change of pollution parameters after the construction of the proposed building at 430 Main / 429 Beale.

32) In addition, the **new building would become an amplifier for the noise created by the cars on the Bay Bridge, because the noise would be reflected by the non-noise absorbing walls of the building.** The project does not have noise absorbing walls. The sound comes in forms of waves. The high-density materials, like the concrete used for our buildings, do not absorb the noise from the Bay Bridge. It is a scientific evidence that the high-density materials like concrete reflect the noise. **The new proposed building would destroy the normal noise level approved for a city, level that is already high because of the bridge.**

33) More than that, **a new increased noise tunnel would be created between the new building and the bridge.** The waves of noise would be amplified they these new tunnels (this is the sound propagation law in acoustics). **The result would be an inferno of noise not suitable for living in.** If you think like strategists, if you think for the future and for the next generations, and if you do not want to remain in history for sustaining an inferno, you should totally reject the construction of the new building at 430 Main / 429 Beale.

34) More than that, the increased noise thru the new tunnels would create vibrations that would shake and permanently destroy all the surrounding buildings in the area. Cracks will appear in the walls, in the pipes, in the metallic structure of the buildings, in the pavement and underground, even in the underground communications networks, electricity systems, and utility pipes. New phenomena like that one with the Millennium building (sinking) will appear.

35) In addition, the new building would let the neighborhood without fresh air, by blocking the free circulation of the air. We bought the apartment for therapeutic reasons. It is known that using the saline air from the Bay is good for asthma, pulmonary, and ENT diseases. This new building would let the neighbors and us without this saline air from the Bay, increasing

the medical costs. If this project will be approved in any way, the City of San Francisco should pay is the medical insurances and bills.

36) Even more, **it is unsafe for the bridge to have another building erected under it, in the security area.** Every bridge has to have a security area, in case of collapse, earthquakes, and not only. By adding a civil building under the bridge, in its security area, the sponsors would expose the bridge and the citizens to be hazards. If the Bay Bridge would collapse in an earthquake, lives of drivers and lives of the people living in this new building and in our buildings located too close to this new building (the domino effect) would be destroyed. Who would responsible for these losses? Would the Planning Committee would be responsible in any way?

37) The project sponsor did not show a list with the estimated renting amounts, and the business plan. At this moment, the only evident thing is that the rental amount will be the market amount in the expensive zone. No other financial parameters or why the sponsor uses the term of "affordable houses" were not provided by the project sponsor. The only real certitude is that 300 units in 201 Harrison St. would be destroyed in order to build 144 units like prison cells, for evening young single outsiders, who does not pay taxes to San Francisco, because they work, live, shop in the South Bay Area. No families would be in the 430 Main / 429 Beale, because the units are too small and no decent living can be in the noisy, polluted, no code conforming units in 430 Main / 429 Beale units.

38) The Board of Supervisors should retain the fact that there is discrimination in the modality the Code is applied for the governmental building located on Harrison St. (the former US Post Office building) and that one considered by the Planning Commission for the 430 Main / 429 Beale. In the same neighborhood, between the governmental building and the residential new buildings the Section 140 of the Code was respected, there are more than 25 feet of open space in front of each window. The law should be applied the same way for us. We have the right to 25 feet open space for the windows facing the Bridge. We request to have the appeal admitted based on this evidence of discriminatory procedures for us, compared to the governmental building.

Being a member of the Board of Supervisors of a large city is a major responsibility, that should be accomplished in respect for life and human comfort for everybody, including the next generations. Our area was transformed in a busy, insecure area by the approval of non-scientific motivated projects. You have a duty to analyze all these aspects and the negative consequences and, consequently, to approve our appeal. In fact, the new proposed building should be totally rejected, being evident that this building would kill people and life in the area. Think about imposing the construction of a park at 430 Main /429 Beale, where the kids could play in direct sunlight, where the adults could think to revolutionary projected to be implemented in the high- tech companies in Bay Area, where the air could be fresh from trees and flowers that absorb the carbon dioxide from the Bay Bridge.

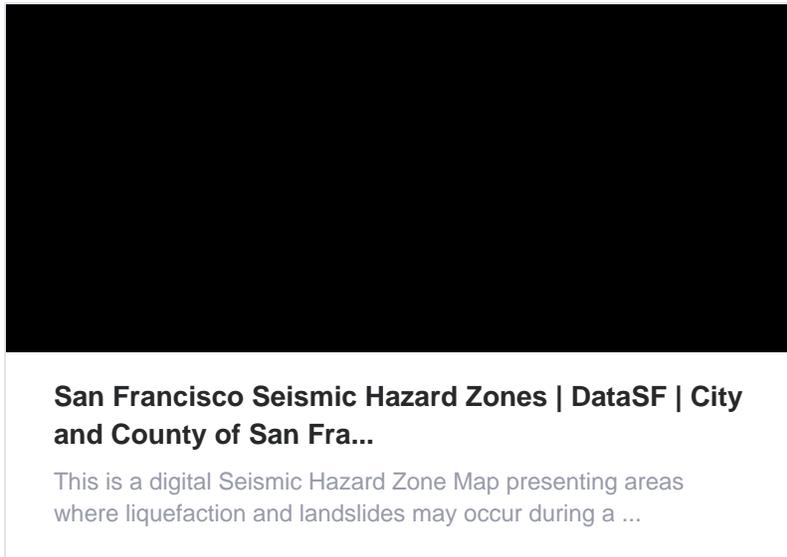
What we wrote about is more than concerns, these are scientific research results that impose an admission for our appeal, and a drastic review of the approval of the 430 Main / 429 Beale project, and a total rejection of this project. This is also a kind request to think scientifically and for the future, and not to feed the thirst of quick money of the project sponsor. In life, life counts, before everything, and the Board of Supervisors should defend life in comfortable and non-hazardous conditions.

It was a gross mistake to approve the construction of a new tall, hazardous, building at 430 Main / 429 Beale. As a responsible representative of the citizens of San Francisco you can reverse this mistake by approving the appeal, as previous supervisors did since 1990, and by totally rejecting the project. The citizens would recognize a true leader if you will approve the appeal and reject totally the project for 430 Main / 429 Beale. real and decent housing can be built in other areas of San Francisco, without the sacrifice of more than 500 units and thousands of lives.

We totally oppose to the construction of any building at 430 Main / 429 Beale in San Francisco.

Attached is a file with some ideas sustaining the appeal.

Links to referred materials: San Francisco Seismic Hazard Zones | DataSF | City and County of San Francisco



Legal regulations that should be applied:

- a) Civil Code, Division 2, Title 2, Chapter 3 Section 801 Article 8, 13, 14, and 18, and other Sections**
- b) Section 140 Civic Code**
- c) Health Code, Article 38**
- d) Health Code Article 22 A**
- e) other**

With consideration and hope that you will take the best decision in our favor,

Julietta Mihai
CEO of an international public construction company

Nelu Mihai, PhD
CEO of a high-tech company

Owners of a unit in 201 Harrison Street, San Francisco, CA 94105

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

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No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

15) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines for the 430 Main and 429 Beale lots.

The 430 Main and 429 Beale parcels are too small (approx. 36 yards width) and would create more hazard, including during the 2 years of estimated construction period. It is no way to place the cranes on Main or Beale, or nearby the excavation area, because all the surrounding streets are EXITS TO THE BAY BRIDGE.

There is no realistic way to build reasonable housing units according to the proposed project (the units would be like prison cells, not having windows facing west or east or south east)

16) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines and Safety requirements for the 430 Main and 429 Beale lots.

The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission that approved such a non-professional project, not only to Tidewater Capital.

Our appeal should be admitted.

17) The Planning Commission ignored the environmental issues related to the Health Code Article 38, Article 22 A, and other articles, for the 430 Main and 429 Beale project.

The extra costs for health insurance, medical expenses, heating and restructuring the surrounding buildings if the project would be built would be the responsibility of the City of San Francisco and Tidewater Capital.

The extra costs would come from the certitude that the proposed project:

-Is a barrier for the sunlight coming from east, for the inhabitants of 201 Harrison St.,

- decreases the temperatures in our apartments (201 Harrison Street apartments),
- increases the costs for utilities for the inhabitants of 201 Harrison St.
- destroys the LIVABILITY of multiple existing buildings, not only the 201 Harrison St. buildings
- increases the pollution in the already area located in a High Exposure to Air Pollutants Zone
- Increases the noise level in the area,

18) The Planning Commission ignored the environmental issues related to the fact that the project does not follow the *Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections*

19)The project does not address the citizens in need for housing, but addresses high income people coming from south, single persons, without a real desire to establish a home in San Francisco.

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

20) As supervisors, you have the responsibility to think for the future, think that a human citizen needs more than a cellular studio, think about housing for families who would do something for San Francisco

Do not encourage the “only for profit” projects, hidden under false representations as “affordable housing” (The project sponsor did not prove that they have 18 affordable housing units in their real plans, the plans were not presented until now

21) The exemption to Section 140 of the Code should not have been accepted by the Planning Commission, because it specifies the necessity to have at least 25 feet open space in front of our windows, facing the Bay (facing Bryant). There is no way to have a healthy life at 5 feet distance (the approved distance between the 201 Harrison building with windows, and the future 430 Main - 429 Beale building).

22) The 5 feet distance does not comply the Civil Code, Division 2, Title 2, Chapter 3 Section 801

“The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

- 1. The right of pasture;***
- 2. The right of fishing;***
- 3. The right of taking game;***
- 4. The right-of-way;***
- 5. The right of taking water, wood, minerals, and other things;***
- 6. The right of transacting business upon land;***
- 7. The right of conducting lawful sports upon land;***
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;***
- 9. The right of receiving water from or discharging the same upon land;***
- 10. The right of flooding land;***
- 11. The right of having water flow without diminution or disturbance of any kind;***
- 12. The right of using a wall as a party wall;***

13. *The right of receiving more than natural support from adjacent land or things affixed thereto;*
14. *The right of having the whole of a division fence maintained by a coterminous owner;*
15. *The right of having public conveyances stopped, or of stopping the same on land;*
16. *The right of a seat in church;*
17. *The right of burial;*
18. *The right of receiving sunlight upon or over land as specified in Section 801.5. (Amended by Stats. 1978, Ch. 1154.)”*

23) We are pursuing this appeal to the final stage because we want the 430 Main / 429 Beale project to be properly studied by the San Francisco City Planning Dept. and we want our environmental issues mitigated by the developer / project sponsor.

24) We are also pursuing this to ensure we have exhausted all avenues with the city in the event there are issues later after 430 Main is built.

25) An Environmental consultant was hired to review the exemptions of the Environmental review of the 430 Main project and its environmental impacts on Bay Crest and it has been submitted to the Board of Supervisors to be heard on July 31st.

26) **No Transit Impact Report or study was presented to the Planning Commission.** An objective Transit Impact Report should be done, and our appeal should be accepted, at least because all the surrounding streets to the project are EXISTING TO THE BAY BRIDGE, already creating problems for the whole area (the 201 Harrison St. cannot enter their garages during the commute time; the future inhabitants of 430 Main / 429 Beale would add more cars in the area, on the parking spots on Main, Beale, and Bryant, that already exist to the Bridge, street already redesigned to have lower lanes

27) **The proposed building will be a barrier for the direct sunlight and sun coming from south-east and this will CHANGE THE CLIMATE (THE WEATHER IN THE NEIGHBORHOOD) BY LOWERING THE TEMPERATURE IN THE 201 Harrison St. building, BUT KILLING THE PLANTS AND THEREFORE BY REDUCING THE OXYGEN IN THE AIR BECAUSE OF THE MISSING PLANTS -THE ONLY SOURCE OF OXYGEN** (in the plants' metabolism, the plants eat carbon dioxide and eliminate oxygen, by contrary to the human beings)

28) **The Planning Commission totally ignored the evidence that the project would not serve the real needs of the citizens of San Francisco.** The whole project is a financial affair, not intended to create housing, but to load the area with an insecure, multiplying and amplifying the noise, obstructing the sunlight and the free air circulation building. The project is for transforming two industrial parcels, having two industrial buildings of one and two-story, into a residential, expensive rental building addressing out of the city young singles. The local zoning

would be totally destroyed. That lots should be better transformed into a park, because the Planning Commission already destroyed the sunlight from west by approving four tall buildings on Harrison Street.

29)The Planning Commission totally ignore the evidence that the project for this building you will create a new daily hazard for our lives.

All the inhabitants of the area, not only those in 201 Harrison St. units, would not have sun, because this building would be a barrier to the sunlight coming from east, because the proposed building would be a tall building perpendicular on the trajectory of the sunlight coming from east. The sunlight, as you know, transfers caloric radiation from the sun, meaning direct heating. By cutting or direct heating from the sun, the 430 Main / 429 Beale building would let us without heart during the colder seasons. In fact, it would let us in cold every day, because San Francisco is usually a foggy, cloudy city, and the Planning Commission wants to make it colder by approving non-professional and anti-life projects.

he temperature in our apartments would be decreased, because the only source of sunlight for our building would be destroyed by the 430 Main / 429 Beale tall building. Not only the apartments facing the Bay would be without caloric energy / heating radiation from the sunlight, but also the other apartments because the cold is transmitted from walk to wall (the low temperature propagation principle). The direct consequences would be the increase of living costs for hundreds of people, including the government officials working in the building on Harrison Street, behind our bulging. The government building would also have increased costs.

30) All these buildings are concrete building. The concrete does not allow the heat propagation, so the low temperature in our apartments would be a certitude; therefore, the City of San Francisco should pay for imposing us to suffer and be exposed to colds, flu, increased costs, and other inconveniences.

31) The livability of many surrounding buildings would be totally destroyed thru multiple ways: missing the sunlight, missing caloric energy from direct sunlight from east, missing fresh and saline air from the Bay, missing fresh air, adding pollution by the obstruction of the evacuation paths for the carbon dioxide from the Bay Bridge that would be created by this new building. The hard traffic on Bay Bridge already creates large quantities of **poisonous substances emissions, carbon dioxide, and other harmful substances that are usually heavier than the air and go toward the ground level. By adding a new building under the bridge, you will create a barrier for the elimination of the toxic gases created but the cars passing on the Bay Bridge.**

We request an expertise to determine the current level of pollution around the Bay Bridge, on a circular area with a radius of 250 yards from the point of the bridge above 430 Main / 429 Beale, and an expertise to estimate the change of pollution parameters after the construction of the proposed building at 430 Main / 429 Beale.

32) In addition, the **new building would become an amplifier for the noise created by the cars on the Bay Bridge, because the noise would be reflected by the non-noise absorbing**

walls of the building. The project does not have noise absorbing walls. The sound comes in forms of waves. The high-density materials, like the concrete used for our buildings, do not absorb the noise from the Bay Bridge. It is a scientific evidence that the high-density materials like concrete reflect the noise. **The new proposed building would destroy the normal noise level approved for a city, level that is already high because of the bridge.**

33) More than that, **a new increased noise tunnel would be created between the new building and the bridge.** The waves of noise would be amplified they these new tunnels (this is the sound propagation law in acoustics). **The result would be an inferno of noise not suitable for living in.** If you think like strategists, if you think for the future and for the next generations, and if you do not want to remain in history for sustaining an inferno, you should totally reject the construction of the new building at 430 Main / 429 Beale.

34) More than that, the increased noise thru the new tunnels would create vibrations that would shake and permanently destroy all the surrounding buildings in the area. Cracks will appear in the walls, in the pipes, in the metallic structure of the buildings, in the pavement and underground, even in the underground communications networks, electricity systems, and utility pipes. New phenomena like that one with the Millennium building (sinking) will appear.

35) In addition, the new building would let the neighborhood without fresh air, by blocking the free circulation of the air. We bought the apartment for therapeutic reasons. It is known that using the saline air from the Bay is good for asthma, pulmonary, and ENT diseases. This new building would let the neighbors and us without this saline air from the Bay, increasing the medical costs. If this project will be approved in any way, the City of San Francisco should pay is the medical insurances and bills.

36) Even more, **it is unsafe for the bridge to have another building erected under it, in the security area.** Every bridge has to have a security area, in case of collapse, earthquakes, and not only. By adding a civil building under the bridge, in its security area, the sponsors would expose the bridge and the citizens to be hazards. If the Bay Bridge would collapse in an earthquake, lives of drivers and lives of the people living in this new building and in our buildings located too close to this new building (the domino effect) would be destroyed. Who would responsible for these losses? Would the Planning Committee would be responsible in any way?

37) The project sponsor did not show a list with the estimated renting amounts, and the business plan. At this moment, the only evident thing is that the rental amount will be the market amount in the expensive zone. No other financial parameters or why the sponsor uses the term of "affordable houses" were not provided by the project sponsor. The only real certitude is that 300 units in 201 Harrison St. would be destroyed in order to build 144 units like prison cells, for evening young single outsiders, who does not pay taxes to San Francisco, because they work, live, shop in the South Bay Area. No families would be in the 430 Main / 429 Beale, because the units are too small and no decent living can be in the noisy, polluted, no code conforming units in 430 Main / 429 Beale units.

38) The Board of Supervisors should retain the fact that there is discrimination in the modality the Code is applied for the governmental building located on Harrison St. (the former US Post Office building) and that one considered by the Planning Commission for the 430 Main / 429 Beale. In the same neighborhood, between the governmental building and the residential new buildings the Section 140 of the Code was respected, there are more than 25 feet of open space in front of each window. The law should be applied the same way for us. We have the right to 25 feet open space for the windows facing the Bridge. We request to have the appeal admitted based on this evidence of discriminatory procedures for us, compared to the governmental building.

Being a member of the Board of Supervisors of a large city is a major responsibility, that should be accomplished in respect for life and human comfort for everybody, including the next generations. Our area was transformed in a busy, insecure area by the approval of non-scientific motivated projects. You have a duty to analyze all these aspects and the negative consequences and, consequently, to approve our appeal. In fact, the new proposed building should be totally rejected, being evident that this building would kill people and life in the area. Think about imposing the construction of a park at 430 Main /429 Beale, where the kids could play in direct sunlight, where the adults could think to revolutionary projected to be implemented in the high-tech companies in Bay Area, where the air could be fresh from trees and flowers that absorb the carbon dioxide from the Bay Bridge.

What we wrote about is more than concerns, these are scientific research results that impose an admission for our appeal, and a drastic review of the approval of the 430 Main / 429 Beale project, and a total rejection of this project. This is also a kind request to think scientifically and for the future, and not to feed the thirst of quick money of the project sponsor. In life, life counts, before everything, and the Board of Supervisors should defend life in comfortable and non-hazardous conditions.

It was a gross mistake to approve the construction of a new tall, hazardous, building at 430 Main / 429 Beale. As a responsible representative of the citizens of San Francisco you can reverse this mistake by approving the appeal, as previous supervisors did since 1990, and by totally rejecting the project. The citizens would recognize a true leader if you will approve the appeal and reject totally the project for 430 Main / 429 Beale. real and decent housing can be built in other areas of San Francisco, without the sacrifice of more than 500 units and thousands of lives.

We totally oppose to the construction of any building at 430 Main / 429 Beale in San Francisco. Attached is a file with some ideas sustaining the appeal.

Legal regulations that should be applied:

- a) **Civil Code, Division 2, Title 2, Chapter 3 Section 801 Article 8, 13, 14, and 18, and other Sections**
- b) **Section 140 Civic Code**
- c) **Health Code, Article 38**
- d) **Health Code Article 22 A**
- e) **other**

With consideration and hope that you will take the best decision in our favor,

Julietta Mihai
CEO of an international public construction company

Nelu Mihail PhD
CEO of a high-tech company

Owners of a unit in 201 Harrison Street, San Francisco, CA 94105

A handwritten signature in black ink, appearing to be 'Nelu Mihail', written in a cursive style.

The 429 Beale / 430 Main
project is a hazard to San
Francisco citizens and should be
rejected by the City of San
Francisco

Stop the so called “affordable housing” projects that put lives in danger

Legal reasons to reject the proposed 429 Beale / 430 Main project

- 1) The project will destroy the underground resistance structure of the whole are Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge
- 2) There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings
- 3) No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance
- 4) The parcel is too small (15 yards width) and would create more hazard, and cannot be transformed in reasonable housing units (the units would be like prison cells, not having windows facing west or east or south east)
- 5) The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission who would approve such a non professional project, not only to Tidewater Capital.
- 6) The extra costs for health insurance, medical expenses, heating and restructuring the surrounding building if the project would be approved would be the responsibility of the City of San Francisco and Tidewater Capital. The extra cost would come from the certitude that the proposed project:
 - Is a barrier for the sunlight coming from east,
 - decreases the temperatures in our apartments,
 - increases the costs for utilities,
 - destroys the LIVABILITY of multiple existing buildings,
 - increases the pollution
 - Increases the noise level in the area,
- 7) The project does not follow the Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections

The project will destroy the underground resistance structure of the whole are Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge

The underground structure would be destroyed by building an underground garage at 429 Beale 430 Main

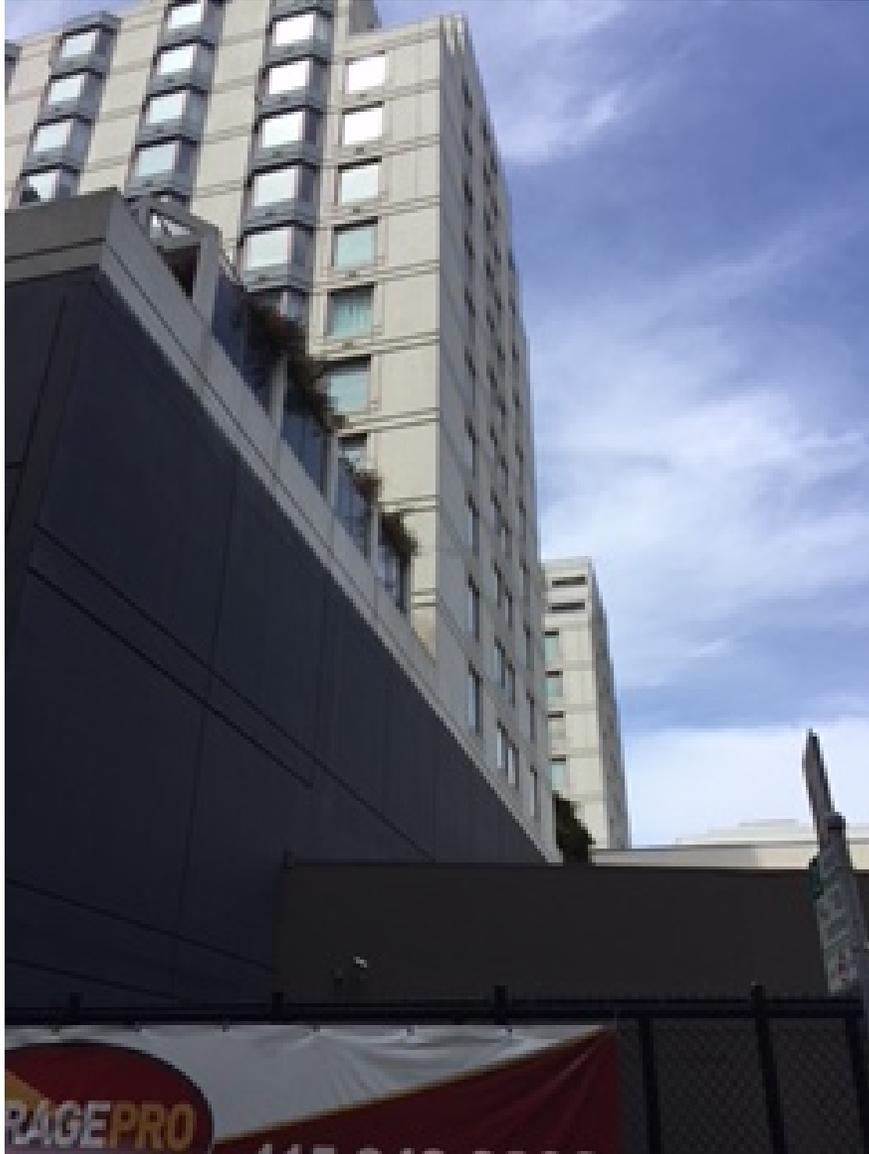
The construction of an underground garage will weaken the structure of the Bay Crest building and of the surroundings buildings

At his moment, the soil under the two parcels, 429 Beale and 430 Main, constitutes a support, a sustaining structure for the above the ground structures of the surroundings buildings, like the Bay Crest building, the Beale buildings, the Main Street buildings, and, most important, for the leg of the Bay Bridge.

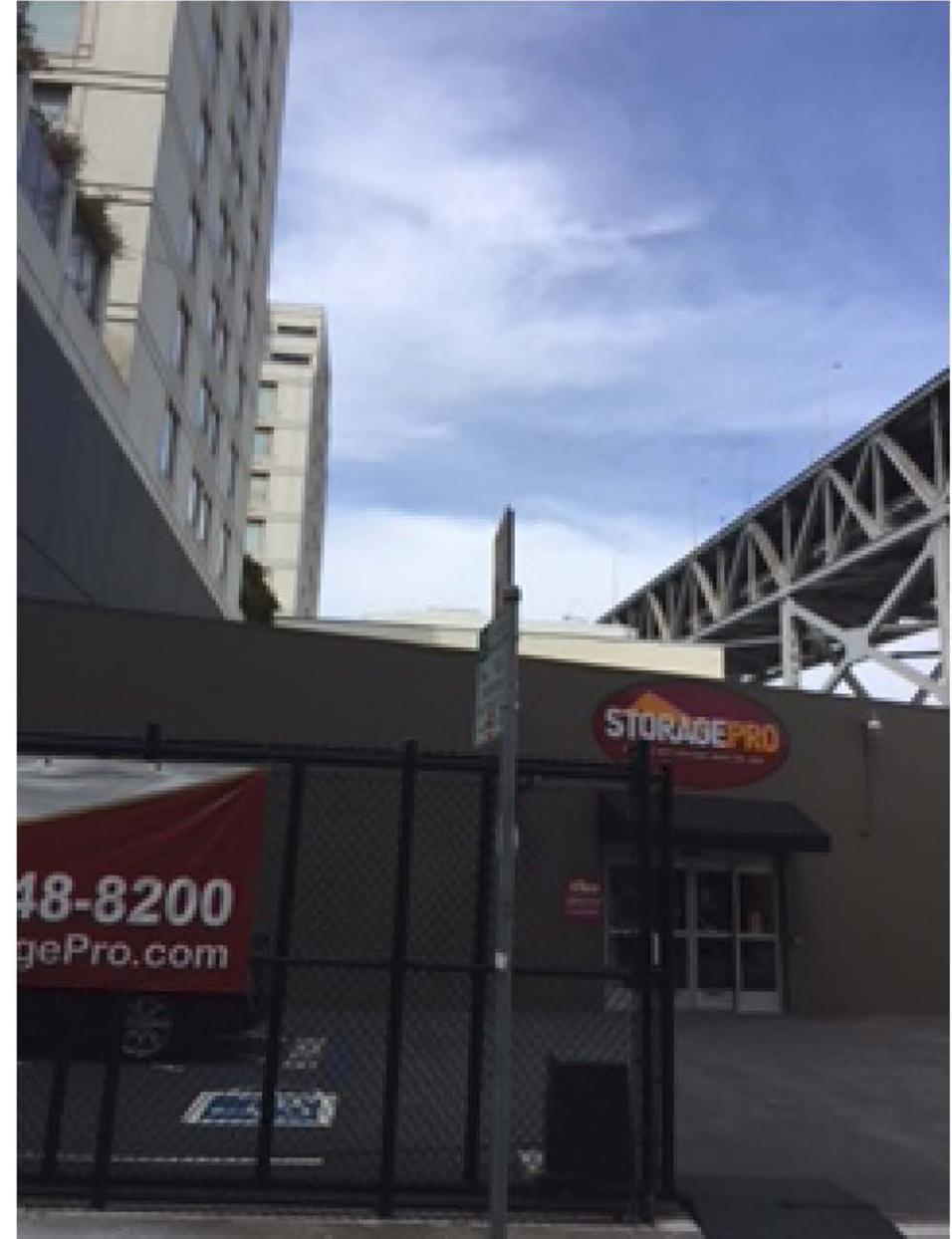
Any elimination or replacement of this mass of soil with an artificial structure with empty spaces will alter structurally the resistance parameters of the area.

The Planning Commission should totally reject the 429 Beale / 430 Main, for destroying the resistance structure of the area and putting in danger the stability of the Bay Bridge leg and structure.

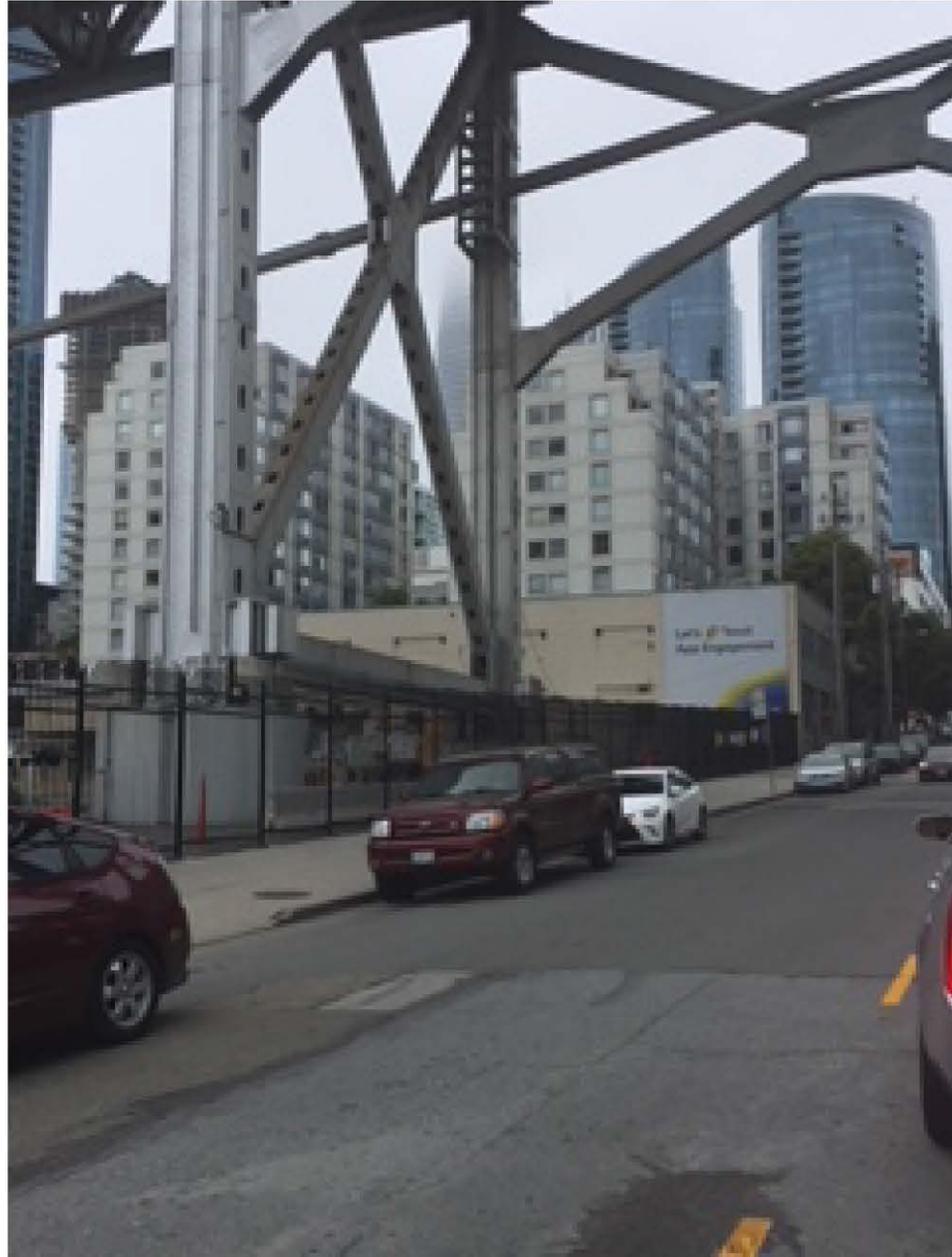
Pictures of the resistance structure of the surrounding area for the parcels 429 Beale and 430 Main



Extra pictures of the resistance structure of the surrounding area for the parcels 429 Beale and 430 Main



There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings





No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

No geologic and seismic hazard evaluations were presented ; No engineering analyses for foundation design parameters were presented;

Tidewater should prepare this Preliminary Geotechnical Report which includes:

Description of previous subsurface investigation programs including boring procedures and laboratory tests;

Discussion of site geology, soil characterization, nature and extent of foundation materials, and groundwater conditions, including aspects of;

- known and potentially active faults, geologic hazards, liquefaction potential, and seismically-induced settlement potential;
- Evaluation of soil corrosivity, compressibility, and swell potential
- Seismic Design Parameters as required by the California Building Code;
- Allowable bearing pressures for shallow mat foundations;
- Estimate of short and long-term foundation settlements;
- Coefficients of resistance against sliding for foundations;
- Subgrade modulus values for equivalent soil springs for use in foundation design;
- Lateral earth pressures for temporary shoring and permanent basement wall.
- How to control groundwater and hydrostatic pressures, both during construction and for the completed project;
- The waterproofing systems and/or drainage for the subgrade construction;
- Earthwork, fill and compaction requirements;
- Side grading and compaction requirements including recommended backfill procedures.

The project parcel is extremely small and not suitable to build tall buildings

- The parcel width is about 15 yards.
- There is no secure way to have three housing code compliant units on a 15 yards width building
- A tall building, with a width of around 35 yards, placed close to Bay Bridge, at a distance lower than 30 yards, would be a hazard from many points of view:
 - Instability (a rotation, a moment of inertia could appear at every stronger vibration or ground movement like earthquake)
 - The length exposure to the Bay Bridge will create a REFLEXION SCREEN for the noise waves coming from the bridge, in this already Air Pollutants Exposure Area, as defined in the City maps.

The so called “buying from Caltrans” intentions cannot be considered, because the Caltrans area on Main Street is a BAY BRIDGE SECURITY AREA

Keeping a security area along a strategic and important bridge is a must; therefore, there is no way for Caltrans to sell that security area without serious legal consequences for those deciding such a sale

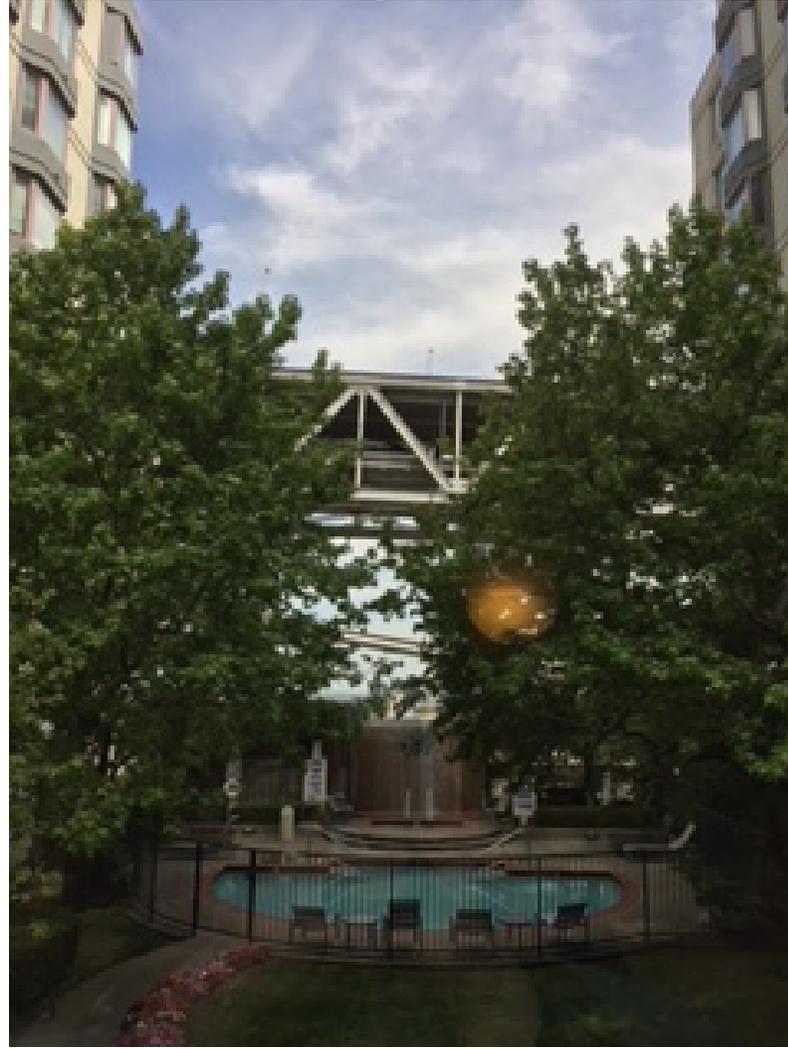
The Planning Commission would be also legally responsible for encouraging or approving a building project in a bridge security area



Pictures of the Bay Bridge security area and the width of the Tidewater small parcel



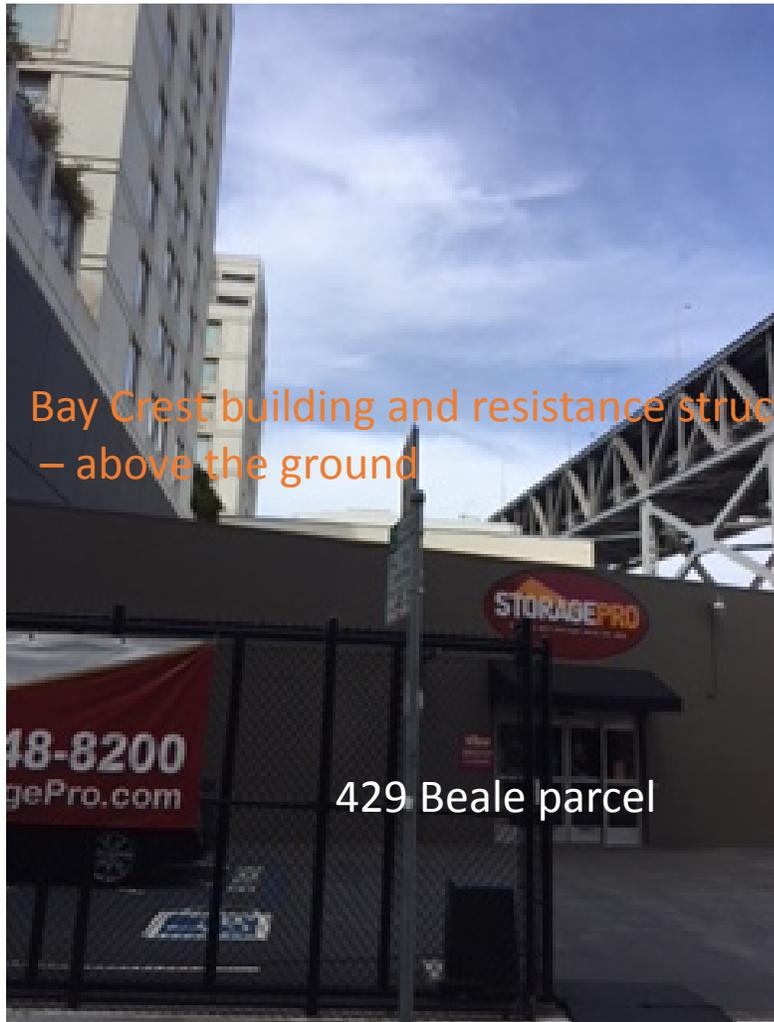
View of the project location from inside the Bay Crest hallway facing the pool



In addition, the Bay Crest owners and tenants have the legal right to direct sunlight, without any obstruction from a building criminally located in the bridge security area, according to at least the **Civil Code, Division 2, Title 2, Chapter 3 Section 801 provision 8 and 13**

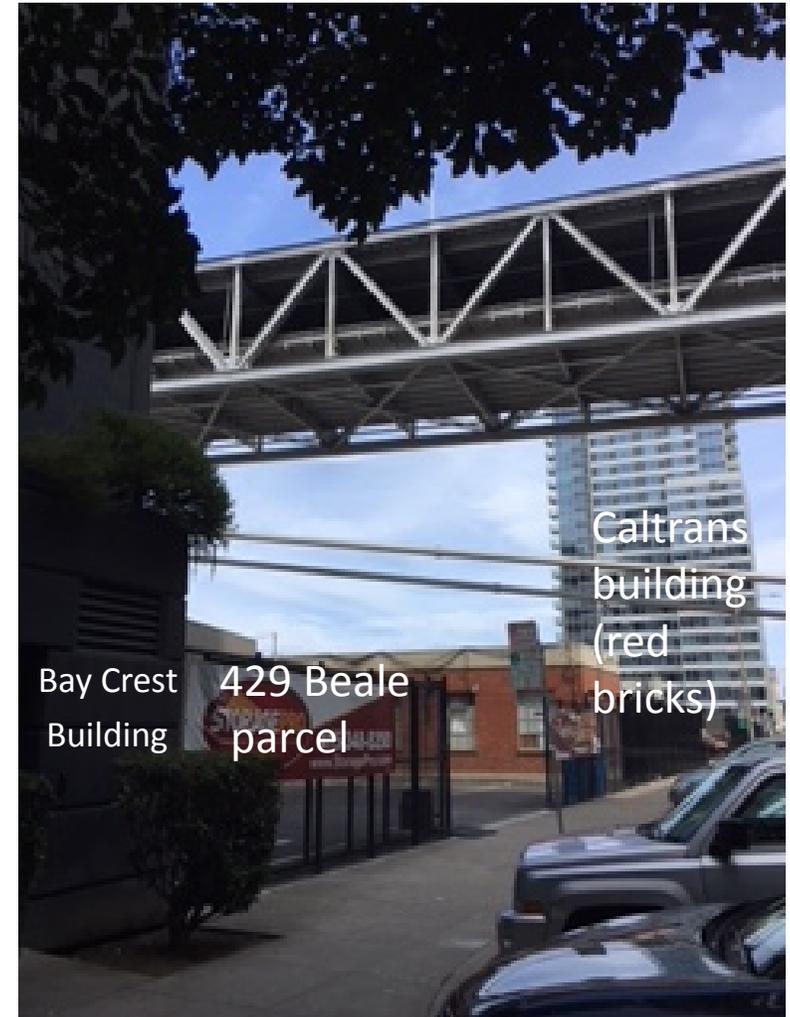


The project would be a hazard and a source of pollutants, noise (from the reflection of the sound waves coming from the Bay Bridge), carbon dioxide, cold, shade, etc.



Bay Crest building and resistance structure
– above the ground

429 Beale parcel



Bay Crest
Building

429 Beale
parcel

Caltrans
building
(red
bricks)

Tidewater Capital have not presented a GEOTECHNICAL REPORT FOR THE TWO PARCELS

Following California's Alquist-Priolo Special Studies Zone Act of 1972, construction of structures for human occupancy in designated Earthquake Fault Zones is not permitted until a site-specific evaluation of surface fault rupture and fault creep has been performed. These zones are established by the CGS (California Geologic Survey) along faults or segments of faults that are judged to be sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep.

STRONG GROUND SHAKING

Based on the proximity of the proposed building site to the San Andreas, Hayward, and Calaveras faults, there is a high potential for the site to experience moderate to strong ground shaking during a major earthquake on one of these

faults. The following Figure presents the major faults in the San Francisco Bay Area. The project was not analyzed under these criteria, in regards to the distance from the Hayward Fault and the San Andreas Fault. The intensity of earthquake ground motion in the site vicinity will depend on the characteristics of the generating fault, the distance to the earthquake epicenter, the magnitude and duration of the earthquake, and site geologic conditions.

Tidewater has not presented a neutral geological expertise with a liquefaction evaluation

- LIQUEFACTION EVALUATION

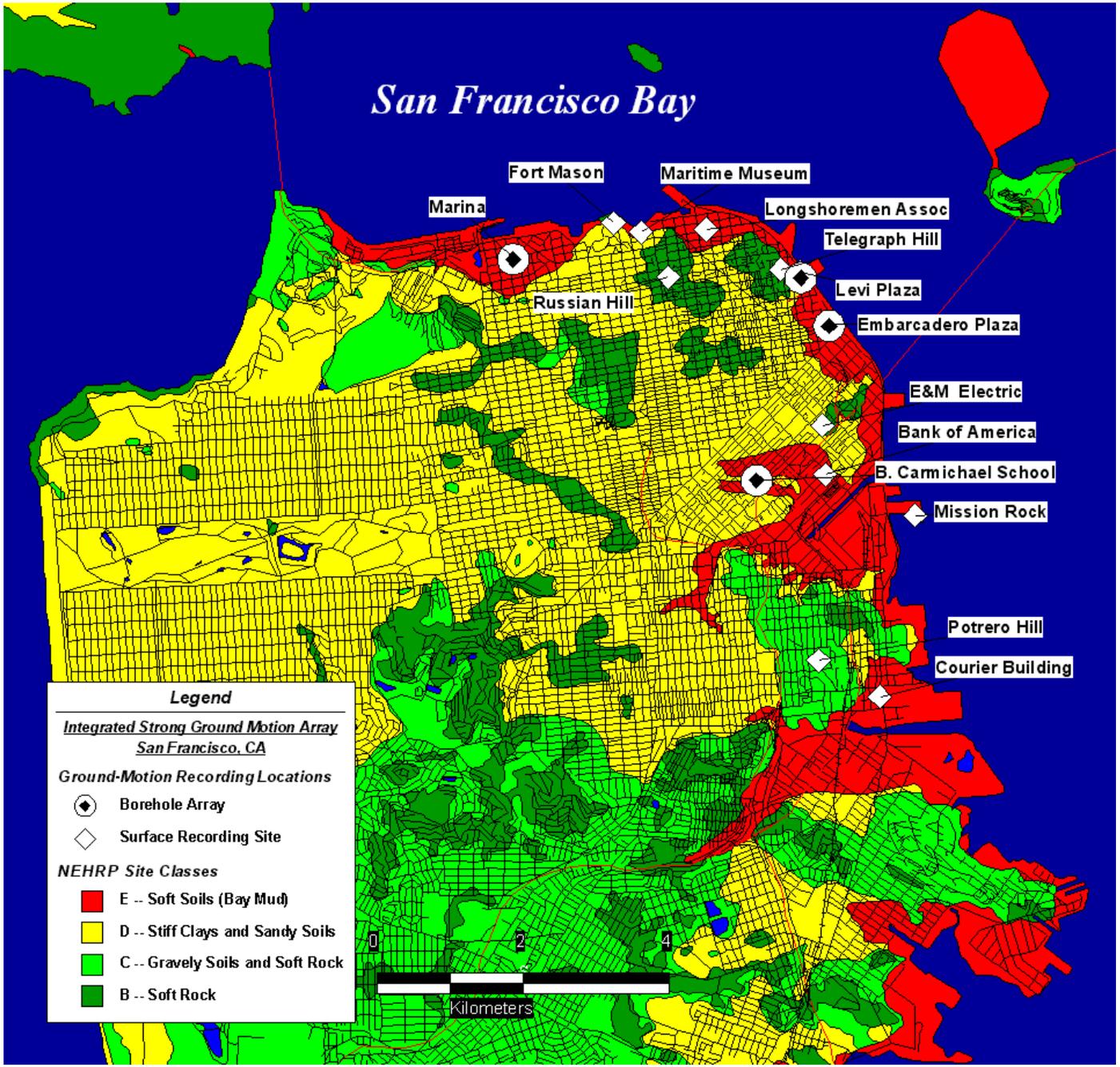
- Liquefaction is a phenomenon whereby soil deposits temporarily lose shear strength and collapse.
- This condition is caused by cyclic loading during earthquake shaking that generates high pore water pressures within the soil deposits. The soil type most susceptible to liquefaction is loose, cohesionless, granular soil below the water table.
- Liquefaction can result in a loss of foundation support and settlement of overlying structures, ground subsidence and translation due to lateral spreading, lurch cracking, and differential settlement of affected deposits. Lateral spreading occurs when a soil layer liquefies at depth and causes horizontal movement or displacement of the overlying mass on sloping ground or towards a free face such as a stream bank or excavation.

- The columns loads have not been provided by Tidewater Capital

The corresponding contact stress is unknown at this time. Foundation settlements for the mat foundation cannot be evaluated, but there are chances to appear hazardous structural loading. It should be noted that since the proposed construction involves excavating soil (a deep basement), negative bearing pressure corresponding to the excavation volume will effectively reduce the net pressure acting at the base of the foundation. It should be noted that the basement excavation may cause an upward heave of the unloaded subgrade soils, thereby altering the existing conditions at the site.

It should be noted that the area has one leg of the Bay Bridge, that would be affected by the extra stress and the change of soil density and resistance.

- It is anticipated that the basement walls will be restrained from movement by the basement and ground floor slabs and will not be free to deflect under soil pressures. As a result, soil pressures approaching the at-rest condition will act on the walls, including the walls of the Bay Crest building.



The parcels at 429 Beale / 430 Main have SOFT SOIL

Civil Code, Division 2, Title 2, Chapter 3

Section 801

The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

1. The right of pasture;
2. The right of fishing;
3. The right of taking game;
4. The right-of-way;
5. The right of taking water, wood, minerals, and other things;
6. The right of transacting business upon land;
7. The right of conducting lawful sports upon land;
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;**
9. The right of receiving water from or discharging the same upon land;
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- 13. The right of receiving more than natural support from adjacent land or things affixed thereto;**
- 14. The right of having the whole of a division fence maintained by a coterminous owner;**
15. The right of having public conveyances stopped, or of stopping the same on land;
16. The right of a seat in church;
17. The right of burial;
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(Amended by Stats. 1978, Ch. 1154.)

Our appeal should be admitted

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

Think for the future, think that a human needs more than a cellular studio, think about housing for families who would do something
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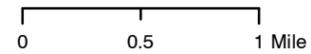
**CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT**

**Expanded Maher Area
March 2015**

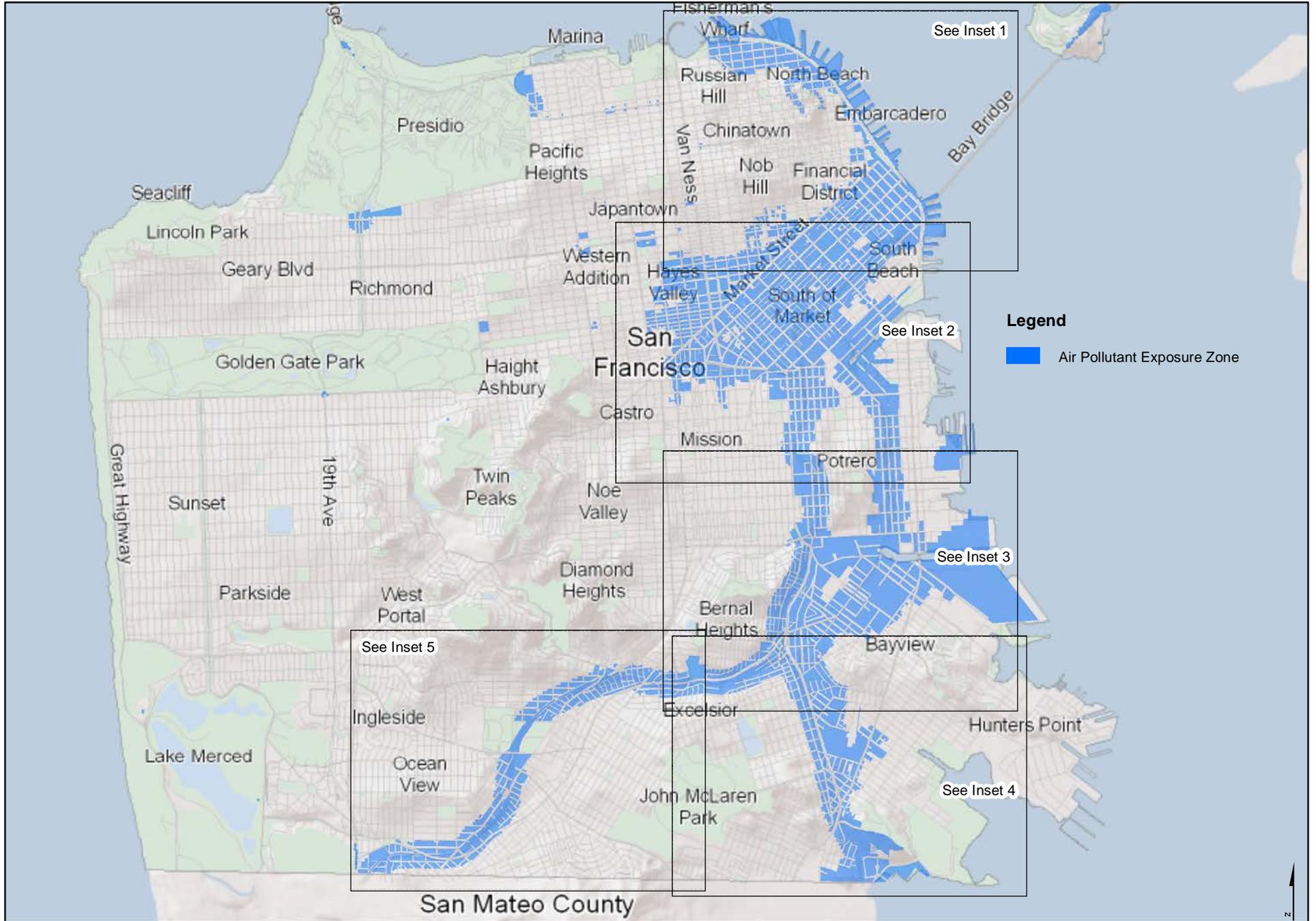
NOTE:

The Expanded Maher Area is comprised of the following:

- Maher Area
- Areas currently or previously zoned as industrial
- Areas currently or previously with industrial land uses
- Areas within 150ft of Highway 101, Interstate 80 or Interstate 280
- Areas of bay fill
- Areas within 100ft of a known hazardous waste site (Geotracker/EnviroStor)
- Areas within 100ft of an underground storage tank



Air Pollutant Exposure Zone Map - Citywide



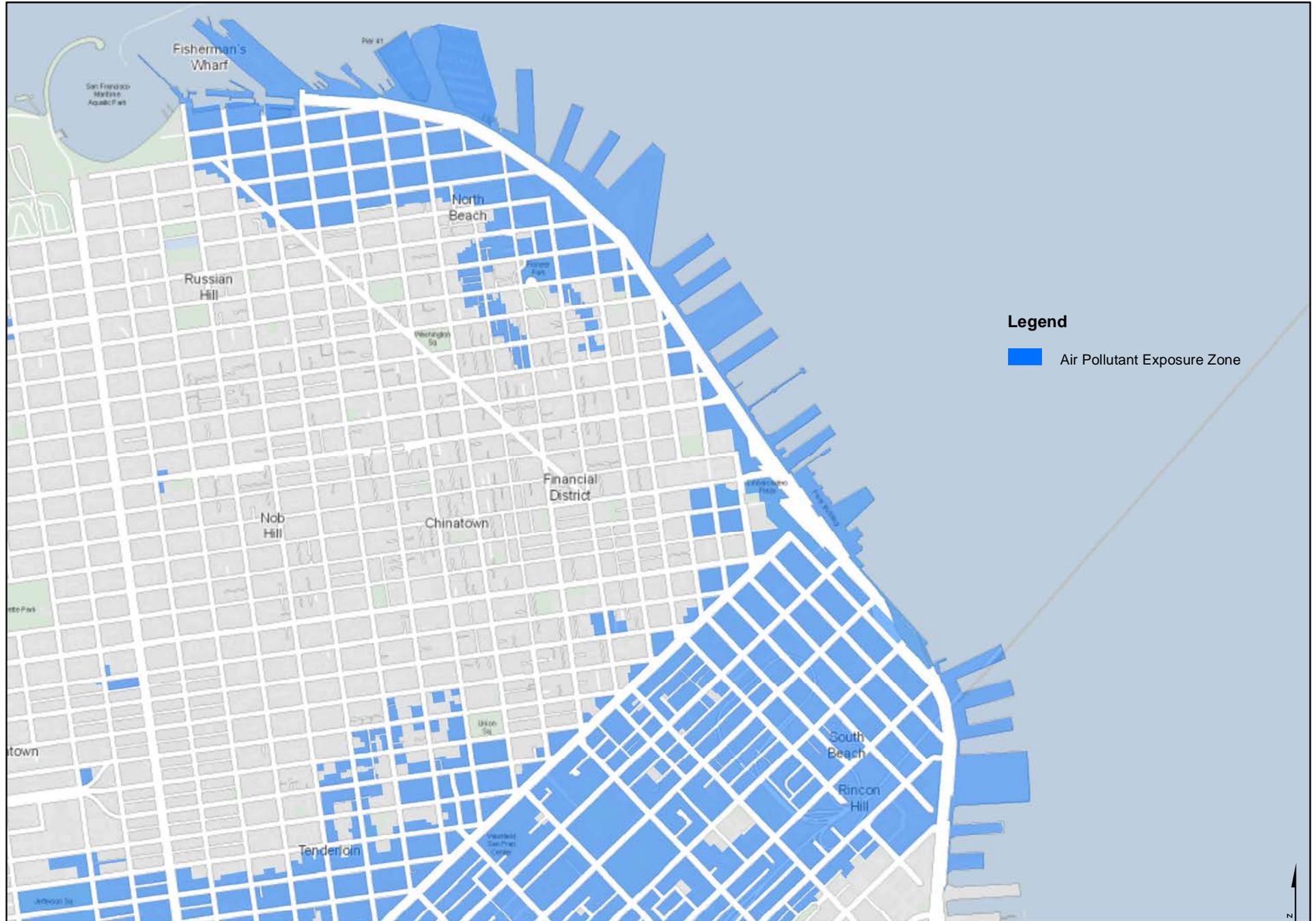
Legend
 Air Pollutant Exposure Zone

0 0.5 1 2 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

Air Pollutant Exposure Zone Map - Inset 1

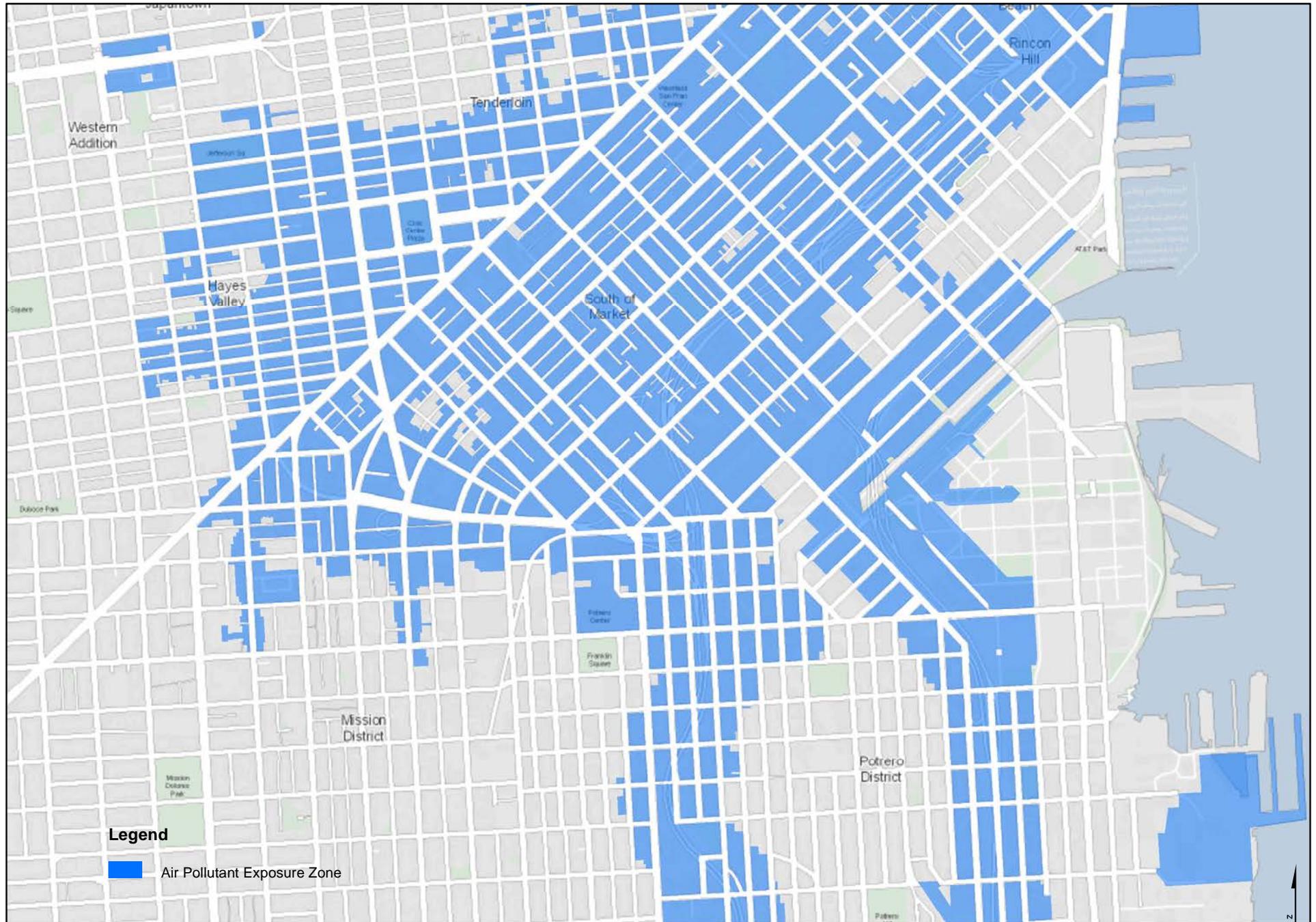


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

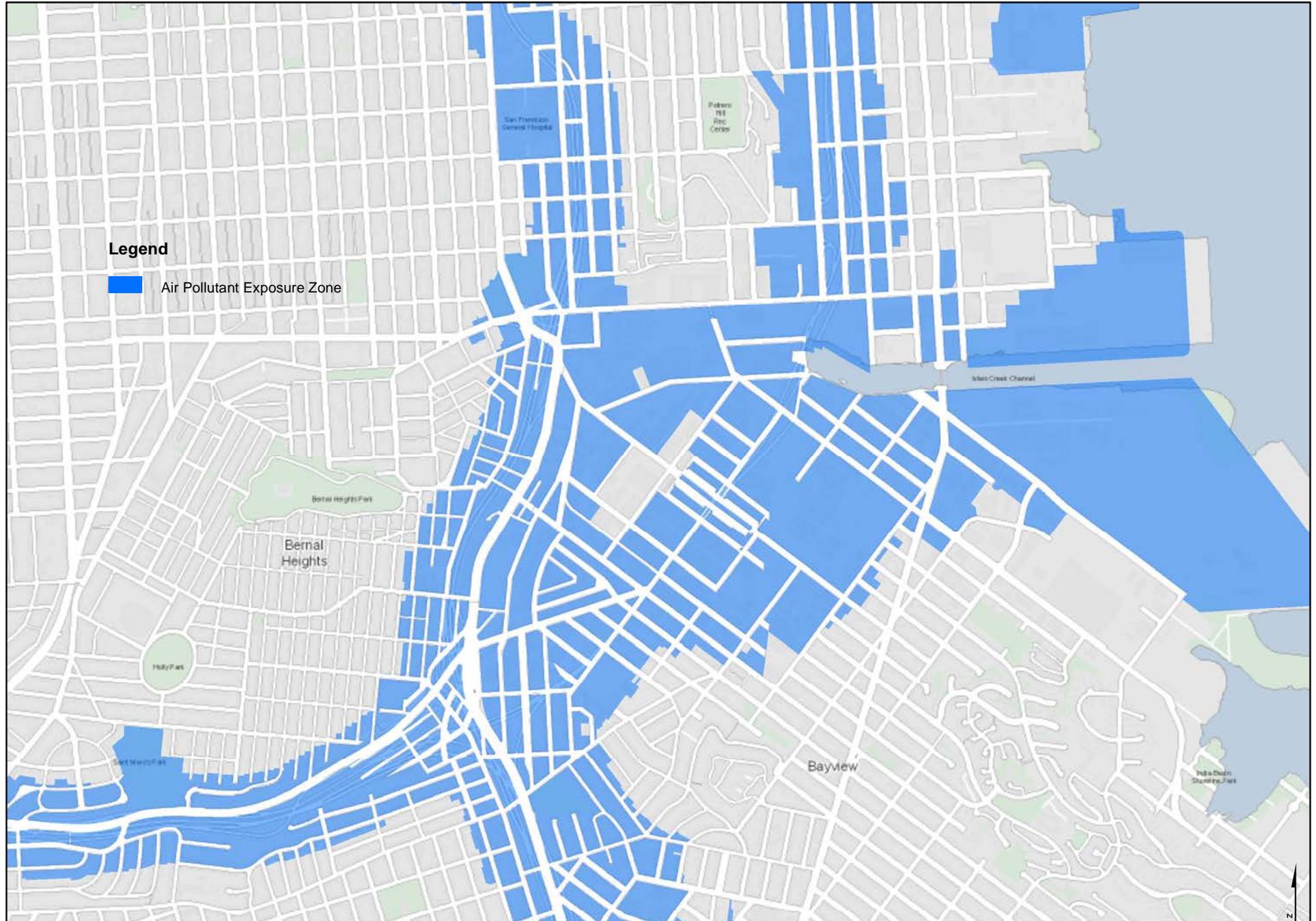
Printed: 10, April 2014

Air Pollutant Exposure Zone Map - Inset 2



Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Air Pollutant Exposure Zone Map - Inset 3

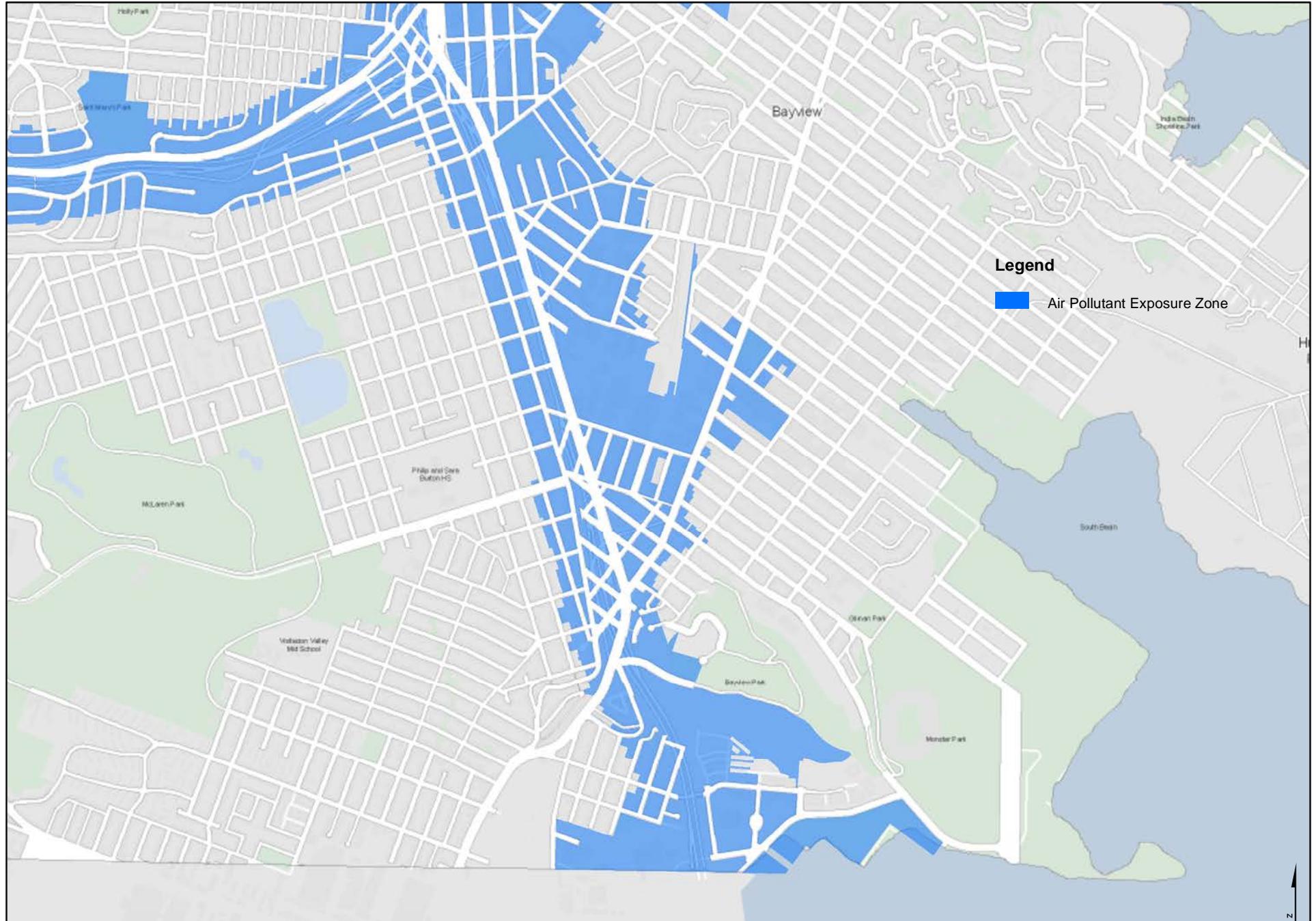


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

Air Pollutant Exposure Zone Map - Inset 4

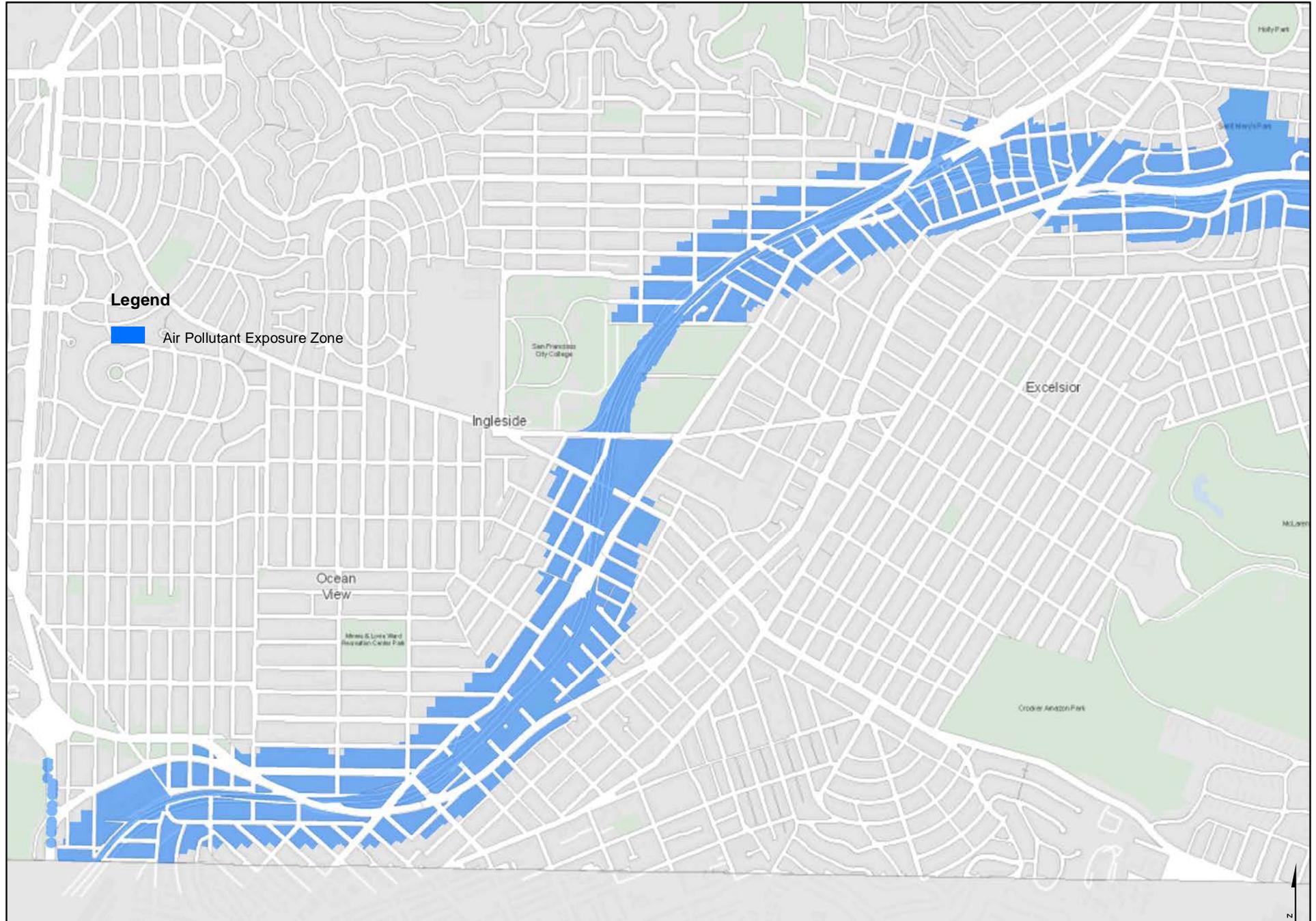


0 0.125 0.25 0.5 Miles

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Printed: 10, April 2014

Air Pollutant Exposure Zone Map - Inset 5



0 0.125 0.25 0.5 Miles

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Printed: 10, April 2014

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; BOS Legislation, \(BOS\)](#)
Subject: FW: doc for file 180697 Fw: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project
Date: Monday, July 30, 2018 8:47:13 AM
Attachments: [Extra arguments Appeal to the Planning Commission decision for the 429 Beale - 430 Main project for the SF Planning Commission.pptx](#)
[Letter to the SF Board of Supervisors, appeal sustained, no building at 430 Main 429 Beale.pdf](#)
[Maher Map San Francisco.pdf](#)
[AirPollutantExposureZoneMap San Francisco.pdf](#)
[430 Main in Red areas, prone to a phenomenon known as liquefaction, in which the soil acts like a liquid in the event of a quake. Google Maps .pdf](#)

From: Nelu Mihai [mailto:nelumihai@prodigy.net]
Sent: Friday, July 27, 2018 9:49 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: doc for file 180697 Fw: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project

Dear Madams / Sirs,

Please register this document for the hearing on July 31, 2018, Board of Supervisors, file no.180697

Sincerely,
Nelu Mihai, PhD

----- Forwarded Message -----

From: Nelu Mihai <nelumihai@prodigy.net>
To: "Vallie.Brown@sfgov.org" <Vallie.Brown@sfgov.org>; "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>; "Sandra.Fewer@sfgov.org" <Sandra.Fewer@sfgov.org>; "Jane.Kim@sfgov.org" <Jane.Kim@sfgov.org>; "Aaron.Peskin@sfgov.org" <Aaron.Peskin@sfgov.org>; "Hillary.Ronen@sfgov.org" <Hillary.Ronen@sfgov.org>; "Ahsha.Safai@sfgov.org" <Ahsha.Safai@sfgov.org>; "Catherine.Stefani@sfgov.org" <Catherine.Stefani@sfgov.org>; "Norman.Yee@sfgov.org" <Norman.Yee@sfgov.org>; "rafael.mandelman@sfgov.org" <rafael.mandelman@sfgov.org>; "Katy.Tang@sfgov.org" <Katy.Tang@sfgov.org>
Sent: Friday, July 27, 2018 8:36 PM
Subject: Letter to sustain the approval of the appeal to the Planning Commission decision for 430 Main / 429 Beale project

Dear Madam Supervisor Jane Kim,
Dear Madam Supervisor Malia Cohen,
Dear Madam Supervisor Vallie Brown,

Dear Madam Supervisor Sandra Lee Fewer,
Dear Sir / Supervisor Aaron Peskin,
Dear Madam Supervisor Hillary Ronen,
Dear Sir / Supervisor Ahsha Safai,
Dear Sir / Supervisor Rafael Mandelman,
Dear Madam Supervisor Catherine Stefani,
Dear Ms. Supervisor Katy Tang,
Dear Sir / Supervisor Norman Yee,

We sustain and request the full admission of the appeal filled by Dane Ince for the affected people, in a timely manner, and, more than that, we present more evidences in order to totally reject the 429 Beale Street / 430 Main Street project, based on the curent legislation and additional certitudes, presented as follows:

1) The Planning Commission ignored that the lot at 430 Main **IS NOT A RESIDENTIAL LOT, but an industrial lot.** No exemption was granted to transform the lot into a residential lot. As per report <http://50.17.237.182/PIM/>
Our appeal should be admitted.

2) Since the project sponsor wants to take out more than 12000 cubic feet of soil (meaning more than 5000 cubic feet form the 430 Main parcel, the Planning Commission did something illegal by approving this project **without having a STROMWATER CONTROL PLAN** ("Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review." as per report <http://50.17.237.182/PIM/>). Our appeal should be admitted.

3) Also, the approval is illegal because this **430 Main lot is in a potential flooding area, during storms.** ("This lot is in a block that has the potential to flood during storms." as per report <http://50.17.237.182/PIM/>)

4) More than that, according to the PIM, *the 430 Main lot is in a Air Pollutant Exposure Zone and the Health Code art. 38 should have taken into consideration.* ("Health Code Article 38 Air Pollutant Exposure Zone

Description: Site is located in an area with elevated pollutant concentrations. Sensitive use buildings, as defined in the Applicability section of the Ordinance, must comply with Health Code Article 38.

CEQA Impact: An Environmental Evaluation Application may be required for projects that generate air pollutants." as per report <http://50.17.237.182/PIM/>) Our appeal should be approved.

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(Maher Ordinance (Health Code Article 22A)

Description: Projects that are located on sites with known or suspected soil and/or groundwater contamination are subject to the provisions of Health Code Article 22A, which is administered by the Department of Public Health (DPH). Submittal of the Maher Application

to and coordination with DPH may be required. Applicants may contact DPH for assistance. A citywide map of all Maher sites to date is located at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf
As per report <http://50.17.237.182/PIM/>

6) The Planning Commission ignored that the lot at 429 Beale **IS NOT A RESIDENTIAL LOT, but an industrial lot.** No exemption was granted to transform the industrial lot into a residential lot. As per report <http://50.17.237.182/PIM/>
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7) Since the project sponsor wants to take out more than 12000 cubic feet of soil (meaning more than 5000 cubic feet from the 429 Beale parcel, the Planning Commission did something illegal by approving this project **without having a STORMWATER CONTROL PLAN** ("Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review." as per report <http://50.17.237.182/PIM/>). Our appeal should be admitted.

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As per report <http://50.17.237.182/PIM/>)

11) Since 1990 (28 years; As per report <http://50.17.237.182/PIM/>) the City of San Francisco received many requests to link the 430 Main and 429 Beale parcels into one parcel, and to build residential buildings, not industrial as the PIM indicates, with more than 200 units. All the requests were denied, except the most recent, for which we made the appeal. In 2018 the Planning Commission voted (excepting one vote) that our 300 units at 201 Harrison should be condemned to not livable conditions in order to build illegally 140 units at 430 Main and 429

Beale, in an industrial zone. How is possible to ignore that was decided in 28 years of analysis? The ethic commissioner should be involved in this matter. Our appeal should be approved.

12) The Planning Commission ignored the environmental issues related to the underground resistance structure of the two lots and the adjacent lots, as 201 Harrison lot.

The project will destroy the underground resistance structure of the whole are Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge

13) The Planning Commission ignored the environmental issues related to the underground water presence under the two lots.

There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings

14) The Planning Commission ignored the environmental issues related to the geotechnical parameters of the 430 Main and 429 Beale lots.

No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

15) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines for the 430 Main and 429 Beale lots.

The 430 Main and 429 Beale parcels are too small (approx. 36 yards width) and would create more hazard, including during the 2 years of estimated construction period. It is no way to place the cranes on Main or Beale, or nearby the excavation area, because all the surrounding streets are EXITS TO THE BAY BRIDGE.

There is no realistic way to build reasonable housing units according to the proposed project (the units would be like prison cells, not having windows facing west or east or south east)

16) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines and Safety requirements for the 430 Main and 429 Beale lots.

The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission that approved such a non-professional project, not only to Tidewater Capital. Our appeal should be admitted.

17) The Planning Commission ignored the environmental issues related to the Health Code Article 38, Article 22 A, and other articles, for the 430 Main and 429 Beale project.

The extra costs for health insurance, medical expenses, heating and restructuring the surrounding buildings if the project would be built would be the responsibility of the City of San Francisco and Tidewater Capital.

The extra costs would come from the certitude that the proposed project:

- Is a barrier for the sunlight coming from east, for the inhabitants of 201 Harrison St.,
- decreases the temperatures in our apartments (201 Harrison Street apartments),
- increases the costs for utilities for the inhabitants of 201 Harrison St.
- destroys the LIVABILITY of multiple existing buildings, not only the 201 Harrison St. buildings
- increases the pollution in the already area located in a High Exposure to Air Pollutants Zone
- Increases the noise level in the area,

18) The Planning Commission ignored the environmental issues related to the fact that the project does not follow the *Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections*

19)The project does not address the citizens in need for housing, but addresses high income people coming from south, single persons, without a real desire to establish a home in San Francisco.

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

20) As supervisors, you have the responsibility to think for the future, think that a human citizen needs more than a cellular studio, think about housing for families who would do something for San Francisco

Do not encourage the “only for profit” projects, hidden under false representations as “affordable housing” (The project sponsor did not prove that they have 18 affordable housing units in their real plans, the plans were not presented until now

21) The exemption to Section 140 of the Code should not have been accepted by the Planning Commission, because it specifies the necessity to have at least 25 feet open space in front of our windows, facing the Bay (facing Bryant). There is no way to have a healthy life at 5 feet distance (the approved distance between the 201 Harrison building with windows, and the future 430 Main - 429 Beale building).

22) The 5 feet distance does not comply the Civil Code, Division 2, Title 2, Chapter 3 Section 801

“The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

- 1. The right of pasture;*
- 2. The right of fishing;*
- 3. The right of taking game;*
- 4. The right-of-way;*
- 5. The right of taking water, wood, minerals, and other things;*
- 6. The right of transacting business upon land;*
- 7. The right of conducting lawful sports upon land;*
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;*
- 9. The right of receiving water from or discharging the same upon land;*
- 10. The right of flooding land;*
- 11. The right of having water flow without diminution or disturbance of any kind;*
- 12. The right of using a wall as a party wall;*
- 13. The right of receiving more than natural support from adjacent land or things affixed thereto;*
- 14. The right of having the whole of a division fence maintained by a coterminous owner;*
- 15. The right of having public conveyances stopped, or of stopping the same on land;*
- 16. The right of a seat in church;*
- 17. The right of burial;*
- 18. The right of receiving sunlight upon or over land as specified in Section 801.5. (Amended by Stats. 1978, Ch. 1154.)”*

23) We are pursuing this appeal to the final stage because we want the 430 Main / 429 Beale project to be properly studied by the San Francisco City Planning Dept. and we want our environmental issues mitigated by the developer / project sponsor.

24) We are also pursuing this to ensure we have exhausted all avenues with the city in the event there are issues later after 430 Main is built.

25) An Environmental consultant was hired to review the exemptions of the Environmental review of the 430 Main project and its environmental impacts on Bay

st

Crest and it has been submitted to the Board of Supervisors to be heard on July 31 .

26) No Transit Impact Report or study was presented to the Planning Commission. An objective Transit Impact Report should be done, and our appeal should be accepted, at least because all the surrounding streets to the project are EXISTING TO THE BAY BRIDGE, already creating problems for the whole area (the 201 Harrison St. cannot enter their garages during the commute time; the future inhabitants of 430 Main / 429 Beale would add more cars in the area, on the parking spots on Main, Beale, and Bryant, that are existing to the Bridge, street already redesigned to have lower lanes

27) The proposed building will be a barrier for the direct sunlight and sun coming from south-east and this will CHANGE THE CLIMATE (THE WEATHER IN THE NEIGHBORHOOD) BY LOWERING THE TEMPERATURE IN THE 201 Harrison St. building, BUT KILLING THE PLANTS AND THEREFORE BY REDUCING THE OXYGEN IN THE AIR BECAUSE OF THE MISSING PLANTS -THE ONLY SOURCE OF OXYGEN (in the plants' metabolism, the plants eat carbon dioxide and eliminate oxygen, by contrary to the human beings)

28) The Planning Commission totally ignored the evidence that the project would not serve the real needs of the citizens of San Francisco. The whole project is a financial affair, not intended to create housing, but to load the area with an insecure, multiplying and amplifying the noise, obstructing the sunlight and the free air circulation building. The project is for transforming two industrial parcels, having two industrial buildings of one and two-story, into a residential, expensive rental building addressing out of the city young singles. The local zoning would be totally destroyed. That lots should be better transformed into a park, because the Planning Commission already destroyed the sunlight from west by approving four tall buildings on Harrison Street.

29)The Planning Commission totally ignore the evidence that the project for this building you will create a new daily hazard for our lives.

All the inhabitants of the area, not only those in 201 Harrison St. units, would not have sun, because this building would be a barrier to the sunlight coming from east, because the proposed building would be a tall building perpendicular on the trajectory of the sunlight coming from east. The sunlight, as you know, transfers caloric radiation from the sun, meaning direct heating. By cutting or direct heating from the sun, the 430 Main / 429 Beale building would let us without heat during the colder seasons. In fact, it would let us in cold every day, because San Francisco is usually a foggy, cloudy city, and the Planning Commission wants to make it colder by approving non-professional and anti-life projects. The temperature in our apartments would be decreased, because the only source of sunlight for our building would be destroyed by the 430 Main / 429 Beale tall building. Not only the apartments facing the Bay would be without caloric energy / heating radiation from the sunlight, but also the other apartments because the cold is transmitted from wall to wall (the low temperature propagation principle). The direct consequences would be the increase of living costs for hundreds of people, including the government officials working in the building on Harrison Street, behind our building. The government building would also have increased costs.

30) All these buildings are concrete building. The concrete does not allow the heat propagation, so the low temperature in our apartments would be a certitude; therefore, the City of San Francisco should pay for imposing us to suffer and be exposed to colds, flu, increased

costs, and other inconveniences.

31) The livability of many surrounding buildings would be totally destroyed thru multiple ways: missing the sunlight, missing caloric energy from direct sunlight from east, missing fresh and saline air from the Bay, missing fresh air, adding pollution by the obstruction of the evacuation paths for the carbon dioxide from the Bay Bridge that would be created by this new building. The hard traffic on Bay Bridge already creates large quantities of **poisonous substances emissions, carbon dioxide, and other harmful substances that are usually heavier than the air and go toward the ground level. By adding a new building under the bridge, you will create a barrier for the elimination of the toxic gases created but the cars passing on the Bay Bridge.**

We request an expertise to determine the current level of pollution around the Bay Bridge, on a circular area with a radius of 250 yards from the point of the bridge above 430 Main / 429 Beale, and an expertise to estimate the change of pollution parameters after the construction of the proposed building at 430 Main / 429 Beale.

32) In addition, the **new building would become an amplifier for the noise created by the cars on the Bay Bridge, because the noise would be reflected by the non-noise absorbing walls of the building.** The project does not have noise absorbing walls. The sound comes in forms of waves. The high-density materials, like the concrete used for our buildings, do not absorb the noise from the Bay Bridge. It is a scientific evidence that the high-density materials like concrete reflect the noise. **The new proposed building would destroy the normal noise level approved for a city, level that is already high because of the bridge.**

33) More than that, **a new increased noise tunnel would be created between the new building and the bridge.** The waves of noise would be amplified they these new tunnels (this is the sound propagation law in acoustics). **The result would be an inferno of noise not suitable for living in.** If you think like strategists, if you think for the future and for the next generations, and if you do not want to remain in history for sustaining an inferno, you should totally reject the construction of the new building at 430 Main / 429 Beale.

34) More than that, the increased noise thru the new tunnels would create vibrations that would shake and permanently destroy all the surrounding buildings in the area. Cracks will appear in the walls, in the pipes, in the metallic structure of the buildings, in the pavement and underground, even in the underground communications networks, electricity systems, and utility pipes. New phenomena like that one with the Millennium building (sinking) will appear.

35) In addition, the new building would let the neighborhood without fresh air, by blocking the free circulation of the air. We bought the apartment for therapeutic reasons. It is known that using the saline air from the Bay is good for asthma, pulmonary, and ENT diseases. This new building would let the neighbors and us without this saline air from the Bay, increasing the medical costs. If this project will be approved in any way, the City of San Francisco should pay is the medical insurances and bills.

36) Even more, **it is unsafe for the bridge to have another building erected under it, in the security area.** Every bridge has to have a security area, in case of collapse, earthquakes, and not only. By adding a civil building under the bridge, in its security area, the sponsors would expose the bridge and the citizens to be hazards. If the Bay Bridge would collapse in an earthquake, lives of drivers and lives of the people living in this new building and in our buildings located too close to this new building (the domino effect) would be destroyed. Who would responsible for these losses? Would the Planning Committee would be responsible in any way?

37) The project sponsor did not show a list with the estimated renting amounts, and the business plan. At this moment, the only evident thing is that the rental amount will be the market amount in the expensive zone. No other financial parameters or why the sponsor uses the term of "affordable houses" were not provided by the project sponsor. The only real certitude is that 300 units in 201 Harrison St. would be destroyed in order to build 144 units like prison cells, for evening young single outsiders, who does not pay taxes to San Francisco, because they work, live, shop in the South Bay Area. No families would be in the 430 Main / 429 Beale, because the units are too small and no decent living can be in the noisy, polluted, no code conforming units in 430 Main / 429 Beale units.

38) The Board of Supervisors should retain the fact that there is discrimination in the modality the Code is applied for the governmental building located on Harrison St. (the former US Post Office building) and that one considered by the Planning Commission for the 430 Main / 429 Beale. In the same neighborhood, between the governmental building and the residential new buildings the Section 140 of the Code was respected, there are more than 25 feet of open space in front of each window. The law should be applied the same way for us. We have the right to 25 feet open space for the windows facing the Bridge. We request to have the appeal admitted based on this evidence of discriminatory procedures for us, compared to the governmental building.

Being a member of the Board of Supervisors of a large city is a major responsibility, that should be accomplished in respect for life and human comfort for everybody, including the next generations. Our area was transformed in a busy, insecure area by the approval of non-scientific motivated projects. You have a duty to analyze all these aspects and the negative consequences and, consequently, to approve our appeal. In fact, the new proposed building should be totally rejected, being evident that this building would kill people and life in the area. Think about imposing the construction of a park at 430 Main /429 Beale, where the kids could play in direct sunlight, where the adults could think to revolutionary projected to be implemented in the high- tech companies in Bay Area, where the air could be fresh from trees and flowers that absorb the carbon dioxide from the Bay Bridge.

What we wrote about is more than concerns, these are scientific research results that impose an admission for our appeal, and a drastic review of the approval of the 430 Main / 429 Beale project, and a total rejection of this project. This is also a kind request to think scientifically and for the future, and not to feed the thirst of quick money of the project sponsor. In life, life counts, before everything, and the Board of Supervisors should defend life in comfortable and non-hazardous conditions.

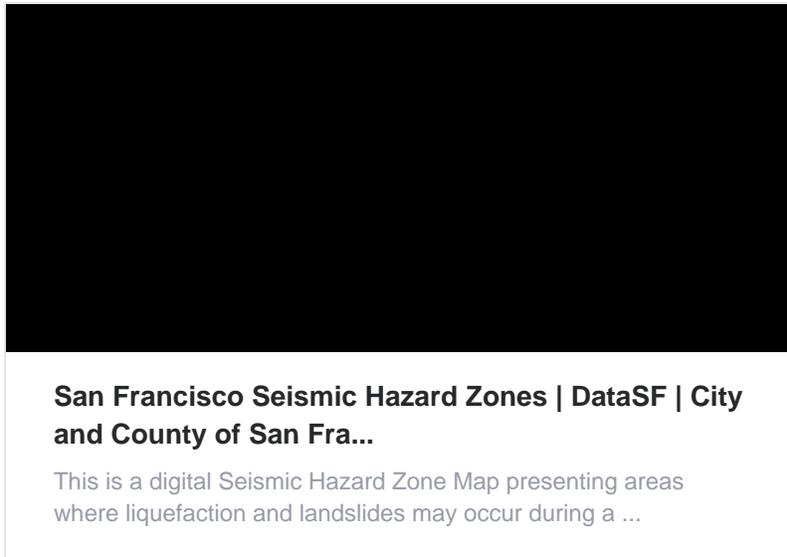
It was a gross mistake to approve the construction of a new tall, hazardous, building at 430 Main / 429 Beale. As a responsible representative of the citizens of San Francisco you can reverse this mistake by approving the appeal, as previous supervisors did since 1990, and by

totally rejecting the project. The citizens would recognize a true leader if you will approve the appeal and reject totally the project for 430 Main / 429 Beale. real and decent housing can be built in other areas of San Francisco, without the sacrifice of more than 500 units and thousands of lives.

We totally oppose to the construction of any building at 430 Main / 429 Beale in San Francisco.

Attached is a file with some ideas sustaining the appeal.

Links to referred materials: San Francisco Seismic Hazard Zones | DataSF | City and County of San Francisco



Legal regulations that should be applied:

- a) Civil Code, Division 2, Title 2, Chapter 3 Section 801 Article 8, 13, 14, and 18, and other Sections**
- b) Section 140 Civic Code**
- c) Health Code, Article 38**
- d) Health Code Article 22 A**
- e) other**

With consideration and hope that you will take the best decision in our favor,

Julietta Mihai
CEO of an international public construction company

Nelu Mihai, PhD
CEO of a high-tech company

Owners of a unit in 201 Harrison Street, San Francisco, CA 94105

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

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10) In addition, according to the PIM, *the 430 Main lot is located on known or suspected soil / or groundwater contamination, referred in the Maher Ordinance, and should comply to the article 22, A Health Code, and the project should be a subject of the provision of Health Care Article 22 A, which is administrated by the Department of Public Health (DPH)*
(Maher Ordinance (Health Code Article 22A)

Description: Projects that are located on sites with known or suspected soil and/or groundwater contamination are subject to the provisions of Health Code Article 22A, which is administered by the Department of Public Health (DPH). Submittal of the Maher Application to and coordination with DPH may be required. Applicants may contact DPH for assistance. A citywide map of all Maher sites to date is located at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf

As per report <http://50.17.237.182/PIM/>)

11) Since 1990 (28 years; As per report <http://50.17.237.182/PIM/>) the City of San Francisco received many requests to link the 430 Main and 429 Beale parcels into one parcel, and to build residential buildings, not industrial as the PIM indicates, with more than 200 units. All the requests were denied, except the most recent, for which we made the appeal. In 2018 the Planning Commission voted (excepting one vote) that our 300 units at 201 Harrison should be condemned to not livable conditions in order to build illegally 140 units at 430 Main and 429 Beale, in an industrial zone. How is possible to ignore that was decided in 28 years of analysis? The ethic commissioner should be involved in this matter. Our appeal should be approved.

12) The Planning Commission ignored the environmental issues related to the underground resistance structure of the two lots and the adjacent lots, as 201 Harrison lot.

The project will destroy the underground resistance structure of the whole are Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge

13) The Planning Commission ignored the environmental issues related to the underground water presence under the two lots.

There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings

14) The Planning Commission ignored the environmental issues related to the geotechnical parameters of the 430 Main and 429 Beale lots.

No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

15) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines for the 430 Main and 429 Beale lots.

The 430 Main and 429 Beale parcels are too small (approx. 36 yards width) and would create more hazard, including during the 2 years of estimated construction period. It is no way to place the cranes on Main or Beale, or nearby the excavation area, because all the surrounding streets are EXITS TO THE BAY BRIDGE.

There is no realistic way to build reasonable housing units according to the proposed project (the units would be like prison cells, not having windows facing west or east or south east)

16) The Planning Commission ignored the environmental issues related to the Urban Design Guidelines and Safety requirements for the 430 Main and 429 Beale lots.

The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission that approved such a non-professional project, not only to Tidewater Capital.

Our appeal should be admitted.

17) The Planning Commission ignored the environmental issues related to the Health Code Article 38, Article 22 A, and other articles, for the 430 Main and 429 Beale project.

The extra costs for health insurance, medical expenses, heating and restructuring the surrounding buildings if the project would be built would be the responsibility of the City of San Francisco and Tidewater Capital.

The extra costs would come from the certitude that the proposed project:

-Is a barrier for the sunlight coming from east, for the inhabitants of 201 Harrison St.,

- decreases the temperatures in our apartments (201 Harrison Street apartments),
- increases the costs for utilities for the inhabitants of 201 Harrison St.
- destroys the LIVABILITY of multiple existing buildings, not only the 201 Harrison St. buildings
- increases the pollution in the already area located in a High Exposure to Air Pollutants Zone
- Increases the noise level in the area,

18) The Planning Commission ignored the environmental issues related to the fact that the project does not follow the *Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections*

19)The project does not address the citizens in need for housing, but addresses high income people coming from south, single persons, without a real desire to establish a home in San Francisco.

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

20) As supervisors, you have the responsibility to think for the future, think that a human citizen needs more than a cellular studio, think about housing for families who would do something for San Francisco

Do not encourage the “only for profit” projects, hidden under false representations as “affordable housing” (The project sponsor did not prove that they have 18 affordable housing units in their real plans, the plans were not presented until now

21) The exemption to Section 140 of the Code should not have been accepted by the Planning Commission, because it specifies the necessity to have at least 25 feet open space in front of our windows, facing the Bay (facing Bryant). There is no way to have a healthy life at 5 feet distance (the approved distance between the 201 Harrison building with windows, and the future 430 Main - 429 Beale building).

22) The 5 feet distance does not comply the Civil Code, Division 2, Title 2, Chapter 3 Section 801

“The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

- 1. The right of pasture;*
- 2. The right of fishing;*
- 3. The right of taking game;*
- 4. The right-of-way;*
- 5. The right of taking water, wood, minerals, and other things;*
- 6. The right of transacting business upon land;*
- 7. The right of conducting lawful sports upon land;*
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;*
- 9. The right of receiving water from or discharging the same upon land;*
- 10. The right of flooding land;*
- 11. The right of having water flow without diminution or disturbance of any kind;*
- 12. The right of using a wall as a party wall;*

13. *The right of receiving more than natural support from adjacent land or things affixed thereto;*
14. *The right of having the whole of a division fence maintained by a coterminous owner;*
15. *The right of having public conveyances stopped, or of stopping the same on land;*
16. *The right of a seat in church;*
17. *The right of burial;*
18. *The right of receiving sunlight upon or over land as specified in Section 801.5. (Amended by Stats. 1978, Ch. 1154.)”*

23) We are pursuing this appeal to the final stage because we want the 430 Main / 429 Beale project to be properly studied by the San Francisco City Planning Dept. and we want our environmental issues mitigated by the developer / project sponsor.

24) We are also pursuing this to ensure we have exhausted all avenues with the city in the event there are issues later after 430 Main is built.

25) An Environmental consultant was hired to review the exemptions of the Environmental review of the 430 Main project and its environmental impacts on Bay Crest and it has been submitted to the Board of Supervisors to be heard on July 31st.

26) **No Transit Impact Report or study was presented to the Planning Commission.** An objective Transit Impact Report should be done, and our appeal should be accepted, at least because all the surrounding streets to the project are EXISTS TO THE BAY BRIDGE, already creating problems for the whole area (the 201 Harrison St. cannot enter their garages during the commute time; the future inhabitants of 430 Main / 429 Beale would add more cars in the area, on the parking spots on Main, Beale, and Bryant, that are exists to the Bridge, street already redesigned to have lower lanes

27) **The proposed building will be a barrier for the direct sunlight and sun coming from south-east and this will CHANGE THE CLIMATE (THE WEATHER IN THE NEIGHBORHOOD) BY LOWERING THE TEMPERATURE IN THE 201 Harrison St. building, BUT KILLING THE PLANTS AND THEREFORE BY REDUCING THE OXYGEN IN THE AIR BECAUSE OF THE MISSING PLANTS -THE ONLY SOURCE OF OXYGEN** (in the plants' metabolism, the plants eat carbon dioxide and eliminate oxygen, by contrary to the human beings)

28) **The Planning Commission totally ignored the evidence that the project would not serve the real needs of the citizens of San Francisco.** The whole project is a financial affair, not intended to create housing, but to load the area with an insecure, multiplying and amplifying the noise, obstructing the sunlight and the free air circulation building. The project is for transforming two industrial parcels, having two industrial buildings of one and two-story, into a residential, expensive rental building addressing out of the city young singles. The local zoning

would be totally destroyed. That lots should be better transformed into a park, because the Planning Commission already destroyed the sunlight from west by approving four tall buildings on Harrison Street.

29)The Planning Commission totally ignore the evidence that the project for this building you will create a new daily hazard for our lives.

All the inhabitants of the area, not only those in 201 Harrison St. units, would not have sun, because this building would be a barrier to the sunlight coming from east, because the proposed building would be a tall building perpendicular on the trajectory of the sunlight coming from east. The sunlight, as you know, transfers caloric radiation from the sun, meaning direct heating. By cutting or direct heating from the sun, the 430 Main / 429 Beale building would let us without heart during the colder seasons. In fact, it would let us in cold every day, because San Francisco is usually a foggy, cloudy city, and the Planning Commission wants to make it colder by approving non-professional and anti-life projects.

he temperature in our apartments would be decreased, because the only source of sunlight for our building would be destroyed by the 430 Main / 429 Beale tall building. Not only the apartments facing the Bay would be without caloric energy / heating radiation from the sunlight, but also the other apartments because the cold is transmitted from walk to wall (the low temperature propagation principle). The direct consequences would be the increase of living costs for hundreds of people, including the government officials working in the building on Harrison Street, behind our bulging. The government building would also have increased costs.

30) All these buildings are concrete building. The concrete does not allow the heat propagation, so the low temperature in our apartments would be a certitude; therefore, the City of San Francisco should pay for imposing us to suffer and be exposed to colds, flu, increased costs, and other inconveniences.

31) The livability of many surrounding buildings would be totally destroyed thru multiple ways: missing the sunlight, missing caloric energy from direct sunlight from east, missing fresh and saline air from the Bay, missing fresh air, adding pollution by the obstruction of the evacuation paths for the carbon dioxide from the Bay Bridge that would be created by this new building. The hard traffic on Bay Bridge already creates large quantities of **poisonous substances emissions, carbon dioxide, and other harmful substances that are usually heavier than the air and go toward the ground level. By adding a new building under the bridge, you will create a barrier for the elimination of the toxic gases created but the cars passing on the Bay Bridge.**

We request an expertise to determine the current level of pollution around the Bay Bridge, on a circular area with a radius of 250 yards from the point of the bridge above 430 Main / 429 Beale, and an expertise to estimate the change of pollution parameters after the construction of the proposed building at 430 Main / 429 Beale.

32) In addition, the **new building would become an amplifier for the noise created by the cars on the Bay Bridge, because the noise would be reflected by the non-noise absorbing**

walls of the building. The project does not have noise absorbing walls. The sound comes in forms of waves. The high-density materials, like the concrete used for our buildings, do not absorb the noise from the Bay Bridge. It is a scientific evidence that the high-density materials like concrete reflect the noise. **The new proposed building would destroy the normal noise level approved for a city, level that is already high because of the bridge.**

33) More than that, **a new increased noise tunnel would be created between the new building and the bridge.** The waves of noise would be amplified they these new tunnels (this is the sound propagation law in acoustics). **The result would be an inferno of noise not suitable for living in.** If you think like strategists, if you think for the future and for the next generations, and if you do not want to remain in history for sustaining an inferno, you should totally reject the construction of the new building at 430 Main / 429 Beale.

34) More than that, the increased noise thru the new tunnels would create vibrations that would shake and permanently destroy all the surrounding buildings in the area. Cracks will appear in the walls, in the pipes, in the metallic structure of the buildings, in the pavement and underground, even in the underground communications networks, electricity systems, and utility pipes. New phenomena like that one with the Millennium building (sinking) will appear.

35) In addition, the new building would let the neighborhood without fresh air, by blocking the free circulation of the air. We bought the apartment for therapeutic reasons. It is known that using the saline air from the Bay is good for asthma, pulmonary, and ENT diseases. This new building would let the neighbors and us without this saline air from the Bay, increasing the medical costs. If this project will be approved in any way, the City of San Francisco should pay is the medical insurances and bills.

36) Even more, **it is unsafe for the bridge to have another building erected under it, in the security area.** Every bridge has to have a security area, in case of collapse, earthquakes, and not only. By adding a civil building under the bridge, in its security area, the sponsors would expose the bridge and the citizens to be hazards. If the Bay Bridge would collapse in an earthquake, lives of drivers and lives of the people living in this new building and in our buildings located too close to this new building (the domino effect) would be destroyed. Who would responsible for these losses? Would the Planning Committee would be responsible in any way?

37) The project sponsor did not show a list with the estimated renting amounts, and the business plan. At this moment, the only evident thing is that the rental amount will be the market amount in the expensive zone. No other financial parameters or why the sponsor uses the term of "affordable houses" were not provided by the project sponsor. The only real certitude is that 300 units in 201 Harrison St. would be destroyed in order to build 144 units like prison cells, for evening young single outsiders, who does not pay taxes to San Francisco, because they work, live, shop in the South Bay Area. No families would be in the 430 Main / 429 Beale, because the units are too small and no decent living can be in the noisy, polluted, no code conforming units in 430 Main / 429 Beale units.

38) The Board of Supervisors should retain the fact that there is discrimination in the modality the Code is applied for the governmental building located on Harrison St. (the former US Post Office building) and that one considered by the Planning Commission for the 430 Main / 429 Beale. In the same neighborhood, between the governmental building and the residential new buildings the Section 140 of the Code was respected, there are more than 25 feet of open space in front of each window. The law should be applied the same way for us. We have the right to 25 feet open space for the windows facing the Bridge. We request to have the appeal admitted based on this evidence of discriminatory procedures for us, compared to the governmental building.

Being a member of the Board of Supervisors of a large city is a major responsibility, that should be accomplished in respect for life and human comfort for everybody, including the next generations. Our area was transformed in a busy, insecure area by the approval of non-scientific motivated projects. You have a duty to analyze all these aspects and the negative consequences and, consequently, to approve our appeal. In fact, the new proposed building should be totally rejected, being evident that this building would kill people and life in the area. Think about imposing the construction of a park at 430 Main /429 Beale, where the kids could play in direct sunlight, where the adults could think to revolutionary projected to be implemented in the high-tech companies in Bay Area, where the air could be fresh from trees and flowers that absorb the carbon dioxide from the Bay Bridge.

What we wrote about is more than concerns, these are scientific research results that impose an admission for our appeal, and a drastic review of the approval of the 430 Main / 429 Beale project, and a total rejection of this project. This is also a kind request to think scientifically and for the future, and not to feed the thirst of quick money of the project sponsor. In life, life counts, before everything, and the Board of Supervisors should defend life in comfortable and non-hazardous conditions.

It was a gross mistake to approve the construction of a new tall, hazardous, building at 430 Main / 429 Beale. As a responsible representative of the citizens of San Francisco you can reverse this mistake by approving the appeal, as previous supervisors did since 1990, and by totally rejecting the project. The citizens would recognize a true leader if you will approve the appeal and reject totally the project for 430 Main / 429 Beale. real and decent housing can be built in other areas of San Francisco, without the sacrifice of more than 500 units and thousands of lives.

We totally oppose to the construction of any building at 430 Main / 429 Beale in San Francisco. Attached is a file with some ideas sustaining the appeal.

Legal regulations that should be applied:

- a) **Civil Code, Division 2, Title 2, Chapter 3 Section 801 Article 8, 13, 14, and 18, and other Sections**
- b) **Section 140 Civic Code**
- c) **Health Code, Article 38**
- d) **Health Code Article 22 A**
- e) **other**

With consideration and hope that you will take the best decision in our favor,

Julietta Mihai
CEO of an international public construction company

Nelu Mihail PhD
CEO of a high-tech company

Owners of a unit in 201 Harrison Street, San Francisco, CA 94105

A handwritten signature in black ink, appearing to be 'Nelu Mihail', written in a cursive style.

The 429 Beale / 430 Main
project is a hazard to San
Francisco citizens and should be
rejected by the City of San
Francisco

Stop the so called “affordable housing” projects that put lives in danger

Legal reasons to reject the proposed 429 Beale / 430 Main project

- 1) The project will destroy the underground resistance structure of the whole are Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge
- 2) There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings
- 3) No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance
- 4) The parcel is too small (15 yards width) and would create more hazard, and cannot be transformed in reasonable housing units (the units would be like prison cells, not having windows facing west or east or south east)
- 5) The whole project is a criminal attempt to destroy the security of the bridge, neighborhood, lives of the citizens, without any target but obtaining profits by any means. The responsibility in case of disasters and accidents belongs to the member of the Planning Commission who would approve such a non professional project, not only to Tidewater Capital.
- 6) The extra costs for health insurance, medical expenses, heating and restructuring the surrounding building if the project would be approved would be the responsibility of the City of San Francisco and Tidewater Capital. The extra cost would come from the certitude that the proposed project:
 - Is a barrier for the sunlight coming from east,
 - decreases the temperatures in our apartments,
 - increases the costs for utilities,
 - destroys the LIVABILITY of multiple existing buildings,
 - increases the pollution
 - Increases the noise level in the area,
- 7) The project does not follow the Civil Code Division 2, Title 3, Chapter 3 section 801 article 8, 13, 14, and 18, and other sections

The project will destroy the underground resistance structure of the whole area Harrison and Main, Main and Bryant, Beale and Bryant, including the leg of the Bay Bridge

The underground structure would be destroyed by building an underground garage at 429 Beale 430 Main

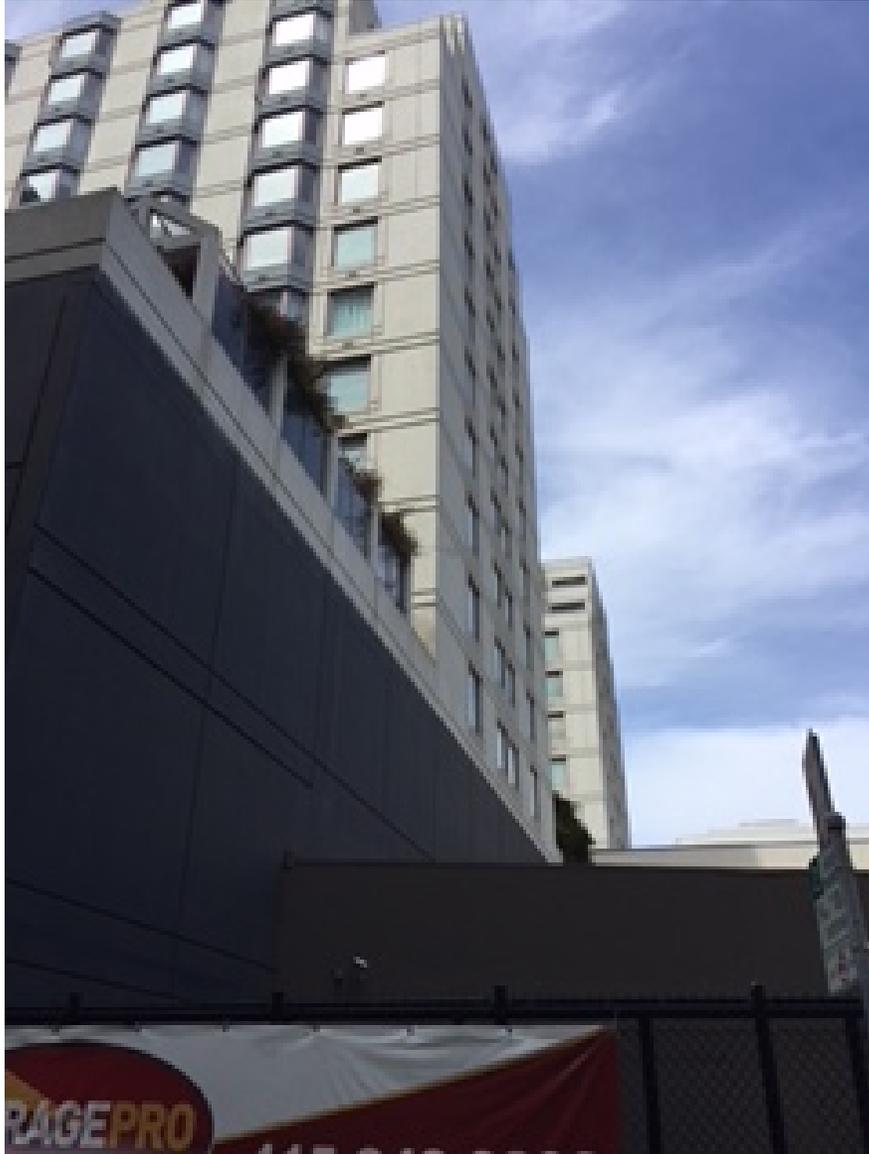
The construction of an underground garage will weaken the structure of the Bay Crest building and of the surrounding buildings

At this moment, the soil under the two parcels, 429 Beale and 430 Main, constitutes a support, a sustaining structure for the above the ground structures of the surrounding buildings, like the Bay Crest building, the Beale buildings, the Main Street buildings, and, most important, for the leg of the Bay Bridge.

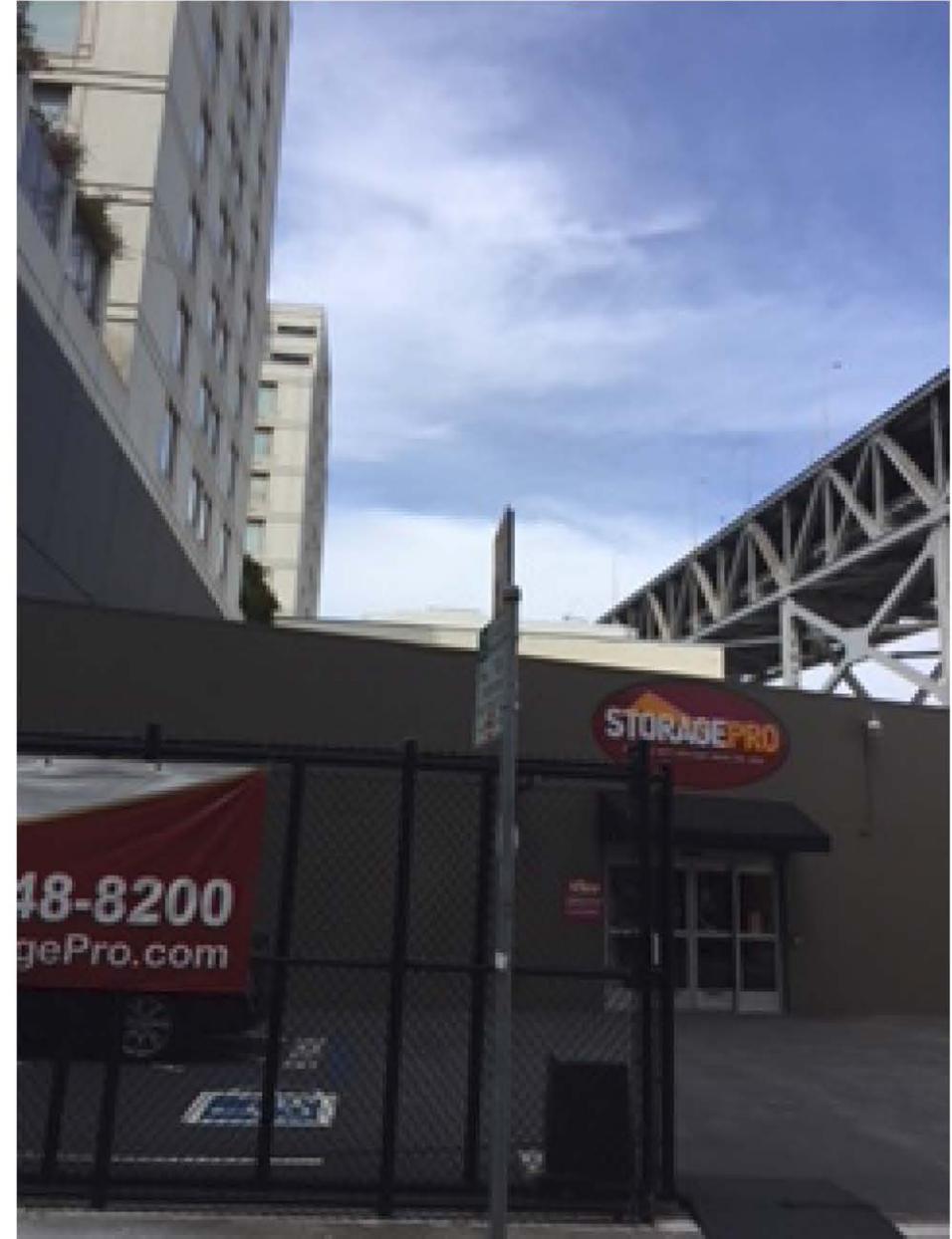
Any elimination or replacement of this mass of soil with an artificial structure with empty spaces will alter structurally the resistance parameters of the area.

The Planning Commission should totally reject the 429 Beale / 430 Main, for destroying the resistance structure of the area and putting in danger the stability of the Bay Bridge leg and structure.

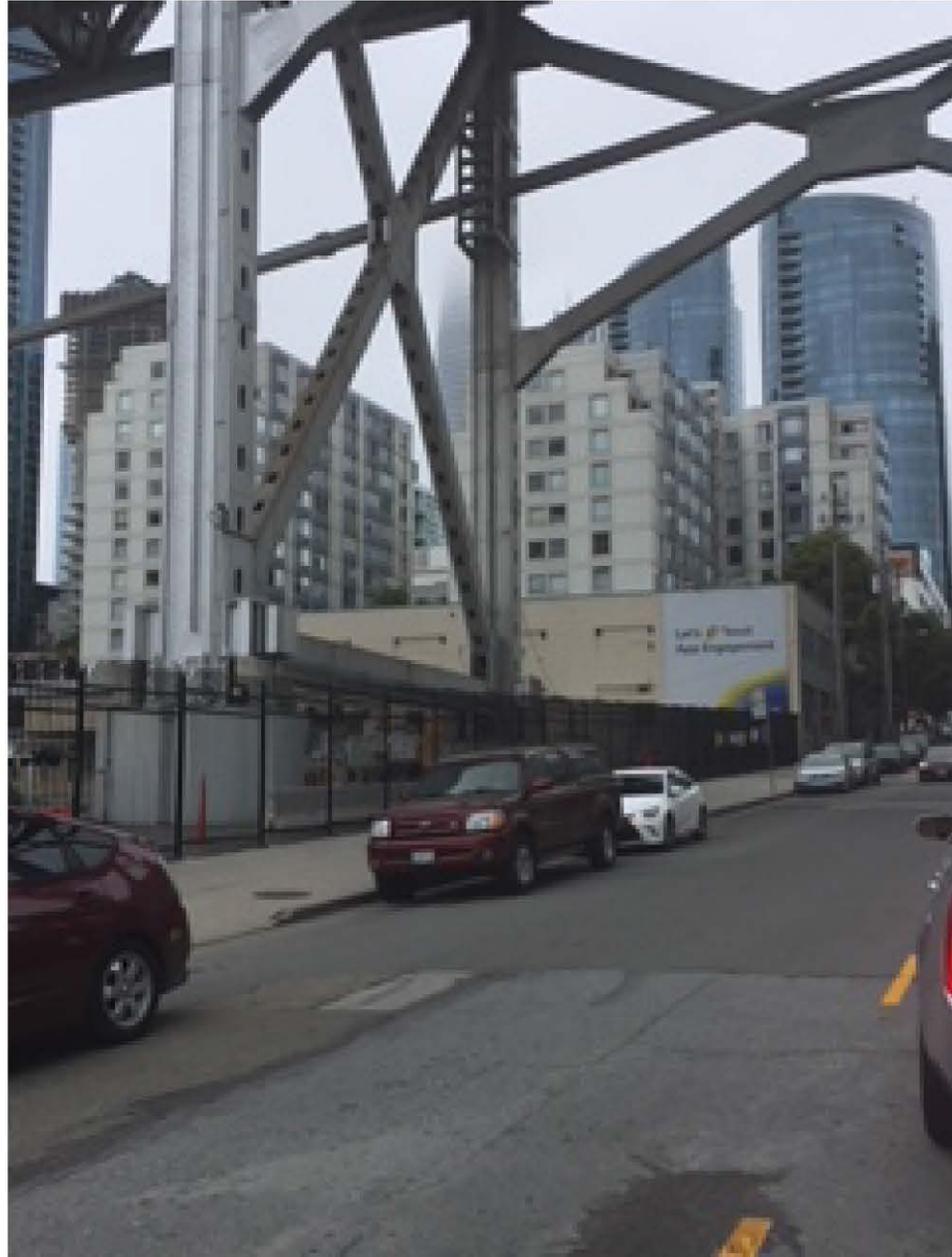
Pictures of the resistance structure of the surrounding area for the parcels 429 Beale and 430 Main



Extra pictures of the resistance structure of the surrounding area for the parcels 429 Beale and 430 Main



There are chances to reach groundwater during the excavation and drilling for the underground garage in the proposed project. The groundwater would determine additional hazard issues for the security zone of the Bay Bridge and the surrounding buildings





No geotechnical and seismic report was presented for the proposed project, but the geotechnical parameters have a high level of importance

No geologic and seismic hazard evaluations were presented ; No engineering analyses for foundation design parameters were presented;

Tidewater should prepare this Preliminary Geotechnical Report which includes:

Description of previous subsurface investigation programs including boring procedures and laboratory tests;

Discussion of site geology, soil characterization, nature and extent of foundation materials, and groundwater conditions, including aspects of;

- known and potentially active faults, geologic hazards, liquefaction potential, and seismically-induced settlement potential;
- Evaluation of soil corrosivity, compressibility, and swell potential
- Seismic Design Parameters as required by the California Building Code;
- Allowable bearing pressures for shallow mat foundations;
- Estimate of short and long-term foundation settlements;
- Coefficients of resistance against sliding for foundations;
- Subgrade modulus values for equivalent soil springs for use in foundation design;
- Lateral earth pressures for temporary shoring and permanent basement wall.
- How to control groundwater and hydrostatic pressures, both during construction and for the completed project;
- The waterproofing systems and/or drainage for the subgrade construction;
- Earthwork, fill and compaction requirements;
- Side grading and compaction requirements including recommended backfill procedures.

The project parcel is extremely small and not suitable to build tall buildings

- The parcel width is about 15 yards.
- There is no secure way to have three housing code compliant units on a 15 yards width building
- A tall building, with a width of around 35 yards, placed close to Bay Bridge, at a distance lower than 30 yards, would be a hazard from many points of view:
 - Instability (a rotation, a moment of inertia could appear at every stronger vibration or ground movement like earthquake)
 - The length exposure to the Bay Bridge will create a REFLEXION SCREEN for the noise waves coming from the bridge, in this already Air Pollutants Exposure Area, as defined in the City maps.

The so called “buying from Caltrans” intentions cannot be considered, because the Caltrans area on Main Street is a BAY BRIDGE SECURITY AREA

Keeping a security area along a strategic and important bridge is a must; therefore, there is no way for Caltrans to sell that security area without serious legal consequences for those deciding such a sale

The Planning Commission would be also legally responsible for encouraging or approving a building project in a bridge security area



Pictures of the Bay Bridge security area and the width of the Tidewater small parcel



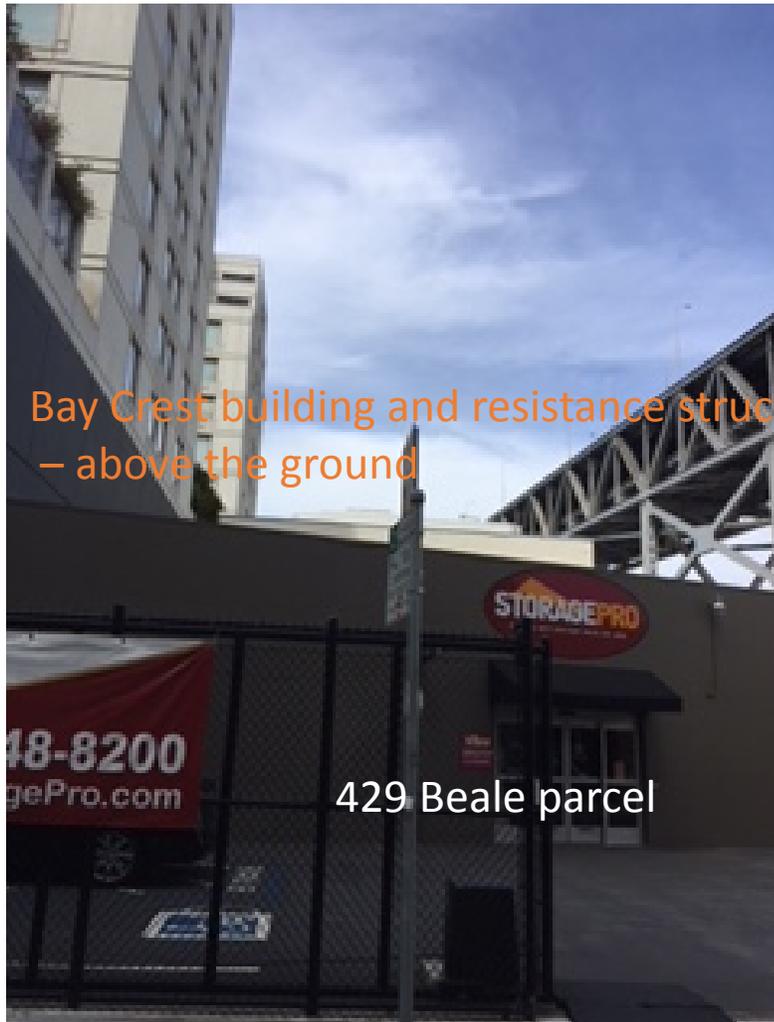
View of the project location from inside the Bay Crest hallway facing the pool



In addition, the Bay Crest owners and tenants have the legal right to direct sunlight, without any obstruction from a building criminally located in the bridge security area, according to at least the **Civil Code, Division 2, Title 2, Chapter 3 Section 801 provision 8 and 13**

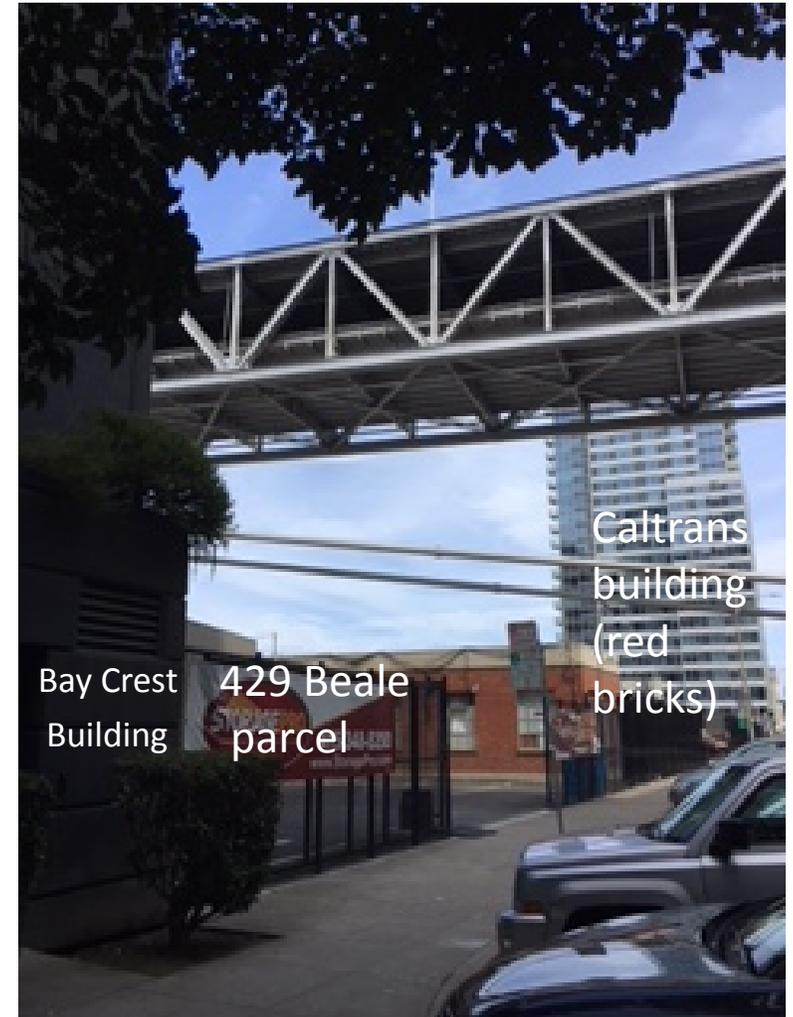


The project would be a hazard and a source of pollutants, noise (from the reflection of the sound waves coming from the Bay Bridge), carbon dioxide, cold, shade, etc.



Bay Crest building and resistance structure
– above the ground

429 Beale parcel



Bay Crest
Building

429 Beale
parcel

Caltrans
building
(red
bricks)

Tidewater Capital have not presented a GEOTECHNICAL REPORT FOR THE TWO PARCELS

Following California's Alquist-Priolo Special Studies Zone Act of 1972, construction of structures for human occupancy in designated Earthquake Fault Zones is not permitted until a site-specific evaluation of surface fault rupture and fault creep has been performed. These zones are established by the CGS (California Geologic Survey) along faults or segments of faults that are judged to be sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep.

STRONG GROUND SHAKING

Based on the proximity of the proposed building site to the San Andreas, Hayward, and Calaveras faults, there is a high potential for the site to experience moderate to strong ground shaking during a major earthquake on one of these

faults. The following Figure presents the major faults in the San Francisco Bay Area. The project was not analyzed under these criteria, in regards to the distance from the Hayward Fault and the San Andreas Fault. The intensity of earthquake ground motion in the site vicinity will depend on the characteristics of the generating fault, the distance to the earthquake epicenter, the magnitude and duration of the earthquake, and site geologic conditions.

Tidewater has not presented a neutral geological expertise with a liquefaction evaluation

- LIQUEFACTION EVALUATION

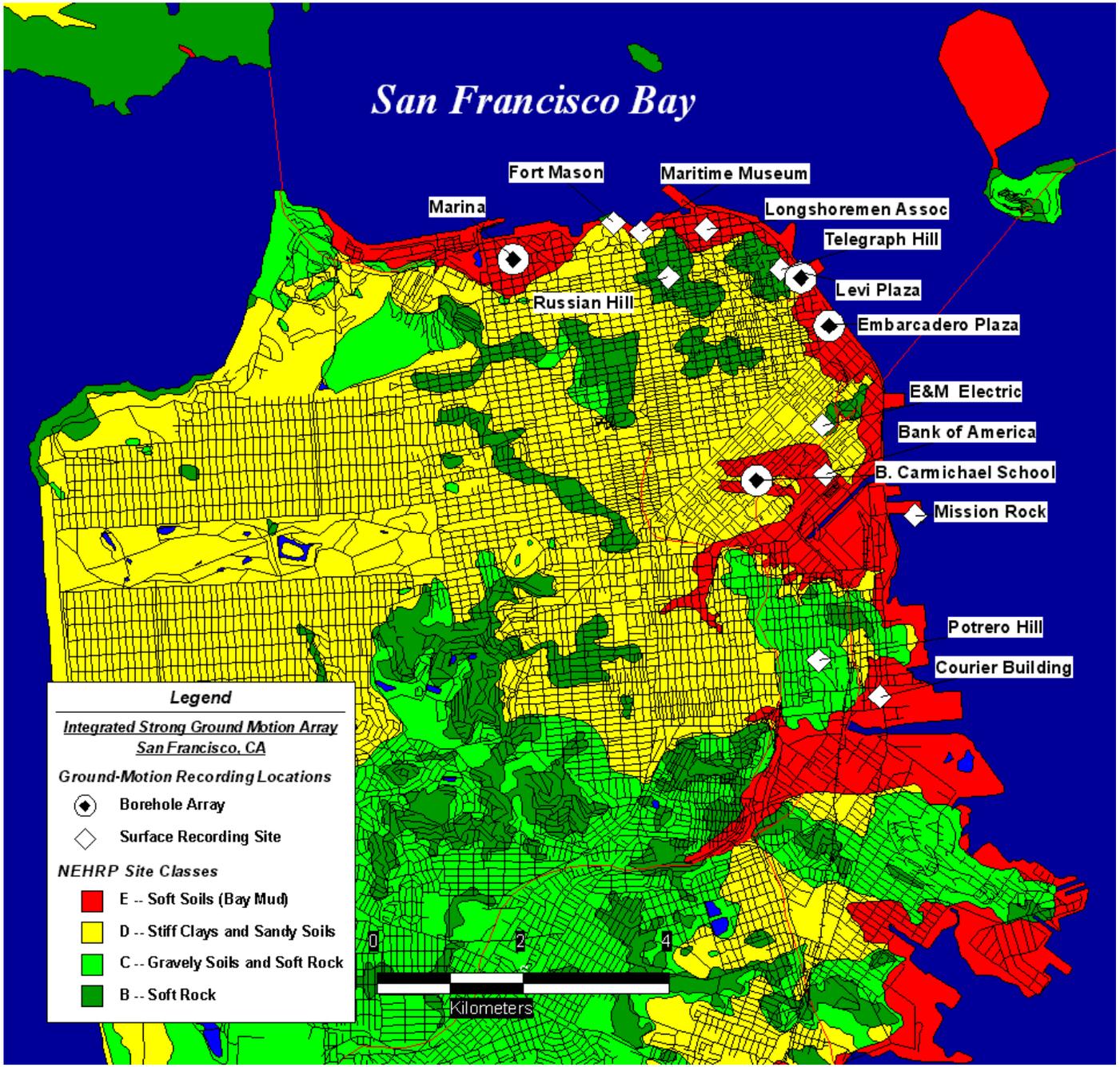
- Liquefaction is a phenomenon whereby soil deposits temporarily lose shear strength and collapse.
- This condition is caused by cyclic loading during earthquake shaking that generates high pore water pressures within the soil deposits. The soil type most susceptible to liquefaction is loose, cohesionless, granular soil below the water table.
- Liquefaction can result in a loss of foundation support and settlement of overlying structures, ground subsidence and translation due to lateral spreading, lurch cracking, and differential settlement of affected deposits. Lateral spreading occurs when a soil layer liquefies at depth and causes horizontal movement or displacement of the overlying mass on sloping ground or towards a free face such as a stream bank or excavation.

- The columns loads have not been provided by Tidewater Capital

The corresponding contact stress is unknown at this time. Foundation settlements for the mat foundation cannot be evaluated, but there are chances to appear hazardous structural loading. It should be noted that since the proposed construction involves excavating soil (a deep basement), negative bearing pressure corresponding to the excavation volume will effectively reduce the net pressure acting at the base of the foundation. It should be noted that the basement excavation may cause an upward heave of the unloaded subgrade soils, thereby altering the existing conditions at the site.

It should be noted that the area has one leg of the Bay Bridge, that would be affected by the extra stress and the change of soil density and resistance.

- It is anticipated that the basement walls will be restrained from movement by the basement and ground floor slabs and will not be free to deflect under soil pressures. As a result, soil pressures approaching the at-rest condition will act on the walls, including the walls of the Bay Crest building.



The parcels at 429 Beale / 430 Main have SOFT SOIL

Civil Code, Division 2, Title 2, Chapter 3

Section 801

The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

1. The right of pasture;
2. The right of fishing;
3. The right of taking game;
4. The right-of-way;
5. The right of taking water, wood, minerals, and other things;
6. The right of transacting business upon land;
7. The right of conducting lawful sports upon land;
- 8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;**
9. The right of receiving water from or discharging the same upon land;
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- 13. The right of receiving more than natural support from adjacent land or things affixed thereto;**
- 14. The right of having the whole of a division fence maintained by a coterminous owner;**
15. The right of having public conveyances stopped, or of stopping the same on land;
16. The right of a seat in church;
17. The right of burial;
- 18. The right of receiving sunlight upon or over land as specified in Section 801.5.**

(Amended by Stats. 1978, Ch. 1154.)

Our appeal should be admitted

Defend the decency and the truth in the approving the real housing units for the real “in need” citizens of San Francisco

Think for the future, think that a human needs more than a cellular studio, think about housing for families who would do something
for San Francisco

Do not encourage the “only for profit” projects, hidden under false representations as “affordable housing” (The project sponsor did
not prove that they have 18 affordable housing units in their real plans, the plans were not presented until now)



**CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT**

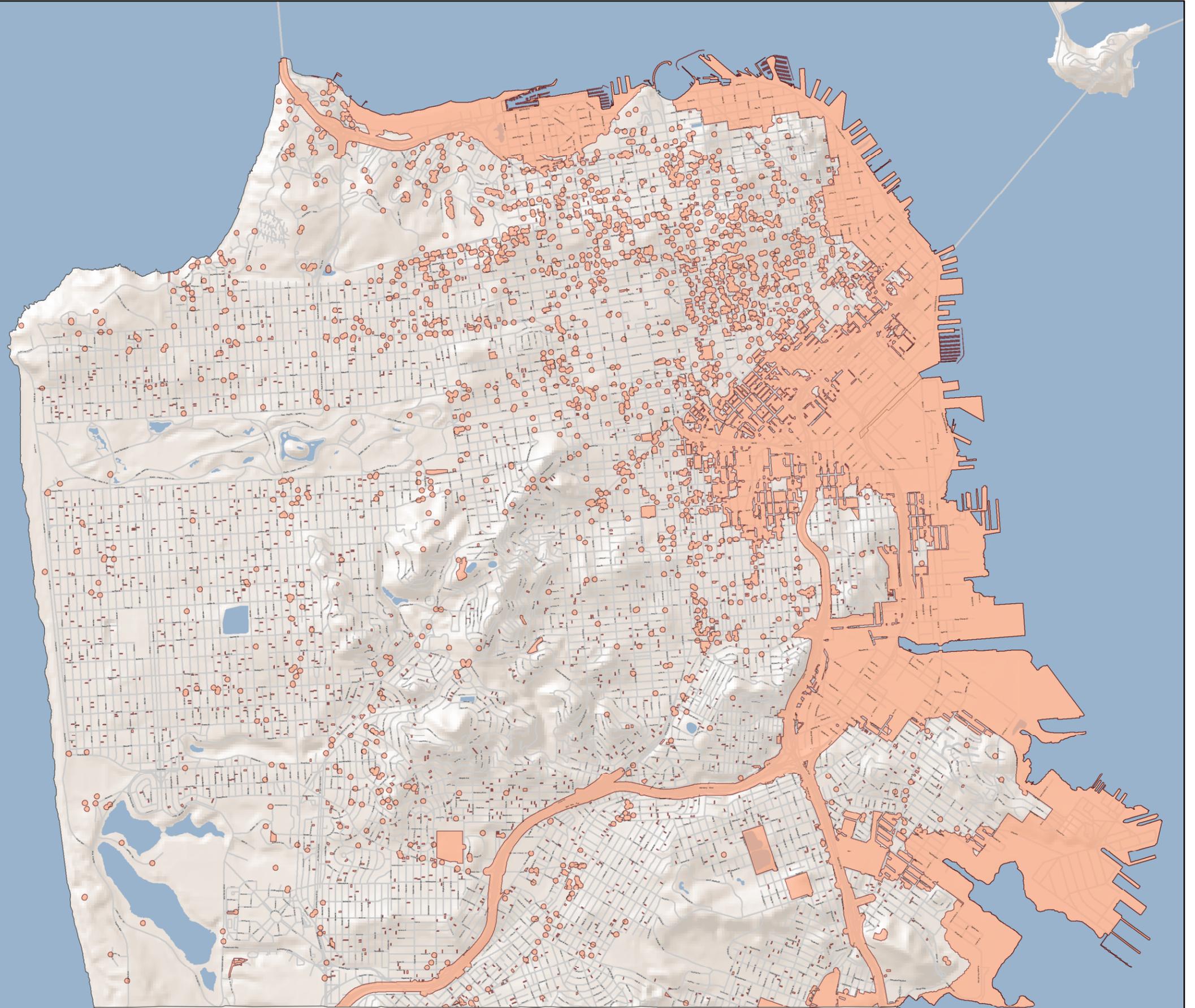
**Expanded Maher Area
March 2015**

NOTE:

The Expanded Maher Area is comprised of the following:

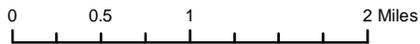
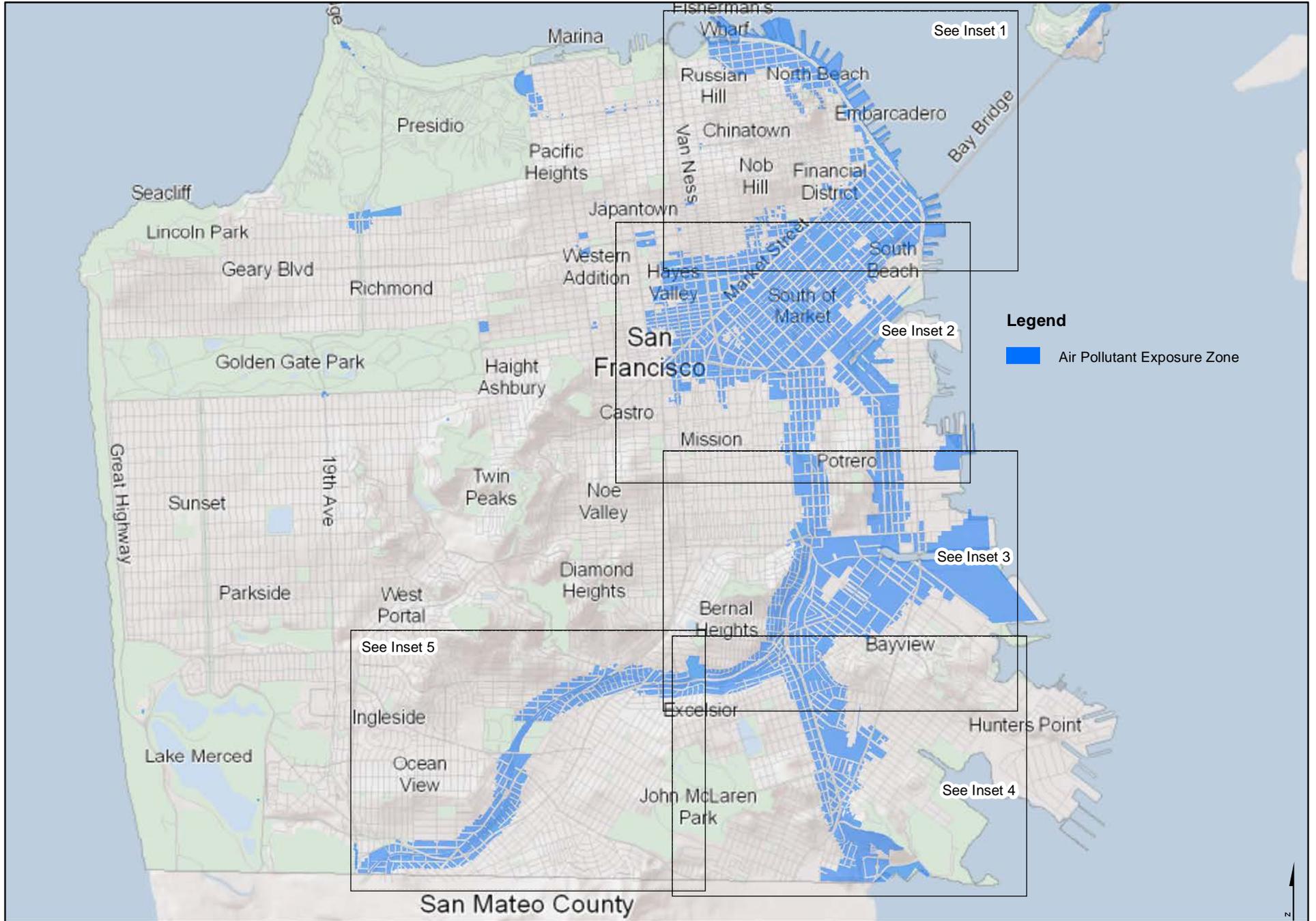
- Maher Area
- Areas currently or previously zoned as industrial
- Areas currently or previously with industrial land uses
- Areas within 150ft of Highway 101, Interstate 80 or Interstate 280
- Areas of bay fill
- Areas within 100ft of a known hazardous waste site (Geotracker/EnviroStor)
- Areas within 100ft of an underground storage tank

0 0.5 1 Mile



San Mateo County

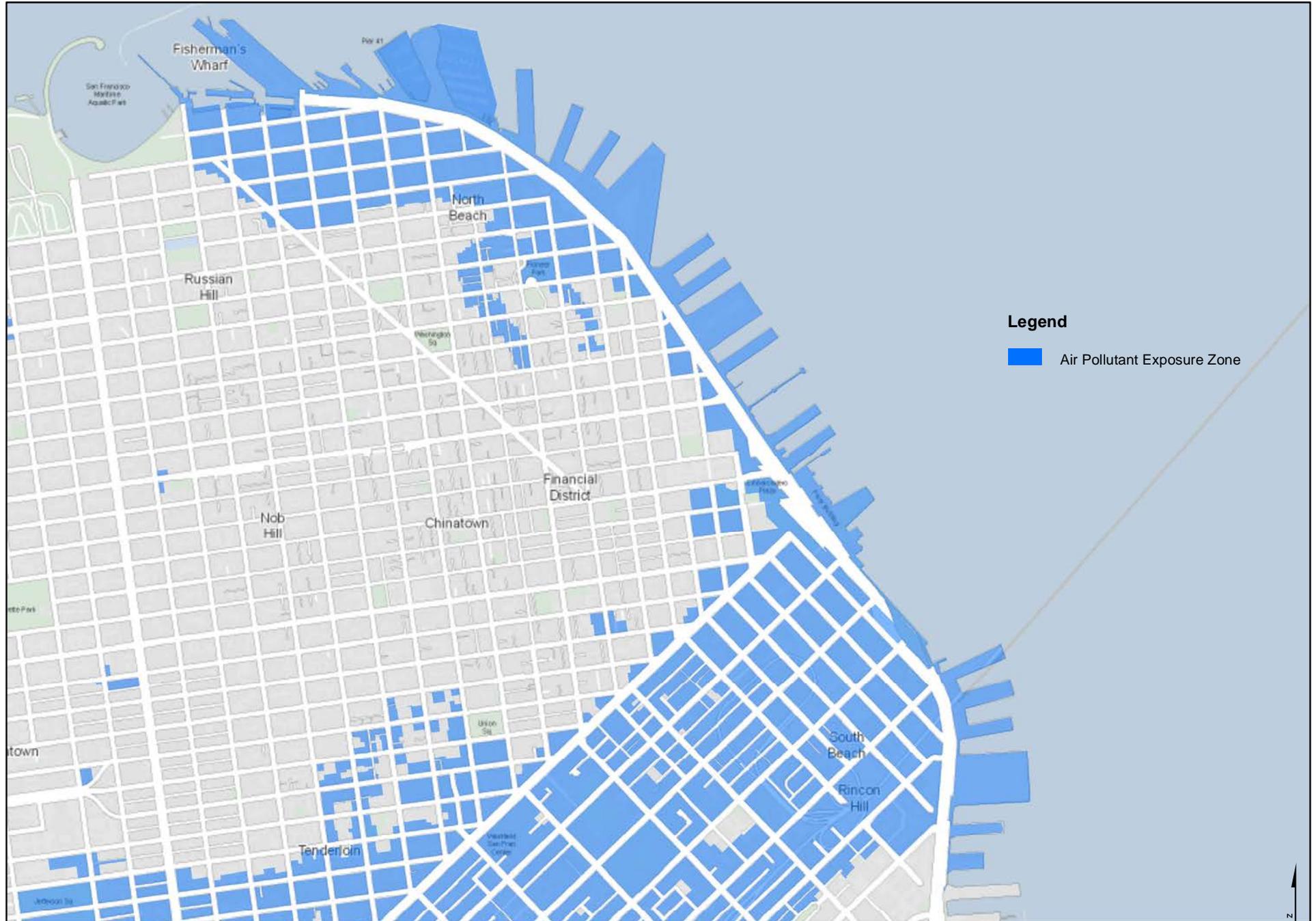
Air Pollutant Exposure Zone Map - Citywide



Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

Printed: 10, April 2014

Air Pollutant Exposure Zone Map - Inset 1

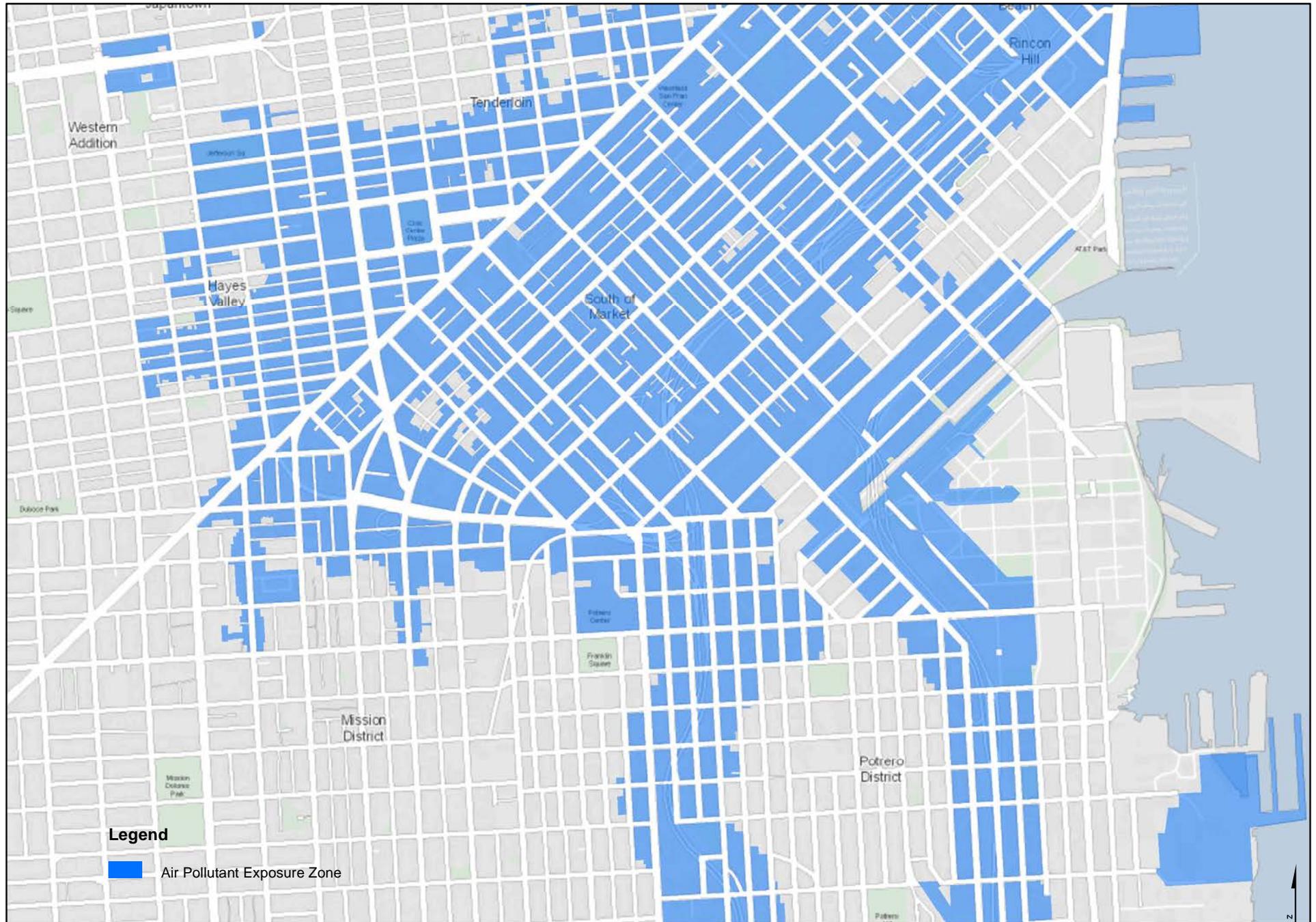


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

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Air Pollutant Exposure Zone Map - Inset 2

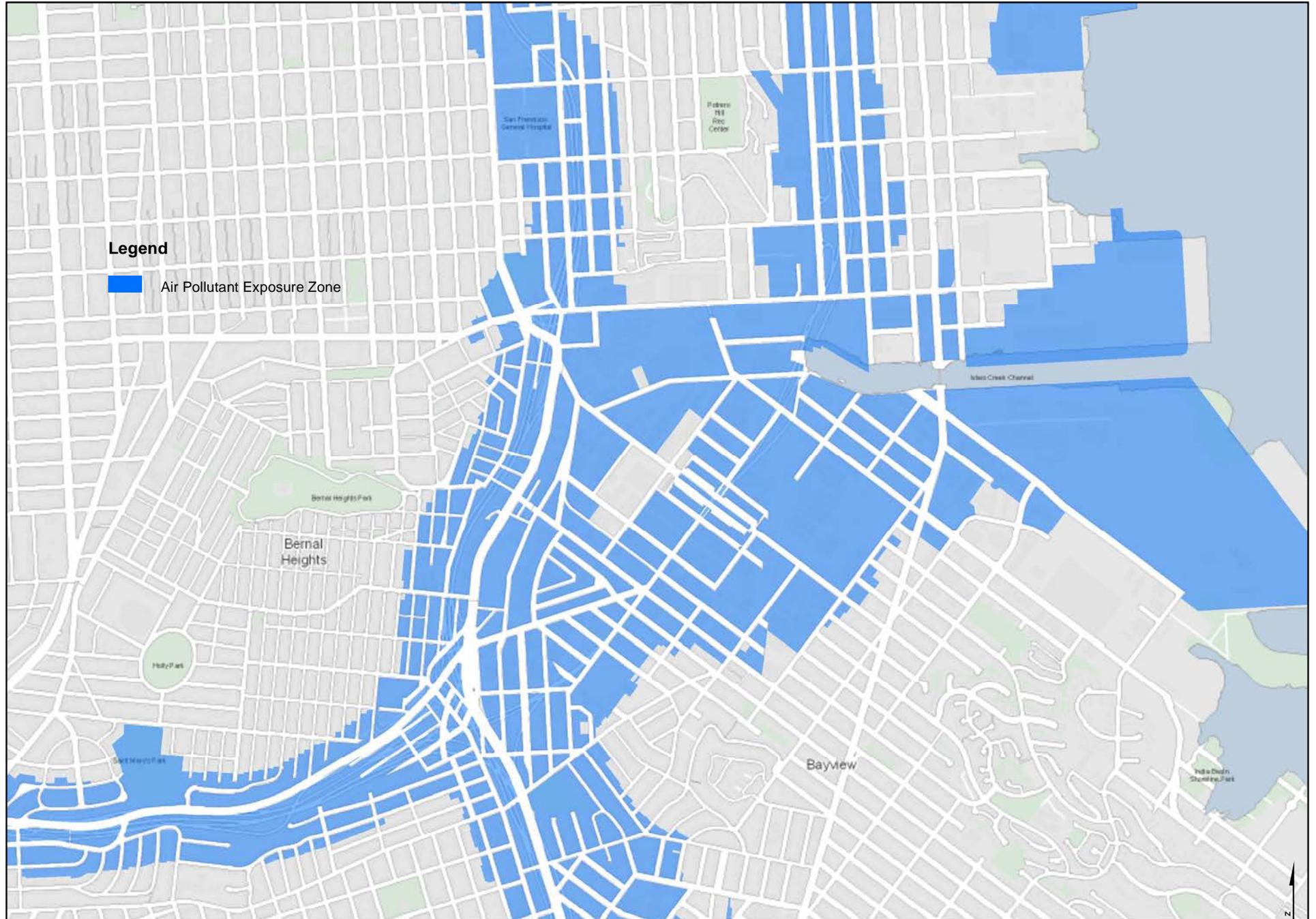


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

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Air Pollutant Exposure Zone Map - Inset 3

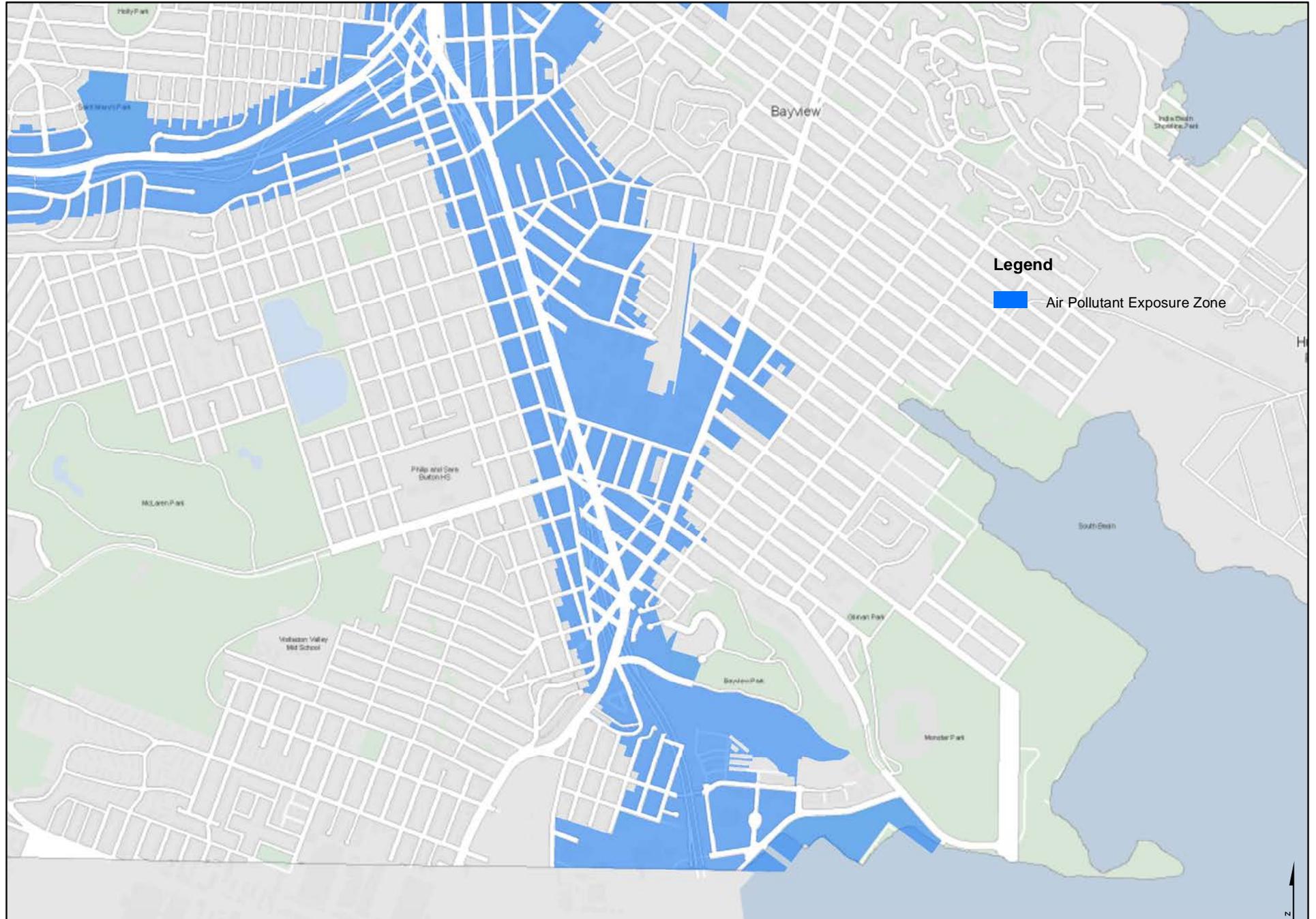


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

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Air Pollutant Exposure Zone Map - Inset 4

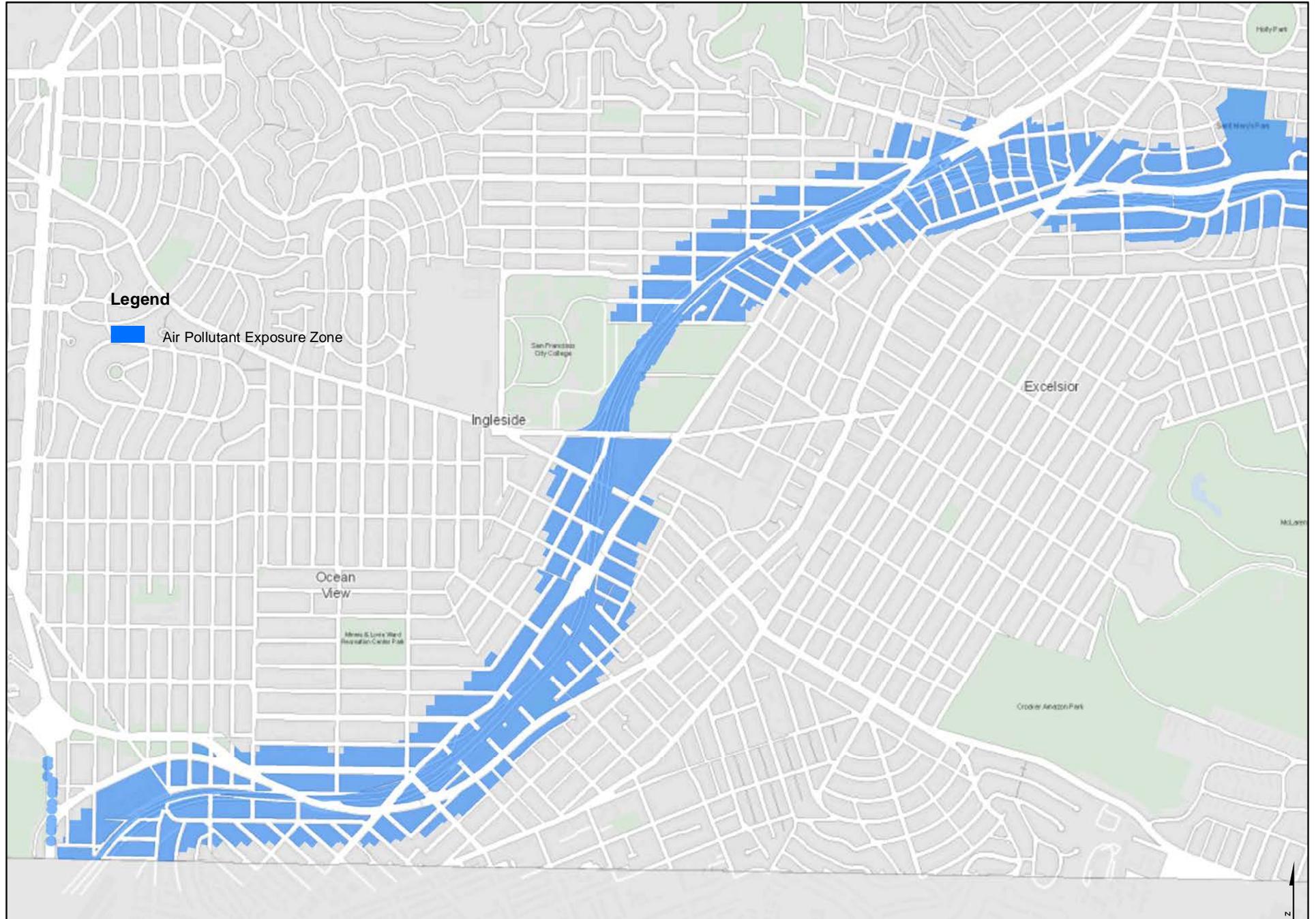


0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

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Air Pollutant Exposure Zone Map - Inset 5



0 0.125 0.25 0.5 Miles

Note: This map does not identify all city lots that overlap with the criteria identified in Article 38 of the Health Code because certain lots are substantially large (e.g., Golden Gate Park, Lake Merced, Presidio, Balboa Park, City College of San Francisco, Yerba Buena Island) and identifying the entire lot, although only one or a few receptor points within the large parcel exceed the criteria, could be misleading. In these instances, only the receptor point(s) is shown.

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