



Laurel Heights Improvement Association of San Francisco, Inc.

BY E-MAIL

November 12, 2019

San Francisco Board of Supervisors
City and County of San Francisco
City Hall, Room 244
San Francisco, CA 94102

**RECEIVED AFTER THE ELEVEN-DAY
DEADLINE, BY NOON, PURSUANT TO ADMIN.
CODE, SECTION 31.16(b)(5)**
(Note: Pursuant to California Government Code, Section
65009(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)

Re: 3333 California Street, San Francisco, CA

File No. 191035 - Appeal of Final Environmental Impact Report Certification/CEQA
Findings

File No. 191039 - Appeal of Conditional Use Authorization

File No. 191043 - Appeal of Tentative Map Approval

File No. 190844 - Proposed Special Use District and

File No. 190845 - Proposed Development Agreement

File No. 190947 - Proposed Ordinance for Major Encroachment Permit

Hearing Date: October 21, 2019

Record Number: 2015-014028CUA/PCA/MAP/DUA

This will confirm that all the alternatives presented by Laurel Heights Improvement Association to the decisionmakers or as comment on the Draft EIR would retain the existing mature street trees along California Street and would restrict excavation to inside the property line. The EIR did not evaluate the potentially significant impact on biological resources from the proposed removal of these street trees.

Also, the EIR failed to evaluate the potential that the Amazon Fresh deliveries to the site could include deliveries to nonresidents of the site, such as to Amazon lockers. The Draft EIR states at p. 6.86 that the commercial loading zones could accommodate Amazon Fresh trucks which are typically about 30 feet long.

Exhibit A contains photographs of the Eckbo Terrace which I took on Sunday November 10, 2019. The gate to the Eckbo Terrace was open at that time. The other photographs depict the beautiful foliage in the Terrace.

Exhibit B contains photographs of the mature trees along California Street. I took these photographs on Sunday November 10, 2019.

Exhibit C is our demand for compliance with the Public Records Act concerning information relating to the proposed development agreement that the City did not produce.

San Francisco Board of Supervisors
November 12, 2019
Page 2

Exhibit D is a report of campaign contributions by Jaclyn Safier, who is the wife of developer Dan Safier.

Exhibit E are excerpts from the San Francisco Municipal Transportation Agency Policy and Administrative/Field Procedures for Colored Curb Markings. These show that passenger loading zones should not be considered if there are private off-street facilities for passenger loading and unloading on the premises. Since there are private off-street facilities for passenger loading in the turnaround off the Walnut Street entrance and in the underground garage, the project does not conform with this policy. SFMTA's powerpoint stated that the 3333 California Street project would have "Delivery receiving amenities and delivery services."

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President

EXHIBIT A







EXHIBIT B





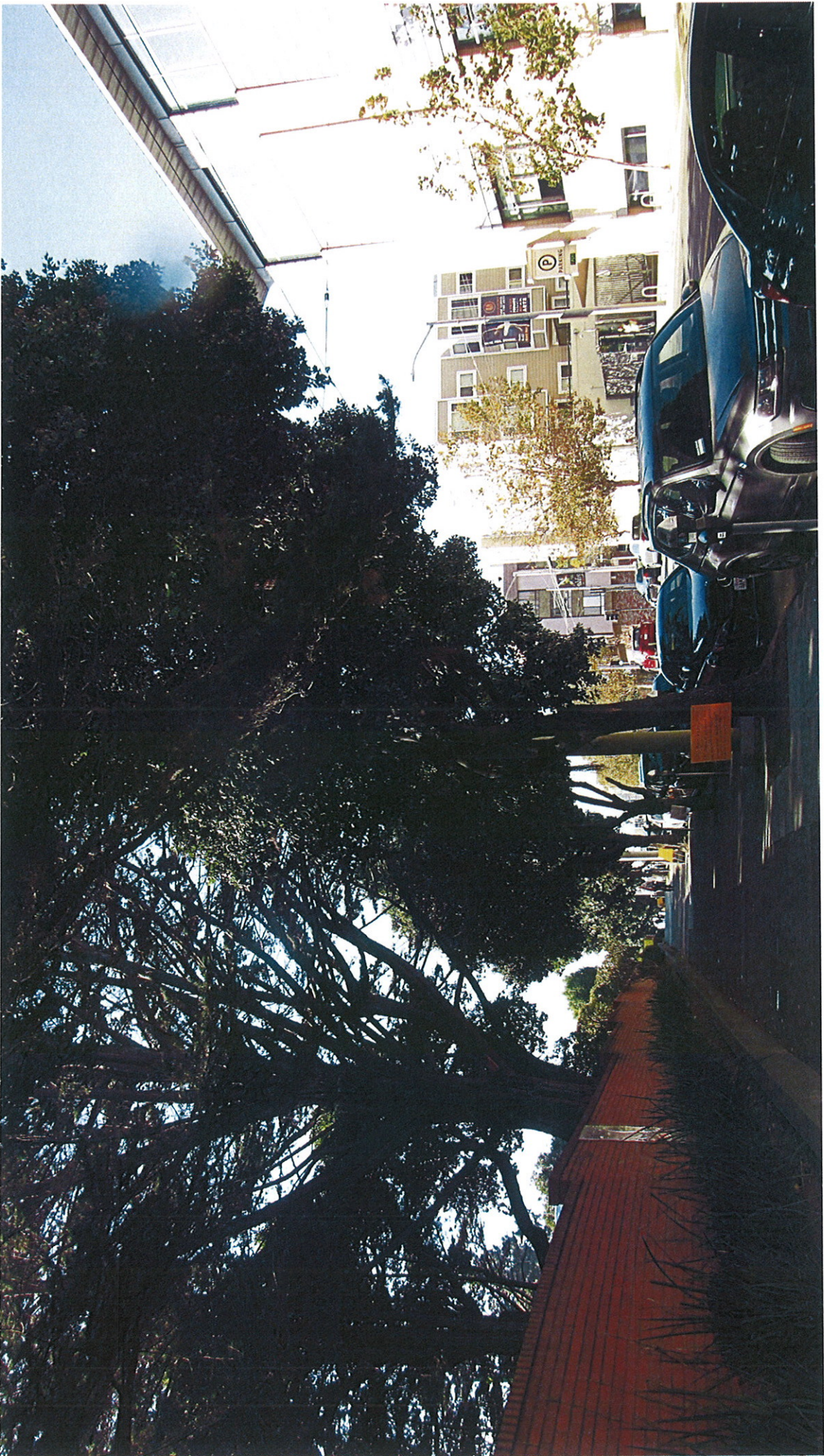








EXHIBIT C

Demand to Comply with California Public Records Act

2 messages

Kathy Devincenzi <krdevincenzi@gmail.com>

Fri, Nov 8, 2019 at 1:35 PM

To: "Thompson, Marianne (ECN)" <Marianne.Thompson@sfgov.org>


Bcc: Richard Frisbie <frfbeagle@gmail.com>

To: San Francisco Office of Economic and Workforce Development
c/o Marianne Thompson

See attached demand for compliance with California Public Records Act.

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

 **20191108171155.pdf**
307K

Richard Frisbie <frfbeagle@gmail.com>

Fri, Nov 8, 2019 at 2:14 PM

To: Kathy Devincenzi <krdevincenzi@gmail.com>

Did you copy the BOS?

My thought is that you should have to let them know the intransigence and stonewalling we are experiencing.

See ya' at 3:20.

Dick

[Quoted text hidden]



Laurel Heights Improvement Association of San Francisco, Inc.

By E-Mail

November 8, 2019

Custodian of Records
San Francisco Office of Economic and Workforce Development
c/o Marianne Thompson

Re: September 27, 2019 Request for Production of Records Under California Public Records Act

After unlawful delay in violation of Government Code section 6253(c), your agency has failed to produce records responsive to requests number 1-22, 24-25, and 27, of the attached request for records, other than drafts of the proposed development agreement.

Your agency has also failed to comply with the requirement of California Government Code section 6253 that within 10 days from receipt of the request, your agency determine whether the request in whole or in part seeks copies of disclosable public records in the possession of the agency and the reasons for the determination. Your agency failed to provide a response.

Given statements by Leigh Lutenski of your office that your agency performed financial feasibility analyses concerning the proposed development at 3333 California, your agency's failure to produce all "financial feasibility analyses of any kind, whether draft or final, concerning development of 3333 California Street," as requested in item 1 of the request, appears to constitute willful violation of the requirements of the California Public Records Act, Government Code sections 6250 *et seq.* We made clear to you in our September 30, 2019 email that your agency had to comply with the California Public Records Act and that a response pursuant to the San Francisco Sunshine Act would be inadequate. (See attached September 30, 2019 email)

Similarly, your agency should have estimates of the value of the Walnut parcel as burdened with the affordable housing obligation under the proposed Development Agreement," as requested in item 3 of the request, unless your agency is derelict in agreeing to accept payment of the value of the Walnut parcel as so burdened as an option in the proposed Development Agreement.

Demand is made that your agency immediately comply with its obligations under the California Public Records Act and produce all the records requested. Should your agency fail to do so, all appropriate action will be taken.

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn R. Devincenzi, President

Attachments: September 27, 2019 Request Pursuant to California Public Records Act and September 30, email to Thompson of OEWD

LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SF, INC.

22 IRIS AVENUE

SAN FRANCISCO, CALIFORNIA 94118-2727

Telephone: (415) 221-4700

September 27, 2019

BY EMAIL TO: Marianne.Thompson@sfgov.org

Custodian of Records

San Francisco Office of Economic and Workforce Development

This is a request pursuant to the California Public Records Act, Government Code section 6250 *et seq.*, to inspect and copy the following documents relating to the proposed 3333 California Street project:

1. All financial feasibility analyses of any kind, whether draft or final, concerning development of 3333 California Street.
2. All modeling of the types and amounts of affordable housing that could be constructed on the 3333 California Street site.
3. All estimates of the value of the Walnut parcel as burdened with the affordable housing obligation under the proposed Development Agreement.
4. All estimates of the cost to construct the senior affordable housing proposed for the Walnut Building in the proposed Development Agreement for 3333 California Street.
5. All modeling and estimates of the rental gap fees and/or ownership gap fees that would be deposited in an escrow account for 3333 California Street and explanations of the nature and bases of calculations of the amount of such fees and times of deposits.
6. All modeling and estimates of the in lieu fees that would be owed for the 3333 California Street project if in lieu fees were elected.
7. Writings explaining the bases for increases in the rental gap fees, ownership gap fees and/or in lieu fees and the times at which such increases would be applied.
8. Writings explaining the difference between in lieu fees and rental gap fees and/or ownership gap fees under Planning Code section 415.5.
9. Writings explaining the nature of components used in calculating in lieu fees under Planning Code section 415.5.
10. All estimates of the value of the potential development capacity per square foot and per

type of use under RM-1 zoning/Resolution 4109 and the value of the potential development capacity under the proposed zoning changes reflected in the Special Use District for 3333 California Street.

11. All estimates of the value of the 3333 California Street parcel under the proposed zoning changes reflected in the Special Use District and of the value under the RM-1 zoning/Resolution 4109.
12. All information received from the developer of 3333 California Street and/or any representative of the developer concerning costs of repairs or renovations to the property, including without limitation cutting a pathway through the main building; removing any wings, floor(s) and/or portions of the building; strengthening the building to accommodate additional floors, and/or constructing additional floors onto the main building.
13. All information received from the developer of 3333 California Street and/or any representative of the developer concerning the nature and/or cost of repairs or maintenance needed at the property.
14. All pro formas received from the developer of 3333 California Street and/or any representative of the developer concerning financial feasibility, construction costs, and/or potential returns from the project or various scenarios thereof.
15. All potential sources and amounts of funding and/or subsidies assumed on the Century Urban preliminary underwriting for the 3333 California Street project provided by Leigh Lutensky to us on September 12, 2019, including without limitation funding through the affordable housing program multifamily housing program, infill infrastructure grant program, other programs or grants and/or any potential subsidies of any kind for any portion of the 3333 California Street project.
16. All estimates of the current and/or potential future residential construction cost per square foot in San Francisco (excluding land) and the average non-residential construction costs per square foot in San Francisco (excluding land) reviewed in relation to 3333 California Street.
17. All modeling of potential rates of return for 3333 California Street from mixed-use retail, residential use(s), childcare uses and/or parking uses.
18. All estimates of the current and/or potential future hard construction cost per square foot (excluding land) of residential units, senior affordable residential units, retail space, childcare space and parking spaces reviewed in connection with 3333 California Street.

19. All estimates and modeling of proposed project budget and returns of the 3333 California Street project, including without limitation:
 - land and entitlement costs
 - core/shell, tenant improvements and other hard costs
 - architectural/engineering & other soft costs
 - legal costs
 - impact/infrastructure fees
 - development operating costs (construction management fee, taxes, insurance, etc.)
 - pre-stabilization costs (commissions, legal, etc.)
 - financing costs (including interest reserve & lease-up net operating income)
 - contingency budget
 - loans
 - financing

20. All estimates and modeling of stabilized 3333 California project economics (including assumptions as to whether taxes would be cost basis), including without limitation:
 - Gross rent or income (net of residential vacancies) from residential floors or units, ratio utility billing system, parking, retail income, retail reimbursement income, storage income, childcare center income, and other income

 - Operating expenses, including without limitation variable expenses, property management fee, asset management fee, property taxes, insurance, gross receipts tax, capital reserves, other expenses

 - Operating expense ratio, net operating income, and development capitalization rate

21. All estimates and modeling of exit analysis (from sale or otherwise) for 3333 California Street including without limitation,
 - Proceeds from residential sale, retail sale, parking sale, childcare center sale, and/or other sales and total proceeds from building sales

 - Net income post-stabilization, closing costs and commissions, retirement of debt, retirement of property assessed clean energy programs, property assessed prepayment penalties, property tax credit and net proceeds to equity

22. All estimates of leveraged equity multiple and leveraged IRR for the proposed 3333 California Street project.

23. All summaries of the subjects discussed during negotiations for the proposed Development Agreement for 3333 California Street.
24. Any Development Agreements that have included a provision similar to the Transfer of Walnut Land (under provision 4.A of the proposed Development Agreement for 3333 California Street) and/or similar to the in lieu payment accepted due to a condition preventing transfer (under provision G of Exhibit D to the proposed Development Agreement for 3333 California Street).
25. Any and all studies of the proposed 3333 California Special Use district to determine whether a higher (than provided by the Planning Code) on-site inclusionary affordable housing requirement is feasible in view of the increase in developable residential gross floor area or increase in residential density over prior zoning.
26. All reports to the San Francisco Ethics Commission as to persons with ownership of more than 10% of the parties to the 3333 California Street project and/or any subcontractor.
27. Writings explaining why net operating income for Center A and Center B is listed as "N/A" on the Century Urban preliminary underwriting spreadsheet provided to us by Leigh Lutensky.

Please contact me if you have any questions. Also, please let me know when the documents are ready for inspection and copying. I wish to review the documents to determine the number of paper copies to be made.

Thank you in advance for your cooperation.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President
(415) 221-4700

P: 415-554-6297

E: Marianne.Thompson@sfgov.org



From: Kathy Devincenzi <krdevincenzi@gmail.com>
Sent: Friday, September 27, 2019 2:10 PM
To: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
Subject: Public Records Act Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

[Quoted text hidden]

Kathy Devincenzi <krdevincenzi@gmail.com>
To: "Thompson, Marianne (ECN)" <marianne.thompson@sfgov.org>
Cc: Richard Frisbie <frfbeagle@gmail.com>

Mon, Sep 30, 2019 at 5:45 PM

To: OEWD

The request under the California Public Records Act is not duplicative of the legal bases under which the request was made and you may not close it. The request made under the California Public Records Act is made under State law and carries attorneys' fees for violation. The request made under the Sunshine Act is made under a San Francisco ordinance that has some different standards than the California Public Records Act.

Your department is required to respond under both the California Public Records Act and the San Francisco Sunshine Act.

All appropriate action will be taken if you fail to comply with your obligations under the California Public Records Act and the San Francisco Sunshine Act.

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

[Quoted text hidden]

Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
To: Kathy Devincenzi <krdevincenzi@gmail.com>
Cc: Richard Frisbie <frfbeagle@gmail.com>, "SOTF, (BOS)" <sotf@sfgov.org>

Mon, Sep 30, 2019 at 5:47 PM

Good Evening Ms. Devincenzi,

We treat both records request in the same manner, and do not differentiate between the two. Both will provide you with the same responsive documents.

EXHIBIT D

Donor Lookup

Advanced Search

First and Last Name of Donor



Displaying records **1 - 17** of 17.

(Note: We only display the first 500 records. Need more? Please contact us requests@crp.org.)

Category	Contributor	Occupation	Date	Amount	Recipient
Money to PACs	SAFIER, JACLYN WALNUT CREEK, CA 94596	PROMETHEUS	06- 04- 2013	\$250.00	National Multi Housing Council
Money to Parties	SAFIER, JACLYN SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE	09- 09- 2016	\$10,000.00	Republican Party of North Carolina (R)
Money to Parties	SAFIER, JACLYN SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	09- 09- 2016	\$10,000.00	Republican Party of Florida (R)
Money to Candidates	SAFIER, JACLYN SAN FRANCISCO, CA 94123	PROMETHEUS PROPERTIES	10- 23- 2000	\$500.00	Honda, Mike (D)
Money to Candidates	SAFIER, JACLYN SAN FRANCISCO, CA 94115	PROMETHEUS REAL ESTATE GROUP, INC	03- 16- 2015	\$2,700.00	Harris, Kamala D (D)

Category	Contributor	Occupation	Date	Amount	Recipient
Money to Parties	SAFIER, JACLYN SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE	09- 08- 2016	\$10,000.00	Missouri Republican State Cmte (R)
Money to Parties	SAFIER, JACLYN SAN MATEO, CA	PROMETHEUS REAL ESTATE GROUP	09- 09- 2016	\$10,000.00	Republican Party of Wisconsin (R)
Money to Candidates	SAFIER, JACLYN SAN FRANCISCO, CA 94115	PROMETHEUS REAL ESTATE GROUP, INC	03- 16- 2015	\$2,700.00	Harris, Kamala D (D)
Money to Parties	SAFIER, JACLYN SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	09- 16- 2016	\$10,000.00	New Hampshire Republican State Cmte (R)

FEDERAL LAW PROHIBITS THE USE OF CONTRIBUTOR INFORMATION FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE.

Money to Parties	SAFIER, JACLYN B SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	09- 14- 2016	\$10,000.00	Republican Party of Illinois (R)
Money to Parties	SAFIER, JACLYN B SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	09- 08- 2016	\$10,000.00	Republican Federal Cmte of Pennsylvania (R)
Money to Parties	SAFIER, JACLYN B SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE	09- 08- 2016	\$10,000.00	Republican Party of Ohio (R)
Money to Parties	SAFIER, JACLYN B SAN MATEO, CA 94403	HOPLINS & CARLEY	09- 09- 2016	\$10,000.00	Republican Party of Virginia (R)

Category	Contributor	Occupation	Date	Amount	Recipient
Money to Parties	SAFIER, JACLYN B MS SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	08-24-2016	\$33,400.00	Republican National Cmte (R)
Money to Parties	SAFIER, JACLYN B MS SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	08-24-2016	\$100,200.00	Republican National Cmte (R)
Money to Parties	SAFIER, JACLYN B MS SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	08-24-2016	\$100,200.00	Republican National Cmte (R)
Money to Parties	SAFIER, JACLYN B MS SAN MATEO, CA 94403	PROMETHEUS REAL ESTATE GROUP	09-09-2016	\$10,000.00	Republican Party of Michigan (R)

* Data on individual contributions downloaded from the Federal Election Commission on August 22, 2019. **Federal law prohibits the use of contributor information for the purpose of soliciting contributions or for any commercial purpose.** Bear in mind that contributions to politicians can also be made through **Political Action Committees.**

We follow the money. You make it possible.

Select an amount to make a donation.

\$25

\$50

\$100

Other

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Email address

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EXHIBIT E

SFMTA

Municipal Transportation Agency

Sustainable Streets Division
City and County of San Francisco

**POLICY AND ADMINISTRATIVE/FIELD PROCEDURES
FOR COLORED CURB MARKINGS**

WHITE ZONES (PASSENGER LOADING ZONES)

DEFINITION

The purpose of white curb markings is to provide space for loading and unloading of passengers; the duration cannot exceed 5 minutes. Such zones are operative day or night when the adjacent store, business, or establishment is open. White zones may be established for hospitals, hotels, large apartment buildings, theaters, restaurants, large office buildings, churches, mortuaries, schools, public parks or buildings, other premises of public assembly and premises providing direct service to ambulatory patients and handicapped persons. In the case of white zones in front of theaters, the regulation shall be applicable only during performance with regulations clearly indicated by signs.

In the case of churches, the regulations shall be applicable only during the services, and while the persons are going to and from such services. In the case of apartment buildings, the regulation is applicable only during the hours of 7:00 a.m. to 10:00 p.m. everyday.

It shall be unlawful for any commercial vehicle to stop, stand or park in a white zone. In addition, all vehicles using white zones must be attended at all times with the exception of white zones at hospitals.

Hours of white zones may be extended beyond specified periods, including Sundays, provided that signs indicate such changes.

AREAS TO BE CONSIDERED

Passenger loading zones shall be installed only in the MTD and other districts zoned to accommodate the above types of premises.

CRITERIA

1. Passenger loading zones should NOT be considered under the following circumstances:
 - a. There are private off-street facilities for passenger loading and unloading on the premises.
 - b. There are adjacent driveways, alleys or special curb usage zones within 50 feet on each side of the premises.
 - c. More than one-half of the block face where the premise is located is devoted to special curb usage, except within the C-3-0, C-3-R, C-3-G, and C-3-S districts.
 - d. At interior locations with angled parking without special treatment.
 - e. At curb faces with full-time parking restrictions.

2. Passenger loading zones MAY be considered under the following circumstances:
 - a. Occupancy of curb spaces within 50 feet on each side of premise is greater than 70% during period of expected usage.
 - b. In addition to 2.a., the following requirements apply:
 1. Hotels and apartments: 50 or more units, with a 24-hour desk clerk for hotels.
 2. Rest homes and Hospitals: 75 or more occupants/beds.
 3. Restaurants:
 - a) 100 or more seats, or