

**1052-1060 Folsom Street & 190-194 Russ Street**

**190093 Appeal of CEQA Community Plan Evaluation**

**190097 Appeal of Conditional Use Authorization**

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**Appellant South of Market Community Action Network (SOMCAN) requests BOS to continue hearing on these appeals from February 12 to March 19, 2019 due to problems with records.**

Proposed project at 1052-1056 Folsom & 190-194 Russ St requires Planning Commission analysis and findings on SHADOWS Project will cast on VICTORIA MANOLO DRAVES PARK before voting to approve project. SOMCAN appeals challenge that analysis and the Project approvals.

Surrounding residents in South of Market is a working class community of Filipinos, immigrants, families, senior and children. They have extremely limited access to open space. The South of Market has only two parks - South Park (east of 3rd St and south of Bryant) and Victoria Manolo Draves Park. Residents do not in an area with back yards. There is a serious lack of sunlit open space.

Planning Commission heard and approved Project the **afternoon of Thursday, December 20, 2018**, following a separate independent hearing by Recreation and Park Commission the **morning of December 20, 2018**. **Attorney for appellant SOMCAN, Sue Hestor**, made request for records to **Doug Vu**, planner at Planning Department to Project **December 20, 2018**. Separate request was made for CEQA files. A second records request was made to Doug Vu on **Friday, December 21, 2018**. Vu opened both emails requesting files December 21, 2018. No reply was sent.

On **Monday, December 24, 2018**, Hestor went to Planning Department to review files/dockets on Project. CEQA files/docket were available and reviewed. Hestor requested that staff call Vu to determine whether they would be available **Wednesday, December 26**. Planning Department staff could not locate Vu or anyone else on project. While at Department at **12:56pm December 24, 2018** Hestor sent **3rd email to Doug Vu** requesting to review files.

An automatic reply was sent that Vu was no longer at Planning Department and sender should contact Richard Sucre if no new planner was identified on Property Information Map. This was first information that he had left December 21,

On **December 26, 2018** series of requests for documents with various persons at Planning Department began. First reply was December 31, 2018 when "Records Request Planning Department" stated that they would endeavor to reply by **January 10, 2019**.

Hestor made repeated unsuccessful attempts to get both project files and final motions of approval from Planning Department.

The first appeal filing deadline was to Board of Appeals **Friday, January 4, 2019**. All appeals require that final MOTION be provided at time appeal filed. With the assistance of Executive Director of Board of Appeals, final Motions approving project were made available late January 2, 2019.

**Planning was unable to locate any paper files/dockets on Project after Vu left the Department.**

On **January 24, 2019** new "dockets" - that had been created for Project Conditional Use (CUA), Large Project Authorization (ENX), and Variance (VAR) - were put out for review. **There was no SHADOW file or docket, despite the SHADOW action being MANDATORY action by Planning Commission prior to their taking any further action.**

**Newly created CUA and ENX dockets** contained final approval motion with approved plans, application, Project staff report provided to Planning Commission on **December 13, 2018** and a few other items.

**Planning referred SOMCAN attorney to DVDs of emails to obtain all other information on the Project.**

Information on shadow analysis requires plans for building - in various iterations, and impacts of shadows cast. Dialog between planners reviewing shadows cast, spaces in the park, use of those spaces is important and integral to analysis required of shadow impacts (Proposition K).

Since there are no paper files containing any of this information, appellant must solely rely on what is on DVD and its substantial comments. Information in the DVD is replete with attachments which are difficult for the public to open. Many require access to a color printer.

DVDs supposedly containing all emails on project were provided to SOMCAN on **January 31, 2019**.

Since December 20, 2018, in addition to planner leaving Planning at COB December 21 following have affected ability to get records: Planning Commission hiatus - December 21 - January 9. BOS hiatus - to January 7. Transition at new BOS - January 8 etc. MLK Holiday - January 21.

Two days ago developer asked BOS to continue hearing on appeals to February 26 so it may prepare answer. Developer has been consulting with Planning Department staff on project, and supplying documents on project since 2016. They already know what is in email attachments that have only been provided to appellants in past week.

Appellants must review and open hundreds of emails AND ATTACHMENTS which appear to have been finally provided yesterday to be able to prepare for hearing and submit brief.

**SOMCAN requests that appeal hearings be continued to March 19.**

**SOMCAN can then file its brief by March 8.**

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