
From: Anne Harvey <annetharvey@hotmail.com>
Sent: Thursday, November 7, 2019 12:47 PM
To: BOS-Supervisors; Wong, Jocelyn (BOS); Peskin, Aaron (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Yee, Norman (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS)
Cc: laurelHeights2016@gmail.com; Richard Frisbie
Subject: 3333 California Street recordNumber 2015-0142028CUA/PCA/MAP/DUA
Attachments: DouglasSierraClubOpinion.pdf

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Hearing set before Board of Supervisors to be heard November 12, 2019

Dear Honorable Members of the San Francisco Board of Supervisors,

I am writing to you this morning in connection with the EIR and Conditional Use Authorization for the proposed project at 3333 California Street to voice my support for the points made by the the Laurel Heights Improvement Association.

I am writing to request that the board overturn the PUD Authorization and that it reject the EIR as being inadequate. All along the developer and the planning commission seem to have considered the environmental issues to be simply a nuisance and to be swept under the floor. The developers even want to cut down healthy trees before they have received permission for the project. This land may be privately owned, but its existence and its environment is a public resource. It is wonderful nature in the middle of our urban environment. I would like to see it developed for housing for people, but done in a sensitive way. The property is served by wonderful public transportation. The 1 California line runs from downtown at the Hyatt Regency and Embarcadero all the way out to 33rd Avenue. The 43 Masonic line runs from Fort Mason through the Presidio past USF, the Panhandle, to UCSF Parnassus. The property is only a few short blocks from the 38 Geary line, and major complex at Target, and Trader Joe's. Availability of public transportation that is frequent and reliable would make it a wonderful place to live in and not need an automobile.

It is ridiculous to allow the development to include retail, when there is so much shopping readily available nearby. Also more retail would probably negatively affect the longtime valued businesses in Laurel Village, such as Bryans and Calmart, as well as shops on the Sacramento corridor. In fact, from what I can see the developer wants to attract shoppers in cars to drive to the area as a destination for shopping.

The Environmental Impact Report was defective, and it seems that the alternatives put forward by the community never received actual consideration by the planning commission. I would also like to note that the developer is proposing a 15 year time frame for the construction of the housing, whereas the neighborhood alternative would require only 3 years. I imagine that the developer would take advantage of that long time frame to build the market rate, multimillion dollar units first. I can just imagine the havoc that would be played out on the California Street corridor with accidents and bus delays as the construction drags out for over a decade.

Finally, I would encourage the Board to seriously consider issues about the effects of development on the environment and in this regard have attached as a PDF to this email, the dissenting opinion of Supreme Court Justice William Douglas in *Sierra Club v. Morton*, 405 US 727 (1972) found at pages 741-752. In this opinion, Justice Douglas treats natural objects such as trees as potential litigants for administrative purposes. This case came to my mind when I saw that the

developer had posted legal notices to the public regarding this development on sidewalk trees and have a certain time to act. I hope that the San Francisco Board of Supervisors will attach as much importance to the environment and the neighborhood as Justice Douglas does in this matter.

Respectfully submitted,

Anne T Harvey
415-931-5678

As we conclude that the Court of Appeals was correct in its holding that the Sierra Club lacked standing to maintain this action, we do not reach any other questions presented in the petition, and we intimate no view on the merits of the complaint. The judgment is

Affirmed.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

MR. JUSTICE DOUGLAS, dissenting.

I share the views of my Brother BLACKMUN and would reverse the judgment below.

The critical question of "standing"¹ would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public con-

available simply at the behest of a partisan faction, but is exercised only to remedy a particular, concrete injury.

"It will be seen, also, that by leaving it to private interest to censure the law, and by intimately uniting the trial of the law with the trial of an individual, legislation is protected from wanton assaults and from the daily aggressions of party spirit. The errors of the legislator are exposed only to meet a real want; and it is always a positive and appreciable fact that must serve as the basis of a prosecution." *Id.*, at 102.

¹ See generally *Data Processing Service v. Camp*, 397 U. S. 150 (1970); *Barlow v. Collins*, 397 U. S. 159 (1970); *Flast v. Cohen*, 392 U. S. 83 (1968). See also MR. JUSTICE BRENNAN'S separate opinion in *Barlow v. Collins*, *supra*, at 167. The issue of statutory standing aside, no doubt exists that "injury in fact" to "aesthetic" and "conservational" interests is here sufficiently threatened to satisfy the case-or-controversy clause. *Data Processing Service v. Camp*, *supra*, at 154.

cern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. See Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. Cal. L. Rev. 450 (1972). This suit would therefore be more properly labeled as *Mineral King v. Morton*.

Inanimate objects are sometimes parties in litigation. A ship has a legal personality, a fiction found useful for maritime purposes.² The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases.³ The ordinary corporation is a “person” for purposes of the adjudicatory processes,

² *In rem* actions brought to adjudicate libelants' interests in vessels are well known in admiralty. G. Gilmore & C. Black, *The Law of Admiralty* 31 (1957). But admiralty also permits a salvage action to be brought in the name of the rescuing vessel. *The Camanche*, 8 Wall. 448, 476 (1869). And, in collision litigation, the first-libeled ship may counterclaim in its own name. *The Gylfe v. The Trujillo*, 209 F. 2d 386 (CA2 1954). Our case law has personified vessels:

“A ship is born when she is launched, and lives so long as her identity is preserved. Prior to her launching she is a mere congeries of wood and iron In the baptism of launching she receives her name, and from the moment her keel touches the water she is transformed She acquires a personality of her own.” *Tucker v. Alexandroff*, 183 U. S. 424, 438.

³ At common law, an officeholder, such as a priest or the king, and his successors constituted a corporation sole, a legal entity distinct from the personality which managed it. Rights and duties were deemed to adhere to this device rather than to the officeholder in order to provide continuity after the latter retired. The notion is occasionally revived by American courts. *E. g.*, *Reid v. Barry*, 93 Fla. 849, 112 So. 846 (1927), discussed in *Recent Cases*, 12 Minn. L. Rev. 295 (1928), and in Note, 26 Mich. L. Rev. 545 (1928); see generally 1 W. Fletcher, *Cyclopedia of the Law of Private Corporations* §§ 50–53 (1963); 1 P. Potter, *Law of Corporations* 27 (1881).

whether it represents proprietary, spiritual, aesthetic, or charitable causes.⁴

So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fisher, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water—whether it be a fisherman, a canoeist, a zoologist, or a logger—must be able to speak for the values which the river represents and which are threatened with destruction.

I do not know Mineral King. I have never seen it nor traveled it, though I have seen articles describing its proposed “development”⁵ notably Hano, Protectionists vs. recreationists—The Battle of Mineral King,

⁴ Early jurists considered the conventional corporation to be a highly artificial entity. Lord Coke opined that a corporation's creation “rests only in intendment and consideration of the law.” *Case of Sutton's Hospital*, 77 Eng. Rep. 937, 973 (K. B. 1612). Mr. Chief Justice Marshall added that the device is “an artificial being, invisible, intangible, and existing only in contemplation of law.” *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 636 (1819). Today, suits in the names of corporations are taken for granted.

⁵ Although in the past Mineral King Valley has annually supplied about 70,000 visitor-days of simpler and more rustic forms of recreation—hiking, camping, and skiing (without lifts)—the Forest Service in 1949 and again in 1965 invited developers to submit proposals to “improve” the Valley for resort use. Walt Disney Productions won the competition and transformed the Service's idea into a mammoth project 10 times its originally proposed dimensions. For example,

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N. Y. Times Mag., Aug. 17, 1969, p. 25; and Browning, Mickey Mouse in the Mountains, Harper's, March 1972, p. 65. The Sierra Club in its complaint alleges that "[o]ne of the principal purposes of the Sierra Club is to protect and conserve the national resources of the Sierra Nevada Mountains." The District Court held that this uncontested allegation made the Sierra Club "sufficiently aggrieved" to have "standing" to sue on behalf of Mineral King.

Mineral King is doubtless like other wonders of the Sierra Nevada such as Tuolumne Meadows and the John Muir Trail. Those who hike it, fish it, hunt it, camp

while the Forest Service prospectus called for an investment of at least \$3 million and a sleeping capacity of at least 100, Disney will spend \$35.3 million and will bed down 3,300 persons by 1978. Disney also plans a nine-level parking structure with two supplemental lots for automobiles, 10 restaurants and 20 ski lifts. The Service's annual license revenue is hitched to Disney's profits. Under Disney's projections, the Valley will be forced to accommodate a tourist population twice as dense as that in Yosemite Valley on a busy day. And, although Disney has bought up much of the private land near the project, another commercial firm plans to transform an adjoining 160-acre parcel into a "piggyback" resort complex, further adding to the volume of human activity the Valley must endure. See generally Note, Mineral King Valley: Who Shall Watch the Watchmen?, 25 Rutgers L. Rev. 103, 107 (1970); Thar's Gold in Those Hills, 206 The Nation 260 (1968). For a general critique of mass recreation enclaves in national forests see Christian Science Monitor, Nov. 22, 1965, p. 5, col. 1 (Western ed.). Michael Frome cautions that the national forests are "fragile" and "deteriorate rapidly with excessive recreation use" because "[t]he trampling effect alone eliminates vegetative growth, creating erosion and water runoff problems. The concentration of people, particularly in horse parties, on excessively steep slopes that follow old Indian or cattle routes, has torn up the landscape of the High Sierras in California and sent tons of wilderness soil washing downstream each year." M. Frome, The Forest Service 69 (1971).

in it, frequent it, or visit it merely to sit in solitude and wonderment are legitimate spokesmen for it, whether they may be few or many. Those who have that intimate relation with the inanimate object about to be injured, polluted, or otherwise despoiled are its legitimate spokesmen.

The Solicitor General, whose views on this subject are in the Appendix to this opinion, takes a wholly different approach. He considers the problem in terms of "government by the Judiciary." With all respect, the problem is to make certain that the inanimate objects, which are the very core of America's beauty, have spokesmen before they are destroyed. It is, of course, true that most of them are under the control of a federal or state agency. The standards given those agencies are usually expressed in terms of the "public interest." Yet "public interest" has so many differing shades of meaning as to be quite meaningless on the environmental front. Congress accordingly has adopted ecological standards in the National Environmental Policy Act of 1969, Pub. L. 91-190, 83 Stat. 852, 42 U. S. C. § 4321 *et seq.*, and guidelines for agency action have been provided by the Council on Environmental Quality of which Russell E. Train is Chairman. See 36 Fed. Reg. 7724.

Yet the pressures on agencies for favorable action one way or the other are enormous. The suggestion that Congress can stop action which is undesirable is true in theory; yet even Congress is too remote to give meaningful direction and its machinery is too ponderous to use very often. The federal agencies of which I speak are not venal or corrupt. But they are notoriously under the control of powerful interests who manipulate them through advisory committees, or friendly working relations, or who have that natural affinity with the agency

which in time develops between the regulator and the regulated.⁶ As early as 1894, Attorney General Olney predicted that regulatory agencies might become "indus-

⁶ The federal budget annually includes about \$75 million for underwriting about 1,500 advisory committees attached to various regulatory agencies. These groups are almost exclusively composed of industry representatives appointed by the President or by Cabinet members. Although public members may be on these committees, they are rarely asked to serve. Senator Lee Metcalf warns: "Industry advisory committees exist inside most important federal agencies, and even have offices in some. Legally, their function is purely as kibitzer, but in practice many have become internal lobbies—printing industry handouts in the Government Printing Office with taxpayers' money, and even influencing policies. Industry committees perform the dual function of stopping government from finding out about corporations while at the same time helping corporations get inside information about what government is doing. Sometimes, the same company that sits on an advisory council that obstructs or turns down a government questionnaire is precisely the company which is withholding information the government needs in order to enforce a law." Metcalf, *The Vested Oracles: How Industry Regulates Government*, 3 *The Washington Monthly*, July 1971, p. 45. For proceedings conducted by Senator Metcalf exposing these relationships, see Hearings on S. 3067 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 91st Cong., 2d Sess. (1970); Hearings on S. 1637, S. 1964, and S. 2064 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 92d Cong., 1st Sess. (1971).

The web spun about administrative agencies by industry representatives does not depend, of course, solely upon advisory committees for effectiveness. See Elman, *Administrative Reform of the Federal Trade Commission*, 59 *Geo. L. J.* 777, 788 (1971); Johnson, *A New Fidelity to the Regulatory Ideal*, 59 *Geo. L. J.* 869, 874, 906 (1971); R. Berkman & K. Viscusi, *Damming The West*, The Ralph Nader Study Group Report on The Bureau of Reclamation 155 (1971); R. Fellmeth, *The Interstate Commerce Omission*, The Ralph Nader Study Group Report on the Interstate Commerce Commission and Transportation 15-39 and *passim* (1970); J. Turner, *The Chemical Feast*, The Ralph Nader Study Group Report on Food

try-minded," as illustrated by his forecast concerning the Interstate Commerce Commission:

"The Commission . . . is, or can be made, of great use to the railroads. It satisfies the popular clamor for a government supervision of railroads, at the same time that that supervision is almost entirely nominal. Further, the older such a commission gets to be, the more inclined it will be found to take the business and railroad view of things." M. Josephson, *The Politicos* 526 (1938).

Years later a court of appeals observed, "the recurring question which has plagued public regulation of industry [is] whether the regulatory agency is unduly oriented toward the interests of the industry it is designed to regulate, rather than the public interest it is designed to protect." *Moss v. CAB*, 139 U. S. App. D. C. 150, 152, 430 F. 2d 891, 893. See also *Office of Communication of the United Church of Christ v. FCC*, 123 U. S. App. D. C. 328, 337-338, 359 F. 2d 994, 1003-1004; *Udall v. FPC*, 387 U. S. 428; *Calvert Cliffs' Coordinating Committee, Inc. v. AEC*, 146 U. S. App. D. C. 33, 449 F. 2d 1109; *Environmental Defense Fund, Inc. v. Ruckelshaus*, 142 U. S. App. D. C. 74, 439 F. 2d 584; *Environmental Defense Fund, Inc. v. HEW*, 138 U. S. App. D. C. 381, 428 F. 2d 1083; *Scenic Hudson Preservation Conf. v. FPC*, 354 F. 2d 608, 620. But see Jaffe, *The Federal Regulatory Agencies In Perspective: Administrative Limitations In A Political Setting*, 11 *B. C. Ind. & Com. L. Rev.* 565 (1970) (labels "industry-mindedness" as "devil" theory).

Protection and the Food and Drug Administration *passim* (1970); Massel, *The Regulatory Process*, 26 *Law & Contemp. Prob.* 181, 189 (1961); J. Landis, *Report on Regulatory Agencies to the President-Elect* 13, 69 (1960).

The Forest Service—one of the federal agencies behind the scheme to despoil Mineral King—has been notorious for its alignment with lumber companies, although its mandate from Congress directs it to consider the various aspects of multiple use in its supervision of the national forests.⁷

⁷ The Forest Reserve Act of 1897, 30 Stat. 35, 16 U. S. C. § 551, imposed upon the Secretary of the Interior the duty to “preserve the [national] forests . . . from destruction” by regulating their “occupancy and use.” In 1905 these duties and powers were transferred to the Forest Service created within the Department of Agriculture by the Act of Feb. 1, 1905, 33 Stat. 628, 16 U. S. C. § 472. The phrase “occupancy and use” has been the cornerstone for the concept of “multiple use” of national forests, that is, the policy that uses other than logging were also to be taken into consideration in managing our 154 national forests. This policy was made more explicit by the Multiple-Use Sustained-Yield Act of 1960, 74 Stat. 215, 16 U. S. C. §§ 528–531, which provides that competing considerations should include outdoor recreation, range, timber, watershed, wildlife, and fish purposes. The Forest Service, influenced by powerful logging interests, has, however, paid only lip service to its multiple-use mandate and has auctioned away millions of timberland acres without considering environmental or conservational interests. The importance of national forests to the construction and logging industries results from the type of lumber grown therein which is well suited to builders’ needs. For example, Western acreage produces Douglas fir (structural support) and ponderosa pine (plywood lamination). In order to preserve the total acreage and so-called “maturity” of timber, the annual size of a Forest Service harvest is supposedly equated with expected yearly reforestation. Nonetheless, yearly cuts have increased from 5.6 billion board feet in 1950 to 13.74 billion in 1971. Forestry professionals challenge the Service’s explanation that this harvest increase to 240% is not really overcutting but instead has resulted from its improved management of timberlands. “Improved management,” answer the critics, is only a euphemism for exaggerated regrowth forecasts by the Service. N. Y. Times, Nov. 15, 1971, p. 48, col. 1. Recent rises in lumber prices have caused a new round of industry pressure to auction more federally owned timber. See Wagner, Resources Report/Lumber-

The voice of the inanimate object, therefore, should not be stilled. That does not mean that the judiciary takes over the managerial functions from the federal

men, conservationists head for new battle over government timber, 3 National J. 657 (1971).

Aside from the issue of how much timber should be cut annually, another crucial question is *how* lumber should be harvested. Despite much criticism, the Forest Service had adhered to a policy of permitting logging companies to "clearcut" tracts of auctioned acreage. "Clearcutting," somewhat analogous to strip mining, is the indiscriminate and complete shaving from the earth of all trees—regardless of size or age—often across hundreds of contiguous acres.

Of clearcutting, Senator Gale McGee, a leading antagonist of Forest Service policy, complains: "The Forest Service's management policies are wreaking havoc with the environment. Soil is eroding, reforestation is neglected if not ignored, streams are silting, and clearcutting remains a basic practice." N. Y. Times, Nov. 14, 1971, p. 60, col. 2. He adds: "In Wyoming . . . the Forest Service is very much . . . nursemaid . . . to the lumber industry . . ." Hearings on Management Practices on the Public Lands before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, pt. 1, p. 7 (1971).

Senator Jennings Randolph offers a similar criticism of the leveling by lumber companies of large portions of the Monongahela National Forest in West Virginia. *Id.*, at 9. See also 116 Cong. Rec. 36971 (reprinted speech of Sen. Jennings Randolph concerning Forest Service policy in Monongahela National Forest). To investigate similar controversy surrounding the Service's management of the Bitterroot National Forest in Montana, Senator Lee Metcalf recently asked forestry professionals at the University of Montana to study local harvesting practices. The faculty group concluded that public dissatisfaction had arisen from the Forest Service's "overriding concern for sawtimber production" and its "insensitivity to the related forest uses and to the . . . public's interest in environmental values." S. Doc. No. 91-115, p. 14 (1970). See also Behan, Timber Mining: Accusation or Prospect?, American Forests, Nov. 1971, p. 4 (additional comments of faculty participant); Reich, The Public and the Nation's Forests, 50 Calif. L. Rev. 381-400 (1962).

Former Secretary of the Interior Walter Hickel similarly faulted clearcutting as excusable only as a money-saving harvesting practice

agency. It merely means that before these priceless bits of Americana (such as a valley, an alpine meadow, a river, or a lake) are forever lost or are so transformed as to be reduced to the eventual rubble of our urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard.⁸

for large lumber corporations. W. Hickel, *Who Owns America?* 130 (1971). See also Risser, *The U. S. Forest Service: Smokey's Strip Miners*, 3 *The Washington Monthly*, Dec. 1971, p. 16. And at least one Forest Service study team shares some of these criticisms of clear-cutting. U. S. Dept. of Agriculture, *Forest Management in Wyoming* 12 (1971). See also *Public Land Law Review Comm'n, Report to the President and to the Congress* 44 (1970); Chapman, *Effects of Logging upon Fish Resources of the West Coast*, 60 *J. of Forestry* 533 (1962).

A third category of criticism results from the Service's huge backlog of delayed reforestation projects. It is true that Congress has underfunded replanting programs of the Service but it is also true that the Service and lumber companies have regularly ensured that Congress fully funds budgets requested for the Forest Service's "timber sales and management." M. Frome, *The Environment and Timber Resources*, in *What's Ahead for Our Public Lands?* 23, 24 (H. Pyles ed. 1970).

⁸ Permitting a court to appoint a representative of an inanimate object would not be significantly different from customary judicial appointments of guardians *ad litem*, executors, conservators, receivers, or counsel for indigents.

The values that ride on decisions such as the present one are often not appreciated even by the so-called experts.

"A teaspoon of living earth contains 5 million bacteria, 20 million fungi, one million protozoa, and 200,000 algae. No living human can predict what vital miracles may be locked in this dab of life, this stupendous reservoir of genetic materials that have evolved continuously since the dawn of the earth. For example, molds have existed on earth for about 2 billion years. But only in this century did we unlock the secret of the penicillins, tetracyclines, and other antibiotics from the lowly molds, and thus fashion the most powerful and effective medicines ever discovered by man. Medical scientists still wince at the thought that we might have inadvertently wiped

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Perhaps they will not win. Perhaps the bulldozers of "progress" will plow under all the aesthetic wonders of this beautiful land. That is not the present question. The sole question is, who has standing to be heard?

Those who hike the Appalachian Trail into Sunfish Pond, New Jersey, and camp or sleep there, or run the

out the rhesus monkey, medically, the most important research animal on earth. And who knows what revelations might lie in the cells of the blackback goshawk nesting in his eyrie this moment in the Virunga Mountains of Rwanda? And what might we have learned from the European lion, the first species formally noted (in 80 A. D.) as extinct by the Romans?

"When a species is gone, it is gone forever. Nature's genetic chain, billions of years in the making, is broken for all time." *Conserve—Water, Land and Life*, Nov. 1971, p. 4.

Aldo Leopold wrote in *Round River* 147 (1953):

"In Germany there is a mountain called the Spessart. Its south slope bears the most magnificent oaks in the world. American cabinetmakers, when they want the last word in quality, use Spessart oak. The north slope, which should be the better, bears an indifferent stand of Scotch pine. Why? Both slopes are part of the same state forest; both have been managed with equally scrupulous care for two centuries. Why the difference?

"Kick up the litter under the oaks and you will see that the leaves rot almost as fast as they fall. Under the pines, though, the needles pile up as a thick duff; decay is much slower. Why? Because in the Middle Ages the south slope was preserved as a deer forest by a hunting bishop; the north slope was pastured, plowed, and cut by settlers, just as we do with our woodlots in Wisconsin and Iowa today. Only after this period of abuse was the north slope replanted to pines. During this period of abuse something happened to the microscopic flora and fauna of the soil. The number of species was greatly reduced, i. e., the digestive apparatus of the soil lost some of its parts. Two centuries of conservation have not sufficed to restore these losses. It required the modern microscope, and a century of research in soil science, to discover the existence of these 'small cogs and wheels' which determine harmony or disharmony between men and land in the Spessart."

Allagash in Maine, or climb the Guadalupe in West Texas, or who canoe and portage the Quetico Superior in Minnesota, certainly should have standing to defend those natural wonders before courts or agencies, though they live 3,000 miles away. Those who merely are caught up in environmental news or propaganda and flock to defend these waters or areas may be treated differently. That is why these environmental issues should be tendered by the inanimate object itself. Then there will be assurances that all of the forms of life⁹ which it represents will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams. Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community.

Ecology reflects the land ethic; and Aldo Leopold wrote in *A Sand County Almanac* 204 (1949), “The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.”

That, as I see it, is the issue of “standing” in the present case and controversy.

⁹ Senator Cranston has introduced a bill to establish a 35,000-acre Pupfish National Monument to honor the pupfish which are one inch long and are useless to man. S. 2141, 92d Cong., 1st Sess. They are too small to eat and unfit for a home aquarium. But as Michael Frome has said:

“Still, I agree with Senator Cranston that saving the pupfish would symbolize our appreciation of diversity in God’s tired old biosphere, the qualities which hold it together and the interaction of life forms. When fishermen rise up united to save the pupfish they can save the world as well.” *Field & Stream*, Dec. 1971, p. 74.

From: Major, Erica (BOS)
Sent: Thursday, November 7, 2019 11:47 AM
To: BOS Legislation, (BOS); Board of Supervisors, (BOS)
Subject: FW: 2015-014028CUA/PCA/MAP/DUA

Categories: 191039, 191035

For 3333 Cali appeals.

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From: Board of Supervisors, (BOS)
Sent: Thursday, November 07, 2019 11:36 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: FW: 2015-014028CUA/PCA/MAP/DUA

From: Zarin Randeria <thezarin@yahoo.com>
Sent: Thursday, November 7, 2019 9:25 AM
To: Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: RE: 2015-014028CUA/PCA/MAP/DUA

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

Dear Supervisor,

This entire project is ill conceived and the EIR is inadequate under CEQA because it failed to identify modifications to the proposed project site plan that would reduce or avoid the proposed project's significant adverse impact on the Historical Resource.

The Board of Supervisors should overturn or modify the "conditional use authorization" because the proposed project at the size and intensity is not necessary or desirable for and not compatible with the needs of our Neighborhood or Community. We have Laurel Shopping Center adjacent to this property, and have Trader Joe's Target, CVS, and various shops, boutiques restaurants, banks hardware stores etc., all around us on Sacramento, Masonic, Geary and nearby Clement Streets, which we can all walk to and shop in. Additionally this project has reduced parking spaces from 188 to only 74 spaces. So, how are people from out of the area supposed to shop there? This makes absolutely NO SENSE at all.

Alternatively, the Board should eliminate flexible retail and social services and philanthropic facilities from the Special Use District because they were not disclosed in the EIR and are not necessary for or compatible with the Neighborhood.

I also request the Board to ask the developers to modify the project to remove construction from the green spaces from Euclid and

From: Major, Erica (BOS)
Sent: Thursday, November 7, 2019 11:49 AM
To: BOS Legislation, (BOS)
Subject: FW: 3333 California
Attachments: 3333appeal.doc

Categories: 191039, 191035

Sorry, here's the attachment.

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From: Board of Supervisors, (BOS)
Sent: Thursday, November 07, 2019 11:32 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: FW: 3333 California

From: Linda Glick <lindaglick@gmail.com>
Sent: Wednesday, November 6, 2019 9:40 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>
Cc: Richard Frisbie <frfbeagle@gmail.com>
Subject: 3333 California

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Sent from [Mail](#) for Windows 10

To: The San Francisco Board of Supervisors
RE: 3333 California Appeals

11/6/2019

Record #: : 3333 California Street,
Record Number: 2015-014028CUA/PCA/MAP/DVA

While the appeals address specific deficiencies with compliance I want to comment on how this project will impact the neighborhood from a resident's perspective.

San Francisco is known for its diverse neighborhoods that each have their own characteristics and history. However these neighborhoods share a sense of community created by local merchants, publicly accessible open space and adequate infrastructure, i.e., transit and fire and safety support.

Yes, the District 2 needs to participate in solving the housing shortage in San Francisco.

Yes, San Francisco needs more housing but does the market rate housing proposed by the 3333 California St. project really offer a solution to the diversity of the population?

The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.

The Board Should Overturn or Modify the Conditional Use Authorization Because the Proposed Project, At the Size and Intensity Contemplated, Is Not Necessary or Desirable for, and Compatible With, the Neighborhood or the Community.

Fireman's Fund designed the 3333 California building to capitalize on the Laurel Hill vistas and trees. The buildings blend into the landscaping of the site. While the developer states that the current site is not integrated into the neighborhood that is not the case. Neighbors' criss-cross today's property as they visit surrounding merchants.

Today the neighborhood is served by retail that is a mixture of national chains and locally owned stores. Supporting the existing retail as well as leasing the existing vacancies should be a priority. What we do not need is additional retail vacancies or new retail that cannibalizes our neighborhood retail.

The EIR Failed to Analyze the Project's Potentially Significant Shadow Impacts on Existing Open Spaces that Have Been Used by the Public for Recreational Purposes, on Sidewalks on the East Side of Laurel Street, and on Publicly Accessible Open Space Proposed by the Project.

The Board Should Order the Project Modified to Remove New Construction From the Green Spaces at the Top of Laurel Street and along Euclid Avenue.

One of the major characteristics of the Laurel Heights is that we know our neighbors. What facilitates that is the open space on the east side of Laurel St. where on any day you can see neighbors talking with each other as they walk their dogs, play with children or just say hello to each other as they walk the neighborhood.

The development proposal will show how much public access space there will be. However meandering hard surface walkways in the shade can not replace the contiguous green space on Laurel St.

The EIR is Inadequate Because It Failed to Determine Whether Measures to Mitigate the Significant Impact from Construction Noise Were Feasible.

The developer is forecasting that construction would be on-going from 7 to 15 years. The traffic disruption and noise over this extended period is unacceptable. A neighborhood should not feel like it is under siege for this long. We have recommended some mitigating measures which should be given serious consideration.

Your decision on November 12, 2019 need not be an “either/or” one but rather one that provides much needed housing for a diverse income base and preserves a community.

Regards,

Linda Glick
585 Laurel St.

From: Richard Frisbie <frfibeagle@gmail.com>
Sent: Wednesday, November 6, 2019 3:43 PM
To: Board of Supervisors, (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS); Walton, Shamann (BOS); Wong, Jocelyn (BOS)
Subject: Comments on 3333 California St. Record No. 2015-014028CUA/PCA/MAP/DUA
Attachments: COMMUNITY PRESERVATION LOOKALIKE VARIANT NARRATIVE w Drawing Table Bldg Summary.docx; EIR Inadequacies.docx; Cal Mart Bryan's Letter001.pdf

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I would ask that the Board of Supervisors take a serious look at both new Variants presented by the Community, something the Planning Department has studiously avoided doing as it clearly recognizes that the issues raised are serious and pertinent.

Both the Community Preservation Lookalike Variant (CPLV) and the Community Full Preservation Alternative Variant 2 (CFPAV2) are deserving of a detailed review. To date the Planning Department has totally ignored the former (attached) so any conclusions/comments as to the feasibility of the Community's alternatives are without merit. Hard to comment thoughtfully on something you haven't studied.

We believe the two latest Variants, particularly the Community Preservation Lookalike, are the basis for a credible and effective compromise between the Community and the developer. These two plans offer an opportunity to bring all the Stakeholders together.

I would ask that the Board of Supervisors address the inadequacies, inaccuracies and misleading conclusions contained within the EIR-see attached. This is by no means a complete list but it highlights the sleight of hand used to avoid addressing any inconvenient truths.

I would ask that: the 7-15 year entitlement period be scaled back to something a little more human and compassionate. What about the neighbors who live around the site? How is their peace of mind, quality of life and essential well-being factored into the decision? What is San Francisco's commitment to balancing efficiency against humanity? Or is this simply someone else's problem. I believe it is grossly unfair asking the Community to support an uncertain, open-ended long-term development period. We deserve certainty.

I would ask that: no retail be approved for 3333 California Street. It is unwanted and unneeded and threatens the very livelihood of our existing small and family owned businesses-see

attached letter from Cal Mart and Bryan's. One only need walk along Sacramento Street, Presidio Avenue and even Laurel Village to see the empty storefronts and to appreciate the increasing stress that the "Amazon" effect is creating.

And Flexible Retail is the least desirable. The types of businesses that could be allowed are totally inappropriate for a development that extols its neighborhood friendliness, family orientation, senior housing, etc.

The Law of Unintended Consequences states that **"if it can happen, it will happen."** What prevents a future unscrupulous landlord opening an internet gambling site, or a massage parlor that exceeds the term, or a marijuana dispensary, or.....under the guise of Flexible Retail?

It has happened in a San Francisco neighborhood already. Internet gambling was touted as a "computer learning center"; the massage parlor "branched out";and then it became a Public Safety problem involving SFPD.

Are these potential businesses appropriate sitting side-by-side with a senior housing project AND a childcare center? Potentially sharing the very same building. And right across the street from the JCC?

If adult oriented businesses such as massage parlors, tattoo parlors, bars, internet gaming centers, etc. (and lets be clear-these are adult businesses by any credible definition) are never intended it would seem to be very straightforward to use the Development Agreement as a means to specifically exclude them from any potential presence at 3333 California St. Failure to do so is a tacit agreement by both the City, the Board of Supervisors and the developer that these type businesses are in play in the future. Very hard to explain away a failure to address their exclusion in the Development Agreement. These businesses, however credible, have no place in a family-oriented neighborhood. If you believe these businesses are inappropriate for this location simply write that exclusion down-this is not rocket science.

I look forward to the hearing November 12th.

Respectfully,

F. Richard Frisbie

IMPACT OF PSKS 3333 DEVELOPMENT PLAN ON LAUREL VILLAGE

1. The surrounding neighborhoods are well served by a diversity of retail businesses in Laurel Village, Sacramento Street, Presidio Avenue, Trader Joe's, an expanding City Center with both Target a Whole Foods-all within two blocks of 3333 California St.
2. The proprietors of Laurel Village have ample capacity to serve the residents of 3333 California St. as well as 3700 California St. especially considering that these new residents will replace the approx. 1,500 employees of UCSF that shopped at Laurel Village for many years.
3. Cal Mart & Bryan's presently operate their checkout lines at approx. 50% capacity and can double the throughput as needed.
4. There is already room for more retail along Sacramento St. as a number of storefronts remain empty.
5. The recent closures of Beautiful and Noah's Bagels, preceded by Gymboree, and the potential closure of others strongly reinforces the position that new retail is both unneeded and unwanted.
6. Laurel Village Merchants have requested that PSKS cease creating the erroneous impression that there would be "long lines" in the Laurel Village stores if PSKS is not allowed to change 3333's zoning and add additional retail.
7. The retail traffic associated with 3333 would negatively impact the parking lot for Laurel Village which is already insufficient for Laurel Village's needs. In addition, 3333 retail parking does not fully meet the retail traffic demands generated at 3333 and this overflow traffic will park in Laurel Village further harming the Customers, and Merchants of Laurel Village.
8. PSKS's plan to charge for parking at 3333 will only exacerbate this harmful situation. Furthermore, it is blatantly unfair to have Laurel Village Merchants provide parking for the competition at 3333.
9. The 7-15 year construction period will be catastrophic to Laurel Village. During last year's streetscape fiasco Cal Mart's business declined over 30%. According to Ron Giampoli of Cal Mart it is doubtful that Cal Mart would remain in business with a 7-15 year construction period. Other businesses in Laurel Village were impacted equally and would be put under immense pressure by the development plan for 3333.
10. Bryan's and Cal Mart are unique and iconic stores that serve Customers from all parts of the city. The loss of one or both would immeasurably impoverish the surrounding neighborhoods.

Ronald Giampoli

T. Flum

EIR INADEQUACIES

The EIR is inadequate for failing to examine any mitigation measures for an historic listed resource. the EIR failed to identify and describe feasible mitigation measures that would reduce or avoid the proposed project's significant adverse impact on the historical resource.

The EIR is further inadequate and incomplete by failing to adequately analyze alternatives to the proposed project. the community proposed two alternatives and the planning department willfully chose to totally ignore the community preservation lookalike variant(attached). Any conclusions drawn as to the adequacy of the community's alternatives are therefore invalid due to the failure to even analyze one of the alternatives, and one based exclusively on the developers proposed plans.

The objectives of the proposed project stated in the EIR were deliberately crafted to be overly narrow and intended to preclude consideration of mitigation measures and alternatives to the proposed project.

The EIR failed to analyze the project's significant shadow impacts on existing open spaces that have been used by the public for recreational purposes, on sidewalks on the east side of Laurel Street, the west side of Presidio Ave. and on publicly accessible open space proposed by the project.

The EIR failed to analyze and address the proposed project's inconsistency with:

San Francisco's General Plan as to Preservation of Historical Resources and neighborhood character.

The Housing Element of the General Plan and related applicable land use plans or regulations and would have a substantial impact upon the existing character of the vicinity.

The General Plan Policies stated in the Urban Design Element.

The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, and/or would be located on a geologic unit or soil that is unstable or would become unstable as a result of the project and potentially result in on-site or off- site landslide, lateral spreading, subsidence, liquefaction or collapse.

The EIR is incomplete and inaccurate as it failed to analyze whether the proposed project could have a significant hazard and hazardous materials impact.

The EIR lacks substantial evidence to support its conclusion that reducing the project's retail parking supply would mitigate the project's significant impact on VMT to a less than significant level and furthermore is inadequate because it used inaccurate models to forecast vehicle- trips and the EIR's traffic demand analysis is

inadequate because it omits substantial traffic that would be attracted to five new loading zones proposed to be installed on the streets surrounding the property, including VMT from transportation network companies such as Uber and Lyft, the TNCs.

The EIR failed to adequately analyze the significant project and cumulative impacts on greenhouse gas emissions that the project/variant could generate.

COMMUNITY PRESERVATION LOOKALIKE VARIANT

OVERVIEW

The Community Preservation Lookalike Variant, CPLV, would construct the same number of new housing units as the developer's proposed variant (744 units) and would be completed in approx. five years rather than the 7-15 years requested by the developer to complete his proposals. In addition, the Community Preservation Lookalike Variant would increase the residential gross square feet by approx. 20,000gsf more than the developer's proposal.

The Community Preservation Lookalike Variant would preserve the key character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The Community Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant



	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

The major differences are that the Community Preservation Lookalike Variant:

1. Would preserve the key Historic defining characteristics of the site as noted above.
2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
3. Would excavate only for a single, approximately two underground parking garage, whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.

For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

(1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St north of Euclid Green; and the new Euclid Building with modifications along Euclid Avenue;

(3) provide affordable senior housing on-site with additional affordable housing on-site as determined by the Board of Supervisors,

(4) propose that all freight-loading and unloading be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.

(5) propose that all passenger-loading and unloading be conducted inside the site in turnarounds or in the underground parking garage,

(6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace, the existing landscaped green spaces along Euclid and Presidio Avenues and some of Laurel Street, all of which would be designated as community benefits in the development agreement,

(7) maintain public vistas of the downtown and Golden Gate Bridge from the landscaping and main building as well as maintain the historically significant main building and integrated landscaping.

(9) provide units in the Walnut Building for affordable senior housing.

(9) the Community Preservation Lookalike Variant would use all the new space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses, as the developer proposes.

THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS(744) IN APPROX. FIVE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.

The Community Preservation Lookalike Variant would preserve all the key character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing). The window-walled main building would be converted to primarily residential use.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CPLV would excavate only under the existing parking lots along California St. for garages - the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run

through the first floor of the main building, opening up into a larger landscaped Center Court mid-building, and lead onto the Walnut Walk alongside Eckbo Terrace and thence onto Masonic Avenue and would be open to the public and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

- Plan of the building open along Eckbo Terrace and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

- Horizontal bands of nearly identical compatible window units.

- Uninterrupted glass walls.

- Brick accents and trim

- Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve include all of the following:

- In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.

SUMMARY OF BUILDING CHANGES

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and architectural design, unit configuration layouts, sizes, elevations, topography etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

Analysis of Buildings:

Developers Variant
7/3/2019



Community Preservation Lookalike
Variant



As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

Masonic Building: Eliminated.

Euclid Building: Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of

approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15 ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

This potential expansion has not been accounted for in the Community's plan.

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.06(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

Laurel Townhomes: Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.

Mayfair Building: Generally identical to developer's 07/03/2019 submission: predominant references A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60 .

No underground parking garage.

Plaza A: Generally identical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

Plaza B: Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.;

Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building/Center A&B: Use the developer's unit configurations and sizes from 03/03/2019: predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

Walnut Passage: In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

There is a better solution.

The Community Preservation Lookalike Variant design calls for a ground level, utilizing the same elevation as the developer, 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This

design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire in alignment with Walnut Street for connectivity.

A case of form follows function.

Summary: Same number of units(744) in approx.. five years, more residential gsf than the developer's proposal, compliant with RM-1 zoning , historically compatible, neighborhood responsive.

Dear Members of the Board of Supervisors,

My name is Krisanthy Desby and I live 3 blocks from the proposed project.

I am a transplant from Los Angeles, and like many transplants, have grafted onto and love San Francisco. The charm of the neighborhoods, the mix of Victorians and other architecture, the hills, the greenspace and a national park on our doorstep have made it a magnet for visitors, creative people and businesspeople for over a century.

I never thought I would live to see the day when San Francisco would approve a project that stands for everything that has ruined my hometown city. LA, as we all know, cemented over a river, bulldozed neighborhoods and parks, and replaced them with freeways, housing projects, towers, and strip malls. It continues to this very day.

That is what this project, in the plans drawn by The Prado Group, represents. It will bulldoze the hill, remove the trees, extend ~~the streets~~, cram in 2 towers and other buildings, and adds a large, commercial and retail complex where it does not belong: at the intersection of four family neighborhoods. We already have Laurel Village, the shopping complex at Geary and Masonic, many shops along Geary St., the Sacramento Street merchants, and Fillmore Street nearby, all within walking distance.

A CONCRETE WALKWAY

If this is truly about housing, then we need to build housing on this site. The Community Alternative achieves the objectives that the city claims it wants: housing. Not only that, but it is done without defacing the very things that make our neighborhood and that site unique: the trees and the hill, which The Prado Group will remove and pave over. The Prado Group's plan takes away the beauty that was designed by an architect and an award-winning landscape designer, and leaves us instead with the very thing I left Los Angeles to escape: a charmless cement expanse of commercial buildings, and crowded housing towers.

Please allow our neighborhood to retain its character while adding needed housing. The two can go together beautifully with a thoughtful plan sensitive to the area.

From: johnmburns48@yahoo.com
Sent: Monday, November 4, 2019 8:30 AM
To: Board of Supervisors, (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS); Walton, Shamann (BOS)
Cc: BOS Legislation, (BOS); frfbeagle@gmail.com; kdesby@sandhill.com; laurelheights2016@gmail.com
Subject: Comments on 3333 California St for BOS Mtg 11052019 or 11122019
Attachments: BOS Comments 11122019.docx

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Please add the following letter to the agenda for the upcoming BOS meeting.

Thank you, John and Usha Burns
3616-18 Sacramento St
SF 94118

RE: 3333 California St Proposed Development (2015-014028CUA/PCA/MAP/DUA)

Dear Members of the Board of Supervisors,

My wife and I live in Presidio Heights at 3616-18 Sacramento St at Locust about 3 blocks away from the subject property and have been following this proposed development closely.

Although we recognize that the City is in great need of middle- and lower-income housing, we do not support the developer's plans as currently proposed. We do support the Community Alternative Plans that build the same number of housing units as the developer's plans - 744 units including 185 units of affordable senior housing - and are better because they do not build on the historic green space and will be built in a shorter period of time because they involve less excavation and demolition.

The specific areas of the proposed development that are most concerning and need modification are:

- We oppose adding retail uses to the site as there is adequate retail in Laurel Village and surrounding areas with many vacancies for plenty of growth.
- The prolonged 15-year construction period would jeopardize the survival of Laurel Village merchants, such as the independent quality groceries of Cal-Mart and Bryan's.
- The project phasing over the 15-year period is not definite and the BOS has no guarantee that the developer will complete the senior affordable housing on a definite schedule.
- Flexible Retail uses, which were not evaluated by the EIR, should not be allowed at all in this project (they are not allowed anywhere else in District 2 or in the Sacramento or Fillmore Street commercial districts) as they will bring adverse uses to our otherwise well planned neighborhoods.

We urge this BOS to require the project be redesigned according to one of the well planned Community Alternatives. These alternatives do not remove the significant trees along California Street and retain more on-site Redwoods and trees on the historically significant Eckbo Terrace.

Sincerely,

John and Usha Burns
3616-3618 Sacramento St.
San Francisco 94118