



# LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

LOCAL UNION NO. 261

November 15, 2019

Dear President Yee and San Francisco Board of Supervisors,

## RE: Support for the proposed development at 3333 California Street in San Francisco

The members of LiUNA Local 261 in San Francisco and the surrounding Bay Area strongly support the proposed development at the 3333 California Street, which will create hundreds of construction jobs for our community members and up to 744 additional homes in San Francisco without displacement. These jobs will pay living wages and be a gateway for new local apprentices, including women and minorities from our local community to begin or continue a career in construction.

San Francisco has become increasingly unaffordable to newcomers and long-time residents alike through a long term trend of creating insufficient quantities of housing. Our crisis-level housing shortage has caused rents to skyrocket across the entire city while at the same time leaving even rent controlled tenants unable to move into safer, higher quality housing.

The development at 3333 California would create up to 744 units, allowing more people to remain in the city and bringing new homes to San Francisco's west side. Additionally, the proposed development will provide over 5 acres of open space where kids can play, neighbors can relax, and friends can spend time with one another in this part of the city. It will help create a community centric environment that is family-friendly and desperately needed in a city that has seen a family presence diminish in recent years.

The project has prioritized community input on design and use from the start. While 3333 California Street project will not end our housing crisis overnight, this development is a part of the solution and a big step in the right direction.

Thank you for your service and consideration on this development. We ask that you deny the Laurel Heights Improvement Association's appeal of the 3333 California Street project in order to ensure residents of San Francisco and surrounding communities may begin to enjoy its many benefits.

Sincerely,

RAMON HERNANDEZ  
Business Manager

Cc: Angela Calvillo, Clerk of the Board of Supervisors, [angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)

**RAMON HERNANDEZ**  
Business Manager

**DAVID DE LA TORRE**  
Secretary-Treasurer

**JESUS VILLALOBOS**  
President

**JAVIER FLORES**  
Vice President

**VINCE COURTNEY**  
Recording Secretary

**OSCAR DE LA TORRE**  
Executive Board

**JOSE DE LA MORA**  
Executive Board

### SAN FRANCISCO

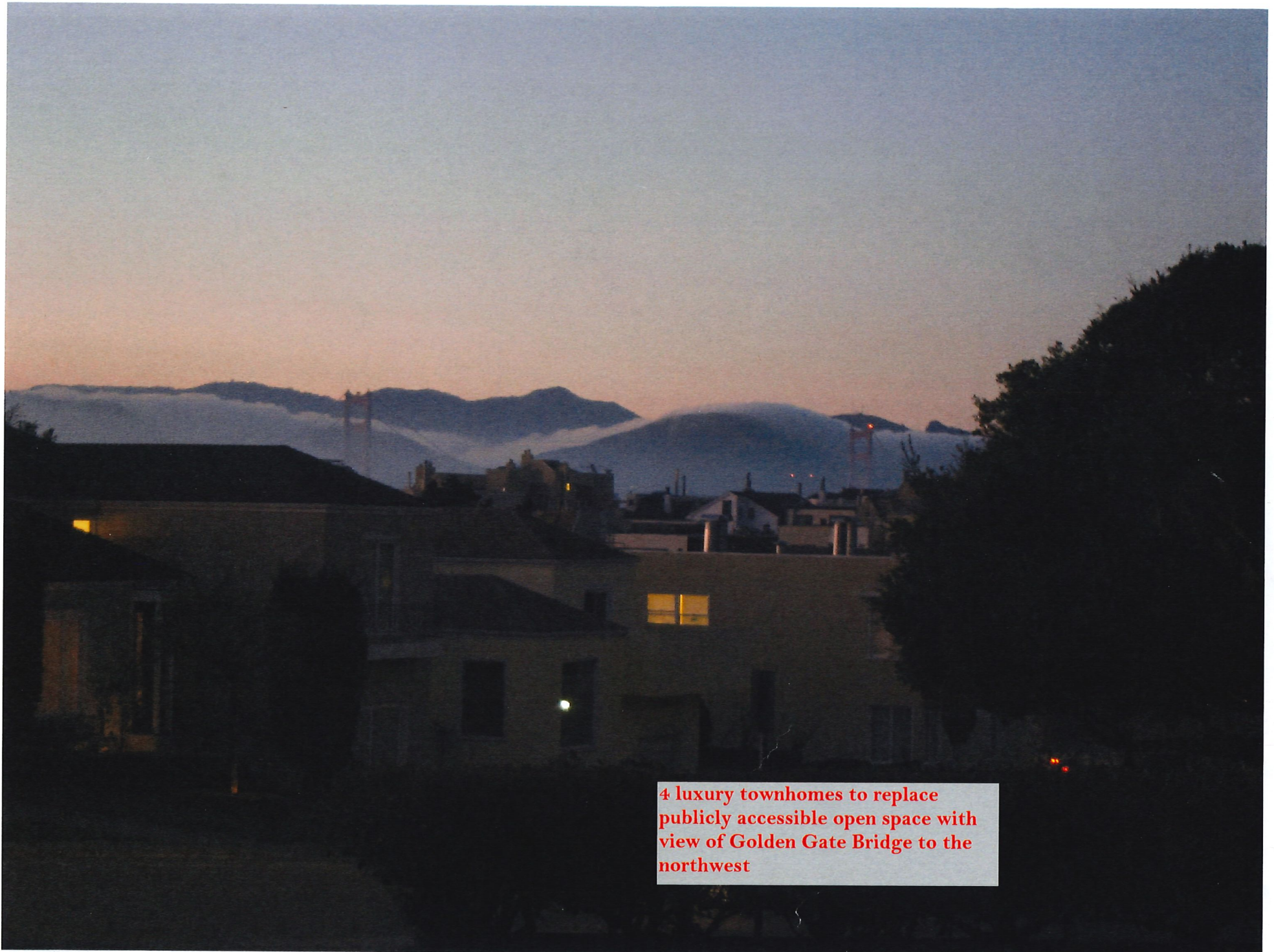
3271 18th Street  
San Francisco, CA 94110  
Phone: (415) 826-4550  
Fax: (415) 826-1948

### SAN MATEO COUNTY

300 7th Avenue  
San Mateo, CA 94401  
Phone: (650) 344-7168  
Fax: (650) 344-5357

### MARIN COUNTY

4174 Redwood Highway  
San Rafael, CA 94913  
Phone: (415) 492-0936  
Fax: (415) 492-8233



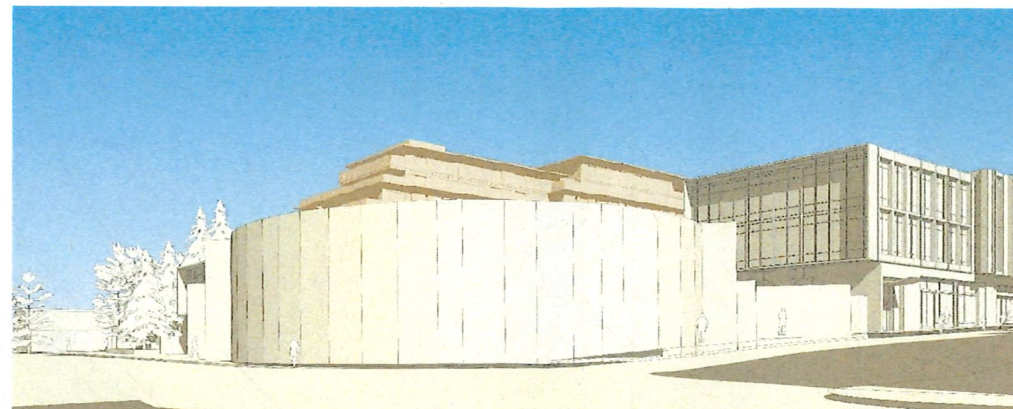
**4 luxury townhomes to replace  
publicly accessible open space with  
view of Golden Gate Bridge to the  
northwest**



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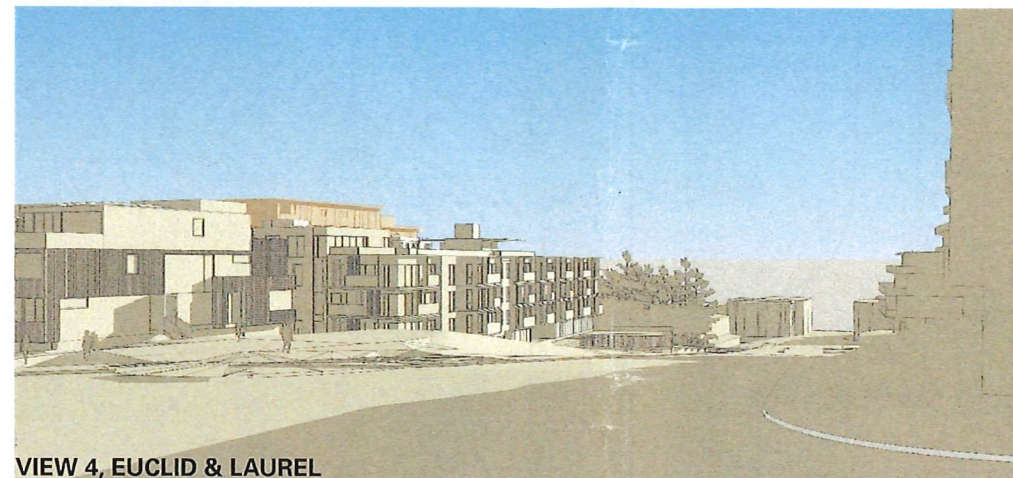
VIEW 1, CALIFORNIA: CENTER A & B NOT VISIBLE



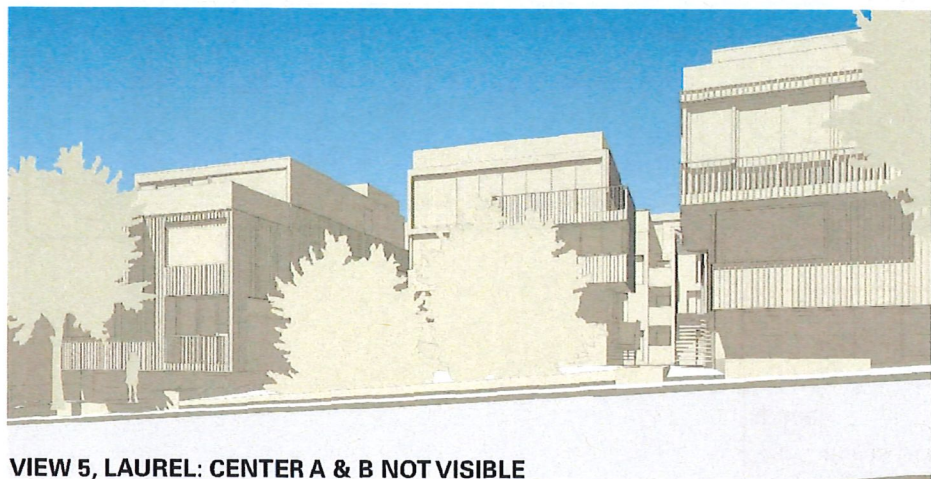
VIEW 2, CALIFORNIA & PRESIDIO



VIEW 3, EUCLID & MASONIC



VIEW 4, EUCLID & LAUREL



VIEW 5, LAUREL: CENTER A & B NOT VISIBLE



VIEW 6, MAYFAIR



SITE PLAN

View to the northwest  
Currently, a public, open  
space with a view of the  
Golden Gate Bridge.

BUILDING  
CENTER A & B

## LOT COVERAGE / REAR YARD COMPLIANCE SUMMARY:

REAR YARD REQ'D TO BE 45% OF LOT DEPTH. THE PROPERTY IS A FULL BLOCK FRONTING SEVERAL STREETS. THEREFORE THE PROPERTY DOES NOT HAVE A TYPICAL REAR YARD SPACE. IN ORDER TO MEET STREET FRONTAGE REQUIREMENTS AND PROVIDE PUBLICALLY ACCESSIBLE OPEN SPACE WITHIN THE BLOCK, THE PROJECT REQUESTS TO MEASURE REAR YARD BY AREA.

LOT AREA: 446,468 SF  
 45% OF LOT AREA: 200,911 SF REQUIRED REAR YARD EQUIVALENT \*  
 OPEN AREA: 236,000 SF OR 53% OF SITE AREA

Agenda states that the proposed development provides "2.87 acres privately owned, publicly accessible open space"

2.87 acres is 125,017 square feet. Is the space between buildings the same as "open space"?



■ DENOTES OPEN AREA

## OPEN SPACE SUMMARY (SECTION 135):

UNITS PROVIDED WITH COMMON OPEN SPACE: 558 UNITS  
 133 SF/UNIT COMMON  
 558 UNITS X 133 = 74,214 GSF REQUIRED

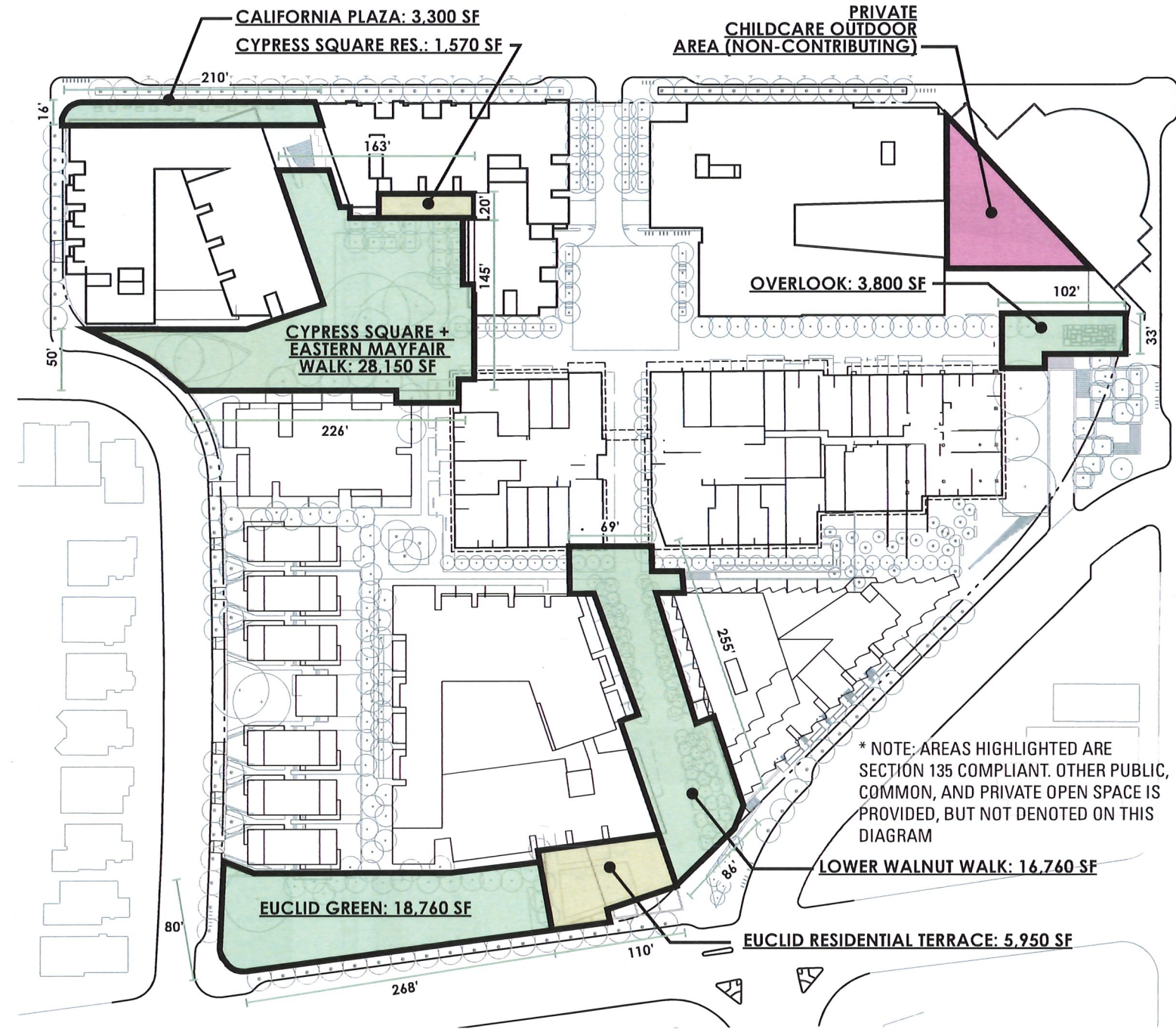
ADDIT'L COMMON OPEN SPACE PROVIDED, BUT NOT CALCULATED  
 ADDIT'L PRIVATE/UNIT OPEN SPACE PROVIDED, BUT NOT CALCULATED

PUBLICALLY ACCESSIBLE OPEN SPACE MEETS THE DIMENSIONAL REQUIREMENTS OF SECTION 135(g)(1&2): ALL SPACES ARE AT LEAST 15'x15' AND 300 SF MIN.

ALL INNER COURT CONDITIONS COUNTED TOWARDS OPEN SPACE CALCULATIONS ARE MIN. 20' WIDE AND AT LEAST AS WIDE AS THE BUILDINGS FRONTING THEM.

COMMON OPEN SPACE CONTRIBUTING TO SECTION 135 REQUIREMENT:	
CYPRESS SQUARE + EASTERN MAYFAIR WALK:	28,150 SF
CYPRESS SQUARE RESIDENTIAL	1,570 SF
EUCLID GREEN:	18,760 SF
EUCLID RESIDENTIAL TERRACE	5,950 SF
LOWER WALNUT WALK:	16,760 SF
CALIFORNIA PLAZA:	3,300 SF
OVERLOOK:	3,800 SF

TOTAL COMMON OPEN SPACE\*: 78,290 SF, EXCEEDS REQUIRED  
 -- COMPLIES



\* NOTE: AREAS HIGHLIGHTED ARE SECTION 135 COMPLIANT. OTHER PUBLIC, COMMON, AND PRIVATE OPEN SPACE IS PROVIDED, BUT NOT DENOTED ON THIS DIAGRAM

3333 CALIFORNIA STREET SAN FRANCISCO, CA

191035  
191039  
191043

- SAPLINGS = UNEQUAL ENVIRONMENTAL BENEFITS:
  - CARBON SEQUESTRATION
  - OXYGEN PRODUCTION
  - CANOPY COVERAGE, ETC.
- MATURE TREE to SAPLING RATIO
  - 185 MATURE TREES (MT) x 269 SAPLINGS/MT = 49,765 SAPLINGS NEEDED
- DPW IN-LIEU FEE -- \$1,847/TREE:
  - 185 TREES X 269 SAPLINGS/TREE = **\$341,695**
  - X \$1,847/TREE FEE = **\$91,915,955**
- 19 SIGNIFICANT TREES REMOVED (SAPLING EQUIVALENT):
- 19 TREES X 269 SAPLINGS/TREE X \$1,847/TREE = **\$9,440,017**
- 15 STREET TREES REMOVED (SAPLING EQUIVALENT):
  - 15 TREES X 269 SAPLINGS/TREE X \$1,847/TREE = **\$7,452,645**
- DPW TREE REMOVAL FEES\*:
  - 10 OR MORE TREES = **\$1,611**
- 530 "TREES" (SAPLINGS) PLANTED (362 "TREES" PER INITIAL STUDY?)?
- 530 "TREES" = 1% SAPLING EQUIVALENCE OF MTs REMOVED

\*DPW Public Works Code Section 2.1.2.

\*\*<https://www.victoriarecord.com/losing-trees-in-victoria-one-mature-tree-equals-269-saplings/>

**From:** [jeannine.black@gmail.com](mailto:jeannine.black@gmail.com)  
**To:** [BOS Legislation, \(BOS\)](#); [Jalipa, Brent \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#)  
**Subject:** File No: 191035: Appeal of Certification of Final EIR/CEQA Findings  
**Date:** Tuesday, November 12, 2019 10:38:57 AM  
**Attachments:** [OSPS to BOS 20191112 cover letter.pdf](#)  
[OSPS to BOS 20191112 Margaret Fitzgerald letter p1.pdf](#)  
[OSPS to BOS 20191112 Margaret Fitzgerald letter p2.pdf](#)

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

Re: 3333 California Street, San Francisco CA  
Appeal of Certification of Final EIR/CEQA Findings  
Board of Supervisors File No: 191035  
Record Number: 2015-014028CUA/PCA/MAP/DUA

Please see attached letter and attachment for official file.

Kindly acknowledge receipt.

Open Space Preservation Society, Inc.  
By: Jeannine Black, President

November 12, 2019

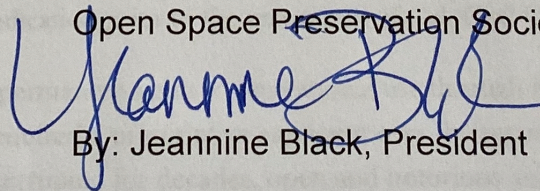
VIA E-MAIL TO: [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org)  
[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org)

San Francisco Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
File No: 191039: Appeal of Conditional Use Authorization  
File No: 191043: Appeal of Subdivision Map  
File No: 191035: Appeal of Certification of Final EIR/CEQA Findings  
File No: 190844: Special Use District  
File No: 190845: Development Agreement  
File No: 190947: Major Encroachment Permit

Open Space Preservation Society, Inc. objects to each of the approvals described above on the basis that, as explained in the attached letter of Margaret Fitzgerald dated February 28, 2016, the general public holds a permanent right of recreational use on existing open space at 3333 California Street and such rights were obtained by implied dedication, prescriptive easement, and/or other applicable legal principle. The above-described approvals would impinge upon these public rights, and Open Space Preservation Society, Inc. objects to the approval of each of the matters described above on that basis.

Open Space Preservation Society, Inc.



By: Jeannine Black, President

Attachment: February 28, 2019 Letter of Margaret Fitzgerald

cc: Jeffrey Lowenthal, Attorney for Laurel Heights Partners, LLC -  
[jlowenthal@steyerlaw.com](mailto:jlowenthal@steyerlaw.com)

Stacey Quan, Attorney for Laurel Heights Partners, LLC - [squan@steyerlaw.com](mailto:squan@steyerlaw.com)



Margaret Fitzgerald

30 Wood Street, San Francisco, CA 94118



Date: February 28, 2016

Ms. Mary Woods  
Planner - North West Quadrant  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

RE: 3333 California St. Development

Dear Ms. Woods:

I am writing regarding the development of the 3333 California Street development, currently the UCSF Laurel Heights Campus (the "Site"). It is my understanding that the San Francisco Planning Department is working with the developer of the Site regarding the initial project plans for the proposed development. The owner of the fee interest and the developer of the Site are limited in their joint ability to develop the Site because the owner of the Site does not have free and clear title; rather the general public holds a permanent recreational interest in all of the open space at the Site. Therefore, any development plans at the Site may not impinge upon this open space.

The general public holds a *permanent* right of recreational use on all of the open space at 3333 California and such rights were obtained by implied dedication. Dedication is a common law principle that enables a private landowner to donate his land for public use. Implied dedication is also a common law principle and is established when the public uses private land for a long period of time, which period of time is five (5) years in California. In 1972, the California legislature enacted Civil Code Section 1009 to modify the common law doctrine of implied dedication and to limit the ability of the public to secure *permanent* adverse rights in private property. Here, however, the existing open space at the Site was well established and well used as a park by the general public long before the completion of the construction of the full footprint of the improvements at the Site in 1966. Therefore, the general public has permanent recreational rights to the open space at the Site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code Sec. 1009 in 1972.

Even if the general public had not secured permanent rights to recreational use through implied dedication prior to 1972, the public and countless individuals have acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission). Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive. For example, the owner of the Site has not posted permission to pass signs in accordance with Cal. Civil Code Sec. 1008. If such signs ever were posted, they have not been reposted at least once per year. Although it is counterintuitive, an owner typically posts such signs to protect against the public securing adverse rights. One might assume the owner of the Site has not posted such signs, as the owner is aware of the pre-existing and permanent recreational rights the general public has secured to the open space. Because the

public's rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

It is important that the Planning Department understand these legal issues as any project plan (or any future project description in an Environmental Impact Report ("EIR") for the Site) cannot include development of the open land over which the public has a secured permanent rights of recreational use. It would not be a concession by the owner/developer to leave the open space undeveloped and allow public recreational use as the general public holds permanent recreational rights to this space. It is important to note that even the open space behind the walls that has been used as park space is also included in this dedication to the public. According to well-established case law, a wall or fence is not effective in preventing the development of adverse property rights if individuals go around the wall, as is the case here.

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site<sup>1</sup> to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public's permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file.

Sincerely,

*Meg Fitzgerald*

Margaret N. Fitzgerald

With copies to:  
Mark Farrell, Supervisor  
Dan Safir, Prado Group  
Kathy DiVicenzi, Laurel Heights Improvement Association  
Robert Charles Friese, Esq.

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<sup>1</sup> Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California, 47 Cal. 3<sup>rd</sup> 376 (1988).



# United Brotherhood of Carpenters and Joiners of America

## LOCAL UNION NO. 22

November 6, 2019

Dear President Yee and members of the San Francisco Board of Supervisors,

**Re: Support for the proposed development at 3333 California Street in San Francisco**

The members of Carpenters Local 22 in San Francisco and the surrounding Bay Area strongly support the proposed development at 3333 California Street, which will create hundreds of construction jobs for our community members and up to 744 additional homes in San Francisco without displacement. These jobs will pay living wages and be a gateway for new local apprentices, including women and minorities from our local community to begin or continue a career in construction.

San Francisco has become increasingly unaffordable to newcomers and long-time residents alike through a long-term trend of creating insufficient quantities of housing. Our crisis-level housing shortage has caused rents to skyrocket across the entire city while at the same time leaving even rent controlled tenants unable to move into safer, higher quality housing.

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This project has prioritized community input on design and use from the start. While 3333 California will not end our housing crisis overnight, this development is a part of the solution and a big step in the right direction.

Thank you for your service and consideration on this development. We ask that you deny the Laurel Heights Improvement Association's appeal of the 3333 California Street project in order to ensure residents of San Francisco and surrounding communities may begin to enjoy its many benefits.

Sincerely,

Todd Williams  
Senior Field Representative

c: Angela Calvillo, Clerk of the Board of Supervisors, [Angela.Calvillo@sfgov.org](mailto:Angela.Calvillo@sfgov.org)

sko/opeiu29/afl-cio

