



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE FEBRUARY 28, 2013

Date: February 21, 2013
Case No.: 2013.0123D
Project Address: 3450 Third Street – Units 2A and 2B
Permit Applications: 2012.12.13.6171 and 2012.12.13.6169
Zoning: PDR-2 (Core Production, Distribution, and Repair)
India Basin Industrial Park Special Use District
65-J Height and Bulk District
Block/Lot: 5211/032 and 033
Project Sponsor: Abigail Stewart-Kahn
San Francisco Child Abuse Prevention Center
1757 Waller Street
San Francisco, CA 94117
Staff Contact: Brittany Bendix – (415) 575-9114
Brittany.Bendix@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed.**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to establish a 3,314 square-foot outpatient medical clinic as part of a 17,014 square-foot social service use (d.b.a. the Child Advocacy Center and Center for Youth Wellness). The proposal does not result in any expansion of the physical building and pertains solely to the change in use.

SITE DESCRIPTION AND PRESENT USE

The subject property was developed circa 1987 as the Bay Park Business Center, a commercial office development situated on the west side of Third Street between Cargo Way and Custer Avenue. The Project will occupy Building 2, a three-story building situated in the southeast corner of the larger office park development. The building is divided into two commercial condominiums. The third floor is currently occupied by a telecommunications company (d.b.a. Synertel) of approximately 2,350 square-feet. The remainder of the building was most recently occupied by a social service use (d.b.a. the Black Rock Arts Foundation) of approximately 9,600 square feet. Tenant improvements to improve the interior space, combine the two commercial units and eliminate surplus off-street parking have been proposed under separate permits.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject site is situated along the northern boundary of the Bayview Hunters Point plan area and the northwest corner of the India Basin Industrial Park Special Use District (SUD). The surrounding area is zoned as PDR-2 (Core Production, Distribution, and Repair) and M-2 (Heavy Industrial) Zoning Districts

with special use district overlays for the India Basin Industrial Park SUD and the Design and Development SUD. The intent of the special use districts are to enhance opportunities for specific land uses, such as social services, as a means to facilitate the transition from industrial to residential uses within the broader Bayview neighborhood.

Directly north of the subject property is Islais Creek Park and the San Francisco Fire Department Station 25. South of the property is a bus storage and layover facility. East of the property are two vacant parcels, one of which was formerly a gas station and car wash. West of the property are large scale industrial buildings occupied by a variety of commercial and industrial land uses.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
BBN	10 days	January 11, 2013 – January 22, 2013	January 22, 2013	February 28, 2013	37 days

A Block Book Notice (BBN) is a request made by a member of the public to be provided a 10-day notice of permits on any property within the City that is subject to the San Francisco Planning Code. This notification period gives the BBN requestor an opportunity to review plans or file for Discretionary Review of the noticed permit. Applications that do not require San Francisco Planning Department Review are not subject to a BBN.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 18, 2013	February 15, 2013	13 days
Mailed Notice	10 days	February 18, 2013	February 15, 2013	13 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block or directly across the street			
Neighborhood groups	4	2 (including DR Requestor)	

The Department received one e-mail in opposition to the project, outside of the DR Requestor, from the Southeast Sector Community Development Corporation. The e-mail stresses concerns that the Project exposes children to a contaminated site and that the location of the Project is blatant discrimination.

The Department has received letters in support of the Project from Bayview Hunters Point Mobilization for Adolescent Growth in our Communities (BMAGIC), Hunters Point Family, the Department of Public Health and the Police Department. The letters are attached and each urges approval on the grounds that the Project will ultimately be a positive contribution to the neighborhood, as well as the youth in Bayview-Hunters Point. Additional public comment from both sides is anticipated at the hearing.

DR REQUESTOR

Dr. Espanola Jackson has requested Discretionary Review of the subject project on behalf of the Black Human Rights Leadership Council of San Francisco, as well as herself.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The *Discretionary Review Application* and its supplemental materials are attached documents. Collectively they raise the following concerns of the DR Requestor:

Issue #1: Site Contamination. The DR Requestor claims that the project site is contaminated and will expose the patients of the clinic to toxins related to the industrial activities in the surrounding area. In particular, the *Discretionary Review Application* cites the truck traffic along Cargo Way and the property's proximity to the Southeast Wastewater Treatment Plant as two major contributors to the contamination. However, the DR Applicant has also raised concerns verbally about the abandoned service station, east of the subject property and across Third Street.

Issue #2: Legality of 2012 Rezoning. Along with two other individuals, the DR Requestor attended the January 31, 2013, Planning Commission hearing and raised concerns about the Project during general public comment. During this time she alleged that the rezoning of the parcel to be within the India Basin Industrial Park Special Use District was done without public input at a community meeting. She also claimed that the Environmental Impact Review analysis for the rezoning used unreliable information from the San Francisco Department of Public Health (DPH). To illustrate that DPH has manipulated data, the DR Requestor has submitted copies of e-mails between DPH employees and developers, and a court order, all relating to the development of Hunters Point Shipyard.

The DR Requestor suggests that the Project is inappropriate at this site and asks that the Planning Commission disapprove the Project and pursue reversing the zoning changes made in 2012.

PROJECT SPONSOR'S RESPONSE

The *Response to Discretionary Review* is also attached and replies to each of the DR Requestor's claims as follows:

Issue #1: Site Contamination. The Project Sponsor has voluntarily submitted a Phase 1 Environmental Site Assessment and a Soil Vapor Analysis that were performed by Professional Service Industries, Inc., at the request of the Project Sponsor. The Phase 1 report concluded with a recommendation for a Soil Vapor Analysis which tests for the presence of contaminants of concern including total Petroleum Hydrocarbons such as Gasoline, Benzene, Toluene, Ethyl Benzene, and total Xylenes, common constituents of gasoline. The results indicated that none of the aforementioned contaminants were detected above the permitted

screening levels for a residential property use which considered a more conservative threshold than a commercial property use, as determined by the Regional Water Quality Control Board.

Issue #2: Legality of 2012 Rezoning. The Project Sponsor asserts that the rezoning of the property was in full compliance of the law and resulted in the public notification of four separate hearings at City Hall. The Project Sponsor also notes that the DR Requestor, along with other community stakeholders, attended the hearing before the Board of Supervisors Land Use and Economic Development Committee and raised related concerns over the appropriateness of the rezoning. The rezoning was approved unanimously by the Land Use Committee and full Board of Supervisors. Finally, the *Response to Discretionary Review* notes that social service and medical clinic uses are principally permitted within the PDR-2 Zoning Districts when each use is limited to a maximum of 5,000 square feet of floor area. The changes to the property as a result of the rezoning eliminated a cap on floor area dedicated to social service uses and extended the maximum size of outpatient medical clinics to 6,999 square feet.

PROJECT ANALYSIS

Issue #1: Site Contamination. Planning Department Staff has not received any evidence indicating that the subject site is contaminated. Allegations presented by the DR Requestor relate to other properties, in particular the Hunters Point Shipyard, the Southeast Wastewater Treatment Plant, and the site of a former gas station at 3433 Third Street. While these individual sites may contain hazardous materials, remediation measures will be evaluated on a case by case basis as development projects on those sites move forward. In addition to the two studies presented by the Project Sponsor, the DR Requestor has submitted the findings of a study conducted by DPH. While, the independent studies conclude there is no site contamination, the study by DPH presents recommendations to the Project Sponsor on ways to improve the Project and diminish the impacts to air quality, pedestrian safety and noise. These recommendations were shared with the community and have been incorporated into the Project proposal. Furthermore, as previously noted, social service and medical clinic uses are principally permitted in the PDR-2 Zoning District and have also been principally permitted within the M-1 and M-2 Zoning Districts since at least 1978. Hence, the compatibility of this site and the proposed use has been reviewed against the California Environmental Quality Act, at varying scales of review, multiple times. Allegations pertaining to the legitimacy of the data provided from DPH to the Planning Department's Environmental Division should be immediately pursued with the San Francisco Ethics Commission.

Issue #2: Legality of 2012 Rezoning. As noted in the *Response to Discretionary Review*, the rezoning of the property met all the requirements of the San Francisco Planning Code and Administrative Code. However, it appears the item did appear before the Planning Commission prior to a public meeting held with the Project Area Committee (PAC) and the Redevelopment Agency. Zoning changes would typically be presented to the PAC prior to a Planning Commission hearing; however, proposed changes moved forward during the period of time where the future of the City's Redevelopment Agency was in question and City staff was negotiating the terms for successor agencies. When it became evident that PAC would, and could, remain an active participant in the development process, a meeting was scheduled. Although the meeting occurred after the Planning Commission hearing, it was held prior to two meetings before the Board of Supervisors Land Use and Economic Development Committee. Community stakeholders were present for, and raised concerns at these hearings. The proposed zoning was then passed by the Board of Supervisors unanimously on February 7, 2012.

ENVIRONMENTAL REVIEW

On January 10, 2013, under Case No. 2013.0018E, the Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301(a). (Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances).

BASIS FOR RECOMMENDATION

- The rezoning of the Project site was publically vetted and approved by the Board of Supervisors.
- The Project Sponsor has taken voluntary steps to mitigate any negative effects from nearby off-site activities.
- The Project is principally permitted within this Zoning District and complies with the requirements of the General Plan and Planning Code.

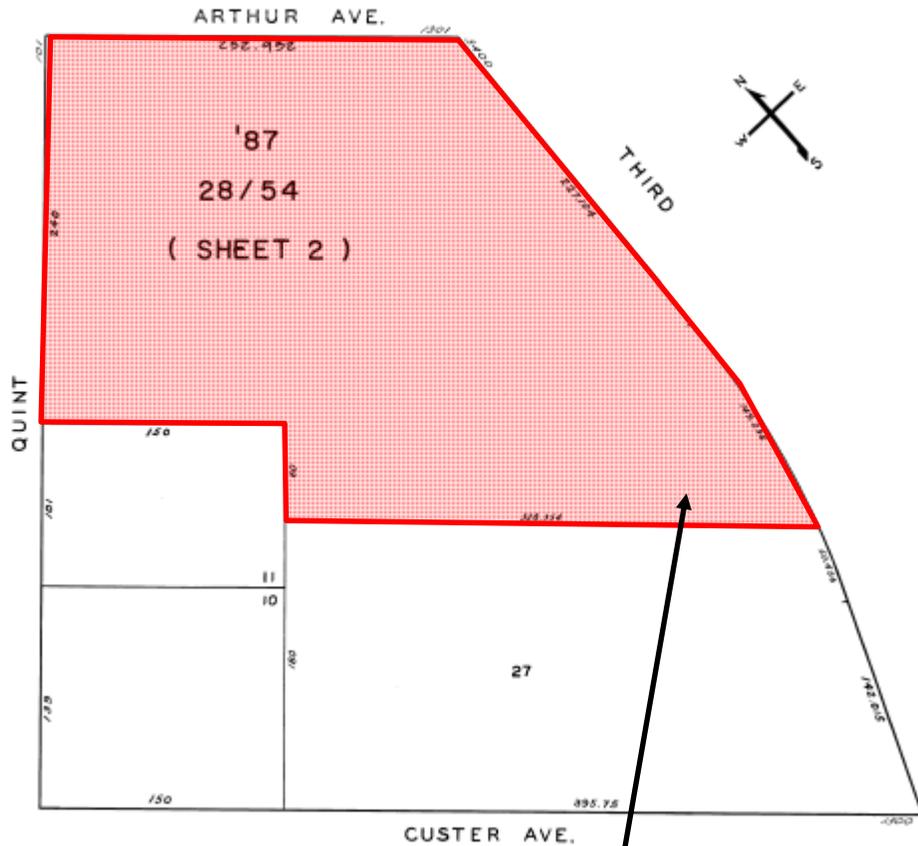
RECOMMENDATION: Do not take DR and approve the project as proposed.

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Certificate of Determination – Exemption from Environmental Review
Block Book Notice (BBN)
DR Application and Supplemental Materials
Response to DR Application dated February 14, 2013 and Supplemental Materials
Public Opposition and Support
Reduced Plans

BB: G:\DOCUMENTS\Building Permits\3450 Third St\DR - Full Analysis.doc

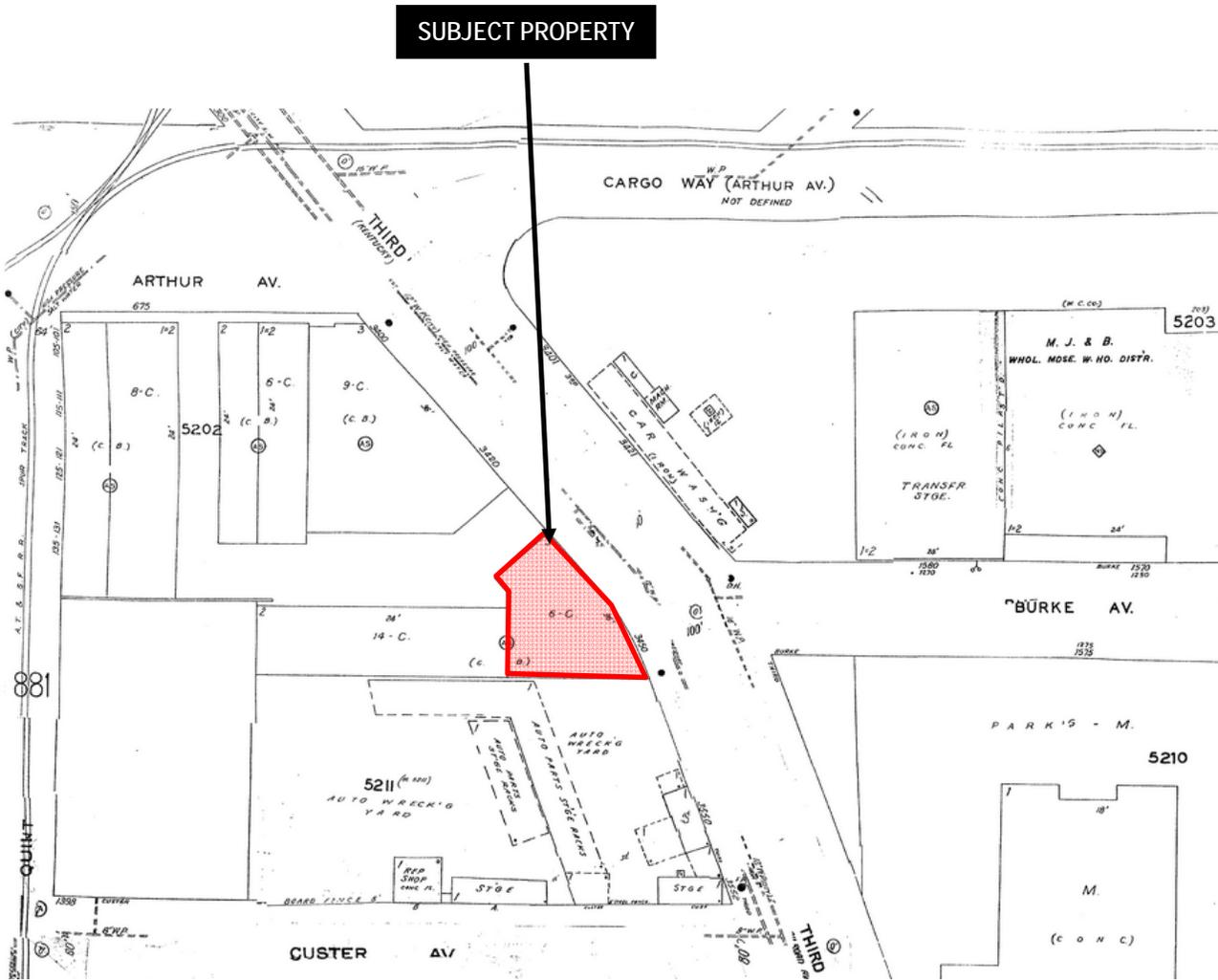
Parcel Map



SUBJECT PROPERTY



Sanborn Map*



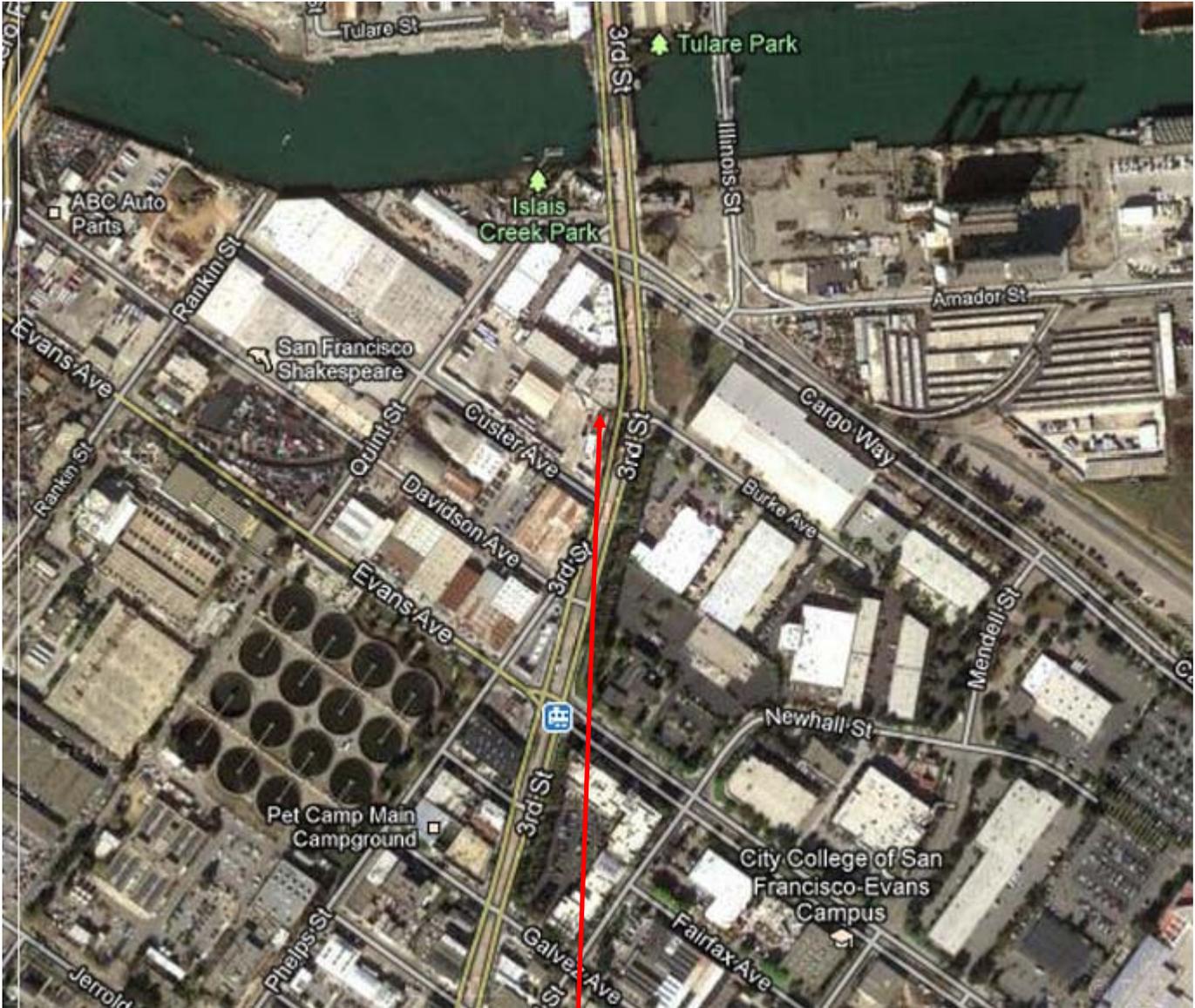
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2013.0123D

Child Advocacy Center & Center for Youth Wellness
3450 Third Street, Units 2A and 2B

Aerial Photo

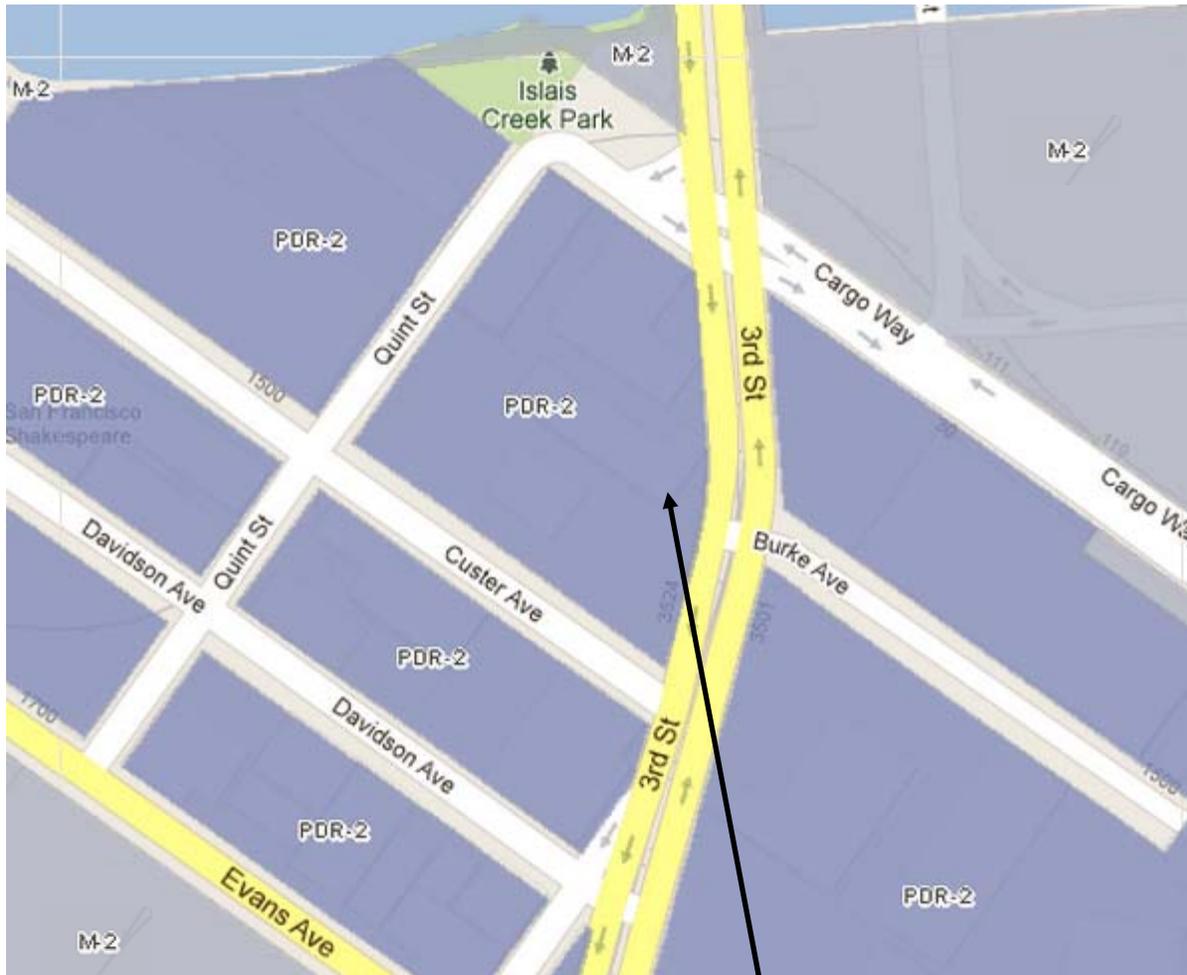


SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0123D
Child Advocacy Center & Center for Youth Wellness
3450 Third Street, Units 2A and 2B

Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0123D
Child Advocacy Center & Center for Youth Wellness
3450 Third Street, Units 2A and 2B

Site Photo



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0123D
Child Advocacy Center & Center for Youth Wellness
3450 Third Street, Units 2A and 2B

Site Photo



SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0123D

Child Advocacy Center & Center for Youth Wellness
3450 Third Street, Units 2A and 2B



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Case No.: 2013.0018E
 Project Title: 3450 Third Street, Units #2A & #2B
 Zoning: PDR-2 (Core Production Distribution and Repair) Use District; India Basin Industrial Park Special Use District; 65-J Height and Bulk District
 Block/Lot: 5211/032 and 033
 Lot Size: 11,017, square feet
 Project Sponsor: Jim Abrams, Gibson Dunn & Crutcher LLP
 (415) 393-8370
 Staff Contact: Jeanie Poling – (415) 575-9072
 jeanie.poling@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site is located on the west side of Third Street between Arthur Avenue and Custer Avenue on the block surrounded by Third Street, Arthur Avenue, Quint Street, and Custer Avenue in the Bayview District. The project site is a 26,094-square-foot (sf) three-story building divided into two commercial condominiums, containing 9,574 sf of institutional use, 2,338 sf of office use, and 22 ground-floor parking spaces. The proposed project would involve interior building improvements and the change of use of 2,538 sf of office use to institutional use to accommodate social service/philanthropic and outpatient medical uses for a proposed new tenant: the Child Advocacy Center and Center for Youth Wellness. The project would require a building permit.

EXEMPT STATUS:

Categorical Exemption, Class 1(a) (California Environmental Quality Act (CEQA) Guidelines Section 15301(a))

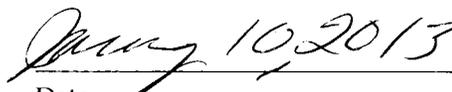
REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.


 Bill Wycko
 Environmental Review Officer


 Date

cc: Jim Abrams, Project Sponsor
Brittany Bendix, Current Planner

Supervisor Malia Cohen, District 10
Virna Byrd, M.D.F., Distribution List

PROJECT DESCRIPTION (continued):

The project site is identified as “Building 2” within the five-building Bay Park Business Center, which was constructed in 1987. The building encompasses the entirety of both project parcels. The two commercial units share common restroom, lobby, and elevator facilities. The most recent use of Unit #2A and the second floor of Unit #2B, (totaling 9,574 sf), was institutional use by the Black Rock City, a philanthropic organization; thus, the occupancy of this space by the new tenant would not be considered a change of use. The third floor of Unit #2B (2,538 sf) would be converted from office to institutional use, and a portion of the ground floor (1,210 sf) would be converted from parking to institutional use, as shown in Table 1.

Table 1 – Existing and Proposed Uses in Square Feet

Use	Existing	Proposed	Change in Use
Office	2,538	0	-2,538
Institutional*	9,574	13,080	3,506
Parking	6,000	4,790	-1,210
Building Services and Common Space	7,982	8,224	241
Total	26,094	26,094	

Note: The proposed institutional use includes 9,766 sf of social service/philanthropic use and 3,314 sf outpatient medical clinic use.

The proposed tenant improvements include new partition walls and restroom facilities. The proposed 13,080 sf of institutional use would contain approximately 9,766 sf of social service/philanthropic use and 3,314 sf of outpatient medical clinic use. The project involves no excavation or exterior modifications or additions to the existing building. The medical clinic, which would provide outpatient pediatric services, would be located on the second floor of Unit #2A. The social service and philanthropic offices would be located on the second floor of Unit #2B and on the third floor of both units. The project would reduce the number of ground-floor parking spaces by seven spaces from 22 to 15 spaces.

REMARKS:

Land Use. The project site is within the India Basin Industrial Park Special Use District, which permits institutional uses that are not subject to any size limit. The project’s proposed institutional uses would include 9,766 sf of social service/philanthropic facilities and 3,314 sf of outpatient clinic use. Within the India Basin Industrial Park Special Use District, outpatient clinics are principally permitted if the gross floor area of such facility is less than 7,000 square feet. Thus, the proposed project’s institutional use, including the 3,314 sf of outpatient clinic use, would be principally permitted within the zoning district. The project would be consistent with the Planning Code and would not conflict with any applicable land use plan, policy, or regulation. Furthermore, while the proposed project represents a small change in land use, it is consistent with the goals of the India Basin Industrial Park Special Use District, which includes the enhancement of social service uses and allows outpatient clinic uses. Thus, the project would not divide an established community or have a substantial impact upon the existing character of the vicinity.

Transportation and Circulation. The proposed project would convert 2,538 sf of office use to institutional use to accommodate the proposed 13,080 sf institutional use that contains 9,766 sf of social service/philanthropic use and 3,314 sf of outpatient medical uses. Institutional uses generally have fewer employees than offices uses, and outpatient medical uses generally have a lower trip generation rate during peak travel periods than office uses because clients and patients visit the site throughout the day and not just during morning and evening peak travel periods. Thus, transportation impacts during project operation would be less than significant.

The project site contains 22 on-site parking spaces. The proposed project would reduce on-site parking by seven spaces and result in 15 spaces, which is consistent with parking allowances in the India Basin Industrial Park Special Use District. San Francisco does not consider parking supply as part of the permanent physical environment. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA, and under CEQA, a project's social impacts need not be treated as significant impacts on the environment.

Hazardous Materials. A Phase I Environmental Site Assessment was conducted at the project site.¹ No hazardous waste sites or spill sites were identified in the Phase I. The adjacent property to the north of the project site appears to have operated as a gas station from the early 1950s until the mid-1970s. Based on the potential for migration of petroleum hydrocarbon groundwater and possible vapor migration into the building, the Phase I report recommended a soil vapor analysis to determine whether practices at the former gas station have impacted the subsurface at the project site. A soil vapor analysis was subsequently conducted.² Five soil-vapor samples were collected on the northern portion of the project site and analyzed. The analysis concluded that all tested constituents are below the Regional Water Quality Control Board Environmental Screening Levels for residential property usage, and are therefore below the level of concern for impact to indoor air quality. The report concluded that no further assessment is recommended at the project site. Thus, the proposed project would not result in impacts related to hazards to the public or the environment related to the release, transport, use, or disposal of hazardous materials.

Exemption Class. California Environmental Quality Act (CEQA) State Guidelines Section 15301, or Class 1, provides environmental exemption generally for the operation of existing structures involving no expansion of use beyond that existing at the time of the lead agency's determination. Changes of use are also exempted under Class 1 if the occupancy of the new use would not exceed the equivalent occupancy of the former use plus a 10,000 sf addition to the former use. Office uses and outpatient institutional uses are estimated at the same occupancy rate³; thus the proposed institutional use is expected to result in the same number of occupants as the existing office use, and the proposed project would involve no

¹ Professional Service Industries, Inc., *Report of Phase I Environmental Site Assessment, Bay Park Business Center – Office Building #2, 3450 3rd Street, San Francisco, California 94124*, June 29, 2012. This document is available for review as part of Case No. 2013.0018E.

² Professional Service Industries, Inc., *Soil-Vapor Sampling and Analysis Report, Bay Park – Building #2, 3450 3rd Street, San Francisco, California 94124*, August 24, 2012. This document is available for review as part of Case No. 2013.0018E.

³ Business uses and outpatient institutional uses are estimated at an occupancy rate of 100 sf per occupant per California Building Code, 2007, Table 10-A.

expansion of use. Furthermore, Class 1(a) provides environmental exemption for a change of use if the new use, as compared with the former use, would first be permitted as a principal or conditional use in any equally restrictive or more restrictive zoning district as defined in the Planning Code. Institutional use is principally permitted in an NC-1 or NC-2 zoning district, whereas office use is not principally permitted in an NC-1 or NC-2 zoning district; thus, the change of use from office to institutional use would not be considered an intensification of use, and the proposed change of use from office to institutional use would be exempt under Class 1(a).

Summary. CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Application Change of Use

January 11, 2013

Louis Michael Hamman
702 Earl Street
San Francisco, CA 94124

To Whom It May Concern:

RE: 3450 Third Street (Address of Permit Work)
5211/028 & 029 (Assessor's Block/Lot)
2012.12.13.6169 & 2012.12.13.6171 (Building Permit Application Number)

This letter is to inform you that the Planning Department has received Building Permit Applications to establish a 3,314 square-foot outpatient medical clinic (d.b.a. the Child Advocacy Center and Center for Youth Wellness) at 3450 Third Street units 2A and 2B. The proposal does not result in any expansion of the physical building and pertains solely to the change in use. You are being notified in accordance with your Block Book Notation Request on file with the Planning Department.

If you would like to review the associated plans or have any questions about this application, please contact the assigned planner for this project, Brittany Bendix, at (415) 575-9114 or brittany.bendix@sfgov.org within 10 days from the date of this letter. This project may be approved by the Planning Department if no request for Discretionary Review is filed by the end of the 10-day noticing period; January 22, 2013.

Sincerely,

Brittany Bendix, Planner
SE Team

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Espanola Jackson individually and on behalf of the Black Human Rights Leadership Council of San Francisco		
DR APPLICANT'S ADDRESS: 3231 Ingalls Street, San Francisco, CA	ZIP CODE: 94124	TELEPHONE: (415)467-0535
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Jim Abrams, Gibson Dunn & Crutcher LLP		
ADDRESS: 3450 Third Street, Units #2A & #2B, San Francisco	ZIP CODE: 94124	TELEPHONE: (415) 393-8370
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT: 3450 Third Street, Units #2A & #2B, San Francisco		ZIP CODE: 94124
CROSS STREETS: Cargo Way and Custer Avenue		
ASSESSORS BLOCK/LOT: 5211 /032	LOT DIMENSIONS: unknown	LOT AREA (SQ FT): 11,017
ZONING DISTRICT: PDR-2		HEIGHT/BULK DISTRICT: 65-J

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
unknown

Present or Previous Use:

Proposed Use: Child Advocacy Center and Center for Youth Wellness

Building Permit Application No. unknown

Date Filed: unknown

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

The applicant insists on proceeding with this project despite our concerns.

Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

This proposed building is on the site of a toxic area and is located where a train and truck come into Bayview Hunters Point to haul toxic substances from our community, all in proximity to the Southeast Wastewater Treatment Plant. To place children in these type of toxic circumstances conflict with the City's General Plan and the Planning Code's Priority Policies regarding public health. It is no secret that this is one of the worst toxic sites in the City.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

As I have stated, subjecting children, adults, and elderly individuals to these types of toxic conditions at a child advocacy center and wellness clinic is an unreasonable impact. The health of my community and our community members will be adversely affected by this proposed project.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The only alternative that I can think of is to rezone the area back to the previous PDR zoning classification or else not build the project at all.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: Espanola Jackson Date: 1/21/13

Print name, and indicate whether owner, or authorized agent:

Espanola Jackson, Owner
Owner / Authorized Agent (circle one)

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Espanola Jackson individually and on behalf of the Black Human Rights Leadership Council of San Francisco		
DR APPLICANT'S ADDRESS: 3231 Ingalls Street, San Francisco, CA	ZIP CODE: 94124	TELEPHONE: (415)467-0535
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Jim Abrams, Gibson Dunn & Crutcher LLP		
ADDRESS: 3450 Third Street, Units #2A & #2B, San Francisco	ZIP CODE: 94124	TELEPHONE: (415) 393-8370
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT: 3450 Third Street, Units #2A & #2B, San Francisco		ZIP CODE: 94124
CROSS STREETS: Cargo Way and Custer Avenue		
ASSESSORS BLOCK/LOT: 5211 /033	LOT DIMENSIONS: unknown	LOT AREA (SQ FT): 11,017
ZONING DISTRICT: PDR-2		HEIGHT/BULK DISTRICT: 65-J

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other
Additions to Building: Rear Front Height Side Yard

unknown

Present or Previous Use:

Proposed Use: Child Advocacy Center and Center for Youth Wellness

Building Permit Application No. unknown

Date Filed: unknown

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

The applicant insists on proceeding with this project despite our concerns.

Discretionary Review Request

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1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

This proposed building is on the site of a toxic area and is located where a train and truck come into Bayview Hunters Point to haul toxic substances from our community, all in proximity to the Southeast Wastewater Treatment Plant. To place children in these type of toxic circumstances conflict with the City's General Plan and the Planning Code's Priority Policies regarding public health. It is no secret that this is one of the worst toxic sites in the City.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

As I have stated, subjecting children, adults, and elderly individuals to these types of toxic conditions at a child advocacy center and wellness clinic is an unreasonable impact. The health of my community and our community members will be adversely affected by this proposed project.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The only alternative that I can think of is to rezone the area back to the previous PDR zoning classification or else not build the project at all.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: Espanola Jackson Date: 1/21/13

Print name, and indicate whether owner, or authorized agent:

Espanola Jackson, Owner
Owner / Authorized Agent (circle one)

**Emails Show Conspiracy by EPA Region 9 and San Francisco Health Department Officials
to Cover-up Dangers of the Lennar Corp.'s Development Project at the Hunters Point Naval Shipyard
Officials Suppress Data Showing Asbestos Exposures in the Bayview Hunters Point Community**



Mark Ripperda, EPA Region 9
Remedial Project Manager



Amy Brownell, Environmental Engineer
San Francisco Department of Public Health

March 21, 2011

Since 2006 when heavy grading and excavation began by the Lennar Corporation at the Hunters Point Naval Shipyard, residents of the Bayview Hunters Point community, a majority African American, Samoan and Latino low-income community, suffered from health problems including nose bleeds, rashes and headaches that they believed were caused by asbestos and heavy metals being unearthed from these actions. Residents complained en masse to the EPA, the San Francisco Health Department, and other federal, state, and local environmental and health agencies demanding testing of the community and regulatory enforcement.

However, little did residents know that officials in the Environmental Protection Agency Region 9 and the San Francisco Department of Public Health were conspiring with the Lennar Corporation to conceal the health threats of asbestos laden dust.

Email correspondence obtained through a public records request now reveal that Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyard, and Amy Brownell, Environmental Engineer at the San Francisco Department of Public Health, used their offices to manipulate environmental data and create false reports in support of the Lennar Corporation's plan for a major redevelopment project on the shipyard site. Their numerous emails to employees and consultants of the Lennar Corporation show a concerted effort to conceal asbestos exposures in order to avoid the shut-down of redevelopment activities. Additional email correspondence indicates a conspiracy to create a justification for the Lennar Corporation's redevelopment project to move forward. See excerpts of emails below.

EPA Email Excerpts: Asbestos Exposure Cover-Up

May 14, 2009 3:37 pm

From: **Mark Ripperda**, EPA Region 9

To: Jeff Austin, Lennar Corp. Employee

"Hi, Jeff, as you've probably heard, the NOI [Nation of Islam]* is now beating on our door about asbestos."

*Note: The Nation of Islam operates a school for children ages 3 to 18 that is located next to the Hunters Point Naval Shipyard in the Bayview Hunters Point community.

June 24, 2009 10:00 am

From: **Mark Ripperda**, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Asbestos data flow chart call – 6/22

"we would like to take Lennar up on their offer to analyze the additional 8 samples from Lennar monitors so that we can do 16 filters from the City. This will also help lower the 'worst case risk' by including more samples with lower counts."

Oct. 28, 2009 1:26 pm

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Hunter's Point data reanalysis

"We're meeting with the BAAQMD [Bay Area Air Quality Municipal District] and the City on November 3, and would like to meet with you soon thereafter to discuss the details and talking points. I prefer to keep our message as simple as possible and stay away from health assessments and from shut-down days. Something along the lines of: Our analysis using more detailed methodology showed that there are fewer 'health risks fibers'* present than what the Air District assumed in setting the trigger levels.* Thus the Air District's methods and levels are appropriate and we will defer all regulatory issues concerning asbestos to the District.

"I'm not the asbestos expert, so is this a true statement?"

*Note: "Health risk fibers" refer to a concentration of asbestos that can cause adverse health effects. "Trigger levels" refer to the standards set by the Bay Area Air Quality Municipal District that require the shut-down of redevelopment activities by the Lennar Corp. at the Hunter's Point Naval Shipyard when an air monitor detects 16,000 or more asbestos fibers in a cubic meter.

May 29, 2009 4:16 pm

From: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

To: Mark Ripperda, EPA Region 9

Subject: RE: Hunters Point – Follow-up to Tuesday's conference call

". . . if we proceed with the limited sampling to check the correlation between the two different counting rules as it pertains to the fiber distributions, it is unlikely that we would use this initial evaluation to reach publicly communicable risk conclusions-say by using any found correlation to draw risk conclusions about current AHERA* dataset. To make any conclusions, a more robust, statistically significant sampling would need to be conducted. Even then, robust risk conclusions, ready for public consumption, may be impossible without activity-based sampling.* Ultimately this will be a policy management decision."

*Notes: AHERA stands for Asbestos Hazard Emergency Response Act and refers to one method of counting asbestos fibers in a given sample of dust.

Bayview Hunters Point residents repeatedly called on the EPA and the Health Department to conduct activity-based sampling, which is more statistically representative of actual human exposure to asbestos fibers. The EPA and the Health Department never complied with this request.

San Francisco Department of Public Health Email Excerpts: Asbestos Exposure Cover-Up

Jan. 19, 2007 8:26 am

From: David Rizzolo, San Francisco Department of Public Health

To: Amy Brownell, San Francisco Department of Public Health

Cc: Rajiv Batia, San Francisco Department of Public Health

Subject: Re: Fwd: worst case exposure assumption

"there may be other problems with reanalyzing worker exposure samples by TEM.* you would have to get the okay from Gordon Ball. the big problem i see is that measurements that were low by PCM* often turn out to be very high when reanalyzed by TEM. this is not a problem with OSHA because OSHA does not recognize TEM measurements. however, explaining to workers what this new information means for them can be a problem (pandora's box). that may be a bigger problem in reality than the one we are trying to address.

"in general, i see that in trying to put together a case to argue that exposure was "low," were are legitimizing the allegations. it seems to me that the available facts are on our side, so we should stay away from trying to create more data. more data might not help us. we can talk more about this directly."

*Note: TEM stands for "transmission electron microscopy" and PCM stands for "phase contrast microscopy." Both are methods used in microscopes to count the asbestos fibers.

Oct. 13, 2006 3:52 pm

From: Amy Brownell, San Francisco Department of Public Health
To: Sheila Roebuck and Jeff Austin, Lennar Corp. Employees
Subject: very, very rough draft

"I'm sure you will also want to change my wording on how I portray the problems, lack of monitors, etc. Go ahead and change any way you want. I may change some of it back but I'm willing to read your versions. as noted, don't bother adding the worker monitoring information. I don't want to use it. I understand your sensitivity on this issue and if specifically asked in a public meeting, I will be willing to verbally state the facts related to worker monitoring. But I'm not willing to make it part of this narrative."

EPA Email Excerpt: Concoct Reason for the Lennar Redevelopment Plan to Move Forward

Nov. 3, 2009 12:10 PM

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp., and Amy Brownell,

Subject: EPA's preliminary results and conclusions from asbestos slide re-analysis

Hi Rob, here are the main talking points that we will be presenting at this afternoon's meeting. You've been a careful reviewer of my language in the past - do you see any problems in how I've worded any of these points?

Nov. 4, 2009 9:25 am

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: HP [Hunters Point] asbestos re-analysis conclusions (2).doc.

"Thanks Rob, I appreciate your input and yes, you can share this internally with Lennar. These were talking points for yesterday's meeting with the City and the Air District. . . . I need a different focus for meeting with both the NOI [Nation of Islam, administrator of the school located next to Hunters Point Shipyard] and the greater community. The conclusions for general communication will probably stay similar, with one addition, a statement that EPA sees no reason to stop the development.*

"I'm not sure how to create a basis for the conclusions however, for the general public. The information in the first set of points is appropriate for government/industry types, but I'm searching for a way to justify that the development is acceptable without getting into details of risk assessment. Given NOI's sophistication, maybe we do have to provide more details than I hoped. I'm open to any written narrative or bullet list that you think might work.

"While I'm not going to use the list you edited again, partially because of confusion it created for even informed people like you and Rajiv,* I'll try and clarify a few things so we're on the same page as we massage the message. . . . My statement in the conclusion is ambiguous, because I presented a risk for single worst case earlier in my list, but am then assuming that an average of the data will result in a much lower risk, without actually calculating a risk. I can't use that logic for general communication for several reasons, one of which is because Christopher* will quickly point out that the highest level that we re-analyzed is not the highest level overall."

*Notes: Following this email, Mark Ripperda, EPA Region 9 Remedial Project Manager, repeatedly stated in public forums and meetings with local officials that EPA sees no reason to stop the Lennar Corp.'s redevelopment project at the Hunters Point Naval Shipyard. Mr. Ripperda's statement served as justification for the City of San Francisco Planning Department to draft an Environmental Impact Report in support of the redevelopment plan by the Lennar Corp. and a majority of the County Board of Supervisors to approve the Environmental Impact Report.

The people referenced in this email are Rajiv Bhatia, the Director of Occupational & Environmental Health in the San Francisco Department of Public Health, and Minister Christopher Muhammad, a community leader advocating for health protections from the Lennar Corp.'s redevelopment activities at the Hunters Point Naval Shipyard.

The Cozy Relationship Between Regulators and Industry

Governmental statements that have downplayed the dangers of recent environmental disasters, such as the BP oil drilling disaster in the Gulf of Mexico and the exposures to radiation from nuclear reactors damaged by the recent earthquakes and tsunami in Japan, have raised significant public distrust. Such distrust centers on the relationship that governmental regulators have with regulated industries. In the wake of the BP oil drilling disaster, President Obama blasted the "scandalously close relationship" he said has persisted between Big Oil and government regulators, and promised to end the "cozy relationship" between the oil industry and federal regulators. The email correspondence reveals that the cozy relationship also exists between

governmental regulators and developers. EPA Region 9 and San Francisco Public Health Department officials have developed a closely aligned relationship with the Lennar Corporation that is to the detriment of the Bayview Hunters Point community.

The Bayview Hunters Point community is located in southeastern San Francisco. Residents of the community and surrounding neighborhoods are predominantly people of color, who are disproportionately burdened with environmental hazards from the Hunters Point Naval Shipyard Superfund Site, industrial facilities, diesel rail and truck corridors, and substandard housing. These environmental hazards increased in 2000 when a brush fire at the Hunters Point Naval Shipyard smoldered underground for several weeks, exposing nearby residents to toxic smoke and chemicals. Massive excavation and grading activities at the shipyard were conducted in 2006 and 2007 without proper air monitoring stations and pollution control measures, resulting in the release of asbestos laden dust. However, EPA and San Francisco Public Health Department officials have suppressed information about the full impact of these and other environmental hazards. Their unconscionable decision to manipulate data and present false reports constitute a blatant disregard for the human rights of people who live, work, and attend school in the Bayview Hunters Point community.

Demand for Justice

Based on the obtained email correspondence, a coalition of residents, environmental justice, and worker rights organizations are calling on FBI Special Agent-in-Charge Stephanie Douglas; and the California State Attorney General Kamala Harris to:

- Launch a full investigation into public corruption involved in the Lennar Corporation redevelopment of the Hunters Point Naval Shipyard.

The coalition calls on the US EPA Administrator Lisa Jackson to:

- Remove Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyard, and any other EPA employee found to be involved in the cover-up, from their roles in the Hunters Point Navy Shipyard project.
- Place a moratorium on all activities that fall under the authority of the EPA Project Manager at the Hunters Point Naval Shipyard, and conduct a comprehensive investigation of past and present environmental hazards and public health threats associated with both remediation and redevelopment activities.

The coalition calls on San Francisco Mayor Edwin Lee, the San Francisco Supervisors, and San Francisco Public Health Director Barbara Garcia:

- Remove Amy Brownell, Environmental Engineer in the San Francisco Department of Public Health, and any other city employee involved in the cover-up, from their involvement in the Hunters Point Shipyard Project.
- Launch a full investigation into public corruption involved in the Lennar Corporation redevelopment of the Hunters Point Naval Shipyard.

The email correspondence obtained through a public records request is available at: www.cleanupnotcoverup.com.

1 **SUPERIOR COURT OF CALIFORNIA**
2 **County of San Francisco**

3 PEOPLE ORGANIZED TO WIN EMPLOYMENT)
4 RIGHTS, GREENACTION FOR HEALTH, and)
5 ENVIRONMENTAL JUSTICE, non-profit)
6 corporations,)

Case No. CPF-10-510670

CERTIFICATE OF MAILING
(CCP 1013a(4))

6 Petitioners,)

7 vs.)

8 SAN FRANCISCO PLANNING DEPARTMENT,)
9 SAN FRANCISCO REDEVELOPMENT)
10 AGENCY, SAN FRANCISCO BOARD OF)
11 SUPERVISORS, MICHAEL J. ANTONINI, in his)
12 official capacity as Planning Commissioner, San)
13 Francisco Planning Department, and DOES I)
14 through V, inclusive,)

12 Respondents,)

13 and)

14 CP DEVELOPMENT COMPANY, LP,)

15 Real Party in Interest.)
16)

17 I, Nancy Regas, a Deputy Clerk of the Superior Court of the County of San Francisco,
18 certify that I am not a party to the within action.

19 On July 11, 2011, I served the attached Tentative Statement of Decision Granting in Part
20 and Denying in Part Petition for Writ of Mandate by placing a copy thereof in a sealed envelope,
21 addressed as follows:

21 Trent W. Orr, Esq.
22 EARTHJUSTICE
23 426 – 17th Street, 5th Floor
Oakland, CA 94612

Robert I. McMurry
PAUL HASTINGS JANOFISKY & WALKER, LLP
515 South Flower Street, Suite 2500
Los Angeles, CA 90071

24 Robert I. McMurry, Esq.
25 GILCHRIST & RUTTER, A PROF. CORP.
26 1299 Ocean Avenue, Suite 900
Santa Monica, CA 90401

Audrey Williams, Deputy City Attorney
CITY & COUNTY OF SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place, Room 234
San Francisco, CA 94102

27 PEOPLE ORGANIZED TO WIN EMPLOYMENT RIGHTS, GREENACTION FOR HEALTH, and ENVIRONMENTAL JUSTICE V. SF
28 PLANNING DEPARTMENT, SF REDEVELOPMENT AGENCY, SF BOARD OF SUPERVISORS, MICHAEL J. ANTONINI, ET AL -- CGC-
10-510670 - TENTATIVE STATEMENT OF DECISION GRANTING IN PART AND DENYING IN PART PETITION FOR WRIT OF
MANDATE

1
2 **CONCLUSION**

3 **I. WRIT GRANTED**

4 The court finds that the EIR for the CP-HPS II Redevelopment Project cannot be a basis
5 for early transfer approval for Shipyard parcel. The court orders that the development of parcels
6 at the Shipyard may not proceed until the CERCLA remediation process is complete and
7 approved by regulating agencies as safe for health and development.

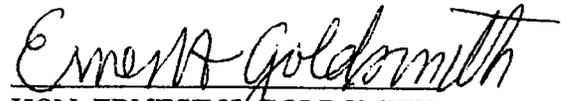
8 Petitioner is ORDERED to prepare a Writ of Mandate consistent with the Court's Ruling
9 herein.

10 **II. WRIT DENIED**

11 The petition for Writ of Mandate is denied as to all other claims for the reasons set forth
12 above.

13 This Tentative Statement of Decision is the Court's Proposed Statement of Decision
14 pursuant to CRC § 3.1590(g).

15
16
17
18
19 DATED: July 8, 2011


HON. ERNEST H. GOLDSMITH
Judge of the Superior Court

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and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

DATED: July 11, 2011

T. MICHAEL YUEN, Clerk

By: *Nancy Regas*
Nancy Regas, Deputy Clerk

City and County of San Francisco**Department of Public Health**Edwin M. Lee
MayorBarbara A. Garcia, MPA
Director of HealthTomás Aragón, MD, DrPH
Health Officer

Date: July 26, 2012

RECEIVED AUG 30 2012

To: Abigail Stewart-Kahn, LCSW
San Francisco Child Abuse Prevention CenterFrom: Tomás Aragón, MD, DrPH, Health Officer
City & County of San Francisco

Re: 3450 Third Street, San Francisco

The San Francisco Department of Public Health (SFDPH) received a request to provide an analysis of community health and safety concerns related to the proposed location for the Children's Advocacy Center and the Center for Youth Wellness partnership at 3450 Third Street. This memo summarizes the analysis conducted by our staff in the Environmental Health Section. Based on our site visit with the organizers of the partnership and public comments at community meetings,¹ we understand that community members are most concerned about the following issues:

- air quality at the site due to proximity to the Third Street truck transit route and proximity to the Southeast Wastewater Treatment Plant;
- flooding at the site related to the nearby Islais Creek;
- pedestrian safety both due to truck traffic and the Third Street/T-line; and
- noise levels due to freight traffic

Below is a summary of our evaluation and recommendations with regards to each of the issues. Additional data on environmental conditions at the site may be found online at the The Health Development Measurement Tool (<http://www.thehdmt.org>).

Air Quality

The site is located proximal to the intersection of Cargo and Third Streets which experiences large volume freight traffic (see Table 1 on p. 6). The site is also in close proximity to the Southeast Water Pollution Control Plant which is a source of air pollutants and odors. The SFDPH is aware of a history of community nuisance complaints regarding this site. Problems with the water treatment facility are related to its age (built in 1952); however, the San Francisco Sewer Master Plan² for water and wastewater calls for its replacement. The new facility will be designed to mitigate air pollution and odor concerns that have been raised by members of the community and the SFDPH will be engaged in a review of the planning for the new facility. The time horizon for facility replacement is long; we do not expect construction of the new facility to begin for several years. The SFPUC Sewer System Improvement Program³ would be an authoritative source regarding information about the wastewater treatment plant replacement.

¹ Health Care Services Master Plan Task Force meetings
² <http://www.sfwater.org/modules/showdocument.aspx?documentid=579>
³ <http://sfwater.org/index.aspx?page=117>

The SFDPH has worked with the Bay Area Air Quality Management District (BAAQMD)⁴ to estimate cumulative concentrations of fine particulate matter (PM2.5), a priority air pollutant with health significance at a citywide level. Figure 3 (on p. 5) illustrates areas of San Francisco with cumulative PM2.5 levels greater than 10 ug/m³. The SFDPH does not consider the proposed project to be located in a "hotspot" of PM2.5 pollution.⁵

Figure 2 (on p. 4), also developed based on modeling conducted by SFDPH and the BAAQMD, illustrates the estimated excess lifetime cancer risk from known airborne emissions of carcinogenic compounds. Figure 2 shows that exposure to outdoor air in the area of the project would increase the lifetime risk of cancer by 60-80 cancers for every 1 million persons exposed over a lifetime. The risk estimates should *not* be interpreted as those for short-term visitors to the site. This risk level is similar to that in several residential areas of the city. The estimates are based on a physical model of pollution dispersion, and our best understanding of dose response relationships. If needed, additional documentation on the modeling methodology and the risk estimation methodology may be obtained from the SFDPH.

Because of its proximity to the above air pollution sources, the SFDPH would not consider this location appropriate for residential uses. However, institutional uses including health care facilities may be acceptable because of limited exposure duration. Furthermore, commercial ventilation and filtration systems would be able to mitigate the indoor exposures and effects of outdoor ambient pollution. It would be in the interest of employees that the building be designed with central air conditioning and that all outside air be filtered with MERV⁶ 13 filtration which is capable of reducing particulates by 80%. The SFDPH would be happy to review ventilation system designs for this facility.

Flooding

The SFDPH has no knowledge of flooding or flood prone zones in the area. This is an issue that is generally outside of the expertise and responsibility of the SFDPH. At least, in the past decade, the SFDPH has not responded to flood related problems in this area. We recommend directing that questions related to flooding be directed to the SF Department of Public Works.

Noise

The large volume of freight traffic results in daytime noise levels at the site which are at the upper end of the range found in San Francisco (see Figure 4 on p. 7). These levels are high enough to compromise speech and cognitive functions such as memory and concentration in outdoor environments. However, a well-designed building can mitigate high ambient noise levels indoors and we do not believe that noise levels would significantly affect either clients or employees when indoors. Air conditioning and good ventilation would support quiet indoors by limiting the need to operate windows. We would also suggest that patient care areas not directly face Third Street.

⁴ BAAQMD website: <http://www.baaqmd.gov/>

⁵ The California state ambient air quality standard for PM2.5 is currently 12 ug/m³; however, health effects from PM2.5 can occur at levels below this standard. The SFDPH is more conservative and considers levels over 10 ug/m³ to be potential PM2.5 hotspots.

⁶ MERV = Minimum Efficiency Reporting Value

Traffic Safety

Observed pedestrian volumes near the proposed site are low which makes it difficult to interpret safety based on historical injury data. In the latest five year reporting period (2006-2012), four pedestrian injuries occurred on the nearby corridor. All of the injuries were near the public transit stops closest to the proposed facility location. Three of the injuries occurred among adults and all injuries occurred during daylight hours of 6 am to 6 pm.

Pedestrian injury rates at this location are not historically higher than that elsewhere in San Francisco, however, this statistic must be considered in the light of the level of pedestrian activity and the surrounding industrial area. Travel to the clinic via public transit may still pose modest pedestrian safety hazards because of the nature of the transportation environment. The photographs of the intersection at Third Street and Cargo Way illustrate both freight traffic and intersection design features (see Figure 1).

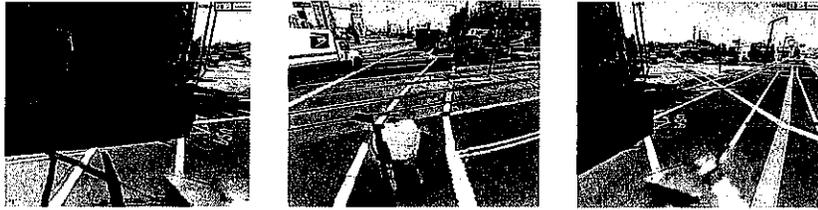


Figure 1: Pedestrian crosswalks at 3450 Third Street, San Francisco

Most of the corridor has basic pedestrian amenities such as sidewalks and most intersections have traffic signals and have curb ramps. However, Cargo Way and Third Street are both designated truck routes, and trucks can limit vision for both drivers and pedestrians. The adjacent intersection at Cargo and Third has long crossing distances at all approaches, although there are pedestrian refuges at the east and west crossings.

It would be appropriate to consult the San Francisco Municipal Transportation Agency to discuss options and opportunities for improving the pedestrian environment. A number of actions might be considered to improve pedestrian visibility, access, and safety for this use are identified below:

- Installing high-visibility crosswalks (e.g., continental crosswalks)
- Installing *n*-demand, flashing beacons at the crossings in front of the proposed clinic
- Enhancing the dimensions and visibility of the pedestrian refuge islands at the intersection of Third St. and Arthur St.
- Removing refuge/concrete slab that blocks the path of travel in the southern crosswalk
- Changing traffic signal timing to increase time for pedestrians to cross
- Providing wayfaring signage to guide clients to the clinic

Areas Over 10 ug/m3



Figure 2: Modeled Concentrations of Fine Particulate Matter (PM2.5) in San Francisco. Source: Unpublished data from the Bay Area Air Quality Management District and the San Francisco Department of Public Health.



Figure 3: Modeled Excess Cumulative Cancer Risk from Air Toxics from Known Mobile and Stationary Sources in San Francisco. 3450 Third Street is located in the 60-80 cancers per million category. This category is similar to South of Market area. Source: Unpublished data from the Bay Area Air Quality Management District and the San Francisco Department of Public Health.

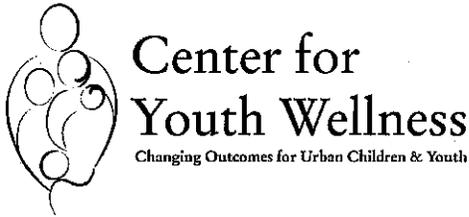
Table 1: Diesel Truck Traffic on Arterial Segments in Bayview Hunters Point

Street	Segment Start	Segment End	Length (miles)	Diesel Truck Daily Volume	Diesel Truck Annual VMT
Third St	Hwy. 101	Jamestown Ave.	0.19	1,093	51,916
Third St	Jamestown Ave.	Paul Ave.	0.16	1,173	46,928
Third St	Paul Ave.	Carroll Ave.	0.23	1,208	69,446
Third St	Carroll Ave.	Oakdale Ave.	0.66	1,291	213,072
Third St	Oakdale Ave.	Evans Ave.	0.52	1,256	163,238
Third St	Evans Ave.	Cargo Way	0.24	1,191	71,440
Third St	Cargo Way	Cesar Chavez St.	0.28	1,457	101,966
Cesar Chavez St.	Hwy. 101	Evans Ave.	0.36	761	68,475
Cesar Chavez St.	Evans Ave.	Pennsylvania Ave.	0.27	761	51,357
Cesar Chavez St.	Pennsylvania Ave.	Third St	0.25	704	44,000
Evans Ave.	Cesar Chavez St.	Third St	0.72	1,275	229,566
Paul Ave.	Bayshore Blvd.	Third St	0.30	483	36,249
Gilman Ave.	Third St	A. Walker Drive	0.63	731	115,210
Bayshore Blvd.	Hwy. 101	Paul Ave.	0.55	1,019	140,117
Harney Way	Alana Way	Jamestown Ave.	0.38	153	14,576
Ingalls St.	Egbert Ave.	Carroll Ave.	0.10	217	5,424
Ingalls St.	Carroll Ave.	Thomas Ave.	0.37	241	22,268
Jamestown Ave.	Third St	Harney Way	0.87	626	136,232
Cargo Way	Third St	Jennings St.	0.59	279	41,192

Source: Bayview Hunters Point Diesel Reduction Program, SF Dept of the Environment, 2009



Figure 4: Map of Day-night sound levels at project site



September 12, 2012

Dear Community Stakeholders:

Thank you again for the time you've spent working with us to assess the safety of our proposed location at 3450 3rd Street. Your partnership through this assessment period has helped us get critical information to the community and ultimately ensure the safety of all our children. As a direct and immediate response to community concerns around the environmental safety of the proposed location for the Center for Youth Wellness (CYW) and Children's Advocacy Center of San Francisco (CAC), the organizations developing these programs, the Center for Youth Wellness and the San Francisco Child Abuse prevention Center (SFCAPC) sought input from, the Department of Public Health (DPH). CYW and SFCAPC specifically requested that DPH conduct a report analyzing the environmental health and safety around 3450 Third Street in order to best address the concerns of the community around the proposed location.

At the same time, CYW and SFCAPC hired an independent third party to conduct an environmental assessment of the site. Professional Service Industries, Inc. a nationally recognized environmental assessment entity was contracted to prepare the environmental assessment of 3450 3rd Street area. After several months of technical review and environmental assessment, the CYW and SFCAPC would like to share the Environmental Site Assessment reports prepared by DPH and Professional Service Industries, Inc. agency. Please note, these findings are limited to the environmental conditions, community health and safety of the 3450 3rd Street area (referred to as Property) and not the broader Bayview Hunters Point area.

The requests from CYW and SFCAPC included the outline of community concerns we received, specifically:

1. Air quality issues due to proximity to:
 - a. Third Street truck transit route
 - b. Southeast Wastewater Treatment Plant
2. Any known history of flooding at the location and any risk this would present
3. Pedestrian safety due to truck traffic and the Third Street trains
4. Noise levels

Summary of findings:

In summary:

- DPH report indicates that "The Property" is not considered to be located in a "hotspot" for pollution.
- Professional Service Industries stated, no hazardous waste or materials were noted during the investigation of the Property (other than small volumes of paint);
- No current hazardous waste sites or spill sites were identified that may have had an impact on the property.
- While a gasoline station was previously located adjacent to the site, soil tests undertaken to address this indicated there is no concern about the quality of the indoor air.

For the full reports please see documents attached.

Overview

Dr. Aragon and Dr. Bhatia from the Department of Public Health have conducted a review of the environmental health and safety data on record for the property and surrounding area. Professional Service Industries, Inc. conducted an analysis of the history and environmental conditions of the 3450 3rd Street site along with soil testing to determine if there were unhealthy vapors in the soil. Below is a brief summary of all the assessments, results and recommended next steps.

DPH Evaluation and recommendations summary

Air quality

The intersection of Cargo and Third Streets experiences a large volume of freight traffic. The Property is near the Southeast Water Treatment facility which is a source of air pollutants, but upcoming replacement with a more modern facility will include a facility designed to mitigate air pollution and odor impact. DPH estimates exposure to the outside air in the area would increase the lifetime risk of cancer by 60-80 cancers per every 1 million persons exposed over a lifetime (about .00008% of the population.) Based on the data provide, the air quality is similar to that of the South of Market neighborhood.

Conclusion: DPH does not consider the site to be located in a “hotspot”¹ for pollution. The location is also appropriate for institutional uses, such as a health care facility.

Recommendations: Design the building with central air conditioning with MERV 13 filtration which is able to reduce particulates from outside air by 80%. The site, 3450 3rd Street Building 2 will be equipped with central air conditioning with MERV13 filtration.

Flooding history and risk

DPH has no knowledge of flooding or flood prone zones in the area.

However, based on conversations with community members who had heard about flooding, CYW and SFCAPC surveyed current and former tenants of Unit 1 (closer to Islais Creek) and Unit 2 (the proposed property), finding that Unit 1 experienced flooding from Islais Creek in [year not provided] while Sojourner Truth was occupying Unit 1C. No flooding of Unit 2 has occurred in the last 5 years, as reported by the property manager as well as current (Synertel) and former (Burning Man) tenants.

Our Conclusion: Flooding risk of Unit 2 seems very low based on no historical record of flooding in Unit 2 in the last 5 years, and the property’s relative distance from the creek.

Recommendation: DPH recommends any further questions related to flooding be directed to the SF Department of Public Works.

Pedestrian safety

There have only been 4 pedestrian injuries in the past 5 years, and the injury rates are not historically higher than elsewhere in San Francisco. Public transit may post modest safety risks due to the transportation environment. Most of the corridor has basic amenities such as sidewalks, traffic signals, and curb ramps.

Conclusion: Low pedestrian traffic in the area makes the historical data difficult to analyze, but a number of changes will be made to improve pedestrian visibility, access, and safety.

Recommendations:

- Provide wayfaring signage to guide clients to clinic
- Install high-visibility crosswalks (e.g., continental crosswalks)
- Enhance dimensions and visibility of pedestrian refuge islands at intersection of 3rd and Arthur Streets
- Remove refuge that blocks path of travel on southern crosswalk

¹ DPH classifies “hotspots” as areas with PM2.5 levels over 10ug/m3.

- Change traffic signal timing to increase time for pedestrian crossing

CYW and SFCAPC will provide signage to guide clients to 3450 3rd Street, Building 2. CYW and SFCAPC will advocate for the implementation of these recommendation to the City and County of San Francisco.

Noise levels

Large freight traffic results in noise levels during the day that are in the upper range of those found in San Francisco, which could minimize outdoor functions.

Conclusion: Although noise may interfere with outdoor functions, air conditioning and ventilation would support a quiet indoors which would not affect clients nor employees by limiting the need to open windows.

Recommendations: Install air conditioning and good ventilation to limit the need to open windows. Also design the building so that patient care areas do not directly face Third Street.

In the current design, 90% of patient care rooms are not directly facing Third Street. Additionally, the building will have good air conditioning and good ventilation.

Professional Service Industries, Inc. evaluation and recommendation summary

Site overview and history

Professional Services Industries, Inc. (PSI) performed a Phase I Environmental Site Assessment on the 3450 3rd Street site. The Property is defined as Building 2 at the Bay Park Business Center located on the west side of 3rd Street between Arthur Avenue and Custer Avenue. The Property address is 3450 3rd Street, San Francisco, California.

Historical information sources indicate that the Property was a street in 1886 and 1990 and then a street and small saloon in 1914. By 1946, the site was undeveloped. In the early 1950s, the Property was developed into a small restaurant that operated into the mid-1970s and appears to have been vacant until the current office building, which was built in 1987. The adjacent property to the north appears to have operated as a gas station from the early 1950s until the mid-1970s.

Conclusion: **No hazardous waste or materials were noted during the investigation of the Property other than small volumes of paint.** No current hazardous waste sites or spill sites were identified in the Environmental Data Resource report (a report of property records) that may have had an impact on the Property.

Due to property to the north operated as a gas station from the early 1950s until the mid-1970s, Professional Service Industries has identified the adjacent property as an off-site as likely having presence of hazardous substance. The decision was made based on the potential for migration of petroleum hydrocarbon groundwater and possible vapor migration into the current structure.

There is no indication that there was a leak from this former service station, but given the proximity, and length of time it was in operation, there was a possibility that groundwater may have been impacted from the former gas station beneath the Property.

Recommendation: Professional Service Industries identifies a possible remote presence of gasoline components in the air, and recommends that sampling be conducted to determine any possible environmental risk.

Final Results: With specific intent to determine the potential presence of unhealthy vapors, CYW and SFCAPC requested soil testing conducted on the Property. Six probe locations were installed in the Property to determine whether impact to the subsurface has occurred from the previous use of the adjacent property as a gas station. The probes were drilled to a depth of approximately four feet below ground surface to assist the collection of vapor samples. Vapor samples from the probes were analyzed for hazardous chemicals according to EPA Method 8260B (a measuring method).

The purpose of the subsurface investigation is to provide data on the level of hazardous chemical concentrations in the soil vapor. The concentrations detected were compared to the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for Indoor Air and Soil Gas to provide additional data on the possible risk of soil-vapor intrusion into the Property.

The soil tested below Regional Water Quality Control Board Environmental Screening level for residential property usage. Therefore there is not concern about the quality of the indoor air.

Professional Service Industries, Inc. does not recommend further assessment of the Property. The full report is attached.

Next steps

As the health and wellness of children and their families is foremost in our mission, the Center of Youth Wellness and Children's Advocacy Center take the community concerns around environmental health and safety very seriously. The CYW and SFCAPC are committed to following up on DPH's and PSI's recommendations to mitigate any facility issues to provide a safe and healthy environment for families.

If you have questions, please feel free to contact Susanna Osorno-Crandall at sosornocrandall@centerforyouthwellness.org or call 415-748-8557.

Sincerely,



Susanna Osorno-Crandall
Director of New Programs and Community Outreach
Center for Youth Wellness

From: [Espanola Jackson](#)
To: [Bendix, Brittany](#)
Subject: Fw: A Wellness Center on a very contaminated site in San Francisco.
Date: Tuesday, January 29, 2013 3:38:42 PM

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

From: Francisco Da Costa <fdc1947@gmail.com>
To: Francisco Da Costa <fdc1947@gmail.com>
Sent: Tue, January 29, 2013 8:52:38 AM
Subject: A Wellness Center on a very contaminated site in San Francisco.

***A Wellness Center to treat our innocent children -
at a very contaminated area - 3450 Third Street in the Bayview:***

<http://kilamanjaro-kilamanjaro.blogspot.com/2013/01/a-flawed-permitting-system-in-san.html>

***Francisco Da Costa
Director
Environmental Justice Advocacy***

ISSUES ON THE FRONT LINE - LOCAL, NATIONAL, AND INTERNATIONAL.


52,393

Tuesday, January 29, 2013

A FLAWED PERMITTING SYSTEM IN SAN FRANCISCO - ADVERSELY IMPACTING THE INNOCENT.

You would think the San Francisco Planning Department, the Department of Building Inspection, the San Francisco Health Department - more the Environmental Section - other City Departments would do - due diligence in San Francisco - with the process system - when it comes to permit - and more with Quality of Life issues - NO.

At the SF Planning Department the turn over - is over 60% with the new Planners and those that must process the paper work having no history of San Francisco.

More influenced by expeditors - who can paint a rosy picture - and get you any permit - on a platter.

The SF Planning Staff cannot say they have no money - now more so - to do due diligence - the permit fees have raked up millions.

*There are over \$10 billion plus of projects in the pipe line - and the fees have already been paid to the SF Planning Department.
In the mean time the SF Planning Department is having a field day. Gone are the days - when they could sing the blues - always faulting the City and County of San Francisco - pleading that the SF Planning had NO - money.*

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Francisco Da Costa



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Francisco Da Costa
Current City:
San Francisco,
California

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About Me



Francisco Da Costa

Director of
Environment

tal Justice Advocacy and I
live in San Francisco,
California.

[View my complete profile](#)

The money just sitting there - enough money to pay those capable to attend, focus, do their jobs - more due diligence. The problem - missing in the equation - experience, fortitude, standards, lack of history linked to San Francisco and the eleven districts - lacking the ability to - discern.

We all remember some time ago - when Larry Badner was the Zoning Czar at the San Francisco Planning Department.

This sordid man - instead of doing his job - was busy sharing "pornographic material" - crossing the line and enticing some women Planners too to join in the fray.

All during working hours - when the City was paying him to work. He was fired - arrogant to the core - while he worked for the SF Planning Department.

Larry and many Senior planners - who were caught in the web - where fired. Good riddance of very bad - rubbish.

Now and then Larry who is now a consultant - will try to appear at the SF Planning Department meeting - trying to act funny - but, that does not amuse anyone.

The Southeast Sector of San Francisco has over 500 toxic hot spots - very contaminated sites - all these sites are the responsibility of of the City and County of San Francisco.

These areas come directly under the jurisdiction of the San Francisco Administrator - in this case Naomi Kelly.

The Department of Public Works, the Department of Building Inspection, the SF Health Department and more the Department of Environment under the SF Health Department - are aware and are fully aware of these contaminated sites.

Reports from the Department of Toxic and Substances Control, other pertinent documents

BE LEADERS - ...

APRIL 3, 1968 DR MARTIN LUTHER KING JR MET HIS UNT...

THE EDUCATION OF OUR CHILDREN MUST NOT FALL INTO T...

TRULY WHAT HAVE WE LEARNED FROM DR MARTIN LUTHER K...

BLATANT DISCRIMINATION BY THE SAN FRANCISCO UNIFIE...

IN THIS DIGITAL AGE IT CANNOT BE BUSINESS AS USUAL...

THE CITY AND COUNTY OF SAN FRANCISCO FOSTERING GEN...

HUNTERS VIEW RESIDENTS SHAFTED MOVED INTO INFERIOR...

POLLUTION AND ABJECT CONTAMINATION IN SAN FRANCISCO...

DO WE NEED A HOUSING CZAR IN SAN FRANCISCO WHO DEM...

MALIA COHEN A LOSER AND THE MOST PATHETIC AMONG TH...

ROSE PAK TRIED HER BEST TO DETHRONE DAVID CHIU - Y...

THE CHANGING OF THE GUARD AT SAN FRANCISCO'S CITY ...

BARACK HUSSEIN OBAMA HAS BUT ONE CHANCE TO ACCEPT ...

THE VICTIMS OF HURRICANE SANDY AND CONGRESS.

257 FOR 167 AGAINST - THE FISCAL CLIFF SAGA IS OVE...

► 2012 (281)

► 2011 (145)

from the Regional Water Board, still other from the Environmental Protection Agency - can help the City and County of San Francisco - address such issues.

The City Attorney and the District Attorney can do something about these issues - but do nothing - the just go with the flow. All these very contaminated sites - adversely impact thousands.

Little is done - because attempting to address such issues - cost money - so the City brags a lot about the Carbon Foot Print, Greening - but does not bother to clean up these toxic hot spots.

More because the City feels and thinks it can get away with murder - in broad daylight. This nonsense must stop.

The District 10 Supervisor; Malia Cohen initiated a plan some time ago - which came before the SF Planning Department to operate a Wellness Center at 3450 Third Street a very, very contaminated area.

A Wellness Center that will cater to the health of our children. To be operated by a Jamaican doctor named Nadine Burke.

It is a shame that this matter - flew past the SF Planning Department with NOT one single meeting informing the constituents about - such an important - issue.

Our innocent children should not go - less be treated in an area that is very contaminated.

Millions of vehicles ply and stop by the junction - know as Cargo Way on Third Street. Anyone can go to the site - and see the heavy traffic - at all times of the day and night.

Near by the SF Public Utilities Commission - Phelps Raw Sewage Treatment Plant - spews Methane Gas into the air - one ton of Methane Gas equals - twenty two tons of Carbon Dioxide.

The fumes from the vehicles - the many diesel

vehicles - others lacking smog testing - spew lead, mercury, and other toxic fumes.

In past years - that is about 10 years ago - a test done in the area showed high levels of Arsenic (As) - the Analysis Result 7.0 the reporting limit 5.0. The measure ug.sq. ft

Cadmium (Cd) the Analysis Result 4.5 the Reporting Limit 2.5.

Chromium (Cr) 8.0 the Analysis Result - the Reporting Limit 5.0

Copper (Cu) 19 the Analysis Result - the Reporting Limit 5.0

Selenium (Se) 7.0 the Analysis Result - the Reporting Limit 5.0

Zinc (Zn) 81 the Analysis Result - the Reporting Limit 10

Vanadium (V) 2.7 the Analysis Result - the Reporting Limit 0.5

The unit measure in all of the above samples taken - ug.sq ft

There are other reports that we can delve into - but, most everyone who is decent, who has a conscience knows the area at Third Street and Cargo way is very -, very contaminated.

The near Islais Land is but a few hundred feet away - that is where the Islais Creek is found - where from time to time - especially when there is heavy rainfall - half treated sewage spills into the Islais Creek.

We have a dual sewage system -where both rain over flow and the sewage spill - that are treated - and finally make their way to the Bay that is 80% by Piers 80, 96, and a new one by Executive Park - 20 % goes to the outfall that leads to the Pacific Ocean by the San Francisco Zoo.

Never mind the Weirs that hold the secondary

effluents that hold the secondary effluents - cannot hold the effluents - as most of the Weirs (holding tanks) are damaged and in disrepair.

It is a shame that the layperson is put into cauldron when those we pay who must do due diligence and fail most of the time - when it comes to our children.

We are then forced to use Discretionary Review and other such processes - to review, waste our time and money - to defend our children - who must be defend and treated with respect in the first - place.

The District 10 Supervisor; Malia Cohen and Nadine Burke - with some \$4 million given to them by California Pacific Medical Center - want to operate this Wellness Center - in a contaminated area.

Early on over 17 blocks were re-zoned to make this happen - in an Industrial Area.

The neighboring business, the SF Port Authority were not notified. This blatant arrogance will come to haunt those that are now playing with the lives of our children.

Mayor Ed Lee better step up and find out what truly is happening. We will shed light where there is abject - darkness.

Our children should get the best - not the worst.

Both these Black women are up to no good and the community needs to know - find out for yourselves - why so many of you are tolerating such - nonsense.

The SF Board of Supervisors too - look the other way - while such shenanigans come before them - they know better - but chose to look the other way.

Where is the City Attorney, the District Attorney on this one?

Where is John Rahaim - the SF Planning Director on this one?

Where is the SF Planning Commission and SF Planing Department on this one?

Where is Barbara Garcia the Director of the SF Health Department of this one?

Where is Rajiv Bhatia on this one - he heads the Environmental Department linked to the SF Health Department?

Wake up San Francisco and do not treat our children with disdain.

Posted by **Francisco Da Costa** at 8:33 AM 

+1 Recommend this on Google

No comments:

Post a Comment

Comment as: ▼

Publish

Preview

February 14, 2013

President Rodney Fong
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear President Fong and Commissioners,

This firm represents on a pro bono basis the San Francisco Child Abuse Prevention Center (“SFCAPC”), lessee of Units 2A & 2B of the existing office building located at 3450 Third Street, (the “Property”). We respectfully request that the Planning Commission deny the request for Discretionary Review of SFCAPC’s application to construct interior tenant improvements to the Property. These tenant improvements would accommodate a social service/philanthropic center and associated outpatient medical clinic intended to reduce the impact of child abuse and other adverse childhood experiences (the “Project”). The medical clinic portion of the Project would provide free outpatient medical services to children. The City and County of San Francisco (including the San Francisco Department of Public Health) would have offices within the Project and would provide social services that are integrated with the goals of the Project. The medical clinic (the “Bayview Children’s Health Center”) currently operates at a building located at 1335 Evans Street, which is just a few blocks away from the Property. The Project would provide important social and medical services to the Bayview community and San Francisco generally.

The Discretionary Review Petitioner, Dr. Espanola Jackson (the “DR Petitioner”), alleges that (i) the Property is in a toxic area, (ii) the use of the Property for the Project will compromise the health of children and their families, and (iii) the Property was illegally rezoned in 2012 to accommodate the Project. The DR Petitioner, however, provides no evidence to support these assertions and therefore fails to present the “exceptional and extraordinary” circumstances required by the San Francisco Planning Code to support Discretionary Review. By contrast, the actual evidence, which includes a Phase I Environmental Site Assessment and a Soil Vapor Analysis, shows that there are no contaminants on the site or on an adjacent site formerly used as a gas station. The evidence also shows that the Property was rezoned in accordance with all applicable law, and that the hearings for this rezoning were properly noticed. Contrary to the DR Petitioner’s assertions,

GIBSON DUNN

President Rodney Fong
San Francisco Planning Commission
February 14, 2013
Page 2

SFCAPC and the co-sponsors of the Project conducted a series of meetings with community stakeholders concurrent with the rezoning and continue to meet regularly with these community stakeholders. The rezoning was endorsed unanimously by the Planning Commission and approved unanimously by the Board of Supervisors after a total of four properly noticed public hearings on the matter.

As the Project does not pose any exceptional and extraordinary circumstances required for Discretionary Review, we respectfully urge this Commission to deny The DR Petitioner's request. We praise the DR Petitioner's dedication to environmental justice issues, but respectfully disagree with her assertion the Bayview neighborhood is not suitable for institutions serving children such as the Project. Indeed, the existing Bayview Children's Health Center operates just a few blocks away (as do numerous other child service organizations) and is a cherished neighborhood program, providing vital wellness services to the community. The DR Petitioner's argument suggests that the existing clinic is also inappropriate, because it is located within close distance to Cargo Way and Islais Creek. SFCAPC strongly believes that the Project will serve to protect children and strengthen the community.

We submit that the request should be denied for the following reasons:

1. The Property is Not Contaminated

Although we do not dispute the assertion that the Bayview neighborhood has a number of contaminated sites, the evidence clearly shows that this Property is not one of those contaminated sites. At SFAPC's request, Professional Service Industries Inc. performed a Phase I site assessment (the "Phase I") on the Property on June 29, 2012. As shown in Exhibit A, the Phase I concludes that:

No hazardous waste or materials were noted during the site reconnaissance of the Subject Property other than small volumes of paint. No current hazardous waste sites or spill sites were identified in the EDR report that may have had an impact on the Subject Property.

The Phase I also indicates that the Property has not been used for industrial purposes. As indicated in Exhibit A, the Property was improved with a saloon in 1914, and with a small restaurant that operated from the early 1950s to the mid-1970s. The existing office building at the Property was constructed in 1987.

President Rodney Fong
San Francisco Planning Commission
February 14, 2013
Page 3

The DR Petitioner points to no evidence that effectively rebuts the conclusions reached in the Phase I report. The DR Petitioner provides evidence that the City's Hunters Point Naval Shipyard Redevelopment Project contains contaminated sites. However, the Project is not located within the Shipyard or even within a short walk from the Shipyard (in fact, the existing Bayview Children's Health Center several blocks closer to the shipyard than the Property). By citing materials related to a project located some distance from the Property, the logical extension of the DR Petitioner's argument is that, because the Bayview neighborhood has historically been contaminated, no facilities serving children (playgrounds, health clinics, schools, clubhouses, after school programs, and other institutions serving children) should be permitted in the Bayview neighborhood for fear of such contamination affecting children. Clearly, this would be an undesirable conclusion, one which the SFCAPC respectfully disagrees.

2. Contamination At Adjacent Properties Has Not Migrated Onto the Project Site

Out of an abundance of caution regarding any potential contamination of the Property, SFCAPC also requested that Professional Service Industries Inc. conduct a Soil-Vapor Sampling and Analyses (the "Soil Vapor Analyses"), which was issued on August 24, 2012. The purpose of the Soil Vapor Analyses is to determine whether contamination from other adjacent properties may have migrated onto the Property, thereby affecting the air quality within the office building on the Property. SFCAPC commissioned the Soil Vapor Report due to concerns expressed by community stakeholders that the adjacent property to the north of the Property housed a gas station from approximately the early 1950's until the mid-1970's. This raised a concern that petroleum hydrocarbon from the former gas tanks may have leaked into the groundwater, migrating under the Property, and releasing vapors within the Property.

The Soil-Vapor Analyses, conducted in accordance with California Department of Toxic Substances Control methodology, tested for the presence of contaminants of concern including Total Petroleum Hydrocarbons as Gasoline, benzene, toluene, ethylbenzene, and total xylenes, common constituents of gasoline. As shown on Exhibit B, the results indicated that none of the above-referenced contaminants were detected above the permitted screening levels for residential property usage, as determined by the Regional Water Quality Control Board. It is important to underscore that the screening levels for residential property are more stringent than those for commercial property; thus, the analysis used a more conservative methodology than required by law.

President Rodney Fong
San Francisco Planning Commission
February 14, 2013
Page 4

Because The DR Petitioner presents no evidence to the contrary, we respectfully submit that she has not shown the requisite “exceptional and extraordinary” circumstances required to support Discretionary Review.

3. The Property Was Properly Rezoned

Finally, the DR Petitioner asserts that the Property was improperly rezoned, and requests that the City rezone the Property to a PDR-2 designation. The DR Petitioner offers no evidence that the Property was improperly or illegally rezoned. In fact, as explained below, the City considered and approved the rezoning in full compliance with the law. The City held a total of four public hearings on the matter—the Planning Commission considered the rezoning ordinance at a public hearing on December 15, 2011, the Board of Supervisors Land Use Committee considered the ordinance at a public hearing on January 30, 2012, the full Board of Supervisors adopted the ordinance on a first reading on January 31, 2012, and again adopted the ordinance at a second reading on February 7, 2012. The Mayor then signed the ordinance. All of these hearings were properly noticed both by mailed notice and a classified newspaper advertisement, as required by the San Francisco Planning Code and the San Francisco Administrative Code (for example, see the notice of Planning Commission hearing attached as Exhibit C and the list of noticed persons). Thus, as a matter of due process, opponents of the rezoning had multiple opportunities to raise and justify any concerns with respect to the rezoning of the Property. During those hearings (particularly at the Board of Supervisors Land Use Committee hearing), community stakeholders including the DR Petitioner argued that the Property was not appropriate for social service, medical, or child care uses, due to its location near Cargo Way and the railroad. Despite this concern, the Planning Commission, the Board of Supervisors Land Use Committee, and the full Board of Supervisors unanimously endorsed the rezoning, which was clearly explained by both City staff and our client as a means of allowing construction of the Project at the Property.

Finally, it is worth noting that both the DR Petitioner and other opponents of the Project appear to be misconstruing the nature of the rezoning, which was extremely minor in substance. The DR Petitioner appears to believe that the rezoning created a massive change in what uses are permitted at the Property. In fact, the opposite is true, as the previous PDR-2 zoning applicable to the Property permitted both social service/philanthropic uses and medical clinics (see Exhibit D, Planning Code section 217(d) and 217(c)). The rezoning merely added the Property to the India Basin Special Use District, which permits social service/philanthropic uses and medical clinics at a slightly larger size than permitted by the PDR-2 designation. Specifically, PDR-2 limits each of these uses to a maximum of 5,000 square feet; the rezoning now principally permits medical clinics up to 6,999 square feet. We do not believe that increasing the permitted size of medical clinics by 1,999 square feet

President Rodney Fong
San Francisco Planning Commission
February 14, 2013
Page 5

represents a significant change to the zoning.¹ Indeed as permitted by the former PDR-2 zoning, the Property has been used by a number of social service/philanthropic uses in the past, including those that serve children. For example, Sojourner Truth, a non-profit serving foster children, was a former tenant of the Property. We are not aware of any concern expressed by the DR Petitioner or others in the community that the Property was inappropriate for these former child-serving social service uses.

Moreover, the addition of the Property to the India Basin Special Use District was an extremely minor adjustment to the Property's zoning, because the former boundary of the India Basin Special Use District ended directly across the street from the Property. In other words, the inclusion of the Property in the India Basin Special Use District then meant merely extending the SUD's border across one street. Drafted at the community's behest and proposed by former Supervisor Sophie Maxwell, the India Basin Special Use District permits a wide variety of child serving uses, including day care centers, social services, and medical clinics. In considering the DR request, it is noteworthy that the India Basin Special Use District permits the child-serving uses described above in the entire India Basin neighborhood (which is similarly proximate to Islais Creek, the wastewater treatment facility, and Third Street, but also closer to the contaminated Hunters Point Shipyard). If such uses are appropriate for the India Basin neighborhood (particularly that portion of the India Basin Neighborhood located directly across Third Street from the Project) it follows that they are appropriate for the Property.

In conclusion, we respectfully submit that the DR Petitioner's assertions are without merit. We respect and are grateful for the petitioner's concern for the children of the Bayview neighborhood and the potential that children could be exposed to toxic contaminants. However, the DR Petitioner offers no evidence to support the conclusion that the site is contaminated. As a result, the petitioner fails to meet the burden of showing exceptional and extraordinary circumstances that the Commission has deemed necessary to support Discretionary Review. By instead relying on evidence related to the Hunters Point Naval Shipyard, the DR Petitioner appears to suggest that the Bayview neighborhood is generally unsuitable for institutions serving children. We respectfully disagree with this conclusion, and believe that the Project will protect children and enhance the Bayview neighborhood.

¹ In light of the extremely minor nature of the rezoning and the fact that the rezoning would not result in any development itself (any new projects done in reliance on the zoning would be subject to separate CEQA review as part of the project approval process), the Department of City Planning appropriately issued a categorical exemption from CEQA for the rezoning on December 7, 2011 (Exhibit E). Note that the finally approved rezoning was narrower in scope than analyzed by the categorical exemption; the rezoning was amended to permit medical clinics up to only 6,999 square feet, rather than 12,000 square feet as originally proposed and analyzed in the categorical exemption.

GIBSON DUNN

President Rodney Fong
San Francisco Planning Commission
February 14, 2013
Page 6

For these reasons, we respectfully request that the Commission deny the Discretionary Review request.

Sincerely,

A handwritten signature in black ink, appearing to be "Jim M. Abrams", with a long horizontal flourish extending to the right.

Jim M. Abrams

JMA/lcr

EXHIBIT A



Report of
Phase I Environmental Site Assessment
Bay Park Business Center - Office Building #2
3450 3rd Street
San Francisco, California 94124

Prepared for
The Albert Group
220 Montgomery Street, Suite 498
San Francisco, CA 94104

Prepared by
Professional Service Industries, Inc.
4703 Tidewater Avenue, Suite B
Oakland, California 94601

June 29, 2012

PSI Project 575-435

1 FINDINGS AND CONCLUSIONS

Professional Service Industries, Inc. (PSI) performed a Phase I Environmental Site Assessment (Phase I ESA) of the property in the City of San Francisco, California. PSI performed the assessment to comply with the contract between PSI and The Albert Group.

The Subject Property is defined as Building 2 at the Bay Park Business Center located on the west side of 3rd Street between Arthur Avenue and Custer Avenue. The Subject Property address is 3450 3rd Street, San Francisco, California. The County of San Francisco Assessor Parcel Number (APN) for the Subject Property is 5211-032 and 5211-033.

The Subject Property is improved with an approximately 22,000 square foot three-story office building. The building consists of office space, restroom, kitchen, and garages. The office building is officially divided into suites A and B; however, the building can be operated by multiple tenants and across suites. The building takes up the entire property. Currently, the third floor tenant in Suite B is Synertel, a telecommunications company. The remainder of the property is vacant.

Historical information sources indicate that the Subject Property was a street in 1886 and 1990 and then a street and small saloon in 1914. By 1946, the site was undeveloped. In the early 1950s, the Subject Property was developed into a small restaurant that operated into the mid-1970s and appears to have been vacant until the current office building, which was built in 1987.

No hazardous waste or materials were noted during the site reconnaissance of the Subject Property other than small volumes of paint. No current hazardous waste sites or spill sites were identified in the EDR report that may have had an impact on the Subject Property.

The adjacent property to the north appears to have operated as a gas station from the early 1950s until the mid-1970s. Based on the potential for migration of petroleum hydrocarbon groundwater and possible vapor migration into the current structure, PSI considers the former adjacent service station to represent an off-site recognized environmental condition.

Current use(s) of surrounding property includes Building 1 of the Bay Park Business Park to the north and is occupied by Rubicoa, CitiScape, and Fog Citi Real Estate; 3rd Street followed by undeveloped land and Burke Avenue to the east; MV Transportation to the south; and Building 3 of the Bay Park Business Park to the west and is occupied by Global Marketing, Robert Larson Company, Michael Daigen Design, Black Rock City, Research Data Group, and CMC Traffic Control.

EXHIBIT B

**SOIL-VAPOR SAMPLING AND
ANALYSES REPORT**

**BAY PARK – BUILDING #2
3450 3RD STREET
SAN FRANCISCO, CALIFORNIA**

3.0 CONCLUSIONS AND RECOMMENDATIONS

PSI collected 5 soil-vapor samples from the Subject Property on August 14, 2012. The results of the investigation are summarized below.

- The soil-vapor results indicate that none of the tested constituents were detected above their respective lab reporting limit.
- All tested constituents are below the Regional Water Quality Control Board Environmental Screening Levels for residential property usage and therefore are below the level of concern for impact to indoor air quality.

PSI does not recommend further assessment at the Subject Property.

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

SAN FRANCISCO PLANNING COMMISSION NOTICE OF HEARING

Notice is hereby given to the general public that a Board of Supervisor initiated rezoning involving the property described below has been filed with the Planning Department for review as set forth in the Planning Code. The Planning Commission will hold a **PUBLIC HEARING** on this item and on other matters on **Thursday, December 15, 2011, beginning at 12:00 p.m. or later** (please call 558-6422 on Monday, December 11, 2011 or thereafter for a recorded message giving a more precise hour that the hearing of this specific matter will begin), in the City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.

1650 Mission St
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No. 2011.1209ZT

India Basin Industrial Park Special Use District Planning Code Map and Text Amendments.

On October 4, 2011, Supervisor Cohen introduced legislation [Board File No. 111078] that includes the following: (1) **Zoning Map Amendment** Amending Francisco Planning Code Zoning Map Sheet 8 SU Block 5211 Lots 028 through 054 (commercial condominium lots located at **3450 Third Street (AKA 101-111 Quint Street)** located at the northern portion of the block bounded by Third Street on its east, Arthur Avenue on its north, and Quint Street on its west) by including them within the India Basin Industrial Park Special Use District; and (2) **Planning Code Text Amendment** amending Planning Code Section 249.42 to allow outpatient health care clinics as principally permitted uses where the use would be less than 15,000, and to allow such uses through Conditional Use authorization where such uses would be 15,000 square feet or greater within some portions of the India Basin Special Use District. The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors and adopt findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1. The underlying use district of PDR-2 (Heavy Production, Distribution, and Repair) and height and bulk district of 65-J are not proposed to change.

For further information, contact **Mat Snyder** at (415) 575-6891 or at mathew.snyder@sfgov.org. This notice is posted and/or sent in accordance with law. While it is not required that you appear or send a written communication on the matter, you are welcome to do so.

Persons who are unable to attend the scheduled hearing may submit written comments regarding this case to the Planning Department, 1650 Mission Street, 4th Floor, San Francisco, CA 94103. Comments received by 12:00 p.m. (noon) on the day of the hearing will be made a part of the official record and will be brought to the attention of the Planning Commission. Comments which cannot be delivered to the Planning Department by noon on the day of the hearing may be taken directly to the hearing at the location listed above. Comments received at 1650 Mission Street after the noon deadline will be placed in the project file, but cannot necessarily be brought to the attention of the Planning Commission at the public hearing.

If you are receiving this notice via US Mail, the properties in question are within 300 feet of a property you own. Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a conditional use, or any other permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.



SAN FRANCISCO PLANNING DEPARTMENT

Date: December 2, 2011

The attached notice is provided under the Planning Code. It concerns property located **3450 Third Street, Case No. 2011.1209TZ**. A hearing may occur, a right to request review may expire or a development approval may become final unless appealed by **December 15, 2011**.

To obtain information about this notice in Spanish, please call (415) 558-6378, or in Chinese, please call (415) 558-6378. Please be advised that the Planning Department will require at least one business day to respond to any call.

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附上的是三藩市城市規劃局的通告。

此通告是與位於 3450 Third Street, Case No.

2011.1209TZ的建築計劃有關。如果在 December 15, 2011.

之前沒有人申請聽證會來檢討這一個建築計劃,這計劃可會被核准。

如果你需要用華語獲得關於這通告的細節,請電415-558-6378.

規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務,此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es referente a la siguiente dirección: **3450 Third Street, Case No. 2011.1209TZ**. Es un requisito del Código de Planeación (Planning Code). La posibilidad de una audiencia puede ocurrir. El derecho para revisar el archivo de este proyecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de **December 15, 2011**.

Para obtener más información en Español acerca de este proyecto, llame al siguiente telefono (415) 558-6378. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeación (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningun derecho adicional o extensión del tiempo requerido por la ley.

ALVAREZ FRANCISCO J
FRANCISCO JAVIER ALVAREZ
ALVAREZ FRANCISCO J
ALVAREZ FRANCISCO J

SINC INVESTMENTS, LLC
SINC INVESTMENTS LLC
SINC INVESTMENTS, LLC
SINC INVESTMENTS, LLC
CAI, LIANG AN
WU XING YANG
CHOY LEO K & ALICE
H LEE RETIREMENT PLAN
SURVIVORS TRUST

FRANK TSANG
ROEAN ISCOFF
TSANG FRANK
FRANK TSANG
STEVEN & SYLVIA CHU TRUSTEE
CARPENTERS LOCAL UN 22 INTRNL

FRANKS TRADING COMPANY
ISCOFF SURVIVORS TRUST
PINE GARMENT USA INC
PINE GARMENT (USA) INC
CHU FAMILY TRUST
CARPENTERS LOCAL UN 22 INTRNL
GOLDEN PROPERTIES LLC

MARK J KLAIMAN & VIRGINIA A DO
CALIFORNIA PACIFIC MEDICAL CEN
STEPHEN P&MARY C KATCHES

MARK J KLAIMAN & VIRGINIA A DO
CALIFORNIA PACIFIC MEDICAL CEN
KATCHES STEPHEN P FAMILY TRUST
LANCE & IRENE LEE FMLY TR

DIRECTOR OF PROPERTY
DIRECTOR OF PROPERTY
DIRECTOR OF PROPERTY
DIRECTOR OF PROPERTY

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SFCC
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SFCC

HORNSTEIN MICHAEL E & ELLEN
DENNIS BHACHU

MICHAEL & ELLEN HORNSTEIN 1998
PLANT CONSTRUCTION COMPANY
RESEARCH DATA GROUP INC
GRIGGS THOMAS & JANET
GRIGGS THOMAS & JANET
SHERIDAN JOHN G
KANG MOON HYUNG & HYUN SOOK

CAFTEC INC
WILEY KEVIN K
DANIEL MCCALL ET AL

DEMEE THOMAS D & CAMILLA M
SCHERER RUDOLF A TRUSTEE
3450 THIRD STREET LLC
MCCALL D B & K D REV TRUST
OGRADY PAUL
O'GRADY PAUL
FALLON ROBERT S
FALLON ROBERT S
YOUNG ANN

BERTHA RUTH JORDAN, TRUSTEE

BERTHA RUTH JORDAN RVC TR
S F R A

THE KARREN COMPANY
KARREN FRED L & BETH D REV TR

BAYVIEW PLAZA LLC
KARREN FRED L & BETH D REV TR
WILSON PEARL L

ALFRED J KLINGLER	KLINGLER ALFRED J EXEMPTION TR HEBERT JEAN HEBERT JEAN J HEBERT JEAN J
BARBARA A CALLOWAY	GOMEZ SERVIO TULLIO & MARTHA BARBARA A CALLOWAY REVOC TR C J STEP LLC
NILE D & LOIS I HEINS, TRUS	HEINS FAMILY TRUST WONG GARY
BATTAGLIA FRANK&MARY REV TRUS	BATTAGLIA FRANK&MARY REV TRUST
LAURA ROWELL	CLARA PECCI 1989 REVOC TRUST
LAURA ROWELL	CLARA PECCI 1989 REVOC TRUST PECCI CLARA DEMARIA ORLAN & CATHERINE DONALD J BRUZZONE TR NYAIESH ALI R
MMI PARTNERS ET AL	SAN FRANCISCO CMMNTY COLLEGE D

STREET	CITY	ZIPCODE	BLOCK	LOT
2307 PACIFIC AVE	ALAMEDA CA	94501	5225	10
371 KLAMATH ST	BRISBANE CA	94005	5253	32
371 KLAMATH ST	BRISBANE CA	94005	5253	31
371 KLAMATH ST	BRISBANE CA	94005	5253	33
220 OAK AVE	GALT CA	95632	5242	23
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	80
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	67
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	70
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	72
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	75
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	81
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	73
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	79
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	69
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	82
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	71
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	76
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	77
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	78
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	74
110 BRAEMAR DR	HILLSBOROUGH CA	94010	5203	68
1310 LAKEVIEW DR	HILLSBOROUGH CA	94010	5211	33
1310 LAKEVIEW DRIVE	HILLSBOROUGH CA	94010	5211	32
20 TEVIS PL	HILLSBOROUGH CA	94010	5203	38
2430 SUMMIT DR	HILLSBOROUGH CA	94010	5217	2
55 ASTER AVE	HILLSBOROUGH CA	94010	5203	60
945 LINK RD	HILLSBOROUGH CA	94010	5226	30
22026 68TH AVE, SOUTH	KENT WA	98032	5235	11
30 CORTE PRINCESA	MILLBRAE CA	94030	5211	38
12985 WOODSTOCK DR	NEVADA CITY CA	95959	5236	18
10 REGENT CT	NOVATO CA	94947	5211	49
1721 BROADWAY #202	OAKLAND CA	94612	5203	40
2415 PONINO WY	PLEASANTON CA	94566	5211	29
32 WASHINGTON AVE	PT RICHMOND CA	94801	5201	1
38 WASHINGTON AVE, STE B	RICHMOND CA	94801	5203	35
2405 OLYMPIC DR	S SAN FRANCISCO CA	94080	5242	22
491 ALHAMBRA ROAD	S SAN FRANCISCO CA	94080	5242	20
737 ACACIA AVE	SAN BRUNO CA	94066	5211	50
100 BRENTWOOD AVE	SAN FRANCISCO CA	94127	5211	34
101 QUINT ST	SAN FRANCISCO CA	94124	5211	47
110 LYON ST	SAN FRANCISCO CA	94117	5211	36
110 LYON ST	SAN FRANCISCO CA	94117	5211	35
1301 16TH ST	SAN FRANCISCO CA	94103	5211	30
1310 JONES ST	SAN FRANCISCO CA	94109	5217	1
1310 JONES STREET	SAN FRANCISCO CA	94109	5212	27
1401 DAVIDSON AVE	SAN FRANCISCO CA	94124	5226	28
1475 FAIRFAX AVE	SAN FRANCISCO CA	94124	5241	9
1475 FAIRFAX AVE	SAN FRANCISCO CA	94124	5241	6
1475 FAIRFAX AVE	SAN FRANCISCO CA	94124	5241	10
1475 FAIRFAX AVE	SAN FRANCISCO CA	94124	5241	7
1555 GALVEZ AVE	SAN FRANCISCO CA	94124	5254	30

1555 GALVEZ AVE	SAN FRANCISCO CA	94124	5254	21
1555 GALVEZ AVE #300	SAN FRANCISCO CA	94124	5254	36
1555 GALVEZ AVE #300	SAN FRANCISCO CA	94124	5254	20
1555 GALVEZ AVE #300	SAN FRANCISCO CA	94124	5254	32
1570 HUDSON AVE	SAN FRANCISCO CA	94124	5254	014A
1580 HUDSON AVE	SAN FRANCISCO CA	94124	5254	15
1596 HUDSON AVE	SAN FRANCISCO CA	94124	5254	016B
16 FLOOD AVENUE	SAN FRANCISCO CA	94131	5211	52
1659 MASON ST	SAN FRANCISCO CA	94133	5217	3
1660 HUDSON AVE	SAN FRANCISCO CA	94124	5253	13
1661 PINE ST #436	SAN FRANCISCO CA	94109	5211	37
1665 GALVEZ AVE	SAN FRANCISCO CA	94124	5253	28
1683 GALVEZ AVE	SAN FRANCISCO CA	94124	5253	39
1730 44TH AVE	SAN FRANCISCO CA	94122	5242	16
2085 3ND ST	SAN FRANCISCO CA	94107	5203	83
2170 SUTTER ST	SAN FRANCISCO CA	94115	5253	3
222 27TH ST	SAN FRANCISCO CA	94131	5242	15
2333 BUCHANAN ST	SAN FRANCISCO CA	94115	5203	84
234 MADRID ST	SAN FRANCISCO CA	94112	5253	36
235 EDGEWOOD AVE	SAN FRANCISCO CA	94117	5211	31
25 VAN NESS AVE	SAN FRANCISCO CA	94102	5262	9
25 VAN NESS AVE	SAN FRANCISCO CA	94102	4502A	2
25 VAN NESS AVE	SAN FRANCISCO CA	94102	4501	1
25 VAN NESS AVE	SAN FRANCISCO CA	94102	4501	5
25 VAN NESS AVE #400	SAN FRANCISCO CA	94102	4501	4
25 VAN NESS AVE, SUITE 400	SAN FRANCISCO CA	94102	4501	3
25 VAN NESS AVENUE SUITE 40	SAN FRANCISCO CA	94102	5203	66
2628 FILBERT ST	SAN FRANCISCO CA	94123	5203	61
300 NEWHALL ST	SAN FRANCISCO CA	94124	5203	41
3450 3RD ST #3F	SAN FRANCISCO CA	94124	5211	39
3450 3RD ST #4D	SAN FRANCISCO CA	94124	5211	44
3450 3RD ST #4D	SAN FRANCISCO CA	94124	5211	45
3450 3RD ST #5-E	SAN FRANCISCO CA	94124	5211	51
3450 3RD ST STE 4B	SAN FRANCISCO CA	94124	5211	42
3450 3RD ST STE 4C	SAN FRANCISCO CA	94124	5211	43
3450 3RD ST STE 4F	SAN FRANCISCO CA	94124	5211	46
3450 THIRD ST #1-A	SAN FRANCISCO CA	94124	5211	28
350 FLORIDA ST	SAN FRANCISCO CA	94110	5211	40
376 IVY ST	SAN FRANCISCO CA	94102	5226	26
376 IVY ST	SAN FRANCISCO CA	94102	5226	25
3830 3RD ST	SAN FRANCISCO CA	94124	5235	3
3830 3RD ST	SAN FRANCISCO CA	94124	5242	42
4000 3RD ST	SAN FRANCISCO CA	94124	5253	29
4004 3RD ST	SAN FRANCISCO CA	94124	5253	30
442 GROVE ST	SAN FRANCISCO CA	94102	5203	44
50 1ST ST STE 450	SAN FRANCISCO CA	94105	5242	7
50 1ST ST STE 450	SAN FRANCISCO CA	94105	5242	31
50 1ST ST STE 450	SAN FRANCISCO CA	94105	5235	15
50 1ST ST STE 450	SAN FRANCISCO CA	94105	5235	12
50 1ST ST STE 450	SAN FRANCISCO CA	94105	5242	1
50 FIRST ST 450	SAN FRANCISCO CA	94105	5242	2
531 MIRAMAR AVE	SAN FRANCISCO CA	94112	5254	16

568 BRUNSWICK ST	SAN FRANCISCO CA	94112	5242	24
875 DUNCAN ST	SAN FRANCISCO CA	94131	5211	27
875 DUNCAN ST	SAN FRANCISCO CA	94131	5211	10
875 DUNCAN ST	SAN FRANCISCO CA	94131	5211	11
97 MURRAY ST	SAN FRANCISCO CA	94112	5242	21
P O BOX 884403	SAN FRANCISCO CA	94188	5254 016A	
P.O. BOX 881372	SAN FRANCISCO CA	94188	5253	1
PO BOX 885223	SAN FRANCISCO CA	94188	5211	41
PO BOX 885256	SAN FRANCISCO CA	94188	5211	53
9 MAHOGANY DR	SAN RAFAEL CA	94903	5226	27
14499 LAKE VISTA DR	SONORA CA	95370	5253	34
14499 LAKE VISTA DR	SONORA CA	95370	5253	8
14499 LAKE VISTA DR	SONORA CA	95370	5253	9
PO BOX 510	TAHOMA CA	96142	5211	54
1200 SNYDER LN	WALNUT CREEK CA	94598	5203	43
3091 WALNUT BLVD	WALNUT CREEK CA	94596	5211	48
P.O. BOX 10679	ZEPHYR COVE NV	89448	5203	58

EXHIBIT D



San Francisco Planning Code

SEC. 217. INSTITUTIONS.

C-1	C-2	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	C	P	P						(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf, C above	P under 5,000 gsf, C above	P under 7,500 sf	P under 5,000 sf	(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf, C above	P under 5,000 gsf, C above	P under 5,000 sf	P under 5,000 sf	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	P	C	P	P			P			(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.

P	P	P	P	P	P	P	P	P			P under 20,000 gsf if no housing	P under 20,000 sf if no housing		(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P	P			P under 20,000 sf if no housing	P under 20,000 sf if no housing		(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P	P			P under 20,000 sf if no housing	P under 20,000 sf if no housing		(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which is required to submit an institutional master plan pursuant to Section 304.5 of this Code. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
						P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	P	P	P	P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	P	P	P	P	P							(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code. (a) Requirements. MCDs must meet the following requirements: 1. the parcel containing the MCD cannot be located within 1,000 feet from a parcel containing: a. a public or private elementary or secondary school and b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and 2. the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified

by the State of California or funded by the Department of Public Health;

3. no alcohol is sold or distributed on the premises for on or off-site consumption;

4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;

5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.

(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.

(c) Notice. Once the Department has determined that the application is complete, a 30-day notice of application shall be mailed to owners and occupants within a 300 foot radius of the subject property. Notice shall be posted on the project site for no less than 30 days.

(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.

(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable,

EXHIBIT E



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2011.1209E
 Project Title: BOS 111078: India Basin Industrial Park Map Amendment
 Zoning: PDR-2 (Production, Distribution, and Repair) Use District
 40-X Height and Bulk District
 Block/Lot: 5211/028-054
 Project Sponsor: Supervisor Malia Cohen, District 10
 Staff Contact: Chelsea Fordham-- (415) 575-9071
 Chelsea.Fordham@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

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 415.558.6409

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 Information:
 415.558.6377

PROJECT DESCRIPTION:

The project is a proposed ordinance (Board File No. 111078) proposed by Supervisor Cohen that would: (1) amend San Francisco Planning Code Section 249.42 (India Basin Industrial Park Special Use District) to allow outpatient medical care clinic as a principally permitted use if the gross floor area is less than 15,000 square feet (sq.ft.) and require Conditional Use authorization where such use would be 15,000 sq.ft or greater; (2) amend Zoning Map Sheet 8 to add parcels in Block No. 5211, Lot No. 28 through 54 to the India Basin Industrial Park Special Use District; and (3) remove the parcel Block 5211, Lot No. 28 through 54 from the Design and Development Special Use District.

[Continued on next page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


 Bill Wycko
 Environmental Review Officer


 Date

cc: Mat Snyder, Neighborhood Planner
 Supervisor Malia Cohen, District 10

Virna Byrd, M.D.F
 Distribution List

PROJECT DESCRIPTION (continued):

The underlying zoning for the India Basin Industrial Park Special Use District and the parcels listed above would still remain PDR-2. This area is generally bound by Third Street, Cargo Way, Quint Street, and Custer Avenue in the Bayview Hunters Point neighborhood. The proposed ordinance would allow a child abuse prevention center and center for youth wellness to be located in the India Basin Industrial Park Special Use District on the subject property Block 5211, Lot No. 28 through 54. The subject property contains existing commercial buildings improved with five buildings totaling approximately 100,000 square feet. There is a proposal for the child abuse prevention center to occupy two office tenant spaces of one of the front buildings on the subject property, totaling 22,000 square feet. No formal applications have been submitted to the Planning Department for this project, and any proposal for the child abuse prevention center would require further environmental review.

REMARKS:

Land Use: The subject parcels (Block No. 5211, Lot No. 28 through 54) are in the PDR-2 (Production, Distribution, and Repair) Use District. The proposed ordinance would amend San Francisco Planning Code Section 249.42 (India Basin Industrial Park Special Use District) to allow outpatient medical care clinic as a principally permitted use if the gross floor area is less than 15,000 sq.ft. and require Conditional Use authorization where such a use would be 15,000 sq.ft or greater. The project would also add parcels in Block No. 5211, Lot Nos. 28 through 54 to the India Basin Industrial Park Special Use District; and remove the parcel Block 5211, Lot Nos. 28 through 54 from the Design and Development Special Use District. Table 1 compares the permitted uses of the India Basin Industrial Park Special Use District to the Design and Development Special Use District for the subject property.

Table 1: Permitted and Conditional Uses Permitted in the India Basin Industrial Park Special Use District Compared to the Design and Development Special Use District

Use	Subject Lot As Is generally PDR-2 + Design and Development SUD	Subject Lot As Proposed PDR-2 + India Basin Industrial Park SUD as amended
Retail	P under 2,500 for entire lot; NP above 2,500	Permitted up to 5,999 per establishment, CU 6,000 and above
Office	Permitted if meets FAR and other restrictions	Permitted with cap of 50K
Social Services	P under 5,000 per establishment; NP above 5,000	Permitted without square footage limitation
Day Care	Not Permitted	Permitted without square footage limitation
Medical,	P under 5,000 per	Permitted up to 15,000; CU above 15,000

Psychiatric, and other Healing Arts Clinic	establishment	
Parking Provision	No different than PDR-2: parking requirements / minimums apply	Parking not required. Accessory amounts determined by Sec .151.
Development Standards (i.e. height, bulk, etc.)		[no change]

The proposed ordinance would widen the permitted uses in the India Basin Industrial Park Special Use District and on the subject property. However, the underlying zoning of PDR-2 would remain. Therefore, the proposed ordinance would not result in the permanent conversion of industrial lands to other uses or result in land use conflicts. The proposed ordinance would not create a new or substantially more intensive use than what presently exists in the project vicinity, nor substantially alter the development potential or pattern in this area. Therefore, the proposed ordinance would not physically divide an established community or conflict with any land use plan, policy, or regulation, and would not have a substantial impact upon the existing character of the vicinity. For the above reasons, the proposed project would not result in a significant effect on land use.

Because the physical development of the subject property or the India Basin Industrial Park Special Use District would not change as a result of the proposed ordinance, there would be no environmental impacts from this change. The proposed child abuse prevention center would be located within an existing commercial building and would not result in any physical development. Additionally, the child abuse prevention center and any future development proposal for the subject lot would require additional environmental review.

Transportation: The proposed project would allow outpatient medical care clinics in the India Basin Special Use District; and remove the parcel Block 5211, Lot No. 28 through 54 from the Design and Development Special Use District and add it to the India Basin Industrial Park Special Use District. Table 1 compares the permitted uses for the India Basin Industrial Park Special Use District to the Design and Development Special Use District. The proposed project would result in a minimal increase of daily person and vehicle trips because the medical outpatient clinic would result in similar trip generation rates to the existing permitted uses within the PDR-2 and India Special Use District. Additionally, any proposal for development within the India Basin Industrial Park Special Use District or the subject property would be subject to environmental review. Thus, the proposed rezoning would not substantially affect the neighborhood’s existing transportation and circulation conditions.

Neighborhood Concerns: A "Notification of Project Receiving Environmental Review" was mailed on November 10, 2011, to community organizations, potentially interested parties, tenants of the affected property and properties adjacent to the subject property, and those persons who

own property within 300 feet of the subject property requesting comments concerning the potential environmental effects of this project. One commenter requested further notification of the proposal. None of these comments address the environmental impacts of the proposed project.

Conclusion: CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As discussed above, the project would not result in significant environmental effects. Thus, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

Bendix, Brittany

From: Francisco Da Costa <fdc1947@gmail.com>
Sent: Tuesday, February 05, 2013 8:51 AM
To: Bendix, Brittany; Espanola Jackson; Robert Woods; Rahaim, John; Lee, Edwin (Mayor); Garcia, Barbara; Bhatia, Rajiv; Cohen, Malia; Chiu, David; Mar, Eric (BOS); Avalos, John; Campos, David; Yee, Norman (BOS); Breed, London; Kim, Jane; Wiener, Scott; Cityattorney; Gascon, George; Michael J. Antonini; Hisashi Sugaya; Kubick, Karen; Moala, Tommy; Kelly, Jr, Harlan; Torres, Art; Vietor, Francesca; Vince Courtney; Veronica Shepard; Aragon, Tomas; Claire Nolan; Pointer User0020; Kawa, Steve; Steve Zeltzer; Steve Lawrence; Steven Gruel; David Gavrich; Moyer, Monique; David Beaupre; Scott Hanks; Jae Ryu; Sam Ruiz; Mitchell Salazar; Nuru, Mohammed; Sweiss, Fuad; Kelly, Naomi; Larry Bush; Secretary SFGHCommission; BSU SFBSU; Brenda Barros; Board of Supervisors; Ray Hartz; Controller SF; Rosenfield, Ben; Miles Muhammad; Alex Toeaina; Pastor SamoanWilliams; Joseph Kaulave; John Nauer; Gaynor Siataga; Venus Jackson; Vanessa Jackson; Ernest Jackson; Chris Jackson; Tunisia Boudreaux; Jue, Tyrone; Ellis, Juliet; Falvey, Christine; Christina Olague; Christian Holmer; Farrell, Mark; Chu, Carmen; Mishwa Lee; Kapiolani Lee; Misha Olivas
Subject: Please add my name to those wishing to attend the hearing regarding the Wellness Center on Third Street.

Ms Bendix:

I would like to attend the hearing linked to the Wellness Center to be located and operated at 3450 Third Street.

My address:

**Francisco Da Costa
Southeast Sector Community Development Corporation (SESCDC)
4909 Third Street
San Francisco, CA 94124**

**Tel: 415.822.9602
Fax: 415.822.9600**

www.sescdc.org

The Port Authority, companies like Waste Solutions, hundreds of other small business such as Rubecon which is located at 3450 were NOT noticed the first time around.

Please make sure that all the entities required to be noticed - within the given are are noticed.

Make sure that they are informed that they were NOT noticed the first time around. We would like to see the "Closure Notice" linked to the fuel tanks - that were not removed from the location - at 3450 Third Street.

The leases of all the tenants who operate their businesses at 3450 Third Street sign waiver notices - and one waiver points to existing contamination and pollution.

We would also like to see soil tests from the nearby area. Air test and water samples from the nearby Islais Creek.

As the Chief Executive Office of Southeast Sector Community Development Corporation - I will not stand by and see - our children exposed with intent - by some doctor pretending to treat our innocent children - in an environment that is contaminated. More the near by Phelps Raw Sewage Treatment Plant.

California Pacific Medical Center (CPMC) is giving those that are suppose to operate this Wellness Center is a contaminated area - \$4 million. Do you think this tainted money should be used to further harm our children? Our Mayor Ed Lee and some of our SF Supervisors know about this sordid issue - but have looked the other way.

Again and again the layperson is forced to deal with corrupt processes and people who have numbed their conscience. Who will stand up for the children - who will do what is right in this case.

An entire area some 17 Blocks were rezoned without any proper noticing and without one single meaningful meeting. At the first Land Use meeting - I was present and Malia Cohen the initiator of this project was NOT present. After I spoke this matter was continued. At the second Land Use meeting on this matter - many clearly testified that operating a Wellness Center in a contaminated area - was not right.

Who will stand up for the children?

Within a year a state of the art Women and Children hospital will operate at Mission Bay. Does it make any sense that our children and women from the Bayview Hunters Point area - the surround Southeast Area - must endure such blatant - discrimination in the year 2013.

Francisco Da Costa



Sowing the Seeds of Collaboration

February 15, 2013

San Francisco Planning Commission
The Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear Planning Commissioners:

I write today to express my strong support for the Center for Youth Wellness, a health and wellness center changing outcomes for urban children and youth in Bayview-Hunters Point. With its partner, the CPMC Bayview Child Health Center, a vital community pediatric clinic in Bayview since 2007, the Center for Youth Wellness is working to improve the health of children and adolescents who are exposed to adverse childhood experiences such as community and domestic violence and other early life stressors.

I am aware that The Center for Youth Wellness secured a facility on Third Street in the city's Bayview neighborhood in 2011 after an exhaustive two-year search of over 20 sites. There were some concerns from community members about the projected site in regards to air quality, risk of flooding, and pedestrian safety. Since that time, the Center for Youth Wellness has taken steps to address these concerns and confirm that the building site and surrounding area is indeed environmentally sound and safe for the children and youth they will serve. I'm assured the report from both the Department of Public Health and findings from an independent environmental consultant that there is no indication of environmental contamination at the facility. Therefore, support the Center for Youth Wellness moving forward with their plans to open upon their acquired location.

There is great support for this project in Bayview but there cannot be any more delays. I urge you to support the Center for Youth Wellness in this discretionary review hearing. Our children need and deserve the quality health and wellness services this project will bring to our community.

Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyslynn Lacoste', written over a white background.

Lyslynn Lacoste
BMAGIC Director
Office of the Public Defender, City and County of San Francisco
415-558-2428
lyslynn@bayviewmagic.org



A community family
for our youth.

Hunters Point Family

Administrative Offices
1651 Quesada Street
San Francisco, CA 94124
Phone (415) 822-8395
Fax (415) 671-1610
www.hunterspointfamily.org

BayView Safe Haven

1678 Newcomb Street #3
San Francisco, CA 94124
Phone (415) 824-4098
Fax (415) 671-3910
www.hunterspointfamily.org

Gilman Rec-Connect

1 Bill Walsh Way
San Francisco, CA 94124
Phone (415) 467-4566
Fax (415) 671-1610
www.hunterspointfamily.org

GIRLS 2000

763 Jerrold Ave
San Francisco, CA 94124
Phone (415) 824-3225
Fax (415) 824-3209
www.hunterspointfamily.org

Peacekeepers

59 Cameron Way
San Francisco, CA 94124
Phone (415) 824-3225
Fax (415) 824-3209
www.hunterspointfamily.org

February 11, 2013

San Francisco Planning Commission
The Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear Planning Commissioners:

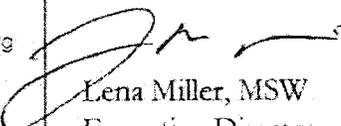
I write today to express my strong support for the Center for Youth Wellness, a health and wellness center changing outcomes for urban children and youth in Bayview-Hunters Point. With its partner, the CPMC Bayview Child Health Center, a vital community pediatric clinic in Bayview since 2007, the Center for Youth Wellness is working to improve the health of children and adolescents who are exposed to adverse childhood experiences such as community and domestic violence and other early life stressors.

The Center for Youth Wellness secured a facility on Third Street in the city's Bayview neighborhood in 2011 after an exhaustive two-year search of over 20 sites. In 2012, it successfully worked through a special rezoning process to ensure all Center for Youth Wellness partners would be able to reside in the facility. During this process, extensive analysis and consideration was given to examine whether or not this would be the best place for the center and its partners. Three separate legislative bodies: the Mayor, the Board of Supervisors and the Planning Commission unanimously approved the rezoning of the property. The Center for Youth Wellness also worked closely with the Bayview community, asking for feedback, hearing concerns and attempting to find a solution that responded to community needs, including having an independent environmental consultant perform soil testing and other analysis at the site. The tests and ensuing report showed no indication of environmental contamination at the facility.

There is great support for this project in Bayview but there cannot be any more delays—we need the Center for Youth Wellness to open. I urge you to support the Center for Youth Wellness in this discretionary review hearing. Our children need and deserve the quality health and wellness services this project will bring to our community.

Please do not hesitate to contact me if you have further questions.

Sincerely,


Lena Miller, MSW
Executive Director



City and County of San Francisco
Edwin M. Lee, Mayor

Department of Public Health
Barbara A. Garcia, MPA
Director of Health

February 13, 2013

San Francisco Planning Commission
The Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear Planning Commissioners:

I would like to express my strong support for the Children's Advocacy Center of San Francisco (CAC), a collaborative initiative of the San Francisco Child Abuse Prevention Center and the City. The CAC will be co-located with the Center for Youth Wellness and Bayview Child Health Center at 3450 Third Street. The CAC is modeled on the simple but powerful concept of coordination and physical co-location of the multi-disciplinary professionals who respond to incidents of child abuse to create a best-in-class response. This work occurs in a child-friendly facility that creates a place where harm stops and healing can begin.

The CAC and its partners secured a facility on Third Street in 2011 after an exhaustive two-year search of over 20 sites. In 2012, it successfully worked through a special rezoning process to ensure all partners would be able to reside in the facility. During this process, extensive analysis and consideration was given to examine whether or not this would be the best place for the CAC and its partners. The Mayor, the Board of Supervisors and the Planning Commission unanimously approved the rezoning of the property. The CAC and its partners also worked closely with the Bayview community as well as public stakeholders; asking for feedback, hearing concerns and attempting to find a solution that responded to community needs, including analysis from our department, as well as having an independent environmental consultant perform soil testing and other analysis at the site. The tests and ensuing report as they were shared with us and with the Commission showed no indication of environmental contamination at the facility.

There is great support for this project in the Bayview and city wide and we hope the project does not experience any additional delays. Our children need and deserve the best response to child abuse and trauma.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara A. Garcia".

Barbara A. Garcia, MPA
Director of Health



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

February 14, 2013

The San Francisco Planning Commission
The Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear Planning Commissioners:

I write today to express my strong support for the Children's Advocacy Center of San Francisco (CAC), a collaborative initiative of the San Francisco Child Abuse Prevention Center and the City and County of San Francisco. The CAC will be co-located with the Center for Youth Wellness and Bayview Child Health Center at 3450 3rd Street. The Children's Advocacy Center is modeled on the simple but powerful concept of coordination and physical co-location of the multi-disciplinary professionals who respond to incidents of child abuse to create a best-in-class response. This work occurs in a child-friendly facility that creates a place where harm stops and healing can begin.

The Children's Advocacy Center and its partners secured a facility on 3rd Street in the city's Bayview neighborhood in 2011 after an exhaustive two-year search of over 20 sites. In 2012, it successfully worked through a special rezoning process to ensure all partners would be able to reside in the facility. During this process, extensive analysis and consideration was given to examine whether or not this would be the best place for the CAC and its partners. Three separate legislative bodies: the Mayor, the Board of Supervisors and the Planning Commission unanimously approved the rezoning of the property. The Children's Advocacy Center and its partners also worked closely with the Bayview community as well as public stakeholders; asking for feedback, hearing concerns and attempting to find a solution that responded to community needs, including having an independent environmental consultant perform soil testing and other analysis at the site. The tests and ensuing report as they were shared with us and with the Commission showed no indication of environmental contamination at the facility.

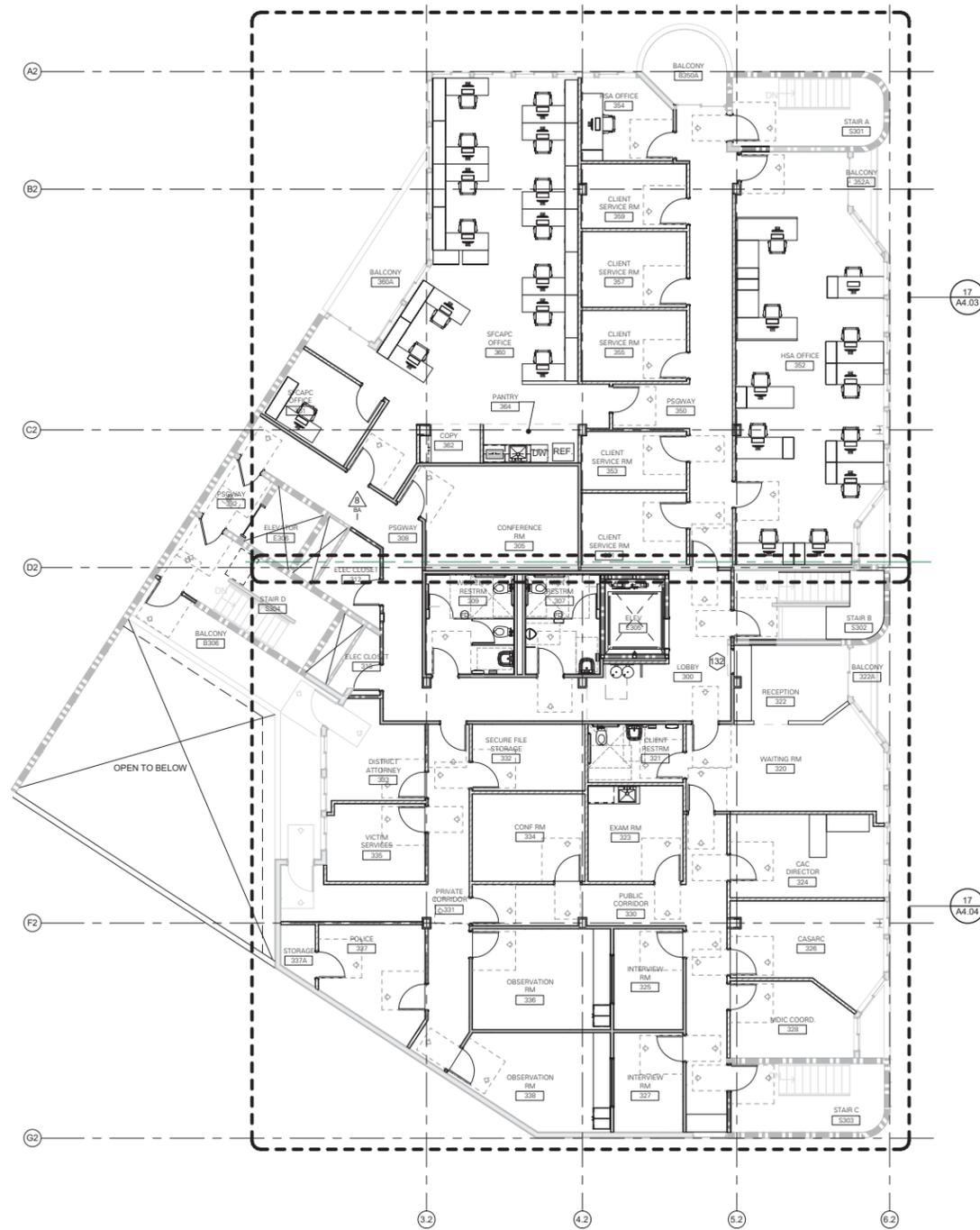
There is great support for this project in Bayview and city wide, but there cannot be any more delays — we need the Children's Advocacy Center to open as soon as possible. Our children need and deserve the best response to child abuse and trauma.

Please do not hesitate to contact me if you have further questions.

Sincerely,


GREGORY P. SUHR
Chief of Police

/jf



13 LEVEL 3 - LAYOUT PLAN
1/8" = 1'-0"

- ARCHITECTURAL NOTES**
- EXISTING 1-HR. RATED PARTITION WALL
 - EXISTING 2-HR. RATED PARTITION WALL
 - NEW PARTITION WALL (FULL HEIGHT - SMOKE BARRIERS)
 - NEW PARTITION WALL (CEILING HEIGHT)
 - NEW 1-HR. RATED PARTITION WALL
 - NEW 2-HR. RATED PARTITION WALL
 - P3.X13a WALL TYPE TAG

- LEVEL 3 PLAN KEYNOTES**
- SEE ENLARGED PLANS AND ELEVATIONS ON A4.31 FOR INFORMATION REGARDING OPEN TRANSACTION WINDOW AT RECEPTION 322.
 - SEE A4.31 FOR APPLIANCE INFORMATION.

- LEVEL 2 - PLAN SHEET NOTES**
- A. ADD FASTENERS AS REQUIRED TO ELIMINATE SQUEAKS AND MOVEMENT IN THE EXISTING PLYWOOD SUBFLOOR.

- BID ALTERNATE NOTES**
- BID ALTERNATE 1 (LEVEL 1)**
- CONSTRUCT AND INSTALL MEN'S AND WOMEN'S RESTROOM COMPLETE
 - INSTALL DRINKING FOUNTAIN
 - CONSTRUCT AND INSTALL MULTIPURPOSE ROOM WITH OPERABLE WALL.
- BID ALTERNATE 2**
- DRYWALL AT EXISTING STAIR WALLS TERMINATES 6" ABOVE CEILING AND STAIR CEILINGS ARE ONE LAYER OF DRYWALL ONLY. UPGRADE EXISTING STAIRWELL WALLS TO ONE-HOUR FIRE RATING. OCCURS AT STAIRS A, B, AND C.
- BID ALTERNATE 3 (LEVEL 1)**
- REPLACE EXISTING ROLL-UP GRILLES AT GARAGE WITH NEW ROLL-UP GRILLES OF COMPARABLE QUALITY.

**T O M
E L I O T
F I S C H**

201 Post Street 7th Floor
San Francisco CA 94108
tel 415 391.7918
www.tomeliotfishch.com



5211 / 028 & 029
Block / Lot

Structural Engineers
Morris Engineering & Associates, Inc.
1300 Industrial Road, Suite 14
San Carlos, CA 94070
tel: (650) 595-2972 | fax: (650) 595-2980
www.morriseng.com



21029.00	
1/8" = 1'-0"	Bldg Permit
12-6-12	
07/30/12	PRICING PACKAGE
10/04/12	SUTTER HEALTH ACCESSIBILITY REVIEW
11/02/12	CONTRACTOR BID SET
11/05/12	BUILDING PERMIT
12/27/12	ADDENDUM 2
12/17/12	PLANNING DEPARTMENT SUBMITTAL

LEVEL 3 PLAN

A2.03

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