

From: winterdusay@aol.com
To: abrooks.portside@gmail.com
Subject: Fwd: Court Says SEFA Likely to Prevail | DA Endorsements
Date: Wednesday, November 6, 2019 10:01:23 AM

Hi Andrew,

I hope you're doing well.

I don't know if you have seen this recent Update (**A Surprise in the Court's Order**) about the Navigation Center, which might not be approved because the Court found that the City's excuse for not seeking the State Lands Commission approval is "unpersuasive".

I think that this doc should join the other docs on the Portside Disclosures page so that Everyone can be informed about the most recent information on the Seawall Lot 330 for a Navigation Center.

Is there a way to get this update posted on our Disclosures page?

Many thanks!

Katherine Winter, Owner #420 at Portside II

-----Original Message-----

From: Wallace Lee <wajlee@gmail.com>
To: Wallace J. Lee <wajlee@gmail.com>
Sent: Sun, Oct 6, 2019 9:04 pm
Subject: Court Says SEFA Likely to Prevail | DA Endorsements

A Surprise in the Court's Order

Two weeks ago, I wrote that our legal options had likely run out but that we would wait to see the court's written order.

Given the tenor of the court's oral ruling, it was a surprise to see the [court say in its written order](#) that Safe Embarcadero for All "has shown a likelihood of prevailing on the merits of one of its claims." That one claim is our primary one—that the City needs State Lands Commission approval to use Seawall Lot 330 for a Navigation Center. The court found the City's excuse for not seeking State Lands Commission approval "unpersuasive."

Based on the court's promising ruling on that claim, our counsel suggested that we dismiss all of our other claims and proceed on just the State Lands Commission

claim. If we prevail, the judge could set aside the Port's approval of the project until the City obtains approval from the State Lands Commission. If the State Lands Commission determines that fair market value for the property is in the millions of dollars, as our appraiser contends, rather than the hundreds of thousands the City is currently paying, the property will be much less attractive to the City than it is now. One potential outcome is that the sharply-higher operating costs will deter the City from renewing its lease after two years. (It seems unlikely that the City would pull out right away as the Center will likely be open or about to open by the time the process plays out.)

The additional effort would cost around \$35,000, mostly in attorneys' fees and appraisers' fees. Rather than start a fundraising effort at this time, SEFA would like to gauge the community's interest in pursuing additional legal action. If you would like to provide an indication of interest, please email info@safeembarcaderoforall.org with the amount you would contribute if SEFA does start a fundraiser. If SEFA receives indications of interest near the amount needed, it will start taking funds for additional legal action. Please do not send money now.

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SEFA Supports Nancy Tung and Leif Dautch for DA

The SEFA board of directors would like to announce that it is endorsing [Nancy Tung](#) and [Leif Dautch](#) for District Attorney in the upcoming election. (San Francisco has ranked-choice ballots. SEFA encourages you to rank Leif and Nancy in the two top positions.)

SEFA believes that Leif and Nancy are the candidates most attuned to the concerns of Embarcadero residents—including crimes like the recent assault on our Watermark neighbor and auto break-ins. Nancy and Leif are our best shot at stopping San Francisco's revolving-door justice system.

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If you were forwarded this email, please email me (wajlee@gmail.com) if you would like to receive future updates. Please also let me know if you don't want any more emails.