

February 17, 2016

Via Hand Delivery

Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, California 94103

SCOTT EMBLIDGE
Partner
emblidge@mosconelaw.com

Re: General Plan Referral for 160 Folsom Street Height Increase

Dear President Fong:

I am writing on behalf of Save Rincon Park. At your February 25, 2016 Planning Commission meeting you will be deciding whether to amend General Plan Map 5 to raise the height limit from 300 to 400 feet for 160 Folsom Street.

In November 2014, OCII entered into an Exclusive Negotiation Agreement (ENA) with a developer (Tishman Speyer) regarding Assessors Block 3740 in Block 1 of the Plan area, located on Folsom Street between Main and Spear Streets. The ENA includes two project alternatives:

- Alternative 1, shown in Figure 1, containing 318 units (124 affordable) and complies with the existing 300-foot height, and
- Alternative 2, shown in Figure 2, containing 391 units (156 affordable) but that requires the Commission to increase the height limit permitted at this site from 300 to 400 feet.

A General Plan Referral is required for Alternative 2 because it would result in a change in the height limit from 300 to 400 feet. The Planning Commission should not approve the General Plan Referral. Permitting a 100 foot height limit to allow a 426-foot building at 160 Folsom Street would not conform with many important objectives and policies of the General Plan that guide development along the waterfront.

Key City plans and policies in the San Francisco General Plan's Urban Design Element and Downtown Area Plan and the Transit Center District Plan call for maintaining the established development pattern characterized by buildings that step down in height to the waterfront. For example,

- Policy 3.5 of the Urban Design Element of the General Plan calls for relating the height of buildings to important attributes of the city pattern and to the height and character of existing development.

- The Urban Design Element also states that “The heights of buildings should taper down to the shoreline of the Bay and Ocean, following the characteristic pattern and preserving the topography and views.”
- Policy 13.1 of the Downtown Area Plan says to “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development. (See Map 5) Downtown height controls should be consciously structured and varied to create specific areas which simulate the natural hills that characterize San Francisco. Taller buildings should be clustered to promote the efficiency of commerce and avoid unnecessary encroachment upon other areas. The downtown financial core — the major place of tall buildings in the city — should be kept separate from other less intense activity areas in surrounding low rise development. It should taper down to the shoreline of the Bay.”

Map 5 of the Downtown Area Plan set heights at 200 feet for the area north of Folsom and east of Main Street including the project site (until it was changed to 300 feet). The Plan does so for a reason – to limit heights near the waterfront. Figure A shows the proposed height increase in blue. As you can see on the figure, the heights of most of the buildings surrounding the site towards the waterfront to the east and towards downtown are in the 200-foot range or lower reflecting General Plan policy and the Map 5 height limits.

An increase in the height limit would erode the urban form and would set a precedent for allowing projects that are inconsistent with the established development pattern. It would also erode the great work of the former Redevelopment Agency that was carried out under the Rincon Point-South Beach Redevelopment Plan resulting in grand buildings stepping back from the waterfront such as Bayside Plaza, Rincon Center, and the Gap building. The Commission should respect the urban form that took shape as a result of sensitive planning.

An exception to the height limit was already made once for this site to increase the limit to 300 feet in 2006 at the request of the former Redevelopment Agency when they adopted the Transbay Redevelopment Plan. This should be the maximum height permitted for this project.

OCII prepared visual simulations to show how the two project alternatives would look combined with all of the projects in the pipeline. We had our visual consultant modify these simulations to show a few different scenarios:

- the 300 foot building compared to existing conditions (Figure 1) ;
- the 400 foot building compared to existing conditions (Figure 2);
- the 300 foot building with the pipeline development massing, including projects that are proposed, approved, and under construction (Figure 3);
- the 300 foot building with projects that are approved or under construction without unapproved projects (Figure 4); and

- the 400 foot building with projects that are approved or under construction without unapproved projects (Figure 5).

As shown in Figure A, and Figure 3, and Table 1, there are many projects proposed that would far exceed 300 feet, but they are located well west away from the waterfront. Figure 3 also shows the massing for the 75 Howard Street project located along the waterfront which will comply with the 200-foot height limit.

As shown in Figure 3 and Table 1, three of the pipeline projects that OCII included in their simulation are proposed, but have not been approved. These include Transbay Block 4 (450'), Transbay Parcel F (450-850'), and 50 First Street (850'). It is not known whether these sites will, in fact, be developed to their maximum allowable heights. Therefore, we have removed these projects from the simulations in Figures 4 and 5 in order to more accurately reflect the impact of the proposed project.

As shown in Figure 1, if the 300-foot version of the project were to be developed, it would still achieve the policies of the General Plan to foster a development pattern that steps back from the waterfront.

As shown in Figure 2, an increase to 400 feet would represent a substantial change in the existing development pattern characterized by buildings that step down in height from the downtown core and Transbay Terminal to the waterfront. And approval of an additional 100-foot increase would set a precedent for allowing projects that are inconsistent with the established development pattern.

You should reject the developer-proposed height increase as it would conflict with these and other important City plans and policies. There simply are no extraordinary circumstances justifying an exception for this high-rise.

Recent developer-initiated proposals to increase building heights along the San Francisco waterfront are nothing new. The would-be developers of 8 Washington wanted to profit from a height increase. The people spoke out and the project was not constructed. The developer of 75 Howard wanted to increase the height on the site from 200 to 350 feet and eventually revised the project after acknowledging that they would not be successful in their quest. The 160 Folsom Street project represents yet another attempt to raise height limits for profit at the expense of long established, valued City policies.

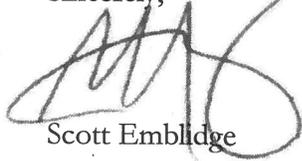
Planning Commission

February 17, 2016

Page 4

Please make the right decision for the people of this City – not the developer who wants a more profitable development scheme. Vote to oppose the proposed height increase and General Plan Referral at the February 25, 2016 hearing.

Sincerely,

A handwritten signature in black ink, appearing to be 'SE', written over a large, light-colored scribble or mark.

Scott Emblidge

cc: Vice-President Dennis Richards
Commissioner Michael J. Antonini
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Cindy Wu
Jonas P. Ionin, Director of Commission Affairs

TABLE 1. STATUS OF PIPELINE PROJECTS INCLUDED IN OCII VISUAL SIMULATIONS

PROJECT	STATUS
Block 1	Proposed
350 Mission	Under construction
45 Lansing	Under construction
525 Harrison	Approved
75 Howard	Approved
201 Folsom	Under construction
325 Fremont	Approved
340 Fremont	Under construction
399 Fremont	Under construction
Block 6/7	Under construction
Block 8	Approved
Block 9	Approved
33/41 Tehama	Under construction
Parcel F	Proposed
222 Second	Under construction
555 Howard	Proposed
524 Howard	Proposed
Palace Tower	Proposed
706 Mission	Approved
50 First St	Proposed
Salesforce Tower	Under construction
181 Fremont	Under construction
Block 5	Under construction
Blocks 2/3/4	Proposed
4th Harrison	Proposed
5M	Approved
SF Moma	Under construction
One Mission Bay	Under construction
Mission Rock	Proposed
330 Townsend	Proposed
610 Brannan	Proposed
598 Brannan	Proposed
636 4th St	Proposed
The Creamery site	Proposed

Flower Mart site	Proposed
One Oak	Proposed
Trinity	Under construction
30 Otis	Proposed
10 South Van Ness	Proposed
30 Van Ness	Proposed
1580 Mission	Proposed
1554 Market	Proposed

Source: José Campos, OCII, February 9, 2016

HEIGHT MAP WITH PIPELINE

Buildings highlighted in yellow are proposed projects (not approved) removed from the simulations.

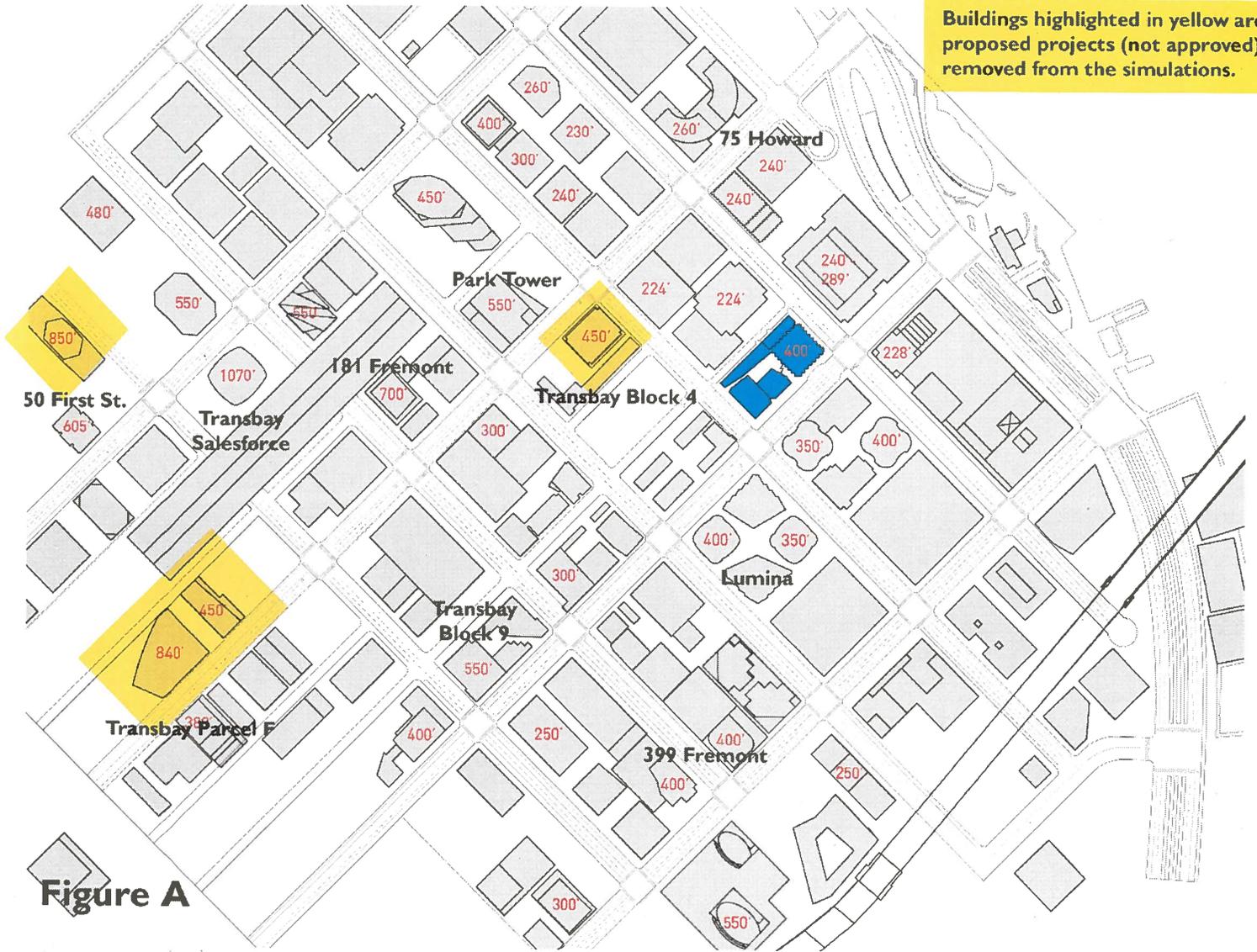


Figure A

WATERFRONT SKYLINE - BAY BRIDGE 300' TOWER

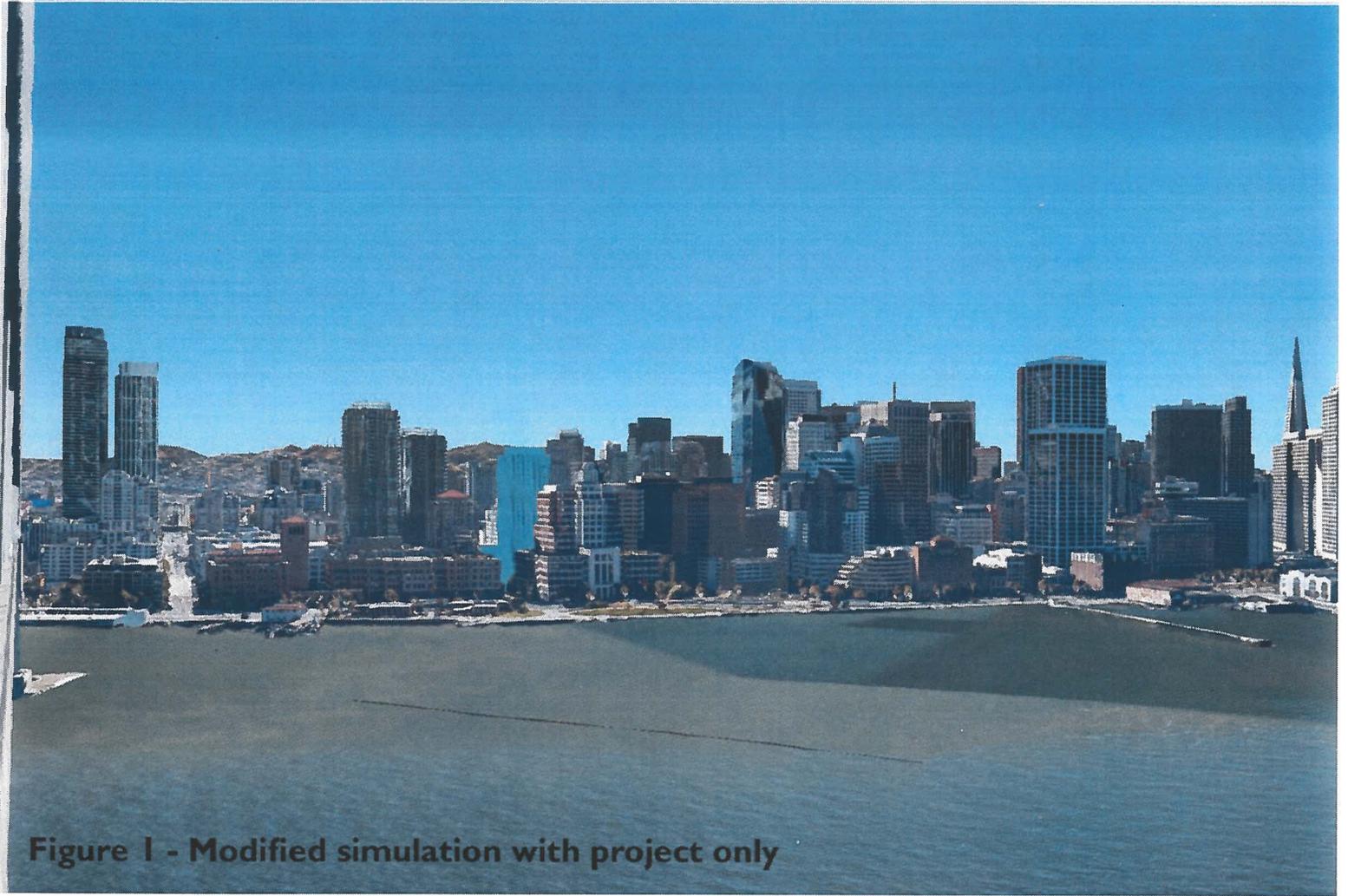


Figure 1 - Modified simulation with project only

WATERFRONT SKYLINE - BAY BRIDGE 400' TOWER

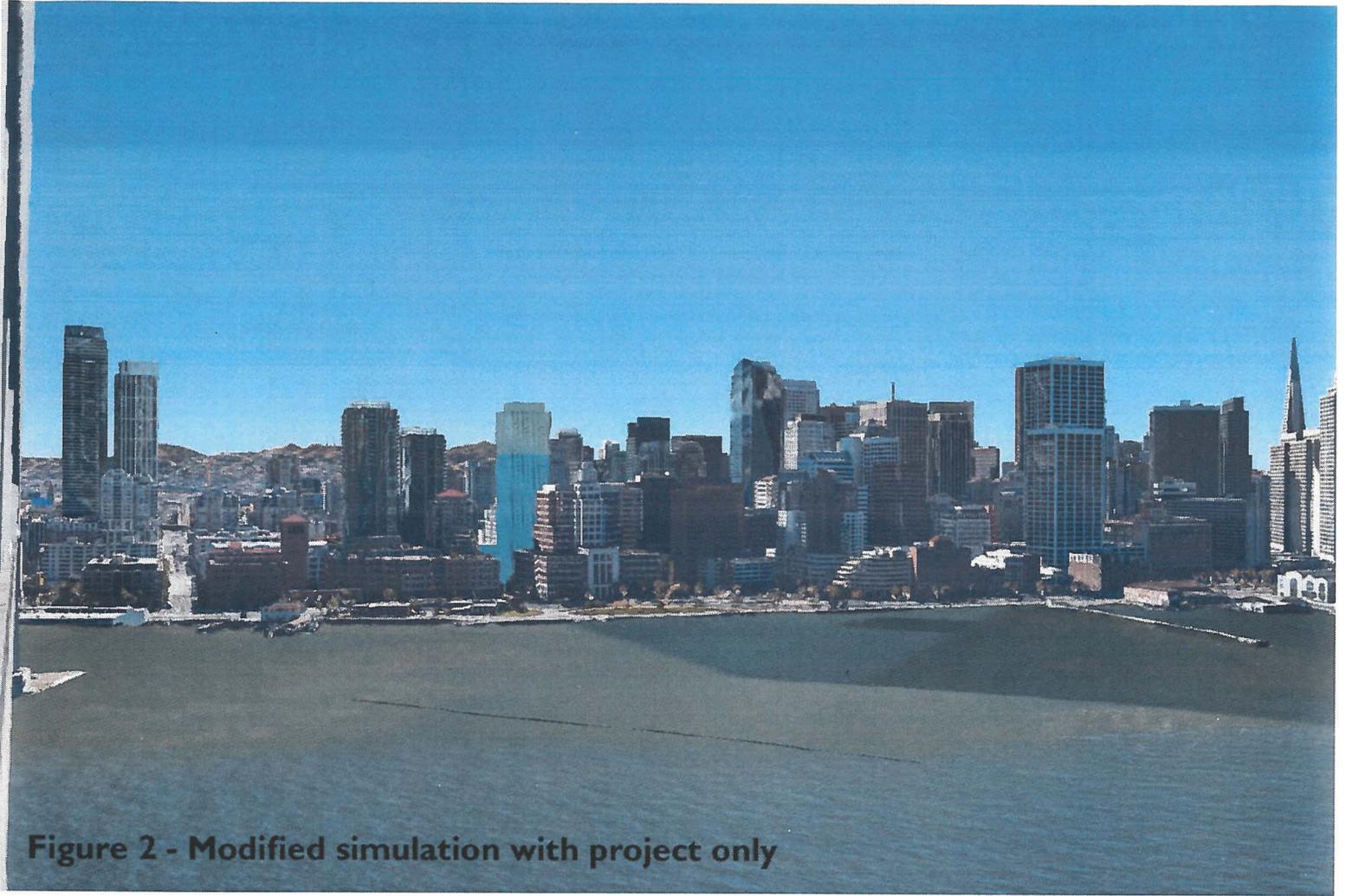
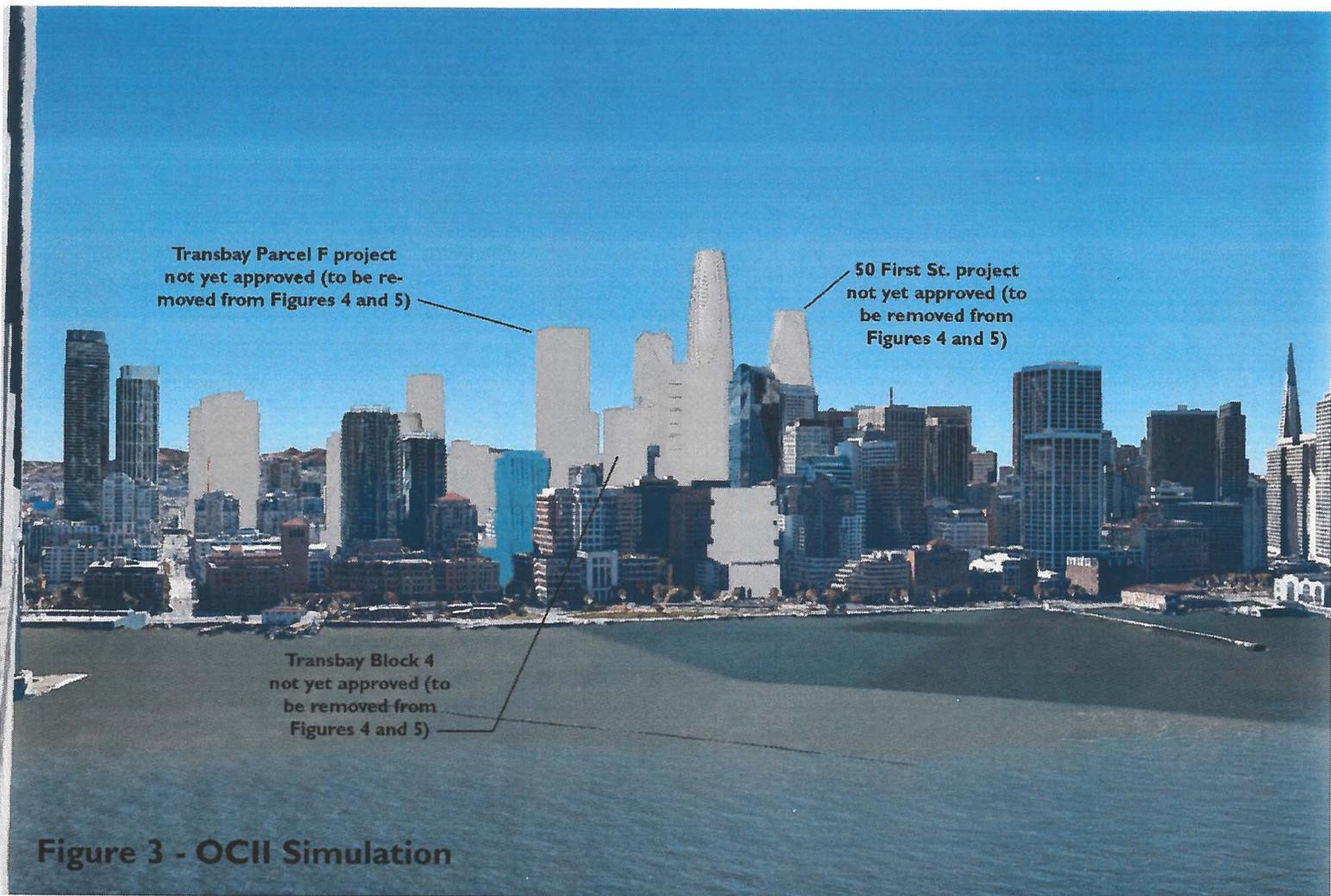


Figure 2 - Modified simulation with project only

WATERFRONT SKYLINE - BAY BRIDGE 300' TOWER (WITH PIPELINE)



Transbay Parcel F project
not yet approved (to be re-
moved from Figures 4 and 5)

50 First St. project
not yet approved (to
be removed from
Figures 4 and 5)

Transbay Block 4
not yet approved (to
be removed from
Figures 4 and 5)

Figure 3 - OCII Simulation

WATERFRONT SKYLINE - BAY BRIDGE 300' TOWER (WITH PIPELINE)

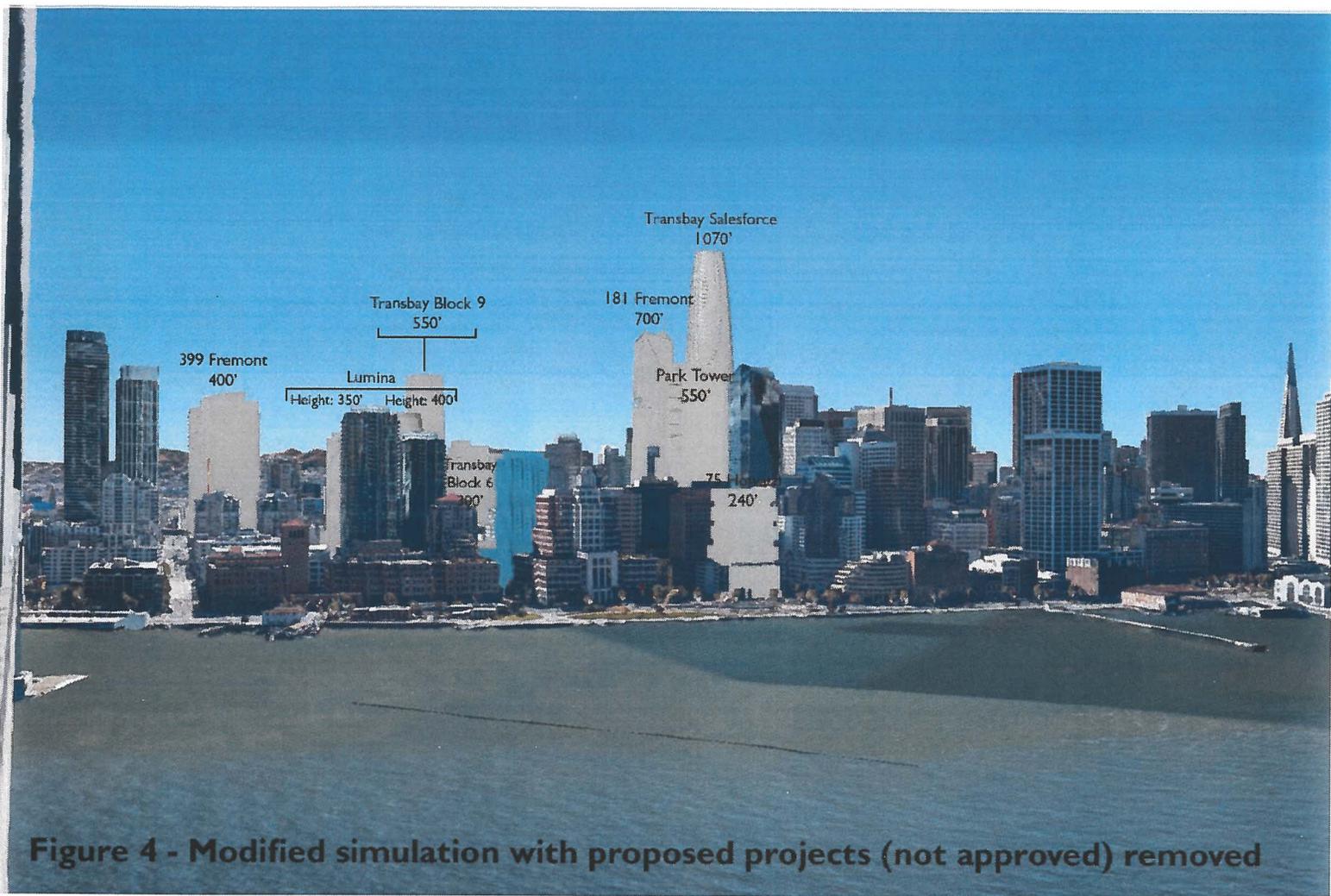


Figure 4 - Modified simulation with proposed projects (not approved) removed

WATERFRONT SKYLINE - BAY BRIDGE 400' TOWER (WITH PIPELINE)

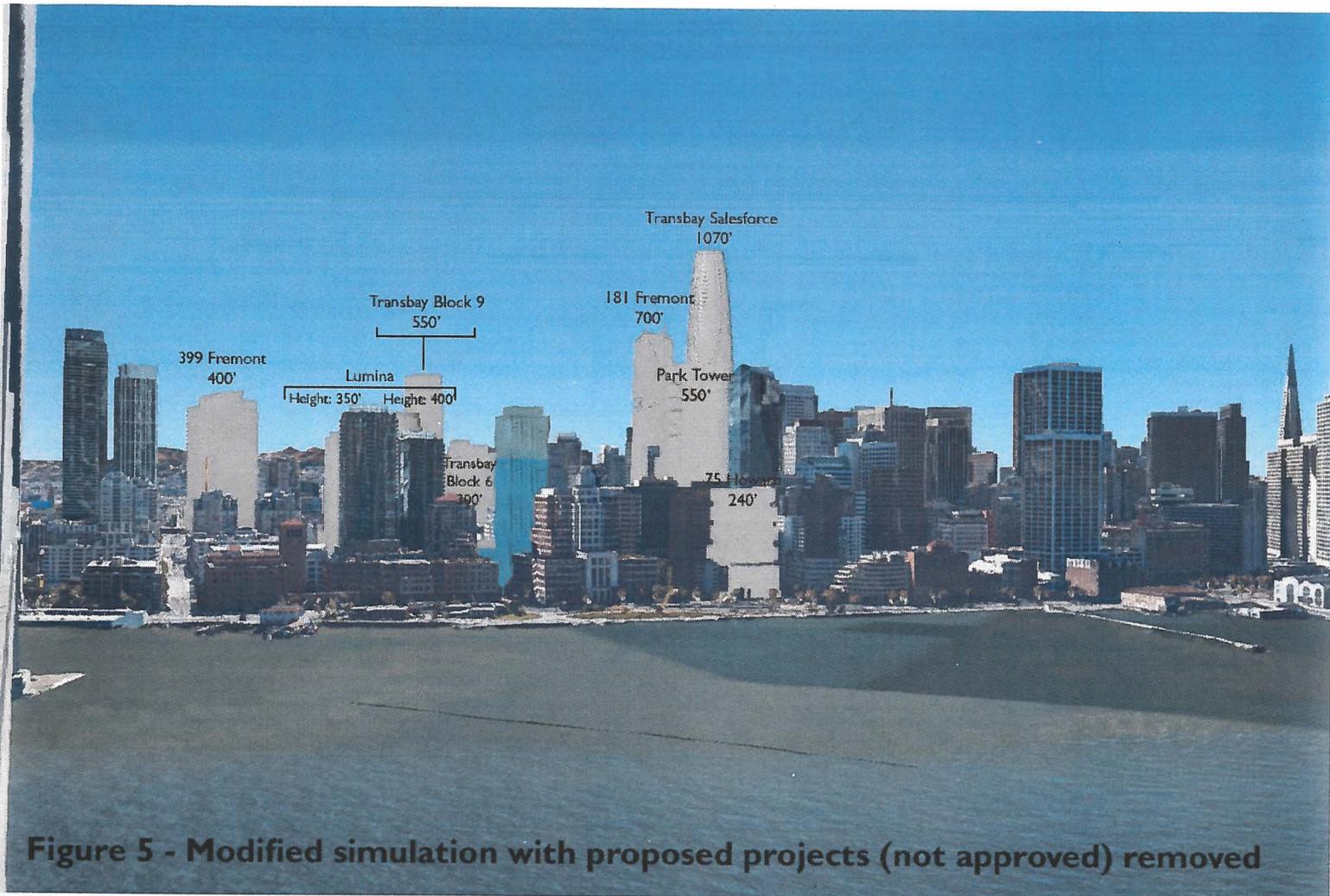


Figure 5 - Modified simulation with proposed projects (not approved) removed