

Received at CPC Hearing 5/2/19
C. Alexander



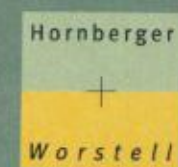
The Theater & Hotel @ Broadway | Seawall Lots 323/324, San Francisco, CA
A Teatro ZinZanni & Kenwood Investments Project



Planning Commission Meeting
May 2, 2019

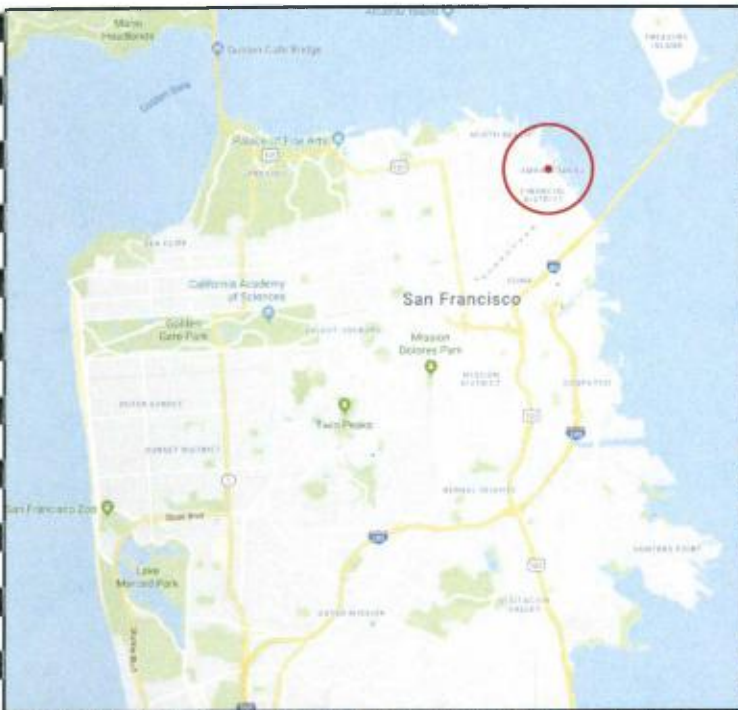


KENWOOD INVESTMENTS

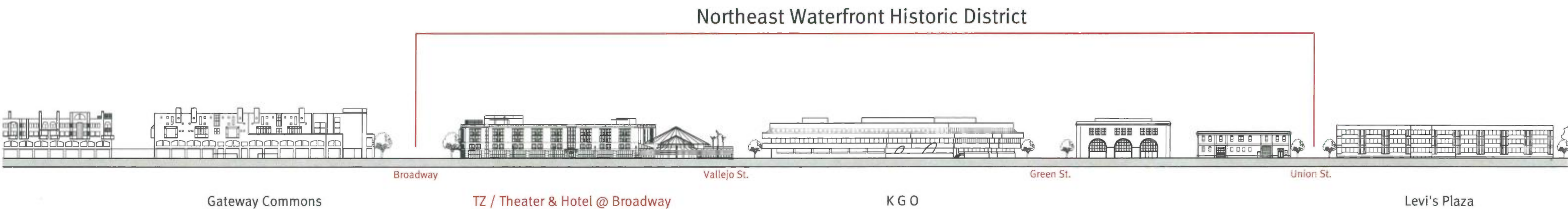


Prepared for:
Teatro ZinZanni, Presidio Companies,
and Kenwood Investments

by:
Hornberger + Worstell



Project Location at Embarcadero & Broadway



All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code

Northeast Waterfront Historic District
Appendix D, Article 10 San Francisco Planning Code

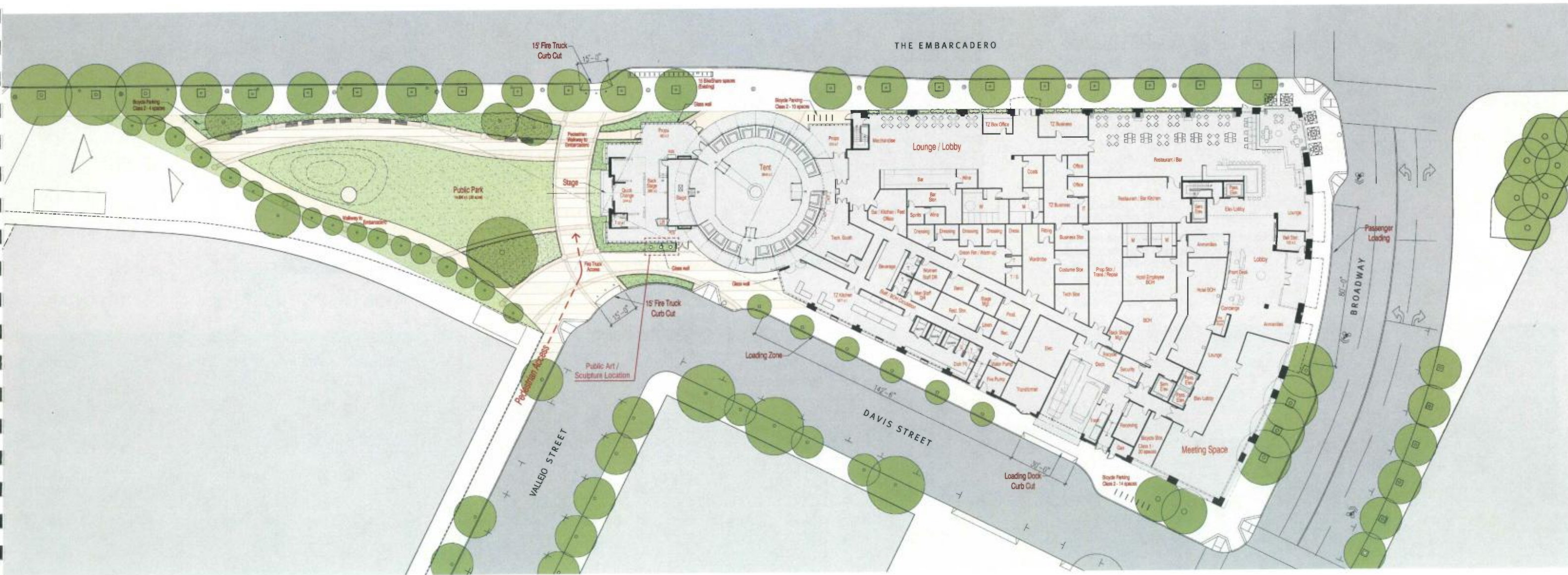
Northeast Waterfront Historic District
Appendix D, Article 10 San Francisco Planning Code

Section 6. FEATURES

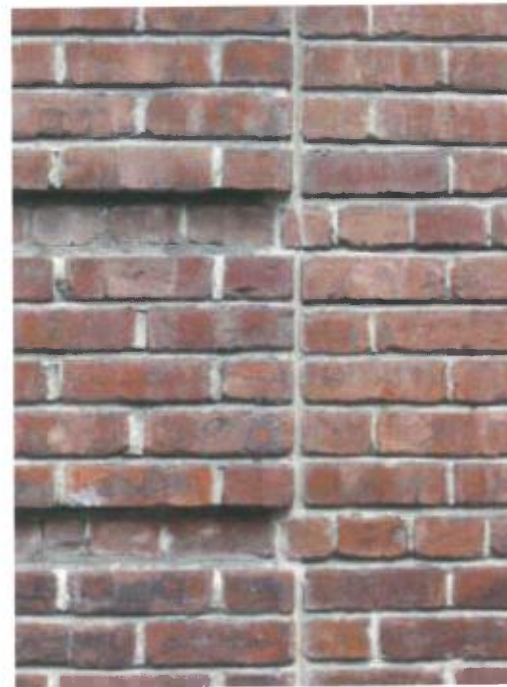
(b) Scale & Proportion:

- The buildings are of typical warehouse design, large in bulk, often with large arches and openings originally designed for easy vehicular access. The earlier brick structures blend easily with the scaled-down Beaux Arts forms of the turn of the century and the plain reinforced-concrete structures characteristic of twentieth century industrial architecture.

Overall Scale and Proportion Consistent with District



Site Plan / Park and Public Realm



1050 Battery

1010 Battery

Section 6. FEATURES

(a) Overall Form and Continuity.

- Building height is generally within a six-story range, with the higher structures closer to the base of Telegraph Hill and lower buildings near the water. Many of the oldest structures are one or two stories in height.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

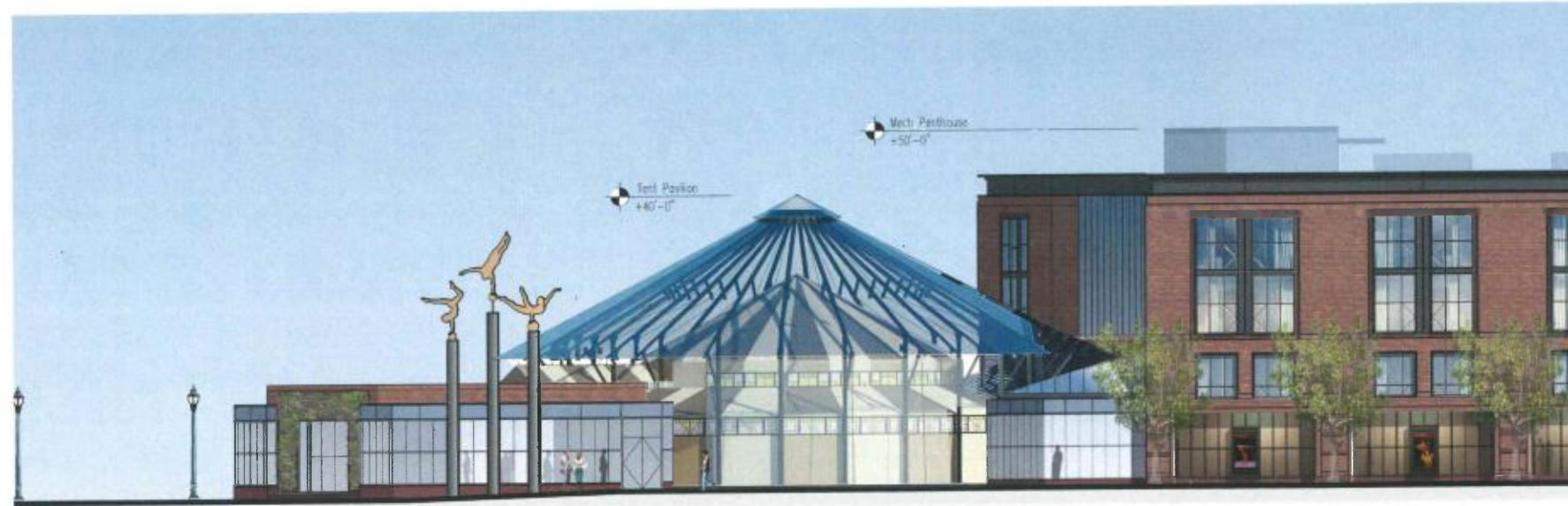
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Embarcadero Elevation - Proposed Scheme

Scale, Proportion and Materials Relate to Historic District

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Vallejo and Davis Street Elevation



Public Park Elevation

Glass Tent Pavilion Increases Transparency at Vallejo and Davis Street

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Gateway to the New Public Park at Vallejo and Davis Street

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1088 Sansome



151 Union St.



55 Union St.



1105 Battery



855 Battery



151 Union St.

Sec. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS

(b) Additional Standards for Certain Features.

(1) Facade Line Continuity.

- Facade line continuity is historically appropriate. Therefore, setbacks and arcades, not generally being features of the Northeast Waterfront Historic District, are not acceptable.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Broadway Elevation - Proposed Scheme

Materials and Details Appropriate to Historic District

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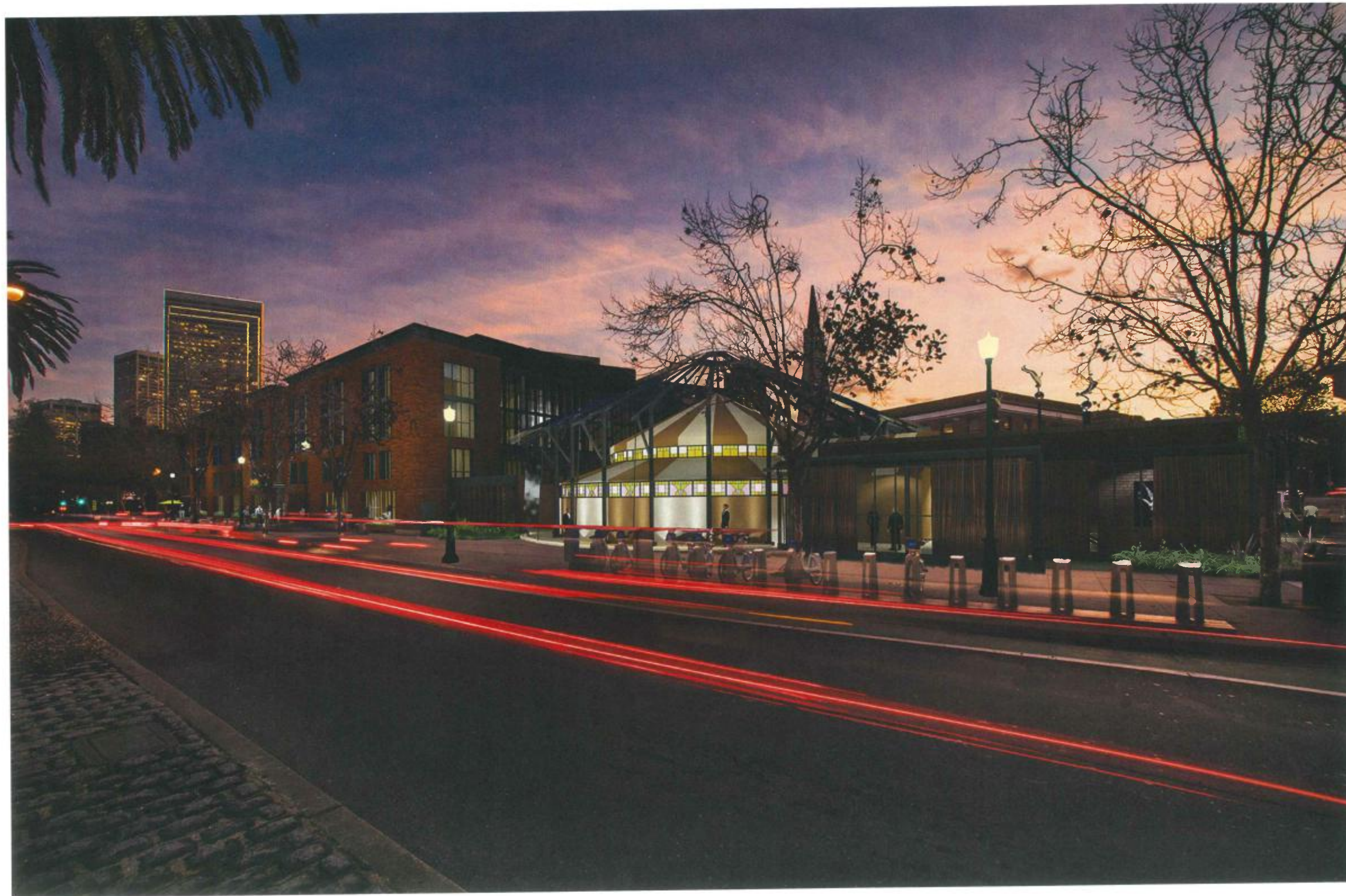
Hornberger + Worstell Architects

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May 2, 2019 | 8

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Embarcadero Evening View

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THE EMBARCADERO



Public Park As Neighborhood Amenity

May 2, 2019 | 10

Teatro ZinZanni

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Public Park and ZinZanni Pavilion

Received at CPC Hearing 5/2/19
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April 28, 2019

San Francisco Planning Commissioners
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 915 North Point – 2017-000280CUAVAR
Letter of Support

Dear Commissioners:


Russian Hill Neighbors supports the Conditional Use Authorization for the above-referenced 37-unit residential project. We believe the replacement of the existing under-utilized parking garage at this location with the proposed 4-story rental housing is beneficial to the neighborhood. It would add to the City's housing stock, increase foot traffic to the benefit of nearby commercial uses, and improve the general sense of security in the area.

The developer, Jamestown, has met with RHN representatives on five occasions over the past 1-1/2 years, providing updates, seeking input and demonstrating an openness and responsiveness to many of our comments.

The setbacks at the upper levels on both the North Point and Larkin Street frontages have been highly effective in achieving a scale compatible with the neighborhood. We understand the special challenges of mitigating the project's impacts on two adjacent single-family houses at the southern edge of the site along Larkin Street. In this regard, the project, over successive design iterations, has reduced the size of the top floor of the Larkin Street structure and has angled rear-yard terraces away from the adjacent houses to ameliorate privacy concerns.

The design has continually evolved and improved, and we recommend the Commission's support.

Yours truly,


Carol Ann Rogers
President

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**Public Comment by Carolyn Kenady to San Francisco Planning Commission -
May 2, 2019**

CASA Proposed Framework's Missing Element - Community Involvement

Good afternoon Commissioners and Planning staff. My name is CK. I chair the neighborhood association west of Dolores Park.

Thank you for this hearing and the Planning Staff Memo regarding the CASA Compact.

The CASA group's policy initiative has many elements that SF has already adopted.

There are good ideas in here. My problem is how it's being implemented.

Your memo describes this "emergency policy" for our housing crisis and its ten elements. But where is CASA's strategy for gaining local support? We're tackling a massive problem that requires significant change in all of our Bay Area communities.

Yet its signature deliverable is this legislative agenda ...comprised of 22 bills which are grinding their way through the State Legislature.

This feels like "done to" vs. "done with" ... if I were still working in "corporate", we'd call this top-down change a "BOHICA"

As I've attended these commission meeting, I've seen that a big part of your role is change leadership. Weekly, you grapple with: What are the most effective strategies to address our planning gaps and to evolve our city's built environment? How do we educate people and get buy-in to controversial ideas? You confront these questions everyday. I do not think your answer would be to introduce 22 bills in the same legislative session. 22 bills ... where's the analysis of how they will work together? What's the expected impact of these collective bills on our communities?

If we are trying to solve problems in our communities, let's start closer to the source. Let's involve community members in planning for these changes in their own neighborhoods. Let's pilot some of these ideas in selected areas - or share "lessons learned" from San Francisco's implementation of these ideas? What about phasing in these changes ... starting with the most vulnerable in the "Protect" elements so that we do not displace more people or demolish needed housing? And why is Sacramento pursuing 22 bills when Element #9 - the Funding and Financing - does not have buy-in - let alone one dime?

I read that CASA leadership got significant push-back for limited community involvement when it unveiled the Compact earlier this year. So they announced area meetings with local leaders. Are they truly interested in leading change? Or will this be another BOHICA?

I'd be interested in how you Commissioners envision community involvement in this change process for San Francisco.

Thank you for all your work and thought to balance SF's growth and its quality of life.

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May 1, 2019

Via Email & U.S. Mail

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**RE: 457-471 Minna Street Project & 833 Bryant Street Project – SB
35 Streamlining Is Not Available to Modular Housing Projects**

Dear President Melgar, Mr. Rahaim, Mr. Herrera and Ms. Calvillo:

We are writing on behalf of the San Francisco Building and Construction Trades Council public policy committee to oppose the application of Senate Bill 35 ("SB 35") permit streamlining provisions and the Assembly Bill 73 ("AB 73") California Environmental Quality Act ("CEQA") exemption to projects proposing to use factory-built modular housing units in their construction on the grounds that such projects cannot meet all the prerequisites for streamlining.

4095-006j

It is our understanding that the following projects have applied for SB 35 streamlining and are proposing to utilize factory-built modular housing construction:

- 457-475 Minna St.
- 833 Bryant St.

We have also become aware that the City has created a Housing Sustainability District, a first step for projects to receive an AB 73 CEQA exemption, as part of the Central SoMa Plan and is proposing another Housing Sustainability District as part of The Hub Plan.

The SB 35 and AB 73 permit streamlining and CEQA exemption provisions are only available to projects that ensure, among other requirements, that construction is performed by a skilled and trained workforce as defined by Public Contract Code § 2601. Our research indicates that currently no factory-built housing manufacturers employ a workforce that meets the Public Contract Code § 2601 skilled and trained workforce definition. Accordingly, projects, such as those identified above, are not eligible for the SB 35 and AB 73 permit streamlining and CEQA exemption benefits if they are proposing to install factory-built modular housing units.

SB 35 and AB 73 are voluntary processes for developers. SB 35 provides a tradeoff, whereby developers receive an expedited, ministerial approval for their projects (effectively exempting them from CEQA review), provided those projects create community benefits including affordable housing and workforce benefits. AB 73 creates a CEQA exemption for projects within a Housing Sustainability District, provided they create similar community and workforce benefits to SB 35. Developers have the choice of voluntarily providing these community and workforce benefits or utilizing the normal permit procedure. SB 35 and AB 73 are part of a series of CEQA streamlining bills that the Legislature has enacted under the theory that important projects that can demonstrate sufficient environmental and community benefits deserve expedited permitting and other benefits. Community benefits include supporting the local skilled workforce by requiring the use of skilled workers, paying prevailing wages, and bolstering apprenticeship programs.

May 1, 2019

Page 3

This concept recognizes that waiving environmental protections for developers provides them with economic gain. When waiving these protections, the government needs to capture some of the economic value awarded to developers and invest it locally.

This is the design for the successful Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (“AB 900”)¹ which provides “unique and unprecedented streamlining benefits under the California Environmental Quality Act for projects that provide the [environmental and workforce] benefits ... for a limited period of time to put people to work as soon as possible.”² Originally designed to provide jobs in the face of the severe recession, AB 900 has been extended twice by the Legislature due to its successful model. AB 900 has allowed for eight projects to be certified by the Governor, and its model of trading CEQA streamlining for community benefits being replicated numerous times in the Legislature.

SB 35 adopted a similar concept by removing discretionary permitting, and thus CEQA review, from local governments who were not meeting their Regional Housing Needs Assessment (“RHNA”) housing production targets. Like AB 900, SB 35 sought to provide needed housing at a time of crisis in California. Also, like AB 900, SB 35 contained numerous environmental protections to prevent long-term degradation and sought to capture some of the created economic value to developers through requirements that they provide housing affordable to all Californians and provide good-paying jobs that support a skilled and trained workforce and apprenticeships. SB 35 thus sought to allow developers to build housing more quickly in areas where supplies were insufficient, while addressing housing affordability and supporting the growth of the construction industry, which provides a steady supply of workers to help build California out of its housing hole.

The Planning Commission cannot apply SB 35 to factory-built modular housing without first determining that SB 35’s requirement for the applicant to use a skilled and trained workforce will be met. SB 35 specifically requires every contractor and subcontractor engaged by the developer to complete the development to use a skilled and trained workforce as defined under Public Contract Code section 2601.

¹ Cal. Pub. Res. Code § 21178 et seq.

² Cal. Pub. Res. Code § 21178(i).

4095-006j

Skilled and trained workforce provisions require the home builder to ensure that building and construction work is performed by journeypersons or apprentices in the building and construction trades and requires a certain percentage of journeymen to be graduates of a state-approved apprenticeship programs in the relevant craft.³ This ensures higher quality work, supports good paying jobs in the community, and increases apprenticeship opportunities for disadvantaged workers. Support of apprenticeship programs is also critical to ensure that the Bay Area will have enough qualified workers to build all the homes needed to ease the housing affordability crisis.

SB 35 does not provide any exception for modular construction. Public Contract Code section 2601 states that a skilled and trained workforce is a workforce “performing work in an apprenticeable occupation in the building and construction trades.” Modular construction is building and construction work subject to the California Building Standards Code and requires the same skills and training regardless if performed on-site or at a factory-built housing facility.⁴ The Factory-Built housing Act specifically notes that the manufacture of these units involves construction.⁵ Unlike modular classrooms each unit is designed and constructed specifically for a particular project, must be integrated into the whole, and cannot be severed from it. Accordingly, any contract or subcontract with a modular construction facility to construct a modular unit for an SB 35 project would need to ensure that construction of the modular unit is performed by a skilled and trained workforce.

Unless these and other projects can demonstrate that its proposed factory-built housing units will be constructed by a skilled and trained workforce, these factory-built housing projects cannot demonstrate they are eligible for SB 35 streamlining procedures. Project proponents thus have the choice to either demonstrate project construction will provide the full community benefits required under SB 35 or can seek approval under the City’s normal permitting procedures.

AB 73 allows local governments to create Housing Sustainability Districts in certain areas. Projects consistent with these districts are eligible to receive a CEQA exemption if they require every contractor and subcontractor engaged by the

³ Cal. Govt. Code § 65913.4(a)(8)(B); Cal. Pub. Contract Code § 2601.

⁴ Cal. Health and Safety Code § 19971.

⁵ See Cal. Health and Safety Code §§ 19971, 19976.
1095-006j

developer to complete the development to use a skilled and trained workforce as defining under Public Contract Code section 2601, exactly as in SB 35. AB 73 also does not create an exemption for modular construction.

Applying SB 35's streamlining and AB 73's CEQA exemption for projects that consist of factory-built modular housing, without meeting SB 35 or AB 73's standards, robs the public of its promised benefits. Moreover, the use of factory-built modular housing means that almost all construction will occur outside of San Francisco, providing no job benefits or opportunities to local residents. Factory-built housing thus fails to support the development of the skilled construction workforce San Francisco will need for other projects, contrary to the intent of SB 35 and AB 73.

Applying SB 35 and AB 73 to factory-built modular housing construction that fails to engage a local skilled and trained workforce at prevailing wage rates not only would violate the plain language of these statutory exemptions, but would also provide windfall profits to developers at the expense of local workers and the local economy, increasing inequality in a city that has already suffered enough. The Planning Commission must require strict compliance with SB 35 and AB 73's requirements and require these projects to be processed through San Francisco's normal permitting and CEQA review procedures unless all construction is performed by a skilled and trained workforce.

Sincerely,



Kyle C. Jones
Thomas A. Enslow

KCJ:lj1

**Public Comment by Carolyn Kenady to San Francisco Planning Commission -
May 2, 2019**

SB 50's impact on our infrastructure - especially transit

Good afternoon Commissioners and Planning staff. My name is CK. I chair the neighborhood association west of Dolores Park.

I spoke with you a few weeks ago about conducting an Environmental Impact Study on SB 50's impact on San Francisco. I was especially concerned about the impact on our infrastructure. We have deficits in our operating and capital budgets for our transit systems. The attached exhibit summarizes the gaps in funding to meet those current and projected needs. The SFMTA has a \$21 billion gap to fund projected needs to 2045. That was before SB 50 proposed a massive upzoning in our city.

Then last Friday we experienced a major incident in our Muni Metro tunnel - with service out for both the am and pm commutes. As we know an inbound streetcar broke the overhead power line which precipitated the shutdown. What got my attention was SFMTA's failure to provide effective back-up transportation for Muni Metro riders. How did riders who were too far from their destination to walk get to work? What will happen when we build faster than our transportation plans have projected? We already have "traffic in the tunnel" slowdowns during most am commutes today.

It takes ten to 20 years to build out transit infrastructure. It only takes three to five years to add four-plexes and similar mid-size housing to our city. Will we have a transit or infrastructure failures?

Please ask for an impact analysis of SB 50 on San Francisco's infrastructure and its future needs. Thank you.

Current Projected Transportation Deficit State, Regional and Local: \$210B

Project	Cost	Identified Funding	Current Projected Deficit
Bullet Train Complete	\$77.3B	\$12.7B	\$64.5B
Regions Needs to 2040	\$428B	\$309B	\$119B
MUNI Needs to 2045	\$31B	\$10B	\$21B
Caltrain to Transbay	\$6B	0	\$6B

Sources: Bullet Train, State Auditor Report 2018-108, November 2018; Regional Need, Plan Bay Area 2040, July 2017; MUNI, SF Transportation 2045 Task Force Report, Jan. 2018; Caltrain, SF Chronicle, Aug 9, 2018

Additional Cost Overruns and Finding Delays

1. "Structural Transit Operator staffing deficit" of 411 operators or 17.8% of operators needed (Budget and Legislative Analyst, December 5, 2018)
2. The \$1.6 B Central Subway project is late and over budget with major disputes between the City and the primary contractor Tutor Perini over various issues totaling \$136 million and will not be in service for the opening of the Warriors facility in 2019, with the contractor saying the job won't be done until 2021. (SF Chronicle, 6 Dec. 2017). In April, 2018 SFMTA demanded that Tutor Perini replace 3.2 miles of track adding further delays (SF Chronicle, 10 May 2018)
3. The re-opening of the \$2.2 B Transbay Transit Center has been delayed as the City's Transportation Authority has withheld some \$9.7m in funding and the general contractor has demanded a \$150 m payment to compensate for "faulty design documents" which it claimed delayed construction and added to costs. (SF Chronicle, 23 October, 2018)



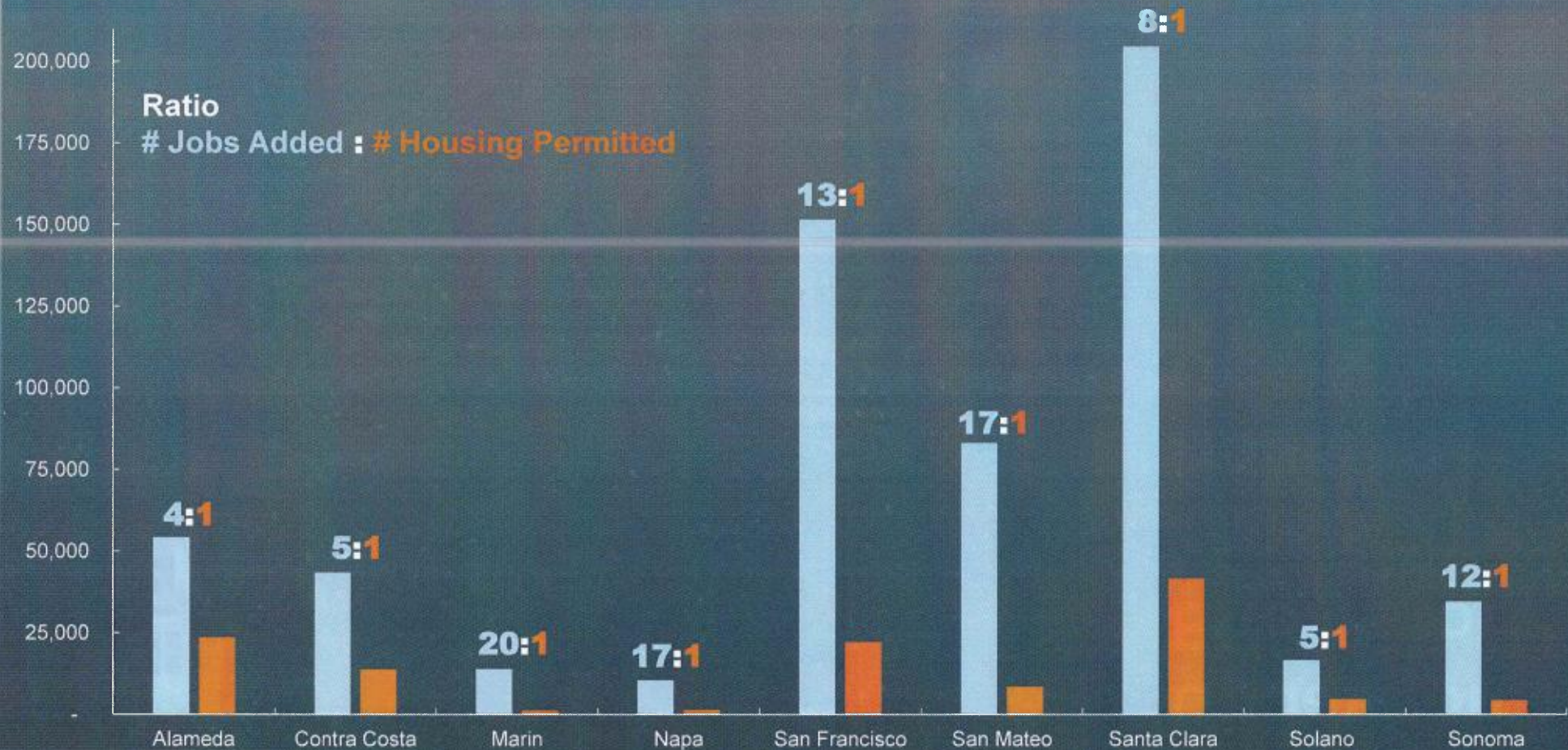
Update on Efforts to Tackle the Housing Crisis

May 2019



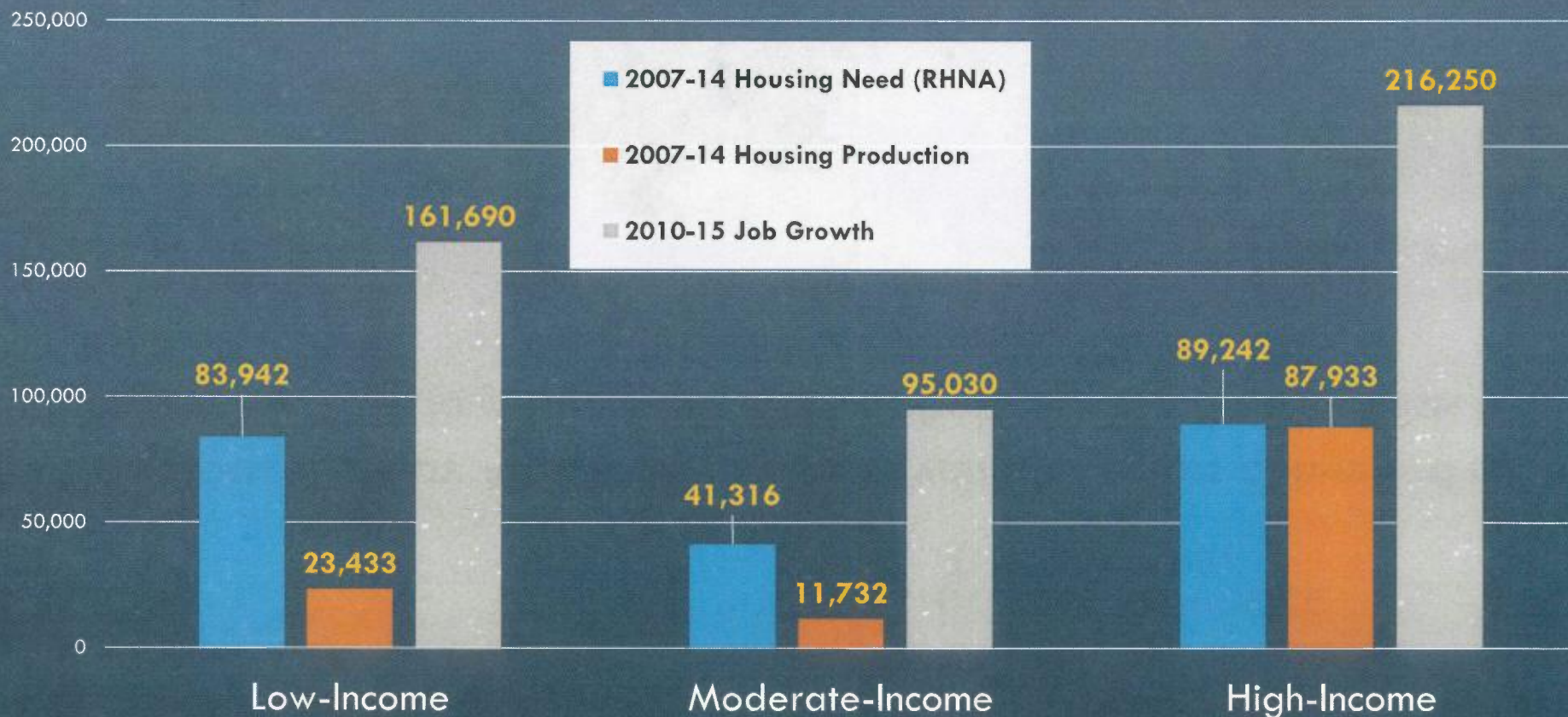
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Job Growth Far Surpassed New Housing Between 2010 to 2016



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The Region Has Not Built Enough Housing to Meet Demand



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WHAT IS CASA?



COMMITTEE TO HOUSE
THE BAY AREA

CASA was a panel of Bay Area leaders across various sectors convened by MTC and ABAG in 2017 to address the region's housing affordability crisis by identifying and unifying behind bold, game-changing ideas.



CASA PREAMBLE – 3 P'S

The Bay Area faces a housing crisis because we have failed at three tasks:

- Failed to **produce** enough housing for residents of all income levels
- Failed to **preserve** existing affordable housing
- Failed to **protect** current residents from displacement

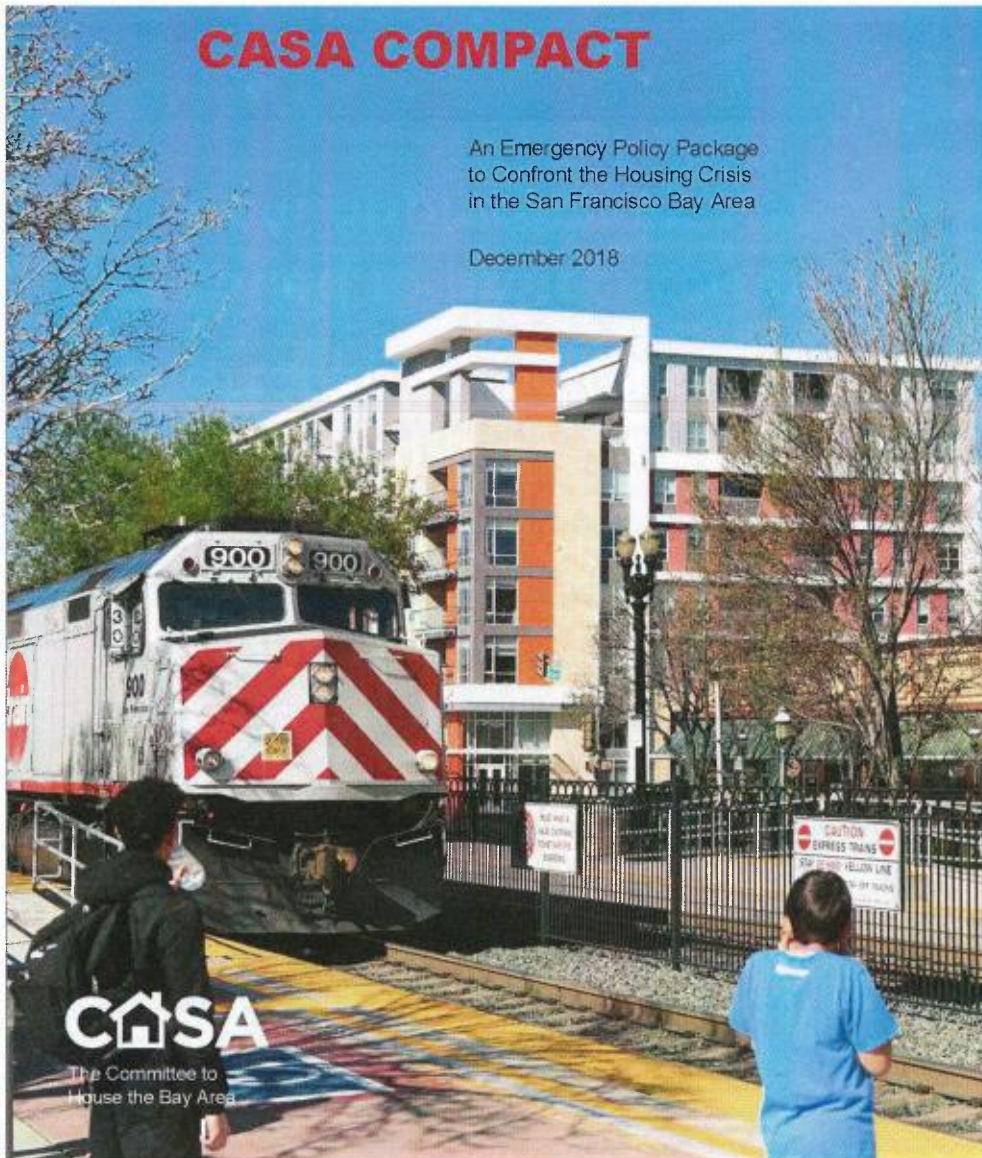


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METROPOLITAN TRANSPORTATION COMMISSION

CASA COMPACT

An Emergency Policy Package
to Confront the Housing Crisis
in the San Francisco Bay Area

December 2018



Adopted by CASA Steering Committee in December 2018

- Elements 1, 2 & 3: Protection
- Element 4: Remove Barriers to ADUs
- Elements 5, 6 & 7: Production Initiatives
- Element 8: Surplus Public Land
- Element 9: Potential Funding Sources
- Element 10: Regional Housing Enterprise

For details visit

<https://mtc.ca.gov/casa>

CASA IS COMPLETE.

WHAT ARE WE DOING NOW?

- MTC/ABAG have convened a Housing Legislative Working Group comprised of two city representatives from each of the nine counties, plus one county to provide input on housing legislation that can inform ABAG/MTC advocacy efforts.
- Staff is analyzing bills and will bring forward recommendations to ABAG/MTC in May based on input from the working group and other stakeholders.
- Meeting materials and videos of meetings can be found here mtc.ca.gov/hlwg/meetings



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

2019 LEGISLATIVE UPDATE

- Housing is Issue #1 this year, led by Governor Newsom who has proposed \$750 million in funding for local and regional agencies to plan for housing and pay for infrastructure.
- There are currently over 200 housing bills that have been introduced that address a wide range of issues, spanning across the 3Ps.
- Many, but not all, are authored by Bay Area legislators.
- Most are statewide in scope and do not have a sunset date.
- Many bills have cleared their first committee hurdle, but still face a challenge to reach the Governor's desk.



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

SHORT LIST OF 2019 HOUSING BILLS

Protection

AB 1481 (Bonta)/AB 1697	Just cause eviction
AB 1482 (Chiu)	Anti-rent gouging
SB 18 (Skinner)	Tenant access to counsel and emergency rent assistance

Production

AB 1483, AB 1484 (Grayson)	Transparency on fees/restrictions on changing fees
AB 1486 (Ting)/SB 6	Surplus land for housing
SB 50 (Wiener)	Upzoning near transit stations, high-quality bus, and job-rich areas
SB 330 (Skinner)	Declares housing emergency to 2030; prohibits downzoning in some areas

Preservation/Funding

ACA 1 (Aguiar-Curry)	Lowers vote threshold for housing measures to 55%
SB 5 (Beall)	Allows ERAF funds to be invested in affordable housing & infrastructure
AB 1487 (Chiu)	Establishes the Housing Alliance for the Bay Area (HABA) and authorizes new housing revenue measures on the ballot regionwide;
AB 11 (Chiu)	Redevelopment 2.0 – Reestablishes option for cities and counties to use tax-increment finance for affordable housing and infrastructure

