

Received at CPC Hearing

9/19/19

D. Winslow

**Robert L. Speer**

**1966 Eddy Street**

**San Francisco, CA 94115**

June 7, 2019

To whom it may concern:

RE: Building Permit for 1980-82 Eddy Street (2018.08.16.7596)

I have owned my home since 1975 and helped found our neighborhood association (Beideman Area Neighborhood Group) in 1976. My neighbors and I have accomplished many improvements such as street trees, underground utilities, street permit parking and desirable infill housing with input to and the assistance of the San Francisco Redevelopment Agency for the lots with demolished housing. My house circa 1912 was rehabilitated in 1978 with SFRA financial funding.

I have reviewed the permit application and found the proposed additions for the building circa 1870s to be most combatable for the neighborhood. The additions conform to the existing lot set back requirements and provide an attractive and sensitive architectural design.

Sincerely,



Robert L. Speer



9/3/2019 looking East from  
1120 Providence to  
1980 Eddy Street  
Shows sig of pole  
beyond back of next  
door Eddy apartment bldg.

1120 Broderick Street, San Francisco CA 94115-3905

April 30, 2019

The Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2480

Re: Remodel, 1980-1982 Eddy Street

This will acknowledge receipt of the remodeled plans sent to 1120-1122 Broderick Street, San Francisco.

In response, let me say that I believe our two-unit building is most directly impacted by the proposed conversion of the back porch of the Eddy Street Property which was constructed shortly after our 1971 acquisition of the two Broderick Street flats.

The existing porch on Eddy Street was erected without any input from the neighboring lot owners, resulting in perhaps a three-foot extension beyond the back of the Eddy Street property next door. The resulting loss of sunlight during the winter months would be difficult to assess, but spring, summer and fall seem to have posed little problems, particularly on the garden of our Broderick Street property.

Therefore, providing that the proposed remodel of the Eddy Street deck into a bedroom I know is strategic to the owners does not exceed, repeat does not exceed, the existing footprint of the deck, there is no objection to its remodel.

I write this as co-owner of 1120-1122 Broderick Street. Ms. Munar, the co-owner, is a stroke victim and I hold her power of attorney, so I also write on her behalf.

Sincerely,

Renee Renouf Hall

cc: 1980-1982 Broderick Street, San Francisco CA 94115







RENDERINGS from REAR YARD

EDDY STREET PROJECT  
1980-1987 Street San Francisco



9/19/19

C. Alexander

September 19, 2019

VIA E-MAIL AND U.S. MAIL

President Myrna Melgar  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479  
myrna.melgar@sfgov.org

Re: 45 Culebra Terrace, San Francisco ("Project Site")  
Case No. 2018-009534CUA/VAR ("Project")

Dear President Melgar and Commissioners:

Our office represents the owners of 20, 30, 36, 46 & 50 Culebra Terrace, who are neighbors of the proposed Project at 45 Culebra Terrace. The neighbors and the Project Sponsor have reached an agreement. Accordingly, the neighbors now support the Project, including its conditional use permit and variance applications, with a garage and corresponding curb cut, on certain conditions.

To wit, the Project Sponsor agrees to relinquish the Project Site's two "parking passes" for Culebra Terrace in exchange for the right to build a garage and exclusively occupy the area in front of the Project Site (parking space no. 8). The curb cut for the garage will fit within parking space no. 8 and will not extend into parking space nos. 7 or 9 which will remain as they are and will not be altered in any way. The Project Sponsor has confirmed and agrees that the turning radius which will allow access into the garage will not require a vehicle to enter or penetrate the Linders' private property (46 & 50 Culebra Terrace). The Project Sponsor will revise its drawings to reflect the turning radius. The Project Sponsor also agrees to make reasonable efforts to ensure the street trees currently located in front of the Project Site remain, unless a City agency requires otherwise.

My clients' support for the Project is solely limited to this Project and does not constitute a waiver of any legal rights vis-à-vis any other project that may be pursued on or around Culebra Terrace. As for other future projects which are on, or which impact, Culebra Terrace, the Parties reserve their right(s) to assert any easement right(s) or other legal right(s) or to otherwise contest such future projects. It is not the intent of the neighbors or the Project Sponsor that this agreement have any binding effect on Culebra Terrace.

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[Signature on next page]

///

///

Very truly yours,

LAW OFFICES OF EDWARD SINGER



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Michele L. Scott, Esq.

Attorneys for Jim & Marilyn Carter (owners of 36 Culebra Terrace), Richard & Jennifer Linder (owners of 46 & 50 Culebra Terrace), Pierre Marc Bleuse (owner of 20 Culebra Terrace) and Birgitta Hilleberg-Durrett (owner of 30 Culebra Terrace).

cc: [christy.alexander@sfgov.org](mailto:christy.alexander@sfgov.org)  
[claudine.asbagh@sfgov.org](mailto:claudine.asbagh@sfgov.org)  
[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)  
[ryan@zfplaw.com](mailto:ryan@zfplaw.com)



COMMISSION

Received at CPC Hearing 9/19/19

N. Tran

August 1, 2019

Ms. Nancy Tran  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94103

Re: #2018-002602CUAVAR  
4118 21st Street  
Hearing Date August 29, 2019

Dear Ms. Tran:

This letter is to request that the following information be in the Staff Report for this project.

1. Original Demo Calcs when the Permit Application was originally submitted and reviewed by the City on the first set of plans at Intake.
2. Revised Demo Calcs after the Enforcement Action on the current set of plans before the Planning Commission.
3. A brief description of the what was learned at the Inspection by Enforcement Staff with an explanation of the photos published on the SFPIM and why this violation could not be abated with a permit revision.

It is important for the public and the Commission to understand this process and what was done correctly by the Project Sponsor and especially what was not done correctly.

I do want to stipulate that I did not file the complaints that led to this Enforcement Action. I want to state this because I know that many complaints have been filed with a fake gmail account using my first and last name. I have filed a police report for this "false personation". I think it is appalling that someone would do this regardless of the right or wrong of a particular project since their motivation in filing complaints must be *venal* since they broke the law to file a complaint by pretending to be me.

Nevertheless given the current importance of this issue with the pending legislation regarding Demolitions and the ongoing need to preserve relatively affordable housing as was the original intent of Section 317 with the concept of Tantamount to Demolition, it would be helpful to better understand this project and others that may be similar.

I hope that this will not be too much additional work.


Sincerely,

Georgia Schuttish

cc: Tina Tam  
Corey Teague  
Delvin Washington

DID THE ENFORCEMENT  
STAFF COMPLETE DEMO  
CALCS ??

→ GS. 9/19/2019

From: **SchuT** schuttishtr@sbcglobal.net   
Subject: 2018-002602CUAVAR 4118 21st Street  
Date: September 13, 2019 at 4:00 PM  
To: Tran Nancy (CPC) nancy.h.tran@sfgov.org



Dear Nancy,  
Good afternoon.

With these new plans per #1 and #3 below have the Demo Calcs been done to determine that this is Tantamount to Demolition?

I get that it has been determined to be Tantamount to Demo, but I think it would be helpful to understand what the Calcs are on paper based on the original plans in the packet comparing them with the plans now before the Commission for approval.

In other words is there a separate sheet with the Current plans that is not with the packet enumerating the Demo Calcs?

These are often seen in the various plans for these alteration projects.....which as you know is what this project was suppose to be and in fact is still the title on the plans as "Residential Alteration".

Or can you share with me the preliminary Demo Calcs mentioned in the August 29th Staff Report on page 26 of the packet that were determined during the Enforcement review?

Thanks and have a nice weekend.  
Georgia



IMG\_4489.jpg

Downloading...

Sent from my iPad



# SAN FRANCISCO PLANNING DEPARTMENT

## Memo to the Planning Commission

HEARING DATE: SEPTEMBER 19, 2019  
Continued from the August 29, 2019 Hearing

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

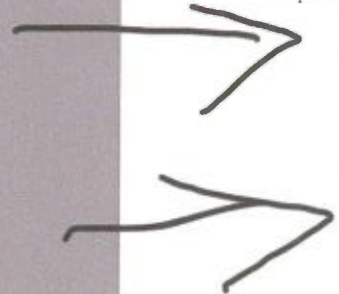
*Record No.:* 2018-002602CUAVAR  
*Project Address:* 4118 21st Street  
*Zoning:* RH-2 (Residential-House, Two Family) Zoning District  
 40-X Height and Bulk District  
*Block/Lot:* 2750/017  
*Project Sponsor:* Ryan Knock  
 2169 Union Street  
 San Francisco, CA 94123  
*Property Owner:* George & Jenna Karamanos  
 4118 21<sup>st</sup> Street  
 San Francisco, CA 94103  
*Staff Contact:* Nancy Tran – (415) 575-9174  
[nancy.h.tran@sfgov.org](mailto:nancy.h.tran@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### BACKGROUND

On August 29, 2019, the Planning Commission and Zoning Administrator continued the Conditional Use Authorization and Variance joint hearing to legalize demolition of a single-family residence and authorize reconstruction of the dwelling unit at 4118 21<sup>st</sup> Street.

### CURRENT PROPOSAL

Since publication of the August 29, 2019 Commission packet, the Project was revised to reduce the 3<sup>rd</sup> floor depth at the rear by four feet. The Project Sponsor also submitted a letter and revised plan set requested by the Commission reflecting square footages for:



- (1) The original building prior to alterations.
- (2) The building footprint proposed under BPA#2018.02.27.2279. This permit was approved over-the-counter and its scope was limited to first floor interior remodeling and basement-level excavation/infill under a legal nonconforming enclosed projection within the required rear yard.
- (3) The currently proposed reconstruction. The project includes a vertical addition for a new story, excavation at the basement level for additional habitable space, and façade alterations. The proposal requires Variances to construct within the required front setback and rear yard.

## A. Overview of 4118 - 21st Street

- Unauthorized removal of second rental unit
- Serial permitting
- Illegal demolition

# 4118 - 21st Street

- Unauthorized removal of second rental unit
- Serial permitting
- Illegal demolition

- Two-unit building converted to single-family dwelling
- Tenant buyout and elimination of two rental units
- Serial permit chronology & photos of construction
- Accurate vs. submitted square footage
- Forged letter of support in immediate neighbor's name



## So, now what about the tenant? What guarantee do I have that she leaves?

...After realities were made clear the tenant has agreed to vacate the property, subject to a written settlement agreement whereby the tenant will receive \$50,000 if she vacates by November 1, 2017.

..... If the tenant fails to leave and/or changes her mind about departing the property we can cancel the purchase contract and walk away.

### So, now what about the tenant? What guarantee do I have that she leaves?

After Howard took over he hired his attorneys who worked with the tenant's attorney. After realities were made clear the tenant has agreed to vacate the property, subject to a written settlement agreement whereby the tenant will receive \$50,000 if she vacates by November 1, 2017.

San Francisco's Rent Board now regulates buy-out agreements and gives a tenant a 45-day long rescission period. But once the 45 days has tolled there is no right of return and the tenant's tenancy is concluded. If the tenant fails to leave and/or changes her mind about departing the property we can cancel the purchase contract and walk away.

Now that's out of the way, let's move onto the property...

### What makes this one special?

As you know by now, remodeling in San Francisco is a tough, long and expensive endeavor but well worth it in the end. Part of why renovation is so expensive is because it can be such a contentious and tedious process to get any approval of a house addition that pushes outside a building's 3-D envelope (but contrast pushing out to filling in an already existing footprint). Anyone doing so runs the risk of becoming a *cause celeb* for the latest NIMBY backlash against the McMansionization of our neighborhoods — or so the argument goes.

Here are some of the considerations that the Planning Department and Planning Commission will consider when evaluating a proposed home addition (horizontal or vertical or both):

- Contextual site mass — i.e., will the resulting house fit in
- Architectural quality — will the resulting building be a high design one by a starchitect?
- Fenestration — how will the windows fit in?
- Relationship to density/Unit configuration — the cardinal sin is eliminating an 'official' dwelling unit in San Francisco while tremendous deference is granted to those projects that add dwelling units.
- Rent Control issues (would a project that removes an entire structure — including its foundation — still fall within the Rent Ordinance's ambit once a replacement building goes up?)

Determining how all these questions get answered will mean months of working with Planning Department Staff before you even get to the potentially contentious and complex neighborhood review and comment process. And, through clever use of the notice and comment process, a NIMBY faction can holdup a project indefinitely which will rack up carrying costs, architect fees and lawyer bills. This is known as the Section 311 process (which refers to the Planning Code section that lays this all out).

No matter what your resources or who you are (one Planning Commissioner has been in the approval process for 4 years) the 311-approval process is one most people want to avoid as most people would much rather get over-the-counter permit approvals.

Therefore, properties with pre-approved plans or properties that have an extra-large foot print and/or building mass are worth more. If you combine these attributes with views, inferior neighbors who have shorter parcels, shorter houses, or shallow houses then you're really in business.

### But, 4118 is one of those properties. In sum:

- 4118's footprint is bigger and oversized, but there is a lot of light that comes in from skylights and from side light wells that give the space a vast and Mediterranean feel
- The views are amazing and anyone would be hard-pressed to ever try to block them because you're essentially the top of the hill overlooking a green belt
- 4118 sits on a nearly normal-sized parcel at 2,435 sqft (the usual being 25ft x 100 ft = 2,500 sqft) while its neighbors sit on smaller-sized parcels, meaning that they cannot stretch past you if they were to remodel
- The City describes 4118's use as a "dwelling," in the singular and then goes on to say that there is only "1" unit onsite.
- Only one part of the house (the suite behind the garage) has ever been rented and that tenant will be signing a buy-out agreement in accord with City regulations and procedures
- There is more space to be captured within the building's current foot print by filling in air space that is currently outdoors







# Approved “interior remodel & excavation only”

July 8, 2019



# SF Planning - Land Use Info: 2671 SQ FT

EXHIBIT D



## SAN FRANCISCO PLANNING DEPARTMENT

### Land Use Information

PROJECT ADDRESS: 4118 21ST ST  
RECORD NO.: 2018-002602PRJ

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**2671 SQ FT**

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	261	261	0
Residential GSF	2410*	3940	
Usable Open Space	810	810	0
Public Open Space	-	-	-
<b>TOTAL GSF</b>	<b>2671</b>	4201	
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate	1	1	0
Dwelling Units - Total	1	1	0
Number of Buildings	1	1	0
Number of Stories	2	2	0
Parking Spaces	1	1	0
Bicycle Spaces	0	1	1
	EXISTING	NET NEW	TOTALS
LAND USE - RESIDENTIAL			
One Bedroom Units	1	0	-1
Three Bedroom (or +) Units	0	1	1

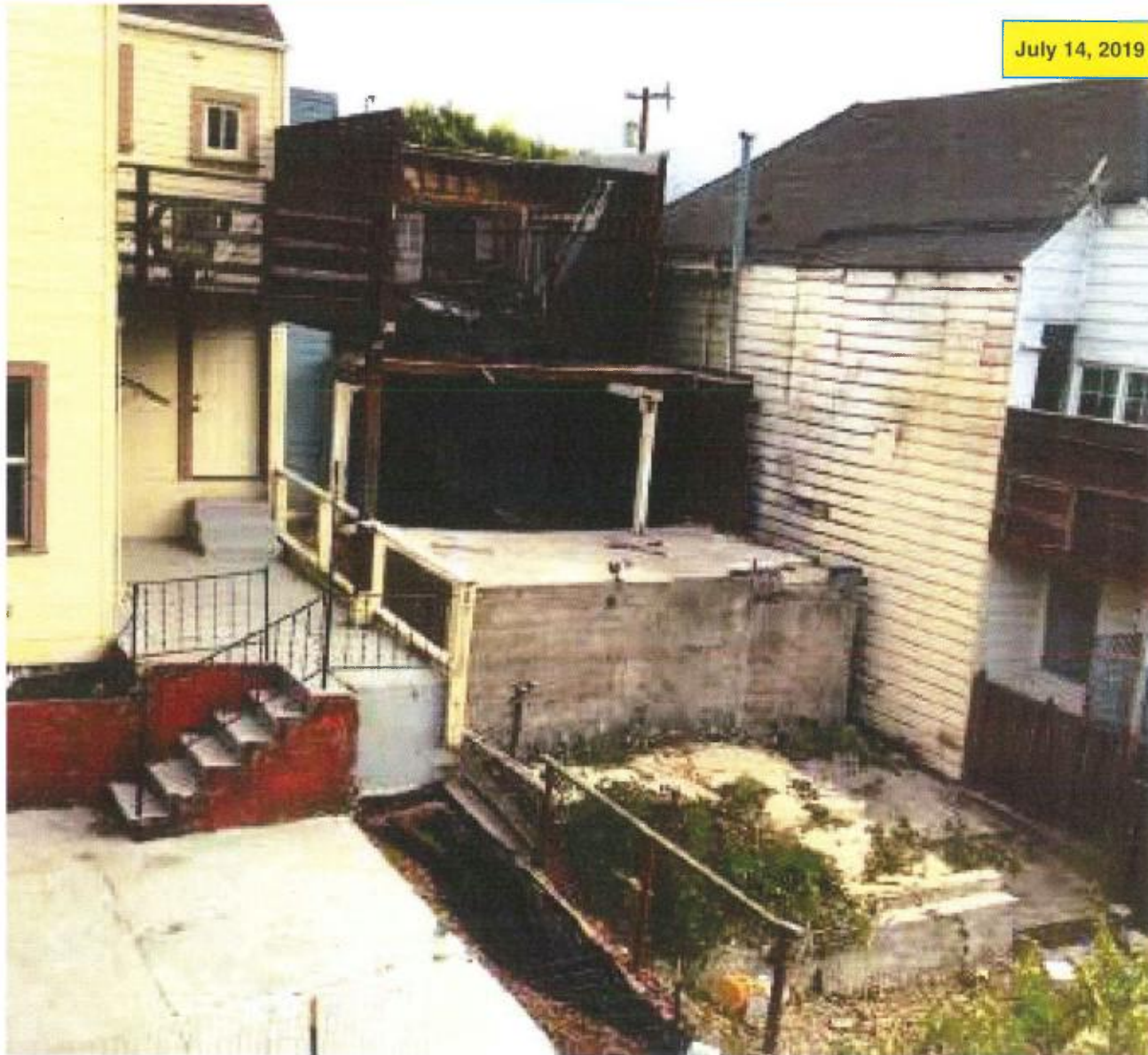
\*GSF prior to BPA#2018.02.27.2279 alterations, excludes basement storage per Planning Code Sec. 102

## B. SERIAL PERMITTING

# Series of Permits (Feb 2018 - Dec 2018)

Permit Application# (Date Filed)	Status	Remodel Request
#2018-02272279 (2/26/18)	Approved 6/28/18 —> Suspended	<p><b>BASEMENT:</b> EXCAVATE SPACE TO GAIN MORE CEILING HEIGHT, INFILL UNDER (E) FLOOR ABOVE,  <b>RECONFIGURE STAIR CONNECTION TO 1ST FLR,</b> NEW DOOR OPENING TO YARD, NEW LIVING ROOM, BATHROOM, WETBAR.  <b>1ST FLR - RECONFIGURE (E) SPACES,</b>  <b>ADD 2 NEW BEDRMS, 2 BATHS, LAUNDRY</b>  <b>NO FACADE WORK, NO WORK VISIBLE FROM STREET</b></p>
#2018-04267433 (4/26/18)	No reponse—> Pending	<p><b>RENOVATE FACADE:</b> NEW BAY WINDOW, NEW GARAGE DOOR, NEW WINDOWS &amp; DOORS, NEW BRICK FACADE.  <b>INFILL EXISTING LIGHTWELL AGAINST BLANK WALL.</b>  <b>RENOVATE KITCHEN, BATHROOM, NEW SLIDING DOORS OFF BACK &amp;</b>  <b>REPLACEMENT LOT LINE WINDOW WITH NEW FIRE RATED WINDOW.</b></p>
#2018-12269120 (12/26/18) <i>Same day as NOV issuance</i>	Pending—> Withdrawn (4/2019)	<p><b>ADD NEW SKYLIGHT.</b>  <b>REMOVE INTERIOR BEARING WALL ON 3<sup>RD</sup> FL.</b>  <b>REPLACE WINDOWS AT BACK OF HOUSE.</b>  <b>NO WORK VISIBLE FROM STREET.</b>  <b>UPGRADE KITCHEN, ELECTRICAL &amp; PLUMBING.</b></p>

**17 days** after interior remodel permit was issued



# 2 months after interior model permit was issued

Aug 31, 2019

Entire rear is removed and ready to pour foundation



**4 months** after interior model permit was issued

Oct 24, 2019

Foundation poured  
Framing in progress



Remodeling  
“**within the envelope**”  
and “**no work visible from the street**”  
looks like this  
under one OTC  
permit

2017



Jan 2019





# CITY HALL & PLANNING

3/12/2019 Meeting

Jermei Hallisey from City Hall, representative Amy Lee, owner Jenna Karamanos and architect Ryan Knock meet at the Planning Department with project team.

How is Jermei Hallisey from the Mayor's Office of Economic Development involved in this project?

Is he representing the Mayor or his department? Why is this a joint project?

## Chronology

Date:	Tuesday, 8/27/19
Property & Case:	4118 21 <sup>st</sup> Street – ENF case no. 2018-017368ENF
By:	Chaska Berger (CB)

DATE	DESCRIPTION
2/27/2018	BPA 2018.0227.2279 filed to "basement: excavate space to gain more ceiling height, infill under (e) floor above, reconfigure stair connection to 1st flr, new door opening to yard, new living room, bathroom, wetbar. 1st flr - reconfigure (e) spaces, add 2 new bedrms, 2 baths, laundry no facade work, no work visible from st"
4/26/18	BPA 201804267433 filed to "renovate facade: new bay window, new garage door, new windows & doors, new brick facade. infill existing lightwell against blank wall. renovate kitchen, bathroom, new sliding doors off back & replacement lot line window with new fire rated window"
6/28/18	BPA 2018.0227.2279 issued
11/15/18	DBI Inspection Records states 1 <sup>st</sup> Floor framing and 2 <sup>nd</sup> floor, floor diaphragm ok, ok to continue. Note: Also dry rot/termite damage noted at front and east elevation. Suggest Exploratory.
12/18/18	DBI Complaint filed: "WORK BEYOND SCOPE OF PERMIT"; additional information: There is no Isled Permit to remove the entire face of the house, just to replace windows and the garage door"
12/26/18	DBI Issues NOV
12/31/18	Planning opens enforcement case 2018-017368ENF - work exceeds scope of approved permit
1/10/2019	Notice of Complaint mailed. ENF case assigned to CB
01/14/19	Planning staff Chaska Berger conducts site visit – no contact with project sponsor.
1/15/19	BPA 2018.0227.2279 Suspended per DCP request
1/22/19	Planning conducts site visit (Chaska Berger and David Brosky). Property owner does not have access to property.
1/23/19	Notice of Enforcement mailed.
1/28/19	Property owner Mr. Karamanos, emailed draft demo calcs.
1/30/19	Planning conducts site visit (Chaska Berger and Kelly Wong) to meet with property owners and contractor to review existing conditions at property. Observations made: <ul style="list-style-type: none"> <li>- Exterior walls – front and rear walls removed, west wall removed and most of east wall removed. Portion of east wall at front of the property remain.</li> <li>- Interior walls removed.</li> <li>- Horizontal floor plates removed.</li> <li>- Roof removed.</li> </ul> Owner/Contractor relayed structure was in poor condition due to dry rot and termite damage. Meet with Assistant Zoning Administrator to review draft demo plans.
2/10/19	Engineers report submitted
2/19/19	Amy Lee emailed revised demo calcs. CB met with Amy Lee at the Planning Department to review demolition calculations per 317.
3/12/19	Meeting at Planning Department with project team including property owner Jenna Karamanos, architect Ryan Knock, representative Amy Lee, and Jermei Hallisey from City Hall.
3/18/19	Conditional Use Authorization submitted.
4/22/19	2018-002602PRJ - Legalize demolition of a single-family residence and authorize reconstruction of the dwelling unit at 4118 21st Street. The reconstruction proposes a vertical addition for a new story, excavation at the basement level for additional habitable space and facade alterations. Policy LITE Coordination meeting w/Jeff Joslin, Liz Watly, Corey Teague, David Winslow, Nancy Tran, and CB. Results: Current project is considered demo 317, CUA will be required. Policy supported single family dwelling use and project redesigned to meet Planning Code, specifically regarding rear yard bump-out.
8/29/19	CPC hearing scheduled for 2018-002602CUA and 2018-002602VAR



## C. 2ND RENTAL UNIT

- Unauthorized removal of second rental unit
- Serial permitting
- Illegal demolition

“...4118 21st Street  
is a one story over  
basement  
rectangular plan  
two-unit building”

- HRE, Tim Kelley  
Consulting (Feb 2018)



Figure 1: 4118 21<sup>st</sup> Street

*B. Exterior*

4118 21<sup>st</sup> Street is a one story over basement rectangular plan two-unit building clad in stucco and capped with a flat roof. Aerial views reveal that there are light wells on either side of the building in the rear, and the secondary facades, where visible, are clad in rustic siding. The primary entrance is housed in a recess on the right side of the basement level (Figure 2). The recess is framed by a shoulder arch, and the entrance features a modern paneled wood door with a fan light. To the left of this is the garage entrance, set within a recess framed by the same type shoulder arch. The garage has a paneled roll up door. On the left wall of the garage recess is a paneled and glazed pedestrian door (Figure 3). The first story features four windows, two slightly wider ones flanked by two slightly narrower ones. All are double hung vinyl sash with narrow surrounds (Figure 4). The façade terminates with a projecting cornice.

## C. 2ND RENTAL UNIT

- Realtor Listing - 1994
- Tenant Buyout
- Owner & Tennant

1994 Listing



U P P E R M A R K E T

LOCATION: 4118 - 21st Street  
LOT SIZE: 25 X 97.5  
ZONE: R - 2

DESCRIPTION: REVERSE PLAN, ROW-TYPE HOME WITH UNIQUE INTERIOR FLOOR PLAN.

MAIN FLOOR: 2 BEDROOMS, WITH LIVING/DINING ROOM COMBINATION 16' X 24' ACROSS THE REAR OF HOME WITH GORGEOUS VIEW. LARGE ENTRY FOYER AT TOP OF STAIRS USED AS A FAMILY/DEN ROOM. MASTER BEDROOM ACROSS THE FRONT WITH TWO LARGE CLOSETS. SECOND BEDROOM WITH LARGE CLOSET. MODERNIZED BATHROOM, SHOWER OVER TUB. LOVELY KITCHEN WITH EATING AREA OVER-LOOKING SMALL SUNDECK WITH SLIDING GLASS DOOR. KITCHEN TASTEFULLY REMODELLED WITH PLENTY OF COUNTER SPACE, NEW LINOLEUM. NEW WIRING, CIRCUIT BREAKERS. LARGE GARAGE. ALL WALL/WALL CARPETING AND WINDOW TREATMENT IS INCLUDED. ROOF APPROX. 3 YEARS OLD. SUBAREA FOR STORAGE.

THERE IS AN IN-LAW UNIT PRESENTLY RENTED FOR \$500, INCLUDES UTILITIES. SELLER DOES NOT WARRANT LEGALITY OF THIS UNIT.

PRICE: \$399,500.

MULTIPLE LISTING SERVICE



OFFICE: 661-0400  
RES: 568-0909

ANTOINETTE KAVANAUGH  
"TONIE"  
LICENSED REAL ESTATE SALESWOMAN

2512 NORIEGA ST.  
NEAR 32nd AVENUE  
SAN FRANCISCO

2512 NORIEGA STREET • SAN FRANCISCO, CA 94122 • (415) 661-0400

Information herein is believed to be correct, but there is no warranty, expressed or implied, as to the correctness of any statement set forth. The prospective buyer should carefully verify all items of income and expenses and all other information contained herein. This statement with the information it contains is given with the understanding that all negotiations relating to the purchase of the above described property are to be conducted through this office.

**“THERE IS AN IN-LAW  
UNIT PRESENTLY  
RENTED FOR \$500,  
INCLUDES UTILITIES.  
SELLER DOES NOT  
WARRANT LEGALITY  
OF THIS UNIT.”**

Buyouts B172367

8/8/2019

Property Address



4118 Number	21st Street Name	Street Suffix	Unit#
4118 21st Street Building		1	94114
Complex		# of Units	Zip
		1908	Yr Built

**Filed Sept 2017**



<b>B172367</b>		
Buyout ID		
9/13/17 Date Filed	Declaration re Service of Disclosure Form	Filed <input checked="" type="checkbox"/>
11/17/17 Date Filed	Buyout Agreement - Entire Tenancy	Filed <input checked="" type="checkbox"/>
\$50,000	Total Amount of Buyout Agreement	
Date Filed	Buyout Agreement - Parking / Storage Only	Filed <input type="checkbox"/>
	Buyout Amount for Parking/Storage	

Buyout Agreement: Tenant Information

Tenant	Senior / Disabled / Catastrophicaly Ill	Note
1	I Prefer Not To Say	

1 # of Tenants in Buyout Agreement

Players		Related Files	Documents	Actions		
Name (First, MI, Last)	Primary Phone	Other Phone	Role	Strt #	Unit #	Active
Howard Epstein, Managing			Landlord's Agent/Atty/Rep	4118		<input checked="" type="radio"/> Yes <input type="radio"/> No
Andrew R. Catterall	(415) 956-8100		Landlord's Agent/Atty/Rep	4118		<input checked="" type="radio"/> Yes <input type="radio"/> No
4118 21st Street, LLC			Landlord	4118		<input checked="" type="radio"/> Yes <input type="radio"/> No
Solvejg Rose	(415) 552-9060		Tenant Attorney	4118		<input checked="" type="radio"/> Yes <input type="radio"/> No
						<input type="radio"/> Yes <input type="radio"/> No

## The Karamanos' Letter to the Planning Commission

EXHIBIT G

*...entered into contract to purchase this home in September 2017*

Dear SF Planning Commissioners:

We are writing to seek your approval for our conditional use and variance application to complete the renovation of our future home at 4118 21<sup>st</sup> Street. We currently live in Noe Valley and entered into contract to purchase this home in September 2017.

While the home needed considerable amount of work due to its existing poor condition, my wife and I were excited to build our forever home that would house not only our child, and future children, but also family who intend to move from the East Coast to live with us here in San Francisco. While I am a lawyer by profession, I know very little about construction, the planning process, etc. and accordingly, fully relied on my contractor and architect for their expertise.

While we obtained a permit to renovate our home, during construction, our contractor sought additional funds for the replacement of significant dry rot, termite damage, and substandard structural beams that were discovered once the walls were opened and noted by the building inspector as well. I was not aware that by doing so, this project would enter the realm of demolition or that we would be in this lengthy and complex permitting process. There was no ulterior motive other than to ensure that we would move our family into a code-compliant and safe home.

Nonetheless, we have been working closely with Planning to address all compliance issues. While it was always our intention to just enclose the rear basement level and upgrade our home within the existing footprint of the prior structure, we were advised by Planning that we needed to eliminate the non-conforming portions of the rear building to bring the current home into compliance. It was also suggested to us that we include a vertical addition to retain the square footage lost as a result of eliminating the nonconforming rear building envelope.

We have agreed to all staff recommendations except for needing a variance to address minor side setback requirement on the basement below grade level (the work on which is entirely completed pursuant to a previously approved permit) and front façade setback to preserve the design for bay windows and front landscaping.

We are eager to eliminate this eyesore site and most importantly, move from our temporary residence to our permanent forever home. Thank you for your time and consideration.

Sincerely,

George and Jenna Karamanos

## Statement from 20-year lower unit tenant



to me -

4:02 PM (18 minutes ago)

sofie finally gets her yard!

Hey Katrina let me know if I need to expand upon these answers or if they are confusing . Everything is to the best of my memory.

I did not have any access to the apartment upstairs. Their door was at the front of the house and my apartment was at the back of the garage. I had a separate entrance from the outside, then an interior door to my apartment.

There was a door in the garage leading to the apartment upstairs. I did not have a key, and at no time had access to my neighbor's apartment.

I lived at 4118 1/2 for approximately 22 years, until the building was sold in 2016.(note to you, may have been 2017, so will you do the math? Also I know it was at least 20 years maybe even more than 22 but I just don't remember.

I paid \$600 a month rent when I moved in, a reasonable amount for that housing market . Over the years my rent gradually increased to \$1,000. The rent was astonishingly low in part because my studio apartment was very small, the room was 14 x 12, the kitchen barely big enough to turn around in, no counter space, no closet, and a bathroom just big enough for the essentials. And I had to put up with a revolving door of noisy neighbors. You know, people who lived in a different apartment. An apartment that I did not have access to. That is why it was a two apartment building.

Although I was allowed the use of the yard for my dog, the yard came with the apartment upstairs, as did parking privileges both in the garage and parallel to the sidewalk in front. (Was deeded?) The tenants upstairs were responsible for upkeep of the yard.

Under the stairs in the garage leading to the yard was just enough space for ladders and gardening tools. There was never a crawl space.

There was a walkway at the left of our house . When I asked my landlords if I could move the garbage can from inside the garage to that outdoor space they informed me it belonged 2 Carlos. He allowed me to use it. The rear of the space, which would have afforded access to his yard, was gated off.

Below my studio apartment was a small room, built about 10 years ago , perhaps 14 feet square, with a small bathroom. The ceilings were very low. It was used as an office.(do what you want with this)

There was never a crawl space. I have no idea what they're talking about, and I lived there longer than anyone. Beyond ridiculous

I'm going to draw oh, very badly, the layout. I'd love to know where they think this crawl space was.



Statement from previous owners (1995-2017)

*“ .....[Previous owner’s name] is going to look for our original title and appraisal from when we bought it. The records always showed it as a 3 bedroom/2 bath but **it was really a 2 bedroom/ 1 bath with an illegal 1/1 down.***

***We rented the last 10+ years and [lower unit tenant’s name] lived there for 21 years.”***

## D. RENTAL UNIT LAYOUT /STATEMENT

# HRE (by Tim Kelley) : Separate entrances for 4118 - 21st Street & 4118 1/2 - 21st Street

HISTORICAL RESOURCE EVALUATION

4118 21<sup>ST</sup> STREET

SAN FRANCISCO, CALIFORNIA

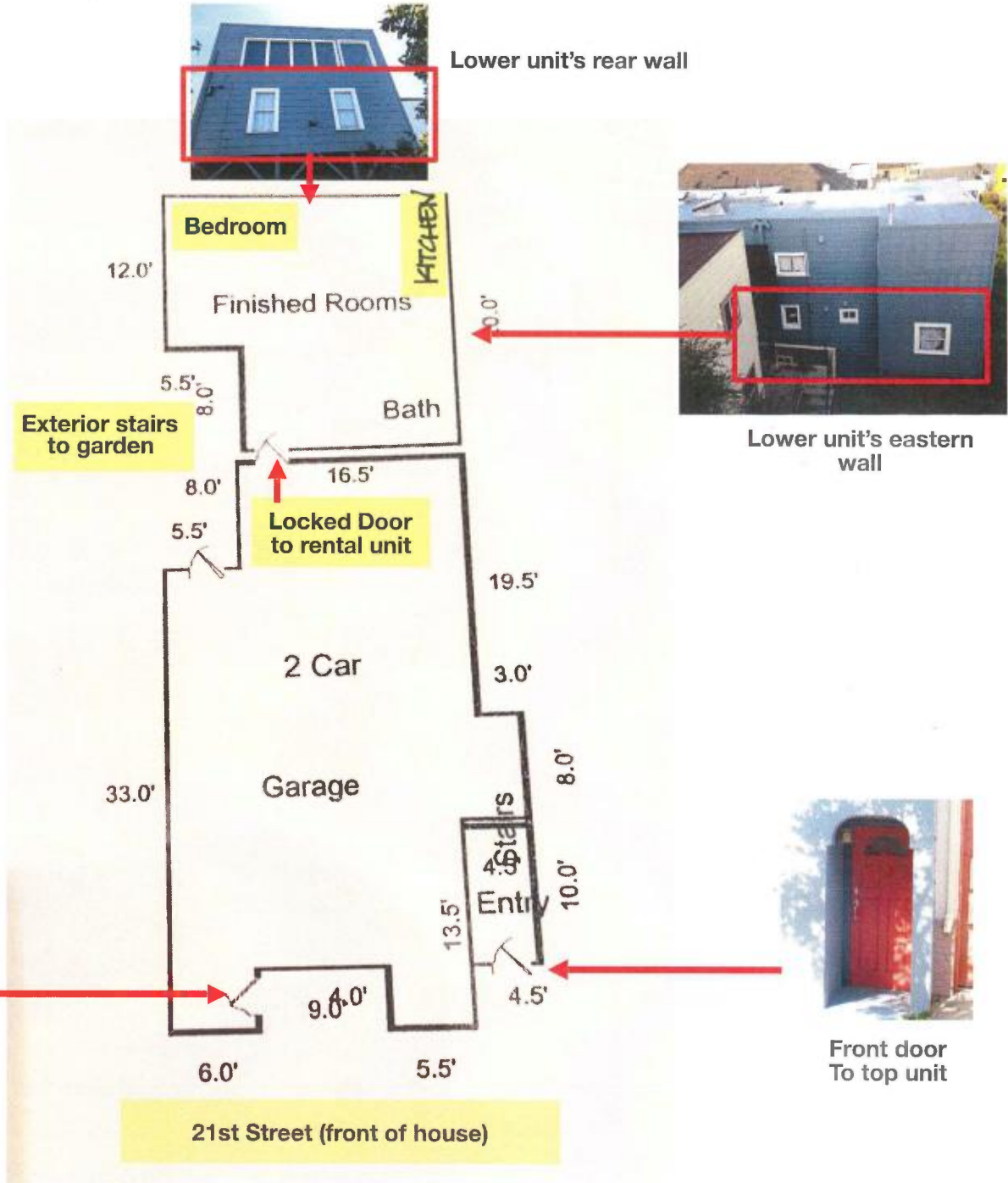


Figure 2: Detail, primary entrance



Figure 3: Detail, garage entrance and secondary pedestrian entrance

# LOWER RENTAL UNIT LAYOUT



E. SQUARE FOOTAGE/ APPRAISAL

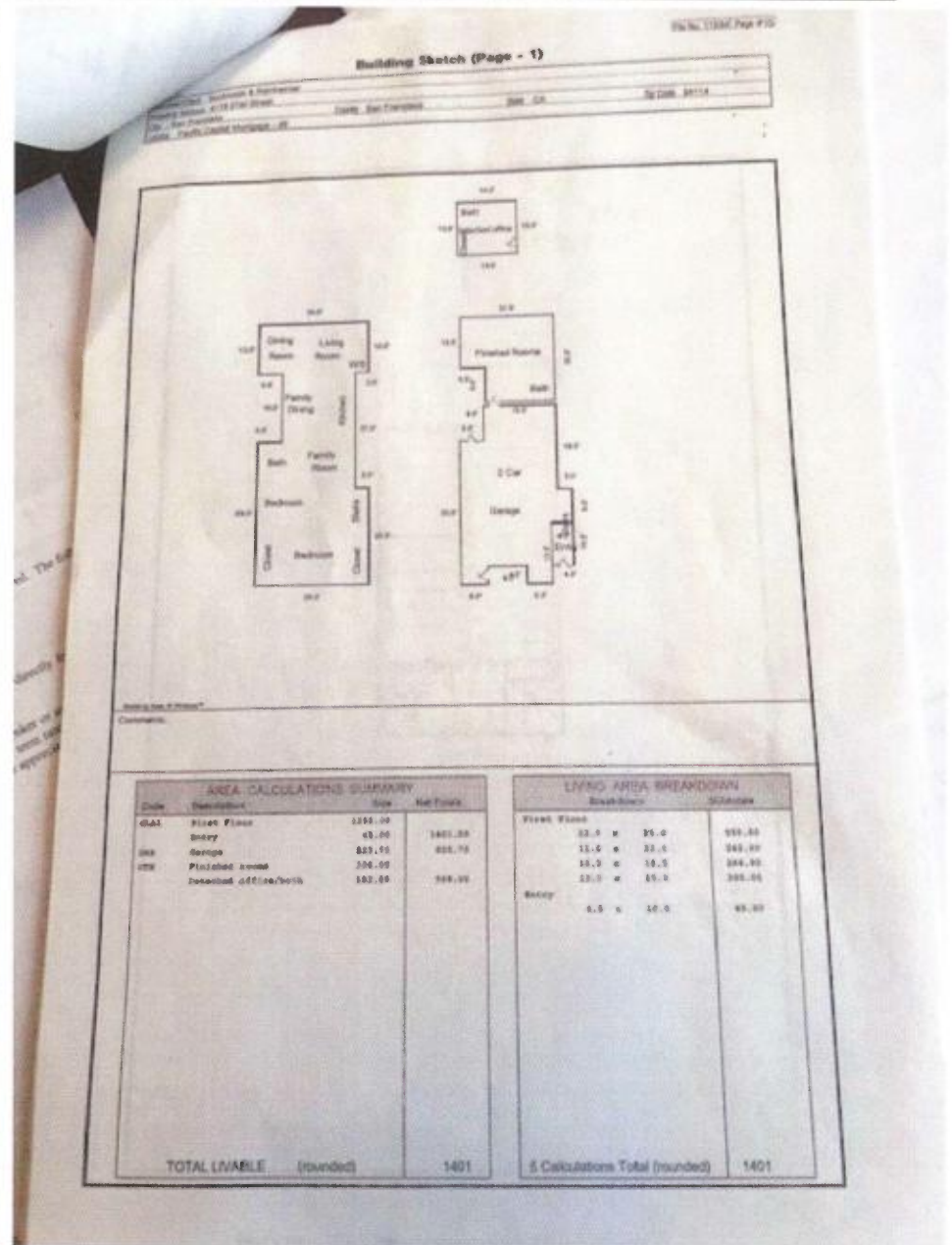
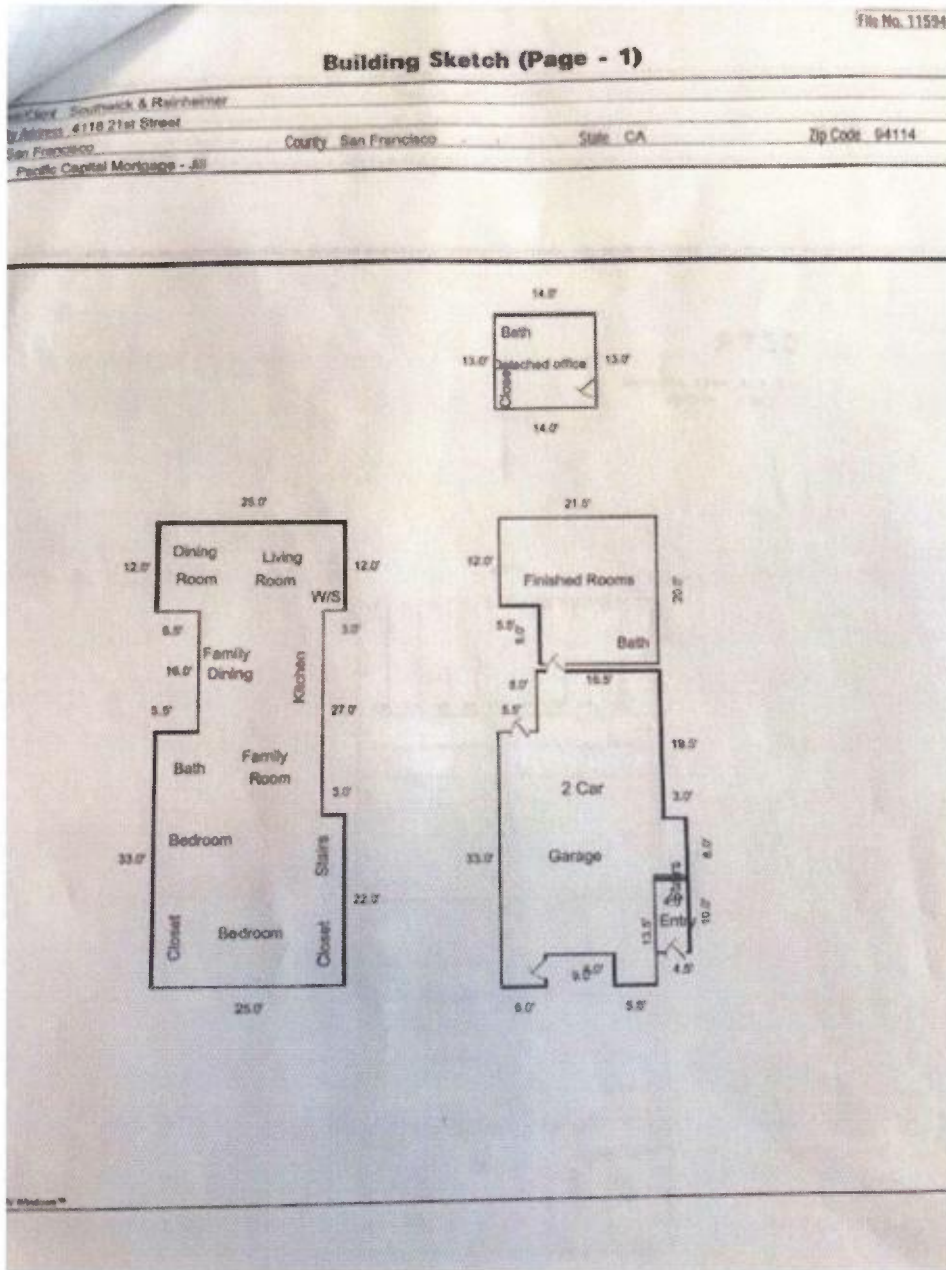
# Previous Owners' 2002 Appraisal

**Gross Living Area is  
1,401 Sq Ft**

my research revealed a total of 11 comparable listings ranging in list p  
THE FOLLOWING PROPERTIES REPRESENT THE MOST SIMILAR AND PROXIMATE COMPAR

ITEM	SUBJECT	SALE 1	
Address	4118 21st Street San Francisco	317 Eureka Street San Francisco	
Proximity to Subject		0.09 miles	
Sales Price	\$ Refinance	\$ 680,00	
Price/Gross Living Area	\$ 453.33		
Data & Verification Sources	MetroScan	MLS#244970	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+ (-)\$ Adjust.
Sales or Financing		Conv/MktRt	
Concessions		DOC#H336967	
Date of Sale		01-16-03 COE	
Location	Good	Good	
Leasehold/Fee Simple	Fee	Fee	
Site/View	2438/view	3,123 /view	
Design (Style)	Victorian	Traditional	
Actual Age (Yrs.)	95 Years	103 yrs	
Condition	Good	Good	
Above Grade	Total Bdrms: Baths	Total Bdrms: Baths	
Room Count	6 : 2 : 1	6 : 2 : 1	
Gross Living Area	1,401 Sq. Ft.	1,500 Sq. Ft.	-5,00
Basement Area and Finished Rooms	Finished room/ba det office	Similar	+10,00
Garage/Carport	2 Car Garage	2 Car Garage	
Amenities	1 woodstove Remdl/upgrad	1 Fireplace Needs work	+50,00
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$	55,00
Adjusted Sales Price of Comparables		\$	735,00
Date, Price and Data Source for Prior Sales of Subject and Comparables	Not listed/sold in last 36 Months	None in the last 36 months DOM: 42 List Price \$675,000	
Analysis of any current agreement of sale, option, or listing of the subject property and analy subjects immediate and general area and are of similar quality and utility.			
Summary of market data and value conclusion: All of the comparables would appeal to on total footage not number of rooms. Adjustments were also made for the differer #1 has been adjusted for the sub remodel and upgrading. Each of these comparal			

# Previous Owners' 2002 Appraisal



# Previous Owners' 2002 Appraisal: 2613 SQ FT

Sketch by Apex IV Windows™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1356.00	1401.00
	Entry	45.00	
GAR	Garage	825.75	825.75
OTH	Finished rooms	386.00	568.00
	Detached office/bath	182.00	

AREA	SQ FT
First Floor + Entry	1401.00
Garage	825.75
Rental Unit	386.00
<b>TOTAL GSF*</b>	<b>2612.75</b>

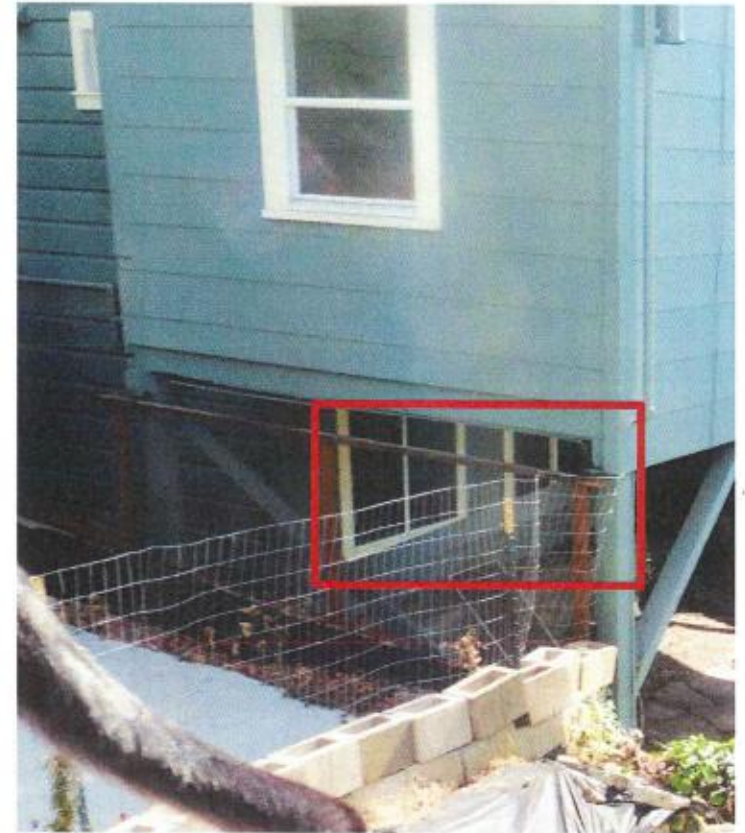
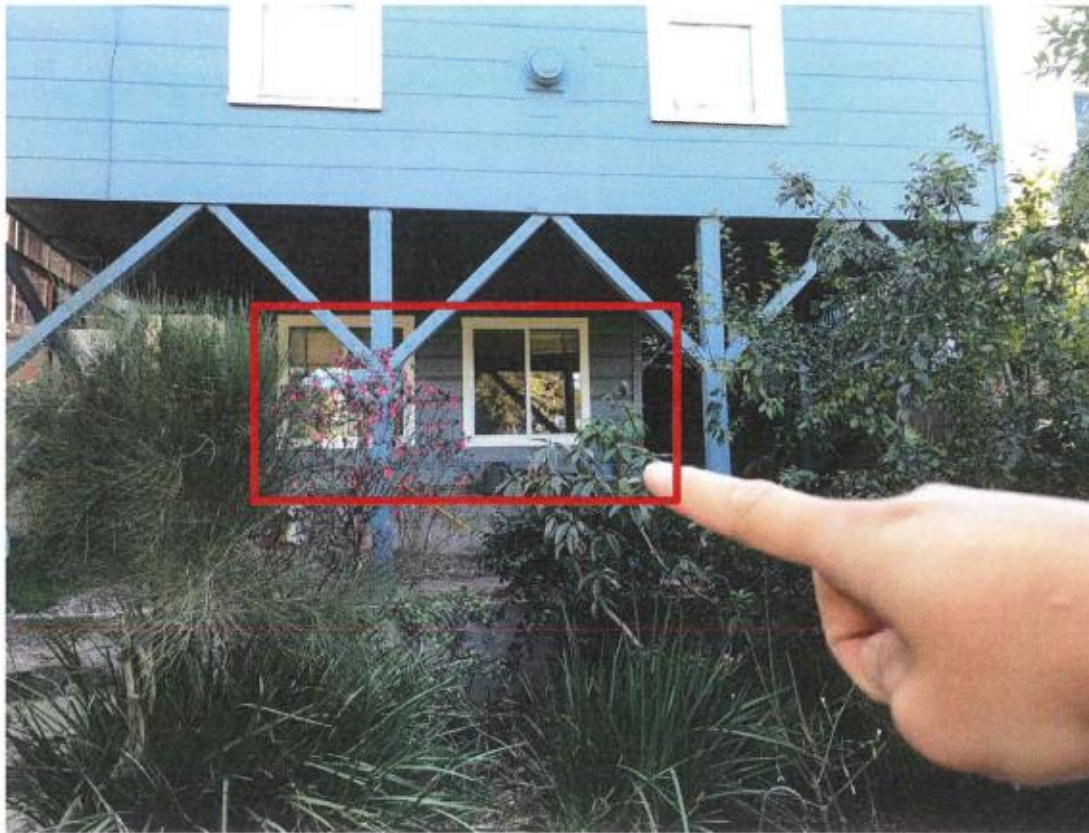
\*Excludes detached basement room (182 sq ft) per Planning Code Sec 102.

**TOTAL LIVABLE (rounded) 1401**

LIVING AREA BREAKDOWN			Subtotals
Breakdown			
<b>First Floor</b>			
22.0	x	25.0	550.00
11.0	x	22.0	242.00
16.0	x	16.5	264.00
12.0	x	25.0	300.00
<b>Entry</b>			
4.5	x	10.0	45.00
<b>5 Calculations Total (rounded)</b>			<b>1401</b>



**\*Total GSF excludes basement (182 sq ft) per Planning Code Sec 102 (lack sufficient height).**



# 1955 SF Building Permit: 1250 SQ FT

HISTORICAL RESOURCE EVALUATION

4118 21<sup>ST</sup> STREET

SAN FRANCISCO, CALIFORNIA

OFFICIAL COPY

SAN FRANCISCO  
CENTRAL PERMIT BUREAU FORM

Write in Ink—File Two Copies

RECEIVED  
CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS  
1955 CENTRAL PERMIT BUREAU  
OCT 31 AM 8:31

DEPARTMENT OF PUBLIC WORKS  
BUILDING PERMIT  
3

APPLICATION FOR BUILDING PERMIT  
ADDITIONS, ALTERATIONS OR REPAIRS

San Francisco, Cal., Oct. 27, 55

Application is hereby made to the Department of Public Works of San Francisco for permission to build in accordance with the plans and specifications submitted herewith and according to the description and for the purpose hereinafter set forth:

(1) Location 4118 - 21st St. San Francisco  
 (2) Total Cost \$ 500.00 (3) No. of stories 1 (4) Basement YES  
 (5) Present use of building dwelling (6) No. of families 1  
 (7) Proposed use of building Dwelling (8) No. of families 1  
 (9) Type of construction 5 (10) 10  
1, 2, 3, 4, or 5 Building Code Occupancy Classification  
 (11) Any other building on lot NO (Must be shown on plot plan if answer is Yes.)  
 (12) Does this alteration create an additional floor of occupancy NO  
 (13) Does this alteration create an additional story to the building NO  
 (14) Electrical work to be performed NO Plumbing work to be performed NO  
 (15) Ground floor area of building 1250 sq. ft. (16) Height of building 20 ft.  
 (17) Describe Work to be done (in addition to reference to drawings and specifications)  
Install asbestos siding in back of house

(18) No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 389, California Penal Code.

(19) Supervision of construction by Dan Pacini Address 2906 Mission St.

(20) General contractor United Roofing & Siding Co. California License No. 150757  
 Address 2906 Mission St. San Francisco, Cal.

(21) Architect \_\_\_\_\_ California Certificate No. \_\_\_\_\_  
 Address \_\_\_\_\_

(22) Engineer \_\_\_\_\_ California Certificate No. \_\_\_\_\_  
 Address \_\_\_\_\_

(23) I hereby certify and agree that if a permit is issued for the construction described in this application, all the provisions of the permit and all laws and ordinances applicable thereto will be complied with. I further agree to save San Francisco and its officials and employees harmless from all costs and damages which may accrue from use or occupancy of the sidewalk, street or subsidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be binding upon the owner of said property, the applicant, their heirs, successors and assigns.

(24) Owner Blanche Davis (Phone \_\_\_\_\_)  
(For Contact by Bureau)

Address 4118 - 21st St. San Francisco

(14) Electrical work to be performed NO Plumbing work to be performed NO  
 Yes or No

(15) Ground floor area of building 1250 sq. ft. (16) Height of building 20 ft.

(17) Describe Work to be done (in addition to reference to drawings and specifications)  
Install asbestos siding in back of house

# SF Planning - Land Use Info: 2671 SQ FT

EXHIBIT D



## SAN FRANCISCO PLANNING DEPARTMENT

### Land Use Information

PROJECT ADDRESS: 4118 21ST ST  
RECORD NO.: 2018-002602PRJ

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**2671 SQ FT**

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	261	261	0
Residential GSF	2410*	3940	
Usable Open Space	810	810	0
Public Open Space	-	-	-
<b>TOTAL GSF</b>	<b>2671</b>	4201	
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate	1	1	0
Dwelling Units - Total	1	1	0
Number of Buildings	1	1	0
Number of Stories	2	2	0
Parking Spaces	1	1	0
Bicycle Spaces	0	1	1
	EXISTING	NET NEW	TOTALS
LAND USE - RESIDENTIAL			
One Bedroom Units	1	0	-1
Three Bedroom (or +) Units	0	1	1

\*GSF prior to BPA#2018.02.27.2279 alterations, excludes basement storage per Planning Code Sec.102

G. MAINTAIN ORIGINAL SIZE

# Project Size Continues To Increase

	<b>GSF</b>	<b>TYPE</b>
Pre-existing	2671 sq ft	2 unit building
Proposed	4201 sq ft	Single-family dwelling
<b>Difference</b>	<b>57% increase in size</b>	

H. OPPOSE VARIANCE

**19 days** after interior remodel permit was issued



## OUR ASK

- Maintain consistency with previous Commission rulings:
  - 655 Alvarado
  - 214 States
  - 49 Hopkins
- Restore building to original size—2671 square feet per Exhibit D from Planning Dept.
- Restore breezeway space on both sides of building
- Do not reward violators with a vertical addition



F. FORGERY/ PROJECT CONCERNS OF  
NEXT DOOR NEIGHBOR

# Genuine Letter of Opposition

From: Carlos Ibarra <ybarcarlos@gmail.com>  
Date: Thu, Aug 15, 2019 at 10:42 AM  
Subject: 4118 21st street  
To: nancy.tran@sfgov.org <nancy.tran@sfgov.org>

Dear Nancy,

My name is Carlos Ibarra, and I live at 4124 - 21st Street. I am writing because I have some serious concerns about the construction being done on 4118 - 21st Street.

First, I am concerned that the light in front of my house is being shaded by the extra construction on the front of 4118. It is pushed out farther than it was before.

Toward the back of my house, their window on the west side would open right toward my bedroom which invades my privacy. That window was built without my knowledge.

In the backyard, they tore down the existing fence and the concrete foundation and they left a gap. The house is almost on top of me, and I really don't want them to add another floor. My backyard and house are now in a tunnel shaded by this big house. The shade is even making my house feel colder. I am a retired person whose garden will now be shadowed.

Also, there used to be a shared space between our houses where I could get light through my bathroom window. Now that window is mostly obstructed with no light and little air coming through it. That space was used to store garbage cans and for people who needed to get in to make repairs, and now it is gone.


I would like the window removed that looks into my bedroom, and I do not want them to add the extra floor to the top of this house because it will completely overshadow my house.

Thank you for your time and attention.

Sincerely,

Carlos Ibarra

Authentic  
signature →



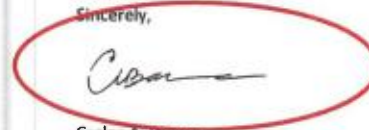
# Fake Letter of Support

July 31, 2019

Dear Planning Commissioners and Ms. Nancy Tran,

I am a long time homeowner on 21<sup>st</sup> Street and live right next door to 4118 21<sup>st</sup> Street. I want to express my support for the family home being built. The construction has been going on for some time and I appreciate the changes the Karamanos family have made to rear of the house to provide more open space for my plants and yard. I hope that they can complete their permitting and construction as soon as possible, so we can have another family move in – it is important for the fabric of the community.

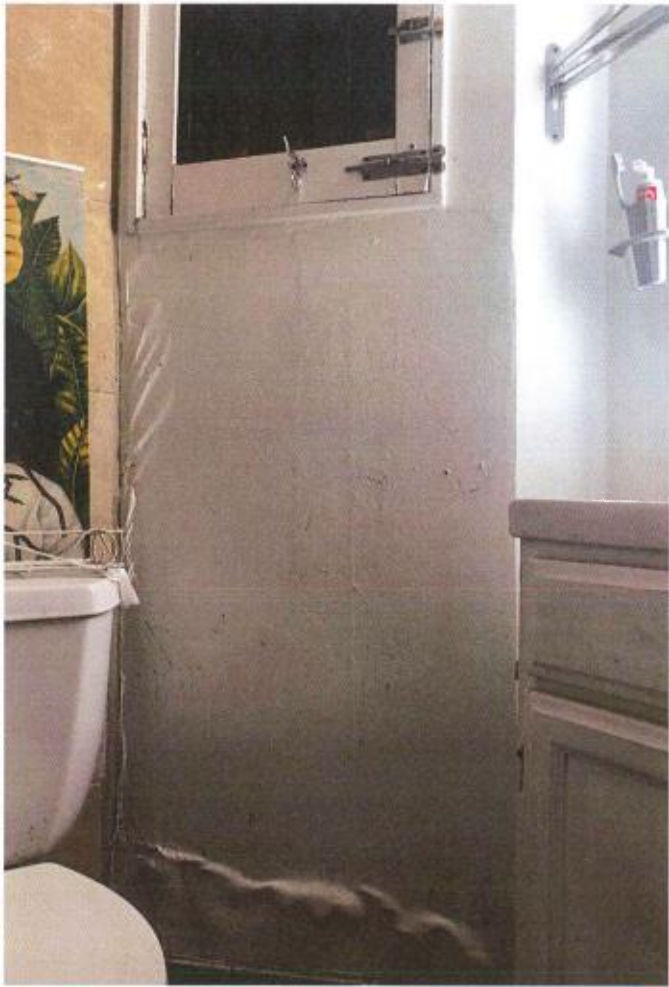
Sincerely,



← Forged  
signature

Carlos A. Ibarra  
Owner of 4124 21<sup>st</sup> Street  
415-609-2281

# NEW CONSTRUCTION = LOSS OF LIGHT & AIR WATER DAMAGE FROM PREVIOUS RUNOFF F



Water damage left from 4118's new construction



Air and light to bathroom blocked



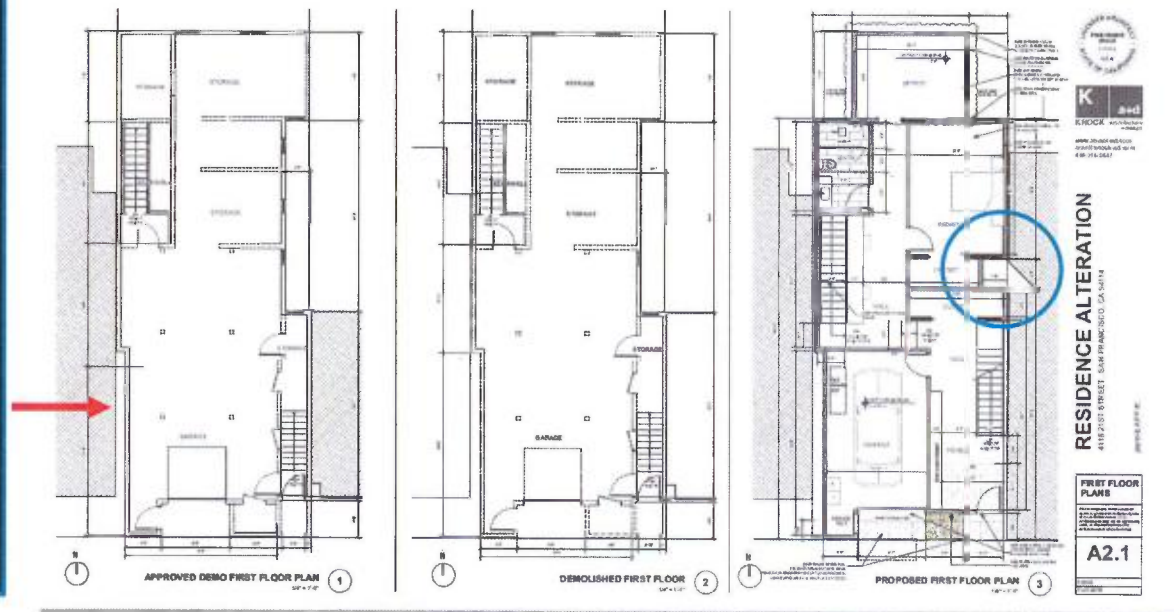
Almost no Distance between 4118 & 4124



This space no longer exists on site



Window on 4124 - 21st Street's eastern wall not represented in project drawings yet 4112's windows are shown



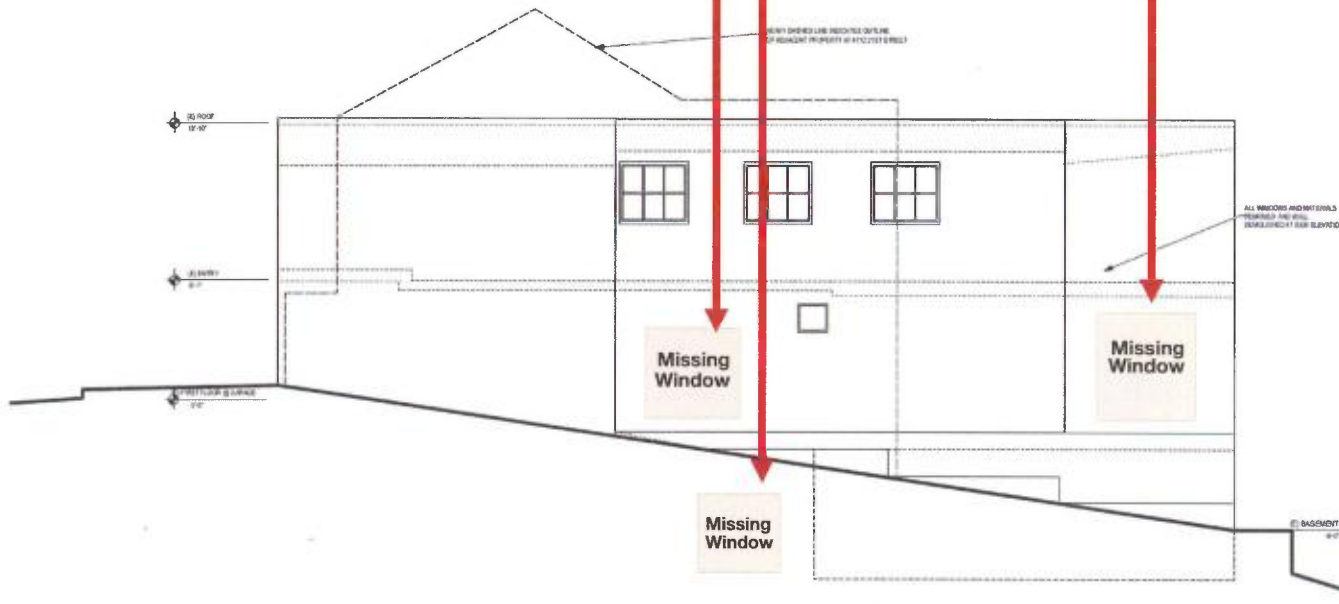
# APPENDIX

# INCONSISTENT PROJECT DRAWINGS & MISREPRESENTATIONS



Current existing/  
pre-demolition  
drawings (9/19/19)  
misrepresents lower  
rental unit's  
windows and  
bathroom vents

= missing window or vent



09.09.17	PROGRESS SET
09.26.17	PROGRESS SET
10.03.17	PROGRESS SET
01.16.18	PROGRESS SET
01.24.18	PERMIT SUBMITTAL/REV
02.05.18	CONTRACT
02.05.18	CONTRACT PER PERM
02.05.18	PLANNING REV
02.28.18	PLANNING REV
07.24.18	PLANNING REV
07.24.18	CONTRACT



www.knock-ad.com  
ryan@knock-ad.com  
415-215-2647

DEMOLISHED EAST ELEVATION

1

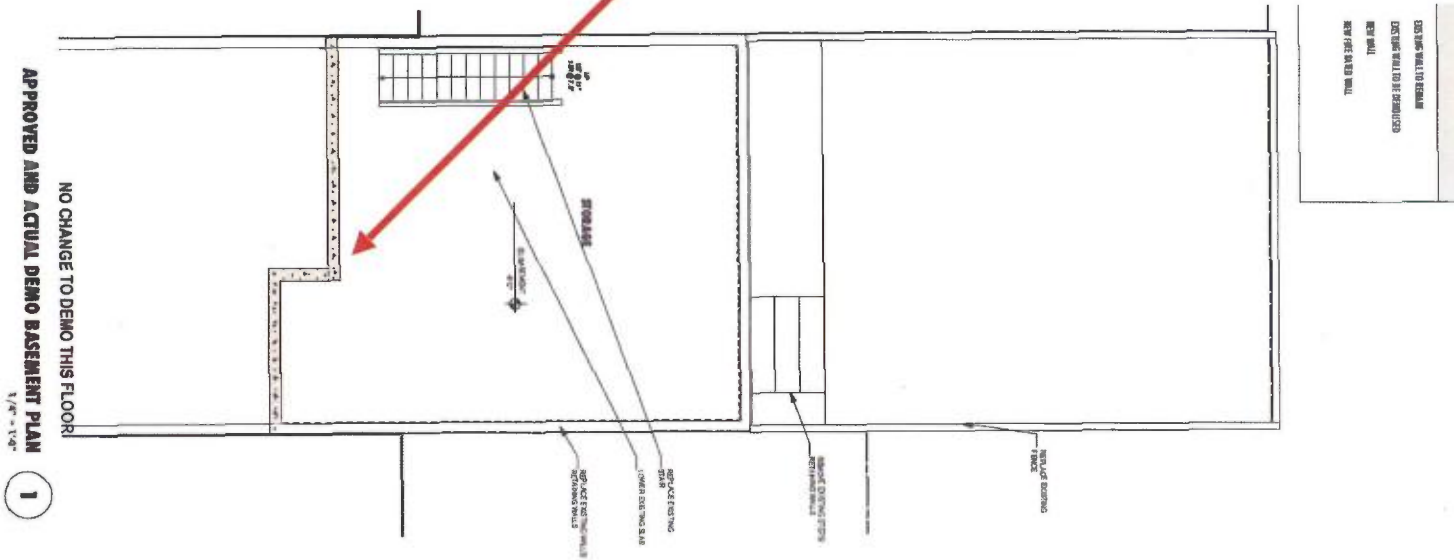
1/4" = 1'-0"

NC



Current existing/ pre-demolition drawings (9/19/19) misrepresents basement space and walls

- Concrete wall goes straight across.
- Drawing of existing space does to show a straight back wall or match up with actual wall



APPROVED AND ACTUAL DEMO BASEMENT PLAN  
1/8" = 1'-0"  
1

EXISTING WALLS TO REMAIN  
EXISTING WALLS TO BE DEMOLISHED  
NEW WALL  
NEW FLOOR TO REMAIN

SCALE:	<b>A2.0</b>
PARTS:	
<b>BASEMENT PLANS</b> All work shall be in accordance with the applicable building code and all other applicable laws and regulations. The contractor shall be responsible for obtaining all necessary permits and for ensuring that the work is completed in accordance with the approved plans and specifications.	

**RESIDENCE ALTERATION**  
4118 21ST STREET, SAN FRANCISCO, CA 94114  
permit APP #:

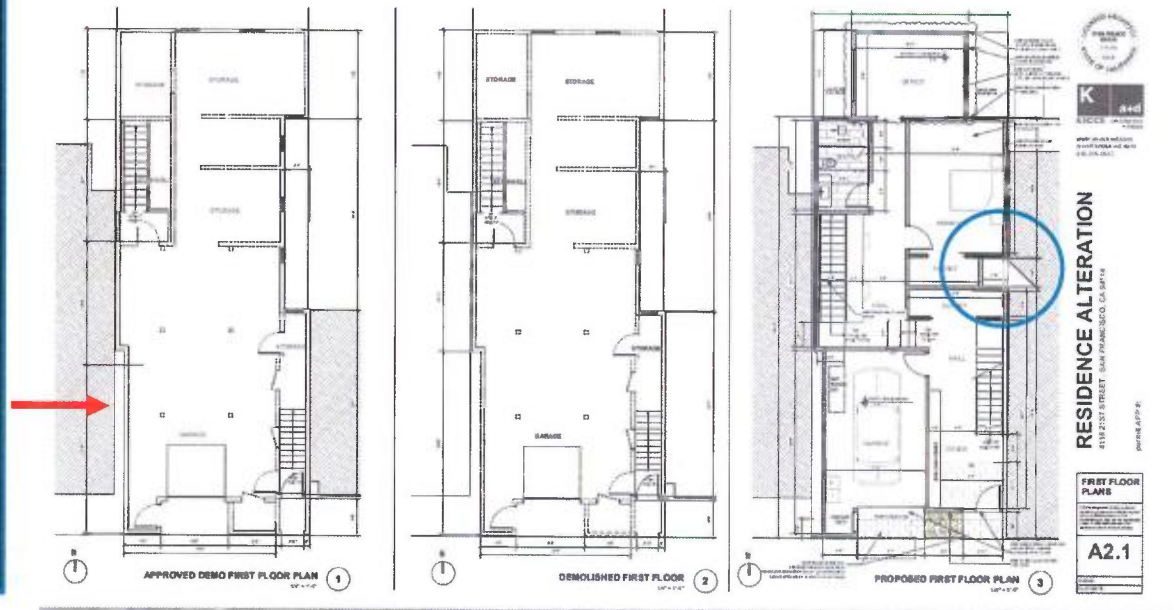
**K a+d**  
KNOCK ARCHITECTS  
www.knock-aid.com  
ryan@knock-aid.com  
415-215-2847



11.20.17	Issued for permit
11.20.17	Issued for permit
12.14.17	Issued for permit
04.14.18	Issued for permit
02.24.18	Issued for permit
02.24.18	Issued for permit



Window on 4124 - 21st Street's eastern wall not represented in project drawings yet 4112's windows are shown



# DBI Inspection

William Walsh (DBI) notes dry rot / termite damage at front and east facade (only walls remaining) on 11/15/18, after the original house as well as its nonconforming addition at rear had been demolished. Walsh suggests exploratory.

Walsh makes no other mention of structural issues during his visits.



## Chronology

Date:	Tuesday, 8/27/19
Property & Case:	4118 21 <sup>st</sup> Street — ENF case no. 2018-017368ENF
By:	Chaska Berger (CB)

DATE	DESCRIPTION
2/27/2018	BPA 2018.0227.2279 filed to "basement: excavate space to gain more ceiling height, infill under (e) floor above, reconfigure stair connection to 1st flr, new door opening to yard, new living room, bathroom, wetbar. 1st flr - reconfigure (e) spaces, add 2 new bedrms, 2 baths, laundry no facade work, no work visible from st"
4/26/18	BPA 201804267433 filed to "renovate facade: new bay window, new garage door, new windows & doors, new brick facade. Infill existing lightwell against blank wall. renovate kitchen, bathroom, new sliding doors off back & replacement lot line window with new fire rated window"
6/28/18	BPA 2018.0227.2279 issued
11/15/18	DBI Inspection Records states 1 <sup>st</sup> Floor framing and 2 <sup>nd</sup> floor, floor diaphragm ok, ok to continue. Note: Also dry rot/termite damage noted at front and east elevation. Suggest Exploratory.
12/18/18	DBI Complaint filed: "WORK BEYOND SCOPE OF PERMIT. ; additional information: There is no listed Permit to remove the entire face of the house, just to replace windows and the garage door"
12/26/18	DBI Issues NOV
12/31/18	Planning opens enforcement case 2018-017368ENF - work exceeds scope of approved permit
1/10/2019	Notice of Complaint mailed. ENF case assigned to CB
01/14/19	Planning staff Chaska Berger conducts site visit - no contact with project sponsor.
1/15/19	BPA 2018.0227.2279 Suspended per DCP request
1/22/19	Planning conducts site visit (Chaska Berger and David Brosky). Property owner does not have access to property.
1/23/19	Notice of Enforcement mailed.
1/28/19	Property owner Mr. Karamanos, emailed draft demo calcs.
1/30/19	Planning conducts site visit (Chaska Berger and Kelly Wong) to meet with property owners and contractor to review existing conditions at property. Observations made: <ul style="list-style-type: none"> <li>- Exterior walls - front and rear walls removed, west wall removed and most of east wall removed. Portion of east wall at front of the property remain.</li> <li>- Interior walls removed.</li> <li>- Horizontal floor plates removed.</li> <li>- Roof removed.</li> </ul>
	Owner/Contractor relayed structure was in poor condition due to dry rot and termite damage.
	Meet with Assistant Zoning Administrator to review draft demo plans.
2/10/19	Engineers report submitted
2/19/19	Amy Lee emailed revised demo calcs. CB met with Amy Lee at the Planning Department to review demolition calculations per 317.
3/12/19	Meeting at Planning Department with project team including property owner Jenna Karamanos, architect Ryan Knock, representative Amy Lee, and Jeremy Hallisay from City Hall.
3/19/19	Conditional Use Authorization submitted. 2018-002602PRJ - Legalize demolition of a single-family residence and authorize reconstruction of the dwelling unit at 4118 21st Street. The reconstruction proposes a vertical addition for a new story, excavation at the basement level for additional habitable space and facade alterations.
4/22/19	Policy LITE Coordination meeting w/Jeff Joslin, Liz Walty, Corey Teague, David Winslow, Nancy Tran, and CB. Results: Current project is considered demo 317, CUA will be required. Policy supported single family dwelling use and project redesigned to meet Planning Code, specifically regarding rear yard bump-out.
8/29/19	CPC hearing scheduled for 2018-002602CUA and 2018-002602VAR

2017  
Original house on  
21st Street



EUREKA ST

PROJECT SITE

DIAMOND ST





San Francisco  
HOUSING  
ACTION  
COALITION

Received at CPC Hearing

9/19/19

N. Foster

95 Brady Street  
San Francisco, CA 94103  
415 541 9001  
info@sfhac.org  
www.sfhac.org

To Whom It May Concern:

The Staff of the San Francisco Housing Action Coalition (SFHAC) is officially in support of the proposed project at 95 Hawthorne Street. After an extensive presentation from the project sponsor, Trammell Crow Residential, and architect, Skidmore, Owings & Merrill, the staff of SFHAC considers the proposed project a strong addition of well-designed, well-located, necessary new homes at all levels of affordability.

Across the Bay Area, long-time residents and newcomers alike face an acute housing shortage, which has driven up prices and dragged down affordability. While no single project can solve this shortage, 392 new rental homes go a long way toward creating enough quality homes for San Francisco's residents. Staff specifically commends the team for utilizing the State Density Bonus to create density for 101 more homes (291 initially proposed). In addition, the project shifted their initial unit mix toward a more family-friendly mix with 49% 2- and 3-bedrooms to reflect San Francisco's need. Finally, this project will offer an affordability rate of 19% (at AMI levels between 50% and 110%) on the base.

Given that emissions from personal automobiles account for approximately 25% of carbon emissions in California, encouraging transit ridership is paramount in achieving our regional sustainability goals. The project is exceptionally well-located to help achieve this goal, being within walking distance of MUNI Bus (12, 8AX, 8BX, 81X, 30, 45), MUNI Metro, BART, Caltrain, and the future Central Subway at the Yerba Buena/Moscone Station.

Beyond design, the project implements several strong community benefits, headlined by a contribution of an estimated \$21,825,484 to help fund better City programming for San Franciscans. They are also committed to an annual Mello Roos Tax Payment of \$2.5 Million, which escalates at 2% per year for 30 years to help fund transit infrastructure, including the Caltrain extension. The project team also engaged in a good faith community outreach program to local stakeholders, namely, One Hawthorne Street HOA, Yerba Buena Community Benefit District (YBCBD), Yerba Buena Alliance, TODCO Group, SOMCAN Network, Bayanihan Equity Services and West Bay Pilipino Multi Service Center. Additional meetings are being scheduled with SOMA Pilipinas, United Playas and the Bessie Carmichael School. Input from the community resulted in a reduction in parking, which SFHAC supports, but would like to see taken further, given how well-served the location is by transit.

Ultimately, SFHAC's staff is proud to support this project proposal because it creates needed homes for San Francisco residents, contributes to our shared Green goals, and contributes a significant number of community benefits.

Sincerely,

Todd David, *Executive Director*  
San Francisco Housing Action Coalition

Aug 6, 2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing you to support the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project provides much-needed housing and neighborhood-serving retail space in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide much needed housing, including market rate and on-site affordable housing
- Enhance the character of the neighborhood and promote active uses at street level, encouraging more pedestrian interaction and safer streets
- Improve the streetscape with new trees, sidewalks, and public art to invigorate the area, going so far as to set the building back from Hawthorne Street to create a more light-filled and walkable pedestrian environment
- Be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,



Tom Smith  
Cameron Hughes Wine  
2999 Pacific Ave  
San Francisco, CA 94103  
415-264-7047

CC: Nicholas Foster, SF Planning Department

August 23, 2019

Commission President Myrna Melgar  
San Francisco Planning Department  
1650 Mission St, Suite 400  
San Francisco, CA 94103



RE: Letter Regarding the 95 Hawthorne Development Project

Dear Commissioner Melgar,

As the Yerba Buena neighborhood continues to evolve, the YBCBD is one of many organizations that works to improve the vitality of the neighborhood. We recognize that the neighborhood is a hub for many uses – residential, business, visitor and convention, retail, non-profit, arts – and we encourage projects in the neighborhood to make deliberate decisions that will enhance those experiences.

The 95 Hawthorne development project, located at the intersection of two significant neighborhood through-streets, has great opportunity to implement public realm enhancements in line with the second edition of the Yerba Buena Street Life Plan. The Yerba Buena Community Benefit District encourages Trammell Crow Residential, the project's developer, to incorporate improvements to the public realm to add to the vibrancy and livability of the neighborhood for all. The YBCBD requests:

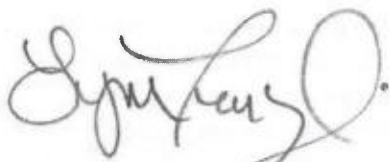
- *Improve sidewalk usability and comfort* – The sidewalks on Hawthorne Street and Folsom Streets along the edges of this project are narrow and do not meet the recommended width outlined in the San Francisco Better Streets Plan. We encourage the project to improve these conditions to accommodate the anticipated increase in usage, and to promote healthy transportation alternatives by enhancing the comfort and safety of sidewalks.
- *Effective curbside management* – Hawthorne is a narrow, one-way street that absorbs the effects of car congestion during peak travel times, especially during street closures. The growth of transportation network companies and the increase in online shopping has added stress on our streets due to increased demands on the curb for passenger pick-ups and drop-offs and deliveries. We encourage the project sponsor to develop a plan to ensure pedestrian safety and smooth circulation on both Hawthorne and Folsom streets given these demands.
- *Add Amenities such as Greening, Lighting and Street Furnishings, coordinated for pedestrian safety* – We urge the project sponsor to fund improvements along both Hawthorne and Folsom streets including greening, lighting, landscaping, and street furnishings. To be most effective, the amenities should be thoughtfully coordinated to ensure pedestrian safety. Such amenities will serve current and future residents, employees, guests, and the general public.
- *Public Art* – We encourage the project sponsor to infuse highly visible public art into the project that recognizes and celebrates the neighborhood's culture, heritage, and history. The Yerba Buena neighborhood is home to many of the city's finest museums and galleries and art is infused in the character of neighborhood streets and alleyways. Public art is especially important in its ability to break

down barriers of access to arts and culture. We recommend the project incorporate public art to the building facades and/or adjacent streets to ensure unfettered access.

- *Activation and Transparency* – We recommend that the project bring life to Hawthorne and Folsom streets by including active retail frontages and safe and inviting pedestrian access. Such improvements should make the sidewalks safer, more inviting, vibrant, accessible and ecologically sustainable. Frontages should have an element of transparency to connect the building with adjacent street activity. Storefronts should be accessible from the street and serve both daytime and evening uses.
- *Usable Open Space*- We advocate for the project sponsor to include at least the minimum of required usable open space per residential unit outlined in the SF Planning Code. SoMa has less green space and fewer recreational facilities than other parts of City neighborhoods. The YCBCD views publicly open space and private/common usable open space to be complementary. Including open usable space in new residential developments will help keep a balanced use of the existing open public space in the neighborhood.
- *Dog Facilities*- Dogs are becoming common neighbors in Yerba Buena as more residences, hotels, and work places begin to welcome pets. The YCBCD is currently working with community partners to build dog relief areas in the neighborhood. If dogs are allowed in the 95 Hawthorne residences, the YCBCD recommends the project sponsor share responsibility in keeping the neighborhood clean by including amenities to accommodate pet relief within the development.
- *Bicycle Parking*- Use of transit, walking, and biking are correlated with a safer street environment. The SFMTA counted a 1.2% increase the number of bicycles from 2017 to 2018. In addition to Yerba Buena neighborhood design public bike racks outside of the building, we recommend the project sponsor include secure bike parking in the development's garage space to accommodate and encourage this alternative mode of transportation.

The YCBCD's requests will improve the 95 Hawthorne project and provide community benefits to the people who live, work and visit Yerba Buena. All development projects in the neighborhood provide an opportunity to improve the public realm and we look forward to working in partnership with you and the project sponsor to incorporate these recommendations.

Sincerely,

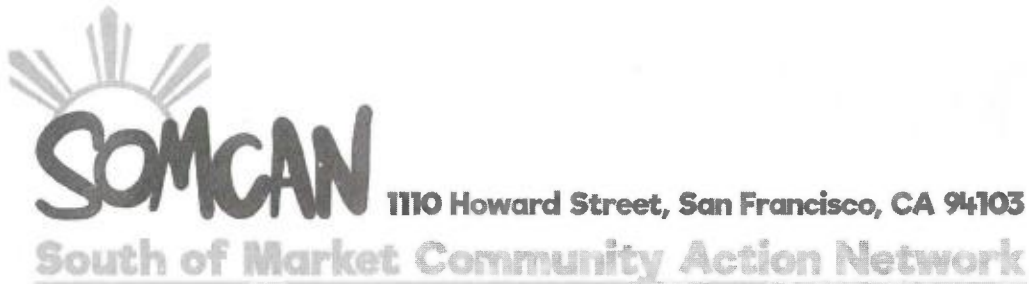


Lynn Farzaroli, Board Chair  
YCBCD Board of Directors



Cathy Maupin, Executive Director  
YCBCD

CC: Supervisor Matt Haney, Trammell Crow Residential



June 27, 2019  
San Francisco Planning Commission  
City Hall, 1 Dr. Carlton B. Goodlett Place

Re: 95 Hawthorne Street

Dear Commissioners,

We are writing to oppose the project at 95 Hawthorne St and to request a 2-month continuance.

The developer has stated that SOMCAN supports the project, yet SOMCAN has not stated any support for this project and is in fact opposing the project. SOMCAN met with the developer once on March 21st, 2019 and no commitments were made by the organization - support was not given for the project. The developer stated at the initial meeting that they would conduct a follow-up meeting, but no meeting was ever arranged until the developer reached out just recently in the middle of June right before the scheduled hearing before the Planning Commission for the project. This timeline for meeting is unrealistic and shows a lack of interest on behalf of the developer for meeting with and having real dialogue with community organizations.

The proposed project located at 95 Hawthorne Street contains only 14% affordable housing. This 42 story residential project proposes to include 392 units but provides only 55 of those units as affordable BMR units. 14% affordability in such a massive development is completely unacceptable.

The project utilizes the State Housing Density Bonus to gain additional market-rate housing units and highlights how the State Density Bonus negatively affects communities in San Francisco. Working-class immigrant communities in San Francisco, like the South of Market, are being overburdened with market-rate housing and luxury development. Communities like SoMa need *affordable* housing, not endless amounts of luxury housing that induces even more displacement and gentrification.

We ask the Commission to please continue the project for 2 months.

Thank you,

Angelica Cabande  
Organizational Director  
South of Market Community Action Network



415-255-7693



info@somcan.org



somcan.org



1110 Howard Street SF, CA 94103





1360 Mission Street #400  
San Francisco, CA 94103  
Phone: 415-513-5177  
Email: info@bishopsf.org

SF Planning Commission  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

June 27, 2019

Re: 95 Hawthorne

Dear Planning Commissioners:

The Bill Sorro Housing Program (BiSHoP) stands in opposition for the project 95 Hawthorne St and requests for Planning Commission for 2 months continuance on this decision until the Project Sponsor has met with all community members regarding this development. BiSHoP has been providing housing services including application assistance, housing case management, tenant counseling and housing workshops since 2009. Our mission is to increase access and defend for diverse low income populations.

Inclusionary Affordable Housing/State Density Bonus Law

The Project Sponsor proposes to use the State Density Bonus Law by increasing their height from 320 ft to 440 ft or equivalent to 42 stories. It appears that the Project Sponsor will only provide additional 1% BMR unit due to State Density Bonus law. For an organization that is helping people to apply and access affordable housing, this is unacceptable and unconscionable. We all know that San Francisco has a affordability crisis and at this point, every affordable unit counts.

In addition, I would like to remind the Planning Commission that 3 years ago a development, Panoramic Interests at 333 12<sup>th</sup> St used State Density Bonus and was exempted on Inclusionary Housing requirement that is required by City of San Francisco, which was voted previously by the Planning Commission. Let this not happen again.

Moreover, there were no meaningful or series of dialogues between the developer and community about this project. BiSHoP is still in the dark on their project information.

On behalf of BiSHoP, we ask you to continue this project until the Project Sponsor has met fully with community members in South of Market. Thank you.

Sincerely,

Theresa Imperial  
Executive Director, Bill Sorro Housing Program



June 27, 2019

San Francisco Planning Commission  
City Hall  
1 Dr. Carlton B. Goodlett Place

Re: 95 Hawthorne Street Project

Dear Commissioners,

On behalf of the Bayanihan Equity Center (BEC), I am expressing my opposition to the approval of the 95 Hawthorne Street Project and to request a continuance.

BEC staff attended a meeting with the developer in March; however, no commitments have been made from our organization to support the aforementioned project. Furthermore, the follow-up meeting with the developer did not take place as planned.

The proposed project located at 95 Hawthorne Street is a 42-story-residential-project that includes 392 units and offers 55 affordable BMR units which is unacceptable given the magnitude of such development. The project utilizes the State Housing Density Bonus to gain additional market-rate housing units and highlights how the State Density Bonus negatively affects communities in San Francisco. Working-class immigrant communities in San Francisco, like the South of Market, are being overburdened with market-rate housing and luxury development. Communities like SoMa need *affordable* housing, not endless amounts of luxury housing that induces even more displacement and gentrification.

BEC requests that this item be continued to allow our organization some time to analyze its impact in the community.

Thank you.

Yours very truly,

A handwritten signature in black ink, appearing to read "Luisa M. Antonio".

Luisa M. Antonio  
*Executive Director*

**From:** [Renee Chan](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne Street @ Folsom Street building  
**Date:** Saturday, June 29, 2019 10:33:52 AM

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

Hi Nicholas Foster -

First, my apology - I was trying to send this email close to the hearing date of 06/27/2019, but work got the best of me...and I was unable to attend the hearing meeting.

I oppose a 42-story building at 95 Hawthorne Street at Folsom Street.

Looking back, it appears that this 95 Hawthorne Street building was initially proposed to be a 32-story building\* (see 02/09/2019 article below).

My background regarding the 95 Hawthorne Street @ Folsom Street area:

- I work at 75 Hawthorne Street. I have been in this location since 1991.
- I am at the Hawthorne/Folsom Streets area daily. I have been in the area early mornings starting at 5am; I have been in the area in the evening until 10pm; in addition, I have been in the area on the weekends at different times during the day & evening and during different times during the year, too.
- In addition, my family has lived in the South of Market area.
- I have seen this area grow and how the changes affect the street flow and flow of traffic over the past years.

Based on my background of the area, I would like to provide you with some information about the area that opposes a 42-story building located at 95 Hawthorne Street building because this area at Hawthorne and Folsom, does **NOT** have the infrastructure for a 42-story building based on traffic patterns, parking, number of people and cars, and construction in this area.

- The way San Francisco has set-up the traffic pattern in this area makes Hawthorne Street a major traffic path to the bay bridge. In addition, Folsom Street is a major path to the bay bridge, too. Many of the streets in this South of Market area are one-way.

- I can tell you that traffic is horrendous throughout the day and evening. Then, if there is an accident/incident on the bay bridge, the streets are jammed for hours.

- If we just take a normal day at 95 Hawthorne & Folsom Streets, traffic in the morning starts about 7:30am and will continue to about 7pm or so at night (Thursdays and Fridays, traffic will go longer). Generally, traffic on Hawthorne and on Folsom will get backed-up throughout the day...that causes traffic to back-up onto Howard Street. In addition, during the afternoon commute that starts about 1:30-2pm, many cars traveling on Folsom will block the cross-walk and prevent Hawthorne traffic from moving. Sometime, it will take a driver about 5-15 mins to get through one block. I see this on the daily.

- There is no longer a left-turn from 2nd Street to Howard Street, which causes more cars to travel and back-up onto 1st Street if you are trying to get to the South of Market area towards Bryant/Brannan Streets due to the one-way traffic/traffic patterns. One last note about 2nd Street at Howard or Folsom is that San Francisco has made 2nd Street a one-lane each way which causes more traffic (yes, I understand the safety for bikes). However, there is just more congestion on the street and with frustrated

drivers, it actually puts pedestrians and bikes more in danger because people are frustrated because of the lack of movement in the traffic.

- Traffic and Parking: One last note about traffic, if you think that if San Francisco reduces parking spaces that would bring in less cars into the city. That is NOT the case. What actually happens is that more Uber/Lyft/Taxis come into this area. Often, the Uber/Lyft/Taxis will stop in the middle of the street or pull over half-way (but, still blocking the flow of traffic), really increases traffic and slows down the flow of traffic. Again, I see this on the daily, too! I confess that I am guilty of using Lyft when BART has issues.

- Parking & People: As in the previous bullet, San Francisco has reduced the number of parking spaces by allow the bike-sharing companies to place bike stations that take up half the street. You may think this would alleviate traffic around 1st, 2nd, 3rd Streets and Mission, Howard, Folsom, Harrison Streets. In my observation, drivers now have to contend with more people, bike, and scooter riders ... in addition, to the ever changing traffic patterns that San Francisco implements without notice.

- Also, more than half of the people come from outside of SF - especially, at night in this area. The people come into SF for entertainment which includes drinking. Most of these people are not riding bikes or scooters. They are taking Uber/Lyft/Taxis. (Oh, those scooters need to be banned. They go through cars/traffic/people and just put any where on the streets.)

- Weekends, the area is filled with cars and people...maybe not as much as the weekdays, but these streets are still the main arteries to the bay bridge.

- Now, you want to add a 42-story building. First, there is the construction and then, at some point, I assume would be filled with people and stores. Which means additional people to this area whether they live at the building or come into SF for the day. There is just no capacity to hold more people in this area.

- Currently, on the other side of Hawthorne and Folsom, a building is under construction (I'm not sure how many floors - I'm guessing it's about 10 to 12-story building). The building is not occupied, yet, but there will be another influx of people and cars from this building alone. Again, we wait for the impact once the building opens.

- Construction: Just at the Hawthorne and Folsom street corners alone. Three of the four corner are to have construction. One corner, construction has started and will probably go through the end of the year (base on my observation). Looks like 95 Hawthorne would be the next construction; and the third project to go last (the third corner, the Chinese restaurant is still operating).

- I haven't even talked about the crime and homelessness in this area; or when there are conventions at the Moscone Center or special events and how traffic is impacted and/or adjusted for these events.

- I know something has to be put in that space. I would suggest a building or something that fits this area which means keeping the building to about 10 floors that would match other buildings of the area. Also, when you build all these tall building, the natural sunlight is lost - look at the financial district. Remember, we are on landfill in the South of Market area; the Millennium Tower; and just the impact of a 42-story building on the landscape of the SF skyline. There are so many ridiculously tall buildings that have been built in the Financial/South of Market area and have ruined the SF skyline and views to the water, bay bridge, and neighboring areas.

- In addition, since you are part of the SF Planning Department, please keep large-tall building away from this area. We just cannot hold any more people, cars, stores, etc. It's even difficult to get coffee/breakfast, lunch, or food because it would take so long.

\*Per 02/09/2016 article:

The owners of 95 Hawthorne at Folsom Street have submitted [plans](#) to demolish the existing five-story office building in favor of a 32-story, 320-foot-tall residential tower with off-street vehicle parking and ground-floor retail

space.

Thanks for any consideration to my opposition to this 42-story project. If you have any questions or concerns, please contact me by email or phone.

Renee Chan  
415-972-3675

**From:** [Alexander Lapuyade](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne - Letter of Support  
**Date:** Thursday, September 12, 2019 8:28:33 AM

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9/12/2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that complements the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide family-sized rental housing, including on-site affordable housing
- Help address the significant jobs-housing imbalance in the Yerba Buena/Central SoMa area
- Enhance the character of the neighborhood by replacing an unappealing, vacant office building and promoting active uses at the street level
- Improve the streetscape with new wider sidewalks, street trees, street furniture, lighting and public art to invigorate the area and create a safe, light-filled walkable pedestrian environment
- Promote the use of public transit by creating new housing in a transit rich environment within walking distance of Muni, BART, Caltrain, and the Central Subway's new Yerba Buena/Moscone station
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,  
Alexander Lapuyade  
1914 Lombard St.  
San Francisco, CA 94123  
[alapuyade@gmail.com](mailto:alapuyade@gmail.com) / 707-227-4084

--

Alexander H. Lapuyade  
707-227-4084  
[Alapuyade@gmail.com](mailto:Alapuyade@gmail.com)

**From:** [Jordan McCarthy](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne Development Project - Letter of Support  
**Date:** Monday, September 09, 2019 6:10:44 PM

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Dear President Melgar & Nicholas Foster -

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

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- Help address the significant jobs-housing imbalance in the Yerba Buena/Central SoMa area
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- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay. Let me know if you need anything further.

Respectfully,

Jordan McCarthy  
Woodruff Sawyer & Company – Account Executive  
2351 Filbert Street  
San Francisco, CA 94123  
[jmccarthy@woodruff Sawyer.com](mailto:jmccarthy@woodruff Sawyer.com)  
(415) 399 - 6452

**Jordan McCarthy, ARM, CRIS**  
**Account Executive, Vice President**  
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**From:** [Heather Snow](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne Street  
**Date:** Friday, September 13, 2019 5:25:38 PM

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09.13.2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide family-sized rental housing, including on-site affordable housing
- Help address the significant jobs-housing imbalance in the Yerba Buena/Central SoMa area
- Enhance the character of the neighborhood by replacing an unappealing, vacant office building and promoting active uses at the street level
- Improve the streetscape with new wider sidewalks, street trees, street furniture, lighting and public art to invigorate the area and create a safe, light-filled walkable pedestrian environment
- Promote the use of public transit by creating new housing in a transit rich environment within walking distance of Muni, BART, Caltrain, and the Central Subway's new Yerba Buena/Moscone station
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Heather Snow  
Architect  
1690 Bay Street #306  
San Francisco, CA 94123  
[hsnow@bdearch.com](mailto:hsnow@bdearch.com)  
415.967.6817

CC: Nicholas Foster, SF Planning Department

**From:** [Nicholas Horton](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Cc:** [Joanna Julian](#)  
**Subject:** 95 Hawthorne Street  
**Date:** Friday, September 13, 2019 8:30:40 AM

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Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide family-sized rental housing, including on-site affordable housing
- Help address the significant jobs-housing imbalance in the Yerba Buena/Central SoMa area
- Enhance the character of the neighborhood by replacing an unappealing, vacant office building and promoting active uses at the street level
- Improve the streetscape with new wider sidewalks, street trees, street furniture, lighting and public art to invigorate the area and create a safe, light-filled walkable pedestrian environment
- Promote the use of public transit by creating new housing in a transit rich environment within walking distance of Muni, BART, Caltrain, and the Central Subway's new Yerba Buena/Moscone station
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

And more broadly, you all should be approving every feasible housing development project that comes before you, both big and small and at all price points. San Francisco and the Bay Area are becoming cities only for multimillionaires that bought decades ago, hit the startup jackpot or inherited their money. The high cost of housing is due to NIMBYs refusing to have development near them and regulators/development agencies making the process difficult and time consuming. But the cost of this is everyday people, especially the young, are increasingly priced out of the Bay Area with no hope of ever owning a home. There are other, also large changes that need to happen, but building substantial new housing stock is the only way that housing prices will ultimately stabilize and become affordable for a broader slice of the region.

Respectfully,

Nick Horton  
MBA, UC Berkeley Haas School of Business

812 Steiner  
San Francisco, CA 94117  
[nickhorton@gmail.com](mailto:nickhorton@gmail.com)  
925-787-3489

**From:** [Molly Coyne](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne Project  
**Date:** Sunday, June 23, 2019 5:24:26 PM

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

Dear Mr. Foster:

I am a San Francisco resident who is writing to express my support for the planned development at 95 Hawthorne. San Francisco is in the middle of a housing crisis, and more apartments are desperately needed. The only feasible solution is for San Francisco to allow density increases in a sensible and well-considered way by allowing the development of projects such as 95 Hawthorne. The planned development would provide much-needed additional units with walkability to downtown and transit, alleviating the need for residents to have cars, and would additionally include 55 much-needed affordable units. Please approve the project at 95 Hawthorne. Sincerely,

Molly Coyne  
926 Taylor St. Apartment A  
San Francisco, CA 94108

**From:** [colum regan](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne Street Letter of Support  
**Date:** Friday, June 21, 2019 3:30:51 PM

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Hi Nick and President Melgar,

As a 7 year resident of South Beach I would like to offer my support for the project at 95 Hawthorne Street. Its about time we are seeing large housing projects like this in the City. It is much needed so please approve it!

Thanks

Colum Regan

*02 Townsend St  
Building 2 904  
San Francisco  
CA 94107*

**From:** Adam Aasen  
**To:** Foster, Nicholas (CPC)  
**Subject:** 95 Hawthorne Street, San Francisco, CA - Letter of Support  
**Date:** Friday, June 21, 2019 10:25:15 AM

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

President Melgar, Nicholas:

I am writing in support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. As a San Francisco resident and housing advocate, I believe this project will provide much-needed housing and neighborhood-serving retail space in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I feel the project will: (1) provide much needed housing, including market rate and on-site affordable housing; (2) enhance the character of the neighborhood and promote active uses at street level, encouraging more pedestrian interaction and safer streets; (3) improve the streetscape with new trees, sidewalks, and public art to invigorate the area; (4) be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic; and (5) provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation.

I respectfully request that you and your fellow Commissioners approve this project.

Please feel free to call me with any questions.

Best,

-Adam Aasen

---

**ADAM C. AASEN**

Vice President, Head of US Acquisitions

PACIFIC EAGLE

201 California Street, Suite 500 | San Francisco, CA 94111

+1 415 780 7310 Office | +1 415 308 9103 Mobile

[www.pacificagleholdings.com](http://www.pacificagleholdings.com)

[Please read important notice here](#)

**From:** [Harrison Gough](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne  
**Date:** Wednesday, June 26, 2019 8:21:01 AM

---

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

Hi Nick,

I wanted to write and express my support for the 95 Hawthorne project. It is a beautiful building that provides good housing options for families walking distance to downtown. Current state, housing is a big need for SF.

My name is Harrison Gough and I am a SF resident at 801 Jones. Thank you.

Sent from my iPhone



March 19, 2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I support the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail space in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide much needed housing, including market rate and on-site affordable housing
- Enhance the character of the neighborhood and promote active uses at street level, encouraging more pedestrian interaction and safer streets
- Improve the streetscape with new trees, sidewalks, and public art to invigorate the area, going so far as to set the building back from Hawthorne Street to create a more light-filled and walkable pedestrian environment
- Be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Name: Michael Bay  
Business: Cafe du Soleil  
Address: 345 3<sup>rd</sup> St  
San Francisco, CA 94105

CC: Nicholas Foster, SF Planning Department

# California Renters Legal Advocacy and Education Fund

1260 Mission St  
San Francisco, CA 94103  
[hi@carlaef.org](mailto:hi@carlaef.org)



6/27/2019

San Francisco Planning Commission  
City Hall, Room 400  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org); [nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org);  
Via Email

Re: 95 Hawthorne Street  
2016-001794SHD

Dear San Francisco Planning Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform you that the San Francisco Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's Zoning Ordinance and General Plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or

conditions as they existed on the date the application was deemed complete.

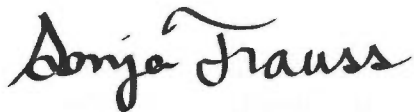
(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The Applicant proposes to demolish an existing five-story office building and construct a 42-story, 392-unit residential building.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

CaRLA is a 501(c)3 non-profit corporation whose mission is to restore a legal environment in which California builds housing equal to its needs, which we pursue through public impact litigation and providing educational programs to California city officials and their staff.

Sincerely,



Sonja Trauss  
Co-Executive Director  
California Renters Legal Advocacy and Education Fund

Cc:  
John Hancock Life Insurance Company  
Attn: Robert Maulden  
197 Clarendon Street  
Boston, MA 02116

**From:** [gts fan](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** in support of 95 Hawthorne Street  
**Date:** Thursday, June 20, 2019 8:56:42 PM

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

June 20, 2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing in support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail space in a new building that complements the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide much needed housing, including market rate and on-site affordable housing
- Enhance the character of the neighborhood and promote active uses at street level, encouraging more pedestrian interaction and safer streets
- Improve the streetscape with new trees, sidewalks, and public art to invigorate the area, going so far as to set the building back from Hawthorne Street to create a more light-filled and walkable pedestrian environment
- Be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

A. Salim MD

3337 Clay St Street

San Francisco, California 94115

[milasila@hotmail.com](mailto:milasila@hotmail.com)

---

June 20, 2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I support the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail space in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

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- Be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic.
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation.

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,



Sam Hunt

917 617 7240

1801 Gough St

San Francisco, 94109, California

CC: Nicholas Foster, SF Planning Department

**From:** [Ben Gumbiner](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** SF resident in support of residential tower at 95 Hawthorne  
**Date:** Sunday, June 23, 2019 10:02:49 PM

---

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

Hello Nicholas,

My name is Ben Gumbiner and I currently reside at 1177 California St. I am writing as a San Francisco resident for the past 15 years who is strongly in support of the residential tower proposed for 95 Hawthorne. I am currently part of a family of three living in a 500 sq ft apartment in the city so I live the housing crisis every day and know, first hand, how much the city would benefit from additional units.

When I first moved to the city, I had an expectation that housing would be more expensive than where I had come from due to the density and desirability of San Francisco and everything that it has to offer. It was a premium that I felt was fair based on the attributes of the location.

Today, based on current housing prices, I can no longer make that statement.

I have seen the housing market altered to one that is unaffordable to almost all who are not (a) fortunate enough to be in a long term ownership/rent control situation, (b) willing to live in cramped shared conditions, and (c) ultra wealthy.

These are not the conditions that I had hoped for San Francisco and are not ones that I believe will aid in the short, medium, or long term viability of the city.

The best that San Francisco can be is a city that is diverse and inclusive of all walks of life... not the combination of ultra wealthy, over-protective NIMBYs, and delusional tech workers that it has mostly become.

The only way to truly get San Francisco to the best city that it can be is to build more residential spaces and 95 Hawthorne is a critical step towards accomplishing that goal.

I hope that you will make the right decision and approve more housing for San Francisco.

Thank you for your consideration,  
Ben

**From:** [Carrie McCloskey](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** Support for 95 Hawthorne  
**Date:** Friday, June 21, 2019 9:53:38 PM

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6/21/19

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I support the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail space in a new building that complements the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

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- Be located in close proximity to the highway, MUNI, BART, and Caltrain, and within walking distance of the future Central Subway at the Yerba Buena/Moscone Station, making it transit friendly and minimizing the impact on neighborhood traffic
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Carrie McCloskey, MD  
Kaiser Permanente TPMG  
1635 Divisadero St, Ste 601  
San Francisco, CA 94115  
[carrie.mccloskey@gmail.com](mailto:carrie.mccloskey@gmail.com)  
415-833-0080

CC: Nicholas Foster, SF Planning Department



**From:** [Rebecca Stack](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** Support for 95 Hawthorne  
**Date:** Monday, June 24, 2019 10:16:54 AM

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

Hello Nick,

My name is Rebecca Stack, I am a native and resident of San Francisco, and I am emailing you today in support of the proposed new development at 95 Hawthorne. Our city is in the midst of a massive housing crisis, and more homes are desperately needed. 95 Hawthorne provides 392 much needed additional units in a landscape where the demand is high. This development also provides 55 affordable BMR units, which is also very much needed!

I hope that you can assist in moving this building to fruition in a timely manner. This is a beautiful building that will be a great addition to our city skyline.

Cheers,  
Rebecca Stack

**From:** [Rokelle Sun](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** Supporting 95 Hawthorne project  
**Date:** Saturday, June 22, 2019 6:33:22 PM

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

Hi Nicholas,

Im writing to support the 95 Hawthorne project. It will be a great development and fantastic addition to the city skyline.

San Francisco is in a the middle of a housing crisis, more apartments are desperately needed.

95 Hawthorne provides:

392 much needed additional units, walking distance to downtown, in the transit center district

The project provides larger units suitable for families

High quality architecture

The project provides 55 below market rate unit and will pay affordable house fees.

Thank you for your consideration

Rokelle Sun  
333 1st street, N1105  
San Francisco 94105

**From:** [John Severtson](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** 95 Hawthorne, A Letter of Support  
**Date:** Tuesday, September 10, 2019 8:23:54 AM

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

September 10th, 2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

I further support the project because it will:

- Provide family-sized rental housing, including on-site affordable housing
- Help address the significant jobs-housing imbalance in the Yerba Buena/Central SoMa area
- Enhance the character of the neighborhood by replacing an unappealing, vacant office building and promoting active uses at the street level
- Improve the streetscape with new wider sidewalks, street trees, street furniture, lighting and public art to invigorate the area and create a safe, light-filled walkable pedestrian environment
- Promote the use of public transit by creating new housing in a transit rich environment within walking distance of Muni, BART, Caltrain, and the Central Subway's new Yerba Buena/Moscone station
- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

John Severtson,  
Business Development Representative

Cloudflare, Inc.  
2840 Baker St.  
San Francisco, CA 94123  
[jsevertson19@cmc.edu](mailto:jsevertson19@cmc.edu)

--

John "Jack" Severtson  
Bachelor of Arts in Economics  
Claremont McKenna College Class of 2019

9/12/2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

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- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Henry Frome  
2840 Baker St  
San Francisco, CA 94123  
[Hfrome19@students.claremontmckenna.edu](mailto:Hfrome19@students.claremontmckenna.edu)

716-341-3710

9/10/2019

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

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- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

John Samec,  
1863 Laguna Street  
San Francisco, CA 94115  
[jack.samec28@gmail.com](mailto:jack.samec28@gmail.com)

(415) 828-6660

CC: Nicholas Foster, SF Planning Department

**From:** [Margot Kenney](#)  
**To:** [Foster, Nicholas \(CPC\)](#)  
**Subject:** Letter of Support, 95 Hawthorne Street  
**Date:** Tuesday, September 10, 2019 10:10:54 AM

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9/10/10

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

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- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Margot Kenney,  
Business Development Manager, Teknion  
1520 Taylor St. #105  
San Francisco, CA 94133  
415-283-5299

CC: Nicholas Foster, SF Planning Department

--

Margot Kenney, LEED Green Associate  
Business Development Manager, Northern California  
Teknion  
Mobile 628-220-5911  
[Margot.Kenney@teknion.com](mailto:Margot.Kenney@teknion.com)

[teknion.com](http://teknion.com)



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9/10/19

Myrna Melgar, Planning Commission President  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Melgar:

I am writing to voice my support of the proposed mixed-use development located at 95 Hawthorne Street in San Francisco. This project will provide much-needed housing and neighborhood-serving retail in a new building that compliments the existing neighborhood, while improving public safety and providing benefits to the immediate and larger San Francisco community.

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- Provide minimal auto parking and maximum bicycle parking within the project, encouraging the use of alternative transportation and minimizing the impact of neighborhood traffic

Given all the positive aspects of the project, I respectfully request that you and your fellow Commissioners approve this project without delay.

Respectfully,

Logan Miller  
2840 Baker St.  
San Francisco, CA 94123  
[millerlogan@me.com](mailto:millerlogan@me.com) / 9493753890

CC: Nicholas Foster, SF Planning Department



# SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 9/19/19  
*N. Foster*

## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 19, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2016-001794DNXSHD  
*Project Address:* 95 Hawthorne Street  
*Zoning:* C-3-O(SD) Downtown-Office (Special Development)  
 320-I Height and Bulk District  
 Downtown and Transit Center District Plan Areas  
*Block/Lot:* 3735/012  
*Project Sponsor:* Trammell Crow Residential  
 c/o: John Kevline  
 Reuben, Junius & Rose, LLP  
 One Bush Street, Suite 600  
 San Francisco, CA 94104  
*Property Owner:* John Hancock Life Insurance Company  
 Attn: Robert Maulden  
 197 Clarendon Street  
 Boston, MA 02116  
 San Francisco, CA 94103  
*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
*Recommendation:* **Approval with Conditions**

ADOPTING FINDINGS RELATING TO A DOWNTOWN PROJECT AUTHORIZATION PROJECT PURSUANT TO PLANNING CODE SECTION 309 AND AN INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6, TO ALLOW THE DEMOLITION OF AN EXISTING 5-STORY COMMERCIAL OFFICE BUILDING AND NEW CONSTRUCTION OF A 42-STORY, APPROXIMATELY 444-FOOT TALL RESIDENTIAL BUILDING FEATURING 392 DWELLING UNITS ABOVE APPROXIMATELY 3,500 SQUARE FEET OF GROUND-FLOOR RETAIL, 107 OFF-STREET VEHICLE PARKING SPACES, 4 CAR SHARE SPACES, 3 FREIGHT LOADING SPACES, 184 CLASS 1 AND 24 CLASS 2 BICYCLE PARKING SPACES, WHICH WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) AND INVOKE WAIVERS FROM THE DEVELOPMENTS STANDARDS FOR: 1) SETBACKS AND STREETWALL ARTICULATION (SECTION 132.1(C)(1)); 2) REAR YARD (SECTION 134); 3) COMMON USEABLE OPEN SPACE (SECTION 135(G)); 4) DWELLING UNIT EXPOSURE (SECTION 140); 5) GROUND-LEVEL WIND CURRENT (SECTION 148); AND 6) HEIGHT (SECTION 250), LOCATED AT 95 HAWTHORNE STREET, LOT 012 OF ASSESSOR'S BLOCK 3735, WITHIN THE C-3-O(SD) DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) ZONING DISTRICT AND A 320-I HEIGHT AND BULK DISTRICT, MAKE FINDINGS RELATED TO STATE DENSITY BONUS LAW, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

## PREAMBLE

On February 4, 2016, John Kevlin of Reuben, Junius & Rose, LLP, acting on behalf of Trammell Crow Residential (hereinafter "Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA"). The PPA Letter, assigned to Case No. 2016-001794PPA, was issued on May 5, 2016.

On February 4, 2016, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on July 14, 2016 and assigned Case Number 2016-001794ENV.

On July 18, 2018, the Project Sponsor filed a request, as modified by subsequent submittals, with the Department for a Downtown Project Authorization, pursuant to San Francisco Planning Code ("Code") Sections 210.2 and 309, to allow a project greater than 50,000 square feet of floor area within the C-3 Zoning District.

On October 17, 2018, the Project Sponsor filed an application for a Shadow Analysis, pursuant to Code Section 295. The application packet was accepted on October 17, 2018 and assigned Case Number 2016-001794SHD.

On December 4, 2018, the Project Sponsor filed an application requesting approval of a Transportation Demand Management Program pursuant to Code Section 169. The application packet was accepted on October 17, 2018 and assigned Case Number 2016-001794TDM.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 291 unit "Base Project" that would include housing that is affordable to very-low, low-, and moderate-income households. Because the Project Sponsor is providing 55 units of housing affordable to very-low, low-, and moderate-income households, the Project seeks a density bonus of 35% and six waivers from the following development standards: 1) Setbacks and Streetwall Articulation (Section 132.1(c)(1)); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135(g)); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Height (Section 250).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). On May 24, 2012, the Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Transit Center District Plan EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan FEIR, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On June 11, 2019, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan FEIR. Since the Transit Center District Plan FEIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR. The file for this Project, including the Transit Center District Plan FEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On June 5, 2019, the Capital Committee of the Recreation and Park Commission, and on June 20, 2019, the full Recreation and Park Commission conducted duly noticed public hearings at regularly scheduled meetings and recommended, through Resolution No. 1906-012, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Guy Place Park.

On June 27, 2019, before hearing the item, the Commission voted 5-0 (Johnson, Melgar absent) to continue the item to the September 19, 2019 hearing date.

On August 7, 2019 the Department issued an updated Community Plan Exemption certificate.

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2016-001794DNXSHD, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 19, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization No. 2016-001794DNXSHD.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Downtown Project Authorization as requested in Application No. 2016-001794DNX, subject to the conditions contained in "EXHIBIT A" of this motion, and to the Mitigation, Monitoring and Reporting Program contained in "EXHIBIT C", and incorporated by reference, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the demolition the existing five-story office building and construction of a new 42-story residential building reaching a height of 443'-9" tall (462'-3" including rooftop mechanical equipment) with approximately 3,500 square feet of ground-floor retail. The Project would contain a mix of 199 one-bedroom units, 144 two-bedroom units, and 49 three-bedroom units totaling 392 dwelling units, with 55 dwelling units provided as affordable (Below Market Rate). The Project would provide 107 off-street vehicle parking spaces, 4 car-share spaces, and 3 freight loading spaces within a below-grade garage in addition to 184 Class 1 and 24 Class 2 bicycle parking spaces. The Project is utilizing the Individually-Requested State Density Bonus Program to achieve a 35% density bonus thereby maximizing residential density on the Site.
3. **Site Description and Present Use.** The Project Site ("Site") is a 16,875 square-foot corner lot, located on the northeast corner of Hawthorne and Folsom Streets, with 150' of frontage along Hawthorne Street and 112'-6" of frontage along Folsom Street. The subject property (Lot 012 of

Assessor's Block 3725) is located within the C-3-0(SD) (Downtown Office, Special Development) District and the 320-I Height and Bulk District. The property is developed with a five-story commercial office building that was built in 1908 and used as a wire rope and electric wire warehouse. The building was remodeled into a Brutalist style reinforced-concrete office building in 1960, and the majority of all five floors in the building are leased for office uses by government agencies or used by the property management office. The existing building on the Project Site was previously evaluated in the Transit Center Historic Resource Survey and was given a rating of "6Z," which means it was found ineligible for National Register, California Register, or Local designation through survey evaluation. Therefore, the existing building on the project site is not considered a historical resource pursuant to CEQA.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. Immediately north of the Project Site at 75 Hawthorne is a 20-story office building, which is the headquarters of the U.S Environmental Protection Agency, Region 9. Adjacent to the proposed project to the east is a three-story office building at 620 Folsom Street. Numerous other high-rise developments are planned or under construction in the surrounding area. The 750 Harrison Street project is approximately two blocks south of the proposed project site and the eight-story residential building with 77 units over ground-level commercial space serving the residential units is currently under construction. The Transbay Block 9 project is also currently under construction and is located two blocks east of the proposed project on Folsom Street at 542-550 Howard Street (otherwise known as "Parcel F"), which would construct a 61-story tower with office, 165 residential units, a 210-room hotel, and retail and shared amenity space.
5. **Public Outreach and Comments.** The Department has not received any correspondence regarding the proposed Project. The Project Sponsor has conducted community outreach that includes local community groups.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Permitted Uses in the C-3-O(SD) Zoning District (Section 210.2).** Planning Code Section 210.2 lists residential and retail uses as principally permitted within the C-3-O(SD) Zoning District.

*The Project involves the construction of a new 42-story residential building with approximately 477,000 gross square feet of residential use and approximately 3,500 gross square feet ("gsf") of retail sales and service uses. As both residential and retail sales and service uses are principally permitted uses within the C-3-O(SD) Zoning District, the Project complies with Section 210.2.*

- B. **Floor Area Ratio (Sections 123, 124, 128, and 210.2).** The Planning Code establishes a basic floor area ratio (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set in Section 210.2. The FAR for the C-3-O (SD) District is 6.0 to 1. Under Section 123, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (TDR), and may exceed 9.0 to 1 without FAR limitations by participating in the Transit Center District Mello-Roos Community Facilities District as required in Section 424.8.

*The Project Site is 16,785 square feet in size. Therefore, up to 100,710 gsf is allowed under the basic FAR limit, and up to 151,065 gsf is permitted with the purchase of TDR. The Project proposes a total of 476,254 gsf, for a floor-area ratio of approximately 28.4-to-1. Conditions of Approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR (50,355 gsf), and to participate in the Transit Center District Mello-Roos Community Facilities District.*

- C. **Setbacks and Streetwall Articulation (Section 132.1(c)(1)).** The Planning Code requires new buildings taller than 150 feet on development lots in the C-3-O(SD) district facing a street wider than 35 feet shall establish a distinctive streetwall, even where no distinct cornice line or streetwall exists, at a height between 50 and 110 feet for not less than 40 percent of the linear frontage of all street frontages of such development lot.

*The Project has been designed with setbacks so that the massing will not overwhelm the corner of Folsom and Hawthorne Streets, helping to reinforce a pedestrian scale along both street frontages. Beginning at the sixth floor (or approximately 63' feet above grade), the building establishes a distinctive streetwall, with a 5'-6" setback for a length of 100 feet on the Hawthorne Street façade and a 40' setback for a length of 36'-6" along the Folsom Street façade. The linear total of provided setbacks is 136'-6", or approximately 52 percent of the 262'-10" of total linear frontage for the subject parcel, thereby exceeding the Code requirement of 40 percent. The Planning Code also requires horizontal relief, established by an upper story setback of at least 5 feet and a combination of additional upper story setback and/or horizontal projection totaling 10 feet. While the setback along the Folsom Street meets the strict requirements of the Code, the setback along the Hawthorne Street frontage is only 5'-6" and does not contain a total of at least 10 feet of horizontal relief.*

*Strict enforcement of the Code would require an additional setback of 4'-6", significantly reducing the total unit count by affecting at least 1-4 units per floor from level 6 through level 41. This imposed setback would ultimately physically preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for setbacks and street wall articulation, which are defined in Planning Code 132.1(c)(1).*

- D. **Rear Yard (Section 134(a)(1)).** The Planning Code requires that the Project provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. Exceptions to the rear yard requirements may be granted if the building

location and configuration assure adequate light and air to the residential units and the open space provided.

*With a total lot depth of 112'-6" (as measured from Hawthorne Street), the required rear yard for the subject lot is 28'-2". The Project's massing is arranged in a "T" configuration, with the center of the tower fully encroaching into center of the required rear yard. As the tower's massing would encroach into the required rear yard, thereby breaking up the continuous rear yard from property line to property line, the Project therefore requires Code relief from Section 134(a)(1).*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for rear yard, which are defined in Planning Code 134.*

- E. Useable Open Space (Section 135).** The Planning Code requires that a minimum of 36 square feet of private useable open space, or 48 square feet (1.33 times 36 square feet) of common useable open space be provided for dwelling units in C-3 zoning districts. The area counting as useable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

*The Project provides private balconies for 116 of the 392 dwelling units that meet the strict dimensional requirements for private useable open space (Code Section 135(f)). For the balance of the 276 dwelling units, 13,248 square feet of common useable open space would be required. The Project's proposed massing creates two courtyards on the fifth floor (one inner courtyard and one outer courtyard) that each measure a depth of 36'-6". Each of these courtyards provides 3,204 square feet of open area, with the outer courtyard providing 1,538 square feet of common useable open space that meets the strict dimensional requirements of Code Section 135(g). Including the 2,197 square-foot rooftop terrace, the Project provides a total of 3,735 square feet of common useable open space where 13,248 square feet is required. The subject lot is only 16,875, which means that more than half of the subject lot would have to remain undeveloped to provide the additional 9,513 square feet of common open space needed to meet the requirements of Section 135(g). Therefore, the Project requires an additional 9,513 square feet of common open space to meet the requirements of Section 135(g).*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for common useable open space, which are defined in Section 135(g).*

- F. Publicly Accessible Open Space (Section 138).** The Planning Code requires new buildings, or additions of Gross Floor Area equal to 20 percent or more to an existing building, in the C-3-O (SD) zoning district to provide public open space at a ratio of one square-foot per 50 gross



square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The Project features less than 5,000 square feet of retail uses on the ground floor occupying less than 75% of the total ground floor. Pursuant to Section 102, the retail sales and service floor area is exempt from the calculation of gross floor area. Therefore, the Project is not subject to Planning Code Section 138.*

- G. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires that additions of Gross Floor Area equal to 20 percent or more to an existing building provide streetscape improvements consistent with the Better Streets Plan. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan

*The Project Sponsor shall comply with this requirement. The conceptual plan shows sidewalk enlargement, enhanced paving, raised crosswalks, installation of street trees, lighting, and street furniture on various public rights-of-way. The precise location, spacing, and species of the street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process.*

- H. Standards for Bird-Safe Buildings (Section 139).** The Planning Code outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The Project Site is not located in close proximity to an Urban Bird Refuge as defined in Section 139. As such, the Project will include feature-related standards. Therefore, the Project complies with Section 139.*

- I. Dwelling Unit Exposure (Section 140).** The Planning Code requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Project Site is a corner lot with Hawthorne and Folsom Streets both meeting the minimum requirements established by Code. As such, all of the dwelling units that face onto either Hawthorne or Folsom Streets meet exposure requirements. The Project's massing is arranged in a "T" configuration to maximize access to light and air for all 392 dwelling units. The resulting site plan creates two courtyards (one inner and one outer courtyard). Given the strict requirements of Section 140, 93 dwelling units that face onto the inner courtyard do not meet exposure requirements.*

*Strict compliance with the Code's exposure requirement would either eliminate 93 courtyard-facing dwelling units (approximately 24% of the total unit count), would require a building configured around a code-compliant rear yard, or, would require the building to be set back an additional 5 feet every floor above the 8th floor. Any of these three results would significantly reduce the habitable area of the Project and ultimately physically preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for dwelling unit exposure, which are defined in Section 140.*

- J. **Street Frontage in Commercial Districts (145.1(c)).** The Planning Code requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project includes approximately 3,500 square feet of ground floor retail sales and service uses located along the Folsom Street frontage, with a portion of the retail space wrapping around onto the Hawthorne Street frontage. The retail space is a variable depth, and is at least 25 feet deep at all locations, meeting the strict active use requirements of Section 145.1(c)(3). The balance of the Hawthorne Street frontage contains a residential lobby measuring 40 linear feet, as allowed by Code, building-serving mechanical equipment, and the parking and loading entrance (garage entrance). The ground floor height is 20 feet tall, meeting the strict requirements of Section 145.1(c)(4). Therefore, the Project complies with Section 145.1.*

- K. **Shadows on Public Sidewalks (Section 146).** The Planning Code establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings should be shaped so as to reduce substantial shadow impacts on public

sidewalks, if doing so would not create an unattractive design and without unduly restricting the development potential of the site in question.

*Section 146(a) does not apply to Hawthorne or Folsom Streets, and therefore does not apply to the Project. Regarding Section 146(c), the Project would create new shadows on sidewalks and pedestrian areas adjacent to the Site. The amount of shadow cast on sidewalks would vary based on time of day, day of year, and weather conditions. Additionally, in certain locations, existing and future development would mask or subsume new shadows from the Project that would otherwise be cast on sidewalks in the Project vicinity. The Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in dense urban areas. Therefore, the Project complies with Section 146.*

- L. **Shadows on Public Open Spaces (Section 147).** The Planning Code requires new buildings in the C-3 districts exceeding 50 feet in height to be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site, to reduce substantial shadow impacts on public plazas and other publicly-accessible spaces other than those under the jurisdiction of the Recreation and Parks Department under Section 295. The following factors shall be taken into account: (1) the amount of area shadowed; (2) the duration of the shadow; (3) the importance of sunlight to the type of open space being shadowed.

Existing Open Spaces

Annie Street Space and Annie Street Plaza

*Annie Street is a pedestrian street located in downtown, between Mission Street and Market Street, and is surrounded by mid to high-rise buildings. The space at Market Street is approximately 2,060 square feet, and the opening near Mission Street is approximately 4,030 square feet and is used for both active and passive activities, such as music concerts, festivals, exhibitions and gatherings. The lane is approximately 550 feet long and is frequently used for public gatherings, while the opening towards Mission Street is a landscaped open space, mainly used for walking. The net new shadowing on Annie Street Space as a result of the proposed project would occur during November 7 through February 3, totaling 89 days. The average duration of the daily net new shadow would be 7 minutes. The net new shadow would occur between 8:12 a.m. to 8:53 a.m. and the maximum duration of the net new shadow would be 16 minutes occurring on January 18, 20, and 21, and November 19 through 23. The average size of the new shadow would be approximately 300 square feet. The largest shadow would be approximately 1,130 square feet, occurring at 8:50 a.m. on January 20.*

*As the additional shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year, the additional shadow as a result of the Project would be negligible and would not substantially affect the use and enjoyment of Annie Street and Annie Street Plaza. Therefore, the impact of new shadow from the proposed Project on Annie Street Space and Annie Street Plaza would be less than significant.*

Jessie Square

*Jessie Square is located on the north side of Mission Street, across from Yerba Buena Gardens. The square is situated on top a four-level underground parking garage and is surrounded by the Contemporary Jewish Museum to the north, St. Patrick's Church to the west, and high-rise buildings to the east. The sloped surface incorporates an approximately 8-foot elevation change between the Mission Street sidewalk and Contemporary Jewish Museum. There is a water feature located in the middle of the square. This open space consists of multiple areas for public gathering with benches placed sporadically on multiple areas, particularly around the water feature and on the south side of the square. There is a landscaped area east of the water feature and some isolated trees are located along the north and west border of the plaza. The open space is frequently used for outdoor events and festivals. The total area of this open space is approximately 30,060 sf square feet.*

*Net new shadow on Jessie Square would occur for a total of 49 days: March 10 through April 2, and September 9 through October 3. The average daily duration of the net new shadow would be 18 minutes. The net new shadow would occur between 7:55 a.m. and 8:42 a.m., and the maximum duration of net new shadow is expected to be 32 minutes, occurring on March 23 and September 19. The average size of the new shadows would be approximately 1,450 square feet. The largest shadow would be approximately 3,640 square feet, occurring at 8:31 a.m. on March 20. As the additional shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year and only in the early morning (before 9 a.m.), the additional shadow would be negligible and would not substantially affect the use and enjoyment of Jessie Square. Therefore, the impact of new shadow on from the proposed Project on Jessie Square would be less than significant.*

Yerba Buena Gardens

*Yerba Buena Gardens is an open space located approximately 0.2 miles west of the proposed Project Site. The gardens are bordered by Mission Street to the north, Howard Street to the south, Third Street to the east and Fourth Street to the west. The gardens are primarily used for passive activities. Yerba Buena Center for Arts (YBCA) is located on the east side of the garden and the Westfield Metreon Mall is located on the west side of the garden. The Esplanade is the grassy middle portion of the gardens. The Martin Luther King waterfall feature is located in the center of the gardens and is 20 feet tall and 50 feet wide, consisting of glass panels. There is a circular pedestrian walkway surrounding the Esplanade. The Upper Terrace is located above the waterfall, along the southeast side of the gardens. This stone-surfaced terrace includes a pool right above the waterfall. The terrace is primarily used for passive activities, including breakfasts, receptions, parties, weddings and gatherings for up to 500 people, or buffet-style food services for up to 2,000 people.*

*The East Garden is along Third Street, across from the Museum of Modern Art, located between YBCA Galleries and YBCA Theatre buildings, and is surrounded by sycamore trees. There is a water feature along the east and south edges of the open space. The garden is slightly elevated by stairs on the east side and a ramp on the west side. The ground surface contains a combination of pavement and grass, and is mainly used for public gatherings, such as breakfasts, receptions, weddings and parties for up to 500 people. There are benches throughout the open space. The total area of Yerba Buena Gardens, including the East Garden is approximately 183,920 square feet.*

*Net new Shadow on Yerba Buena Gardens as a result of the Project would occur during two periods each year: March 18 through June 12 (inclusive) and June 29 through September 24 (inclusive), totaling 175 days. The new shadowing would occur entirely during the first hours in the morning. No new shadows are predicted to fall on the Gardens after 8:36 am. When new shadows would occur, the average duration would be 39 minutes and the maximum duration would be 64 minutes. The longest duration shadows would occur on May 5 through 7, and August 5 and 6. The average size of the new shadows would be approximately 15,680 square feet. The largest shadow would be 51,950 square feet, occurring at 7:58 a.m. on August 22.*

*For Yerba Buena East Gardens, net new shadow would occur during March 22 through April 4, and September 7 through September 20, for a total of 28 days. The average duration of net new shadow would be 8 minutes. The net new shadow would occur between 8:34 a.m. and 8:58 a.m., with maximum duration of net new shadow of 13 minutes. The longest duration of net new shadow would occur on March 27 through 29 and September 13 through 15. The average size of the net new shadow would be 51 square feet. The largest shadow would be 150 square feet, occurring at 8:55 a.m. on March 28. As the additional shadow cast by the proposed project would occur for a brief amount of time during select portions of the year and only in the early morning (before 9 a.m.), the additional shadow would be negligible and would not substantially affect the use and enjoyment of Yerba Buena Gardens. Therefore, the impact of new shadow on from the proposed project on Yerba Buena Gardens would be less than significant.*

Yerba Buena Lane

*Yerba Buena Lane is an approximately 27,430 square-foot, 550-foot-long pedestrian lane northwest of Yerba Buena Garden, between Mission Street and Market Street. St. Patrick's Church is located east of the lane, and the Marriott Hotel is located west of the lane. There are retail stores along the west side of the lane. The lane includes seating areas along the walkway. The area is used for both active and passive activities.*

*Net new shadow on Yerba Buena Lane as a result of the proposed Project would occur during March 24 through April 13, and August 29 through September 18, totaling 42 days. The average duration of the daily net new shadow would be 17 minutes. The net new shadow would occur between 7:44 a.m. to 8:15 a.m. and the maximum duration of the net new shadow would be 26 minutes, occurring on April 6 and September 5 and 6. The average size of the new shadows would be approximately 1,250 square feet. The largest shadow predicted would be approximately 1,800 square feet, occurring at 8:06 a.m. on March 28. As the additional shadow cast by the proposed project would occur for a brief amount of time during select portions of the year and only in the early morning hours (before 8 am), the additional shadow would be negligible and would not substantially affect the use and enjoyment of Yerba Buena Lane. Therefore, the impact of new shadow on from the proposed Project on Yerba Buena Lane would be less than significant.*

Moscone Pedestrian Laneway

*Located approximately 0.06 miles west of the proposed Project on the east side of Third Street, Moscone Pedestrian Laneway is a 6,280 sf pedestrian-only walkway. The lane is surrounded by low to mid-rise buildings. There are bicycle stands located along the walkway, as well as landscaping. This lane is primarily used for walking.*

*Net new shadow on the Moscone Pedestrian Laneway as a result of the Project would occur during April 10 through September 1, totaling 145 days. The average duration of the daily net new shadow would be 108 minutes. The net new shadow would occur between 8:17 a.m. to 10:37 a.m. and the maximum duration of the net new shadow would be 127 minutes occurring on May 17, 28 and 29, and July 24 and 25. The average size of the new shadows would be approximately 560 square feet. The largest shadow would be 1,240 square feet, occurring at 10:02 a.m. on May 24. As the additional shadow cast by the proposed project would occur in the morning hours and not after 10:38 a.m., the additional shadow would not substantially affect the use and enjoyment of Moscone Pedestrian Laneway. Therefore, the impact of new shadow from the proposed Project on Moscone Pedestrian Laneway would be less than significant.*

#### *Emerald Park*

*Emerald Park is located in front of the residences at 330 Harrison Street. The park is open to the public every day of the year, although there are gates along Harrison Street. The space includes bench seating, a play structure, and a dog run.*

*Net new shadow on Emerald Park as a result of the Project would occur during March 1 through March 9, and October 3 through 15, totaling 22 days. The average duration of the daily net new shadow would be 5 minutes. The net new shadow would occur between 5:27 p.m. to 6:02 p.m. and the maximum duration of the net new shadow would be 10 minutes occurring on October 11 and 12. The average size of the new shadows would be about 208 square feet. The largest shadow would be 620 square feet, occurring at 5:30 p.m. on October 12. As the additional shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year, the additional shadow would be negligible and would not substantially affect the use and enjoyment of Emerald Park. Therefore, the impact of new shadow from the proposed Project on Emerald Park would be less than significant.*

#### *Privately-Owned Public Open Spaces (POPOS)*

##### *Marriott Courtyard A& B*

*Marriott Courtyard A & B is located at 299 Second Street, at the northeast corner of Folsom Street and Second Street, with a total area of approximately 2,570 square feet. It is an outdoor sitting area 4 feet below the sidewalk along Folsom Street. This space is open to the public between 8 a.m. and 5 p.m. The seating areas include umbrellas and tall landscaping along the sidewalk of Folsom Street. This area is paved with concrete and has small planters along the perimeter of the courtyard.*

*Net new shadow on the Marriott Courtyard A & B as a result of the Project would occur during August 12 through April 29, totaling 261 days. The average duration of the daily net new shadow would be 63*

minutes. The net new shadow would occur between 1:50 p.m. to 3:49 p.m. from November through February and between 2:19 p.m. and 5:03 p.m. during March, April, and August through October. The maximum duration of the net new shadow would be 147 minutes occurring on September 27 and 28. The average size of the new shadows would be approximately 560 square feet. The largest shadow would be approximately 1,720 square feet, occurring at 3:38 pm on March 13. The additional shadow from the proposed Project would occur during the mid-afternoon for most of the year and therefore could adversely affect the use and enjoyment of the space, resulting in a significant impact. However, the proposed Project would not result in any significant shadow impacts that were not previously disclosed in the TCDP PEIR, nor would it result in more severe impacts than those identified in the PEIR.

#### 611 Folsom Street Plaza

Folsom Street Plaza is located approximately 0.03 miles to the east of the Project Site and has a total area of approximately 7,680 square feet. The plaza is brick-paved with tall deciduous landscaping along the edge of the sidewalks of Folsom and Second streets. This plaza is used for both active and passive uses. There are three rows of brick benches spanning from the middle of the plaza to the southwest end. The southwest end of the plaza is bound by a white architectural feature approximately 5 feet tall and includes planters. The north side of the plaza is mainly open for pedestrian movement. This plaza is open at all times.

Net new shadow on the 611 Folsom Street Plaza as a result of the proposed Project would occur during March 2 through October 10, totaling 223 days. The average duration of the daily net new shadow would be 163 minutes. The net new shadow would occur between 3:04 p.m. to 6:44 p.m., and the maximum duration of the net new shadow would be 210 minutes, occurring on May 25 to 27, and July 14 to 16. The average size of the new shadows would be approximately 4,170 square feet. The largest shadow would be approximately 7,560 square feet, occurring at 4:40 p.m. on May 12.

As the additional shadow cast by the proposed Project would occur during the later afternoon over a relatively large portion of the park during the majority of the year, the additional shadow would substantially affect the use and enjoyment of the 611 Folsom Street Plaza, which would result in a significant an unavoidable shadow impact. However, the proposed Project would not result in any significant shadow impacts that were not disclosed in the TCDP PEIR, nor would it result in any more severe impacts than identified in the PEIR.

#### Marathon Plaza

Marathon Plaza is located at 303 Second Street, approximately 0.1 miles to the east of the proposed Project Site. It is a large triangular paved plaza facing Second Street. Two sides of the plaza are bordered by midrise buildings. The south half of the plaza is an open paved space with a water fountain in the middle of the area. The north half of the plaza is mainly grass with multiple water features, architectural features and wooden benches. There are some large deciduous trees located on the edge of the open side of the plaza, along Second Street. There is deciduous landscaping along the perimeter of the plaza and small planters and flower beds in parts of the plaza. The plaza has a terraced surface incorporating steps

at multiple places. It is open at all times and primarily used for passive activities. The total area of this POPOS is approximately 22,036 square feet.

Net new shadow on Marathon Plaza from the proposed project would occur from April 6 to September 4, totaling 152 days. The average duration of the daily net new shadow is 40 minutes. The net new shadow would occur between 4:37 p.m. to 6:10 p.m. and the maximum duration of the net new shadow is 81 minutes, occurring on April 20 and August 21. The average size of the new shadows would be approximately 696 square feet. The largest shadow would be approximately 3,435 square feet, occurring at 5:16 p.m. on August 4. The shadow would largely on the western portion of the plaza, which is a sidewalk, and the southern edge of plaza, which contains a fountain surrounded by pavement. Most of the seating area of the plaza, and over 85 percent of the total area of the plaza, is outside of the areas that would be affect by the additional shadow.

As the additional shadow cast by the proposed project would occur for a brief amount of time during select portions of the year, the additional shadow would not substantially affect the use and enjoyment of the Marathon Plaza. Therefore, the impact of new shadow from the proposed Project on Marathon Plaza would be less than significant.

#### Proposed Open Spaces

##### 2nd and Howard Plaza

A proposed open space will be located at 2nd and Howard Street, with a total area of approximately 28,780 square feet. The open space will be linked to the adjacent elevated Transit Center Park and is expected to be one of the entry points to the transit center itself. The site is currently occupied by low-rise buildings, which will be demolished. Portions of these buildings may be re-used as part of the new plaza design. This plaza will be located approximately 0.13 mile to the north of the project site. The concept plan of the plaza includes vertical architectural features at the edge of the sidewalks of Howard and Second streets. The plaza is to incorporate vertical connections between the Transit Center building and the Transit Center park, with a combination of elevators, escalators, ramps, or stairs. Restaurants and retail uses will be incorporated in this plaza. This plaza is expected to be used for both active and passive activities.

Net new shadow on the 2nd and Howard Plaza as a result of the Project would occur during November 18 through January 22, totaling 66 days. The average duration of the daily net new shadow would be 28 minutes. The net new shadow would occur between 11:39 a.m. to 12:30 p.m. and the maximum duration of the net new shadow would be 32 minutes occurring on December 14, 16 to 24, and 26. The average size of the new shadows would be about 350 square feet. The largest shadow would be about 910 square feet, occurring at 11:58 a.m. on December 21. As the park is currently under construction and has not opened, it is not possible to evaluate the impact of the shadow on the use or enjoyment of the park. However, as the additional shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year, the additional shadow would be negligible. Therefore, the impact of new shadow from the proposed Project on the 2nd and Howard Plaza would be less than significant.



Oscar Park

*Oscar Park is a proposed 123,150 square-foot public open space between Howard Street and Folsom Street. Located approximately 0.16 mile to the northeast of the proposed Project, this open space will be underneath the Bay Bridge ramp. There will be elevation changes throughout the park site, which will occur through a series of ramps, stairs and sloping pads. The major features of this park will include an outdoor playground, sun deck, outdoor sports and exercise areas, beer garden, bike parking and repair area, bike lane and seating benches/ waiting areas in the middle portion of the park, along Clementina Street. The open space on the east side of Clementina Street is planned for flexible event and play space, retail space, climbing structures, public art and outdoor seating areas. The west side of the park is mainly planned for passive activities. The park is planned to be open in the spring of 2022.*

*Net new shadow on Oscar Park as a result of the proposed Project would occur during October 2 through March 10, totaling 160 days. The average duration of the daily net new shadow would be 107 minutes. The net new shadow would occur between 12:26 p.m. to 3:46 p.m. and the maximum duration of the net new shadow would be 171 minutes occurring on November 28. The average size of the new shadows would be approximately 2,460 square feet. The largest shadow would be approximately 12,830 square feet, occurring at 2:37 p.m. on November 26, and would occur along the northern and eastern edge of the park.*

*As the park is currently under construction and has not opened, it is not possible to evaluate the impact of the shadow on the use or enjoyment of the park. However, as the additional shadow cast by the proposed Project would occur over a small portion of the total area of the park, the impact of new shadow from the proposed project on Oscar Park would be less than significant.*

Essex Street Hillside

*Essex Street Hillside is a proposed public open space, planned to be located near the northeast corner of Essex Street and Folsom Street, approximately 0.17 miles northeast of the Project Site. This 23,740 square-foot open space will contain grass with landscaping in isolated areas. The major features of this open space will include a dog park, a children's play area including Guy Place slide, and the Lansing stairs. A basketball court is planned on the northeast side, and Oscar Park would be located across the street, on the south side of Folsom Street. The open space will be used for both active and passive activities and is scheduled to open in 2022.*

*Net new shadow on Essex Street Hillside as a result of the Project would occur during March 1 through April 20, and August 21 through October 11, totaling 103 days. The average duration of the daily net new shadow would be 57 minutes. The net new shadow would occur between 3:27 p.m. to 5:31 p.m., and the maximum duration of the net new shadow would be 89 minutes on March 16. The average size of the new shadow would be approximately 2,000 square feet. The largest shadow would be approximately 7,050 square feet, at 4:36 p.m. on September 11, and would occur on the southeastern edge of the space.*

*As the park is currently under construction and has not opened, it is not possible to evaluate the impact of the shadow on the use or enjoyment of the park. However, as the additional shadow cast by the proposed Project would occur over a small portion of the total area of the park, the impact of new shadow from the proposed Project on Essex Street Hillside would be less than significant.*

Conclusion

*Although the proposed Project would result in a substantial increase in shadow on two existing POPOS (Marriott Courtyard A & B and 611 Folsom Street Plaza), which would result in a significant and unavoidable impact, this conclusion is consistent with the shadow analysis in the TCDP PEIR. The significant shadow impacts were disclosed in the TCDP PEIR, and the proposed Project would not result in substantially more severe impacts than those identified in the PEIR.*

*The shading duration, location and amount is consistent with the requirements of Planning Code Section 147 and the shading does not substantially adversely affect the usability of the area. These nearby POPOS are developed in conjunction with, and adjacent to, high-rise development, providing open spaces focused to serve the occupants of, and visitors to, those developments. As such, these downtown POPOS are expected to have shadow and sunlight conditions that are generally similar to nearby pedestrian areas, in that they are shadowed daily by related or other nearby high-rise buildings. In addition, the amount of shadow cast on each of these POPOS would vary based on time of day, time of year, the height and bulk of intervening existing and proposed development, and climatic conditions (clouds, fog, or sun) on a given day. Shading would occur as well on nearby streets and sidewalks, and other open spaces as described above, but would not result in additional or more severe shadow impacts than were analyzed in the TCDP PEIR.*

- M. Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).** Within the C-3 zoning districts, new buildings are required to be shaped, or other wind-baffling measures adopted, so that the building will not cause ground-level wind currents to exceed the comfort level of 11 m.p.h equivalent wind speed in areas of substantial pedestrian use or 7 m.p.h. equivalent wind speed in public seating areas, for more than 10 percent of the time year-round, between 7 am and 6 pm. If pre-existing wind speeds exceed the comfort level, or if the building would cause speeds to exceed the comfort level, the building should be designed to reduce wind speeds to the comfort level.

*Independent consultants RWDI analyzed ground-level wind currents in the vicinity of the Project Site, and performed a wind tunnel analysis of three scenarios: existing, existing plus Project, and Project plus cumulative. The study ("Wind Study") measured wind speeds for the existing, existing plus Project, and cumulative scenario. As with the PEIR wind study, the cumulative scenario included a model of all relevant surrounding buildings and topography within a 1,600 foot radius of the Project Site. The model included 37 grade-level wind speed sensors to measure wind speeds in crucial pedestrian areas, including the main entrance and sidewalks along adjacent and nearby streets. The number of test points in the project vicinity were greater than the number of locations in the project vicinity addressed in the TCDP PEIR wind study.*

*Therefore, the wind assessment provides a more fine-grained analysis than the PEIR of the Project's potential wind impacts.*

*Pedestrian comfort effects related to wind are evaluated based on criteria in the Planning Code and are provided for informational purposes. There are no applicable thresholds of significance under CEQA that have been adopted by the City with respect to pedestrian comfort relative to wind. Under existing conditions, wind speeds are predicted to average 12 m.p.h. across all measured locations on pedestrian walkways. Wind speeds east of the Project Site are anticipated to be moderate, generally ranging between 6 and 11 m.p.h., while most areas west of the Project Site are generally anticipated to exceed the 11 m.p.h. criterion of the Planning Code. Under the existing plus Project scenario, average wind speeds around the project site would be expected to increase slightly, resulting in a 13 m.p.h. average wind speed for all grade-level locations. Under the Project plus cumulative scenario, the addition of surrounding future developments would not be anticipated to substantially change wind comfort conditions around the Project Site. The average wind speed would remain similar to the existing plus Project scenario, at 13 m.p.h.*

*However, the proposed Project will result in new or additional exceedances of the comfort criterion at 7 of the 37 locations tested under the Wind Study. These include the following locations within the immediate vicinity of the Project Site: #4 (northeast corner of Hawthorne and Folsom Streets); #8 (north side of Folsom, midblock between Hawthorne and Second Streets); #13 (south side of Folsom, midblock between Hawthorne and Second Streets); #14 (south side of Folsom, midblock between Hawthorne and Second Streets); #24 (south side of Folsom, midblock between Hawthorne and Third Streets); #32 (west side of Hawthorne, midblock between Folsom and Howard Streets); and #33 (west side of Hawthorne, midblock between Folsom and Howard Streets). New exceedances would occur at locations #8, #13, and #14, with an average increase in wind speed of approximately 5 miles per hour. For existing exceedance locations #4, #24, #32, and #33, three of those locations (#4, #24, and #32) would experience an average increase in wind speed of approximately 2 miles per hour, while one location (#33) would remain the same with no increase in wind speed. Moreover, of the 15 existing exceedance locations, 12 locations will be reduced or remain the same with the addition of the Project. In addition, The Wind Study found that the proposed Project would reduce the number of locations that exceed the hazard criterion from three to two.*

*Although the Project was designed to reduce the ambient wind speeds, the proposed building cannot be shaped and other wind-baffling measures cannot be adopted to further reduce wind speeds without physically precluding the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915 et seq., the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver from the ground-level wind current requirements under Planning Code 148.*

- N. **Off-Street Parking (Section 151.1).** The Planning Code does not require any off-street parking spaces be provided, but instead provides maximum parking amounts based on land use type. Off-street accessory parking for all non-residential uses in the C-3-O (SD) zoning district is limited

to 3.5% of the gross floor area for such uses. For residential uses, one off-street parking space is principally permitted for every two dwelling units.

*The Project would provide 103 off-street accessory parking spaces for the 392 dwelling units, which, equates to a parking ratio of approximately 0.26 spaces/dwelling unit. The independently-accessible parking spaces would be located within four levels of a below-grade garage. Pedestrian connections on basement levels 1 and 2 would allow building tenants access to the adjacent below-grade garage located at 75 Hawthorne Street containing approximately 118 accessory parking spaces. While building tenants would have the ability to lease unbundled parking spaces within the 75 Hawthorne Street garage (or any other off-site location for that matter), the 103 spaces provided within the subject garage are solely intended for the users of the Project. As such, no parking spaces within 75 Hawthorne are counted towards the maximum accessory parking count for the Project. Further, the Project does not include any accessory parking for the retail sales and service uses. As the parking ratio for residential uses (0.26 spaces/dwelling unit) is less than the maximum permitted by Code (0.5 spaces/dwelling unit), the Project therefore complies with Section 151.1*

- O. **Off-Street Freight Loading (Sections 152.1, 153, 154).** The Planning Code requires certain amounts of off-street freight loading space based on the type and size of uses in a project. For office, 0.1 spaces are required for every 10,000 gsf, rounded to the nearest whole number. For hotels and residential units, 2 off-street spaces are required between 200,001 and 500,000 gsf of each use, and hotel and residential uses exceeding 500,000 gsf are required 3 spaces, plus one space for each additional 400,000 gsf. No building in the C-3-O (SD) District can be required to provide more than six off-street freight loading or service vehicle spaces in total. Pursuant to Section 153(a)(6), two service vehicle spaces can be substituted for one required freight loading space if at least 50% of the required number of freight loading spaces are provided. Planning Code Section 154 sets forth standards as to location and arrangement of off-street freight loading and service vehicle spaces. Off-street loading spaces are required to have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except that the first freight loading space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

*The Project would provide 3 off-street freight loading spaces meeting the dimensional requirements of the Code, with two service vehicle spaces substituted for one required freight loading, pursuant to Section 154(b)(2). The 20-foot wide garage entrance along the Hawthorne Street frontage provides a shared opening for off-street parking and loading, which, is encouraged per Code Section 155(s)(4)(a)). As the minimum number of required off-street freight loading is provided, the Project therefore complies with Sections 152.1, 153, and 154.*

- P. **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages (Section 155(r)).** The Planning Code prohibits curb cuts along Folsom Street from 2nd Street to 13th Street for garage entries, private driveways, or other direct access to off-street parking or loading, except when the curb cut would create new publicly-accessible streets and alleys.

*The Project Site is a corner lot with two street frontages. Planning Code Section 155(r)(2)(HH) prohibits curb cuts along Folsom Street from 2nd Street to 13th Street. Therefore, Hawthorne Street is the only street frontage available for a new curb cut. The Project would include a new 25'-8" curb cut along Hawthorne Street, accessing the below-grade garage for off-street parking and freight loading. The 20-foot wide garage entrance along the Hawthorne Street frontage provides a shared opening for off-street parking and loading, which, is encouraged per Code Section 155(s)(4)(a)). As the Project includes a new curb cut on an unrestricted street frontage, the Project therefore complies with Section 155(r).*

- Q. Off-Street Parking and Loading in C-3 Districts – Parking and Loading Access (Section 155(s)(4)).** The Planning Code restricts any single development to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. Within the C-3 Zoning District, the maximum permitted width of a shared parking and loading garage opening is 27 feet.

*The Project includes a single 20-foot wide garage entrance along the Hawthorne Street frontage, providing a shared opening for off-street parking and loading, which, is encouraged per Code Section 155(s)(4)(a)). Therefore, the Project complies with Section 155(s)(4).*

*Related to passenger loading, the Project would remove the existing 40-foot on-street yellow loading space on the east side of Hawthorne Street immediately adjacent to the project site, and the existing 78-foot on-street white passenger loading space on the north side of Folsom Street (immediately adjacent to the project site). The proposed project would apply to the San Francisco Municipal Transportation Agency's (SFMTA) Color Curb Program to implement a 30-foot long commercial (yellow curb) loading zone (inclusive of two 15-foot long commercial loading spaces), a 35-foot long passenger (white curb) loading zone (inclusive of one 20-foot long passenger loading space and one 15-foot long passenger loading space), and a 10-foot red zone for a loading access ramp along the east side of Hawthorne Street adjacent to the Project Site.*

- R. Bicycle Parking (Sections 155.1, 155.2).** The Planning Code establishes bicycle parking requirements for new developments, depending on use. For projects with over 100 residential dwelling units, 100 Class 1 spaces are required, plus 1 additional space for every four units over 100. One Class 2 space is required for every 20 dwelling units. For office, one Class 1 space is required for every 5,000 occupied square feet, and two Class 2 spaces are required for the first 5,000 gross square feet, plus one Class 2 space for each additional 50,000 occupied square feet. One Class 1 space is required for every 7,500 square feet of occupied floor area devoted to Restaurants, Limited Restaurants, and Bars. One Class 2 space is required for every 750 square feet of occupied retail area devoted to Restaurants, Limited Restaurants, and Bars, and in no case less than two Class 2 spaces. For hotel use, one Class 1 space and one Class 2 space is required for every 30 hotel rooms, plus one Class 2 space for every 5,000 square feet of occupied floor area of conference, meeting or function rooms. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by residents and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

*The Project includes 184 Class 1 and 24 Class 2 bicycle parking spaces (where 173 Class 1 and 22 Class 2 spaces are required by Code). The Class 1 bicycle parking spaces will be located on the second floor, within a secure, weather-projected facility, with independent access via an elevator meeting the dimensional requirements of the Code. The Class 2 bicycle parking spaces will be located along the both the Hawthorne and Folsom Street frontages. Therefore, the Project complies with Sections 155.1 and 155.2.*

- S. **Transportation Management Programs (Section 163).** The Planning Code requires, for all applicable projects, that property owner provide on-site transportation brokerage services for the actual lifetime of the project.

*The Project contains over 100,000 square feet of residential use (or 100 dwelling units) and is therefore subject to the requirements of Section 163. The Project will provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of a temporary permit of occupancy, the property owner shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services. Therefore, the Project complies will Section 163.*

- T. **Car Sharing (Section 166).** The Planning Code establishes requirements for new developments to provide off-street parking spaces for car-sharing services. The number of spaces depends on the amount and type of residential or office use. One car share space is required for any project with between 50-200 residential units. Projects with over 200 residential units but less than 400 units require two spaces. For non-residential uses, one space is required if the project provides 25-49 off-street spaces for those uses. One car share space is required for every 50 additional parking spaces devoted to non-residential use. The car-share spaces must be made available to a certified car-share organization at the building site or within 800 feet of it.

*The Project includes 4 car share spaces for the residential use (392 dwelling units) where 4 are required by Code. Therefore, the Project complies with Section 163.*

- U. **Unbundled Parking (Section 167).** The Planning Code requires all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.

*The Project will lease or sell all accessory off-street parking spaces separately from the rental or purchase fees for dwelling units for the life of the dwelling units. Therefore the Project complies with Section 167.*

- V. **Transportation Demand Management (TDM) Plan (Section 169).** The Planning Code requires applicable projects to finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit.

*The Project submitted a completed Environmental Evaluation Application prior to July 14, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 11 points (50% of 22). As currently proposed, the Project will achieve its required 14 points through the following TDM measures:*

- Parking Supply (Option G)
- Unbundled Parking (Option C)
- Bicycle Parking (Option A)
- Car Share Parking (Option A)

*Therefore the Project complies with Section 169.*

- W. Dwelling Unit Mix (Section 207.7).** The Planning Code requires that no less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms and that no less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three bedroom requirement may also count towards the requirement for units with two or more bedrooms

*The Project will provide the following dwelling unit mix: 199 one-bedroom units (51%), 144 two-bedroom units (37%), and 49 three-bedroom units (12%). With 49% of the dwelling units containing at least two bedrooms, the Project exceeds the dwelling unit mix requirement. Therefore, the Project complies with Section 207.7.*

- X. Height (Section 260).** Planning Code requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height.

*The Project is located within a 320-I Height and Bulk District; as such, the total height of the building is otherwise limited to 320 feet above grade. The Project proposes a structure reaching a height of 443'-9" feet to the top of the last occupiable story, with mechanical equipment and penthouses above, reaching a height of 462'-3". Up to 20 feet for rooftop mechanical equipment and screening for such feature are exempt from the height measurements of the Code, under Section 260(b)(1)(F)(ii). The additional height allows the Project to achieve the permitted 35% density bonus under the State Density Bonus Program, thereby adding 10 additional floors, or 101 additional dwelling units. The building has been designed with setbacks so that the massing will not overwhelm the corner of Folsom and Hawthorne Streets, helping to reinforce a pedestrian scale. Beginning at the sixth floor (or approximately 63' feet above grade), the building establishes a distinctive streetwall, with a 5'-6" setback for a length of 100 feet on the Hawthorne Street façade and a 40' setback for a length of 36'-6" along the Folsom Street façade. Together, these setbacks help reduce the apparent massing of the Project while providing 3,204 square feet of open space on the 5th floor that is open to the sky above. Changes in the depth of both the Hawthorne and Folsom Street façades above the 6th floor, as well as changes in materials provide variety and architectural articulation.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional 101 dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for height, which are defined in Section 250.*

- Y. **Bulk (Section 270).** The Planning Code establishes bulk controls by district. The Project Site is located in the "I" Bulk District, where controls apply above 150 feet in height. Above 150 feet in height, the maximum plan length is 170 feet and the maximum diagonal dimension is 200 feet.

*The Project's maximum plan length is 150'-4" and maximum diagonal dimension is 187'-10", both of which are under the limits established by Code. Therefore the Project is compliant with Section 270.*

- Z. **Shadows on Parks (Section 295).** The Planning Code requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

*The Planning Department prepared an initial shadow fan that indicated the proposed Project may cast a shadow on Guy Place Park ("Park"), a property under the jurisdiction of the San Francisco Recreation and Park Department ("Recreation and Park Department"). The Park will be located at 4-8 Guy Place, in the Rincon Hill neighborhood, with a total area of approximately 4,000 square feet. The concept plan of the Park includes columns with vegetation around the perimeter, and a row of columns with vegetation through the middle section of the Park. The Park will include a combination of grass and granite pavement, with benches and water features in three separate areas.*

*As the Park is currently under construction and has not opened, it is not possible to conduct site visits to observe park use. Without information about observations of park use, it is not possible to assess the effects of shading on the use and enjoyment of the park for the purpose of environmental evaluation pursuant to the California Environmental Quality Act (CEQA). An assessment of shadow impacts on the use and enjoyment of a park that is under construction would be speculative, and therefore, pursuant to the CEQA guidelines section 15145, should not be considered when making an impact determination.*

*To evaluate the design of the Project, a project-specific shadow study ("Shadow Study") was performed using a detailed 3-D model. The analysis performed by RWDI consultants modeled the proposed Project and site consistent with the projects architectural and engineering plan description in addition to utilizing high resolution topography mapping. RWDI's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow*



*[Sections 146(c), 147, and 260(b)(1)(M)], and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.*

*The Shadow Study indicates the existing shadow on the proposed Park would be approximately 11,597,777 square foot-hours, which is 72.34 percent of theoretically available annual sunlight. With the proposed Project, Guy Place Park would be shaded for an additional 1,949 square-foot-hours during the year, an increase of 0.01 percent. Shadowing of Guy Place Park from the Project would occur during January 29 through January 31, February 6 through March 1, and October 11 through November 11, for a total of 59 days. The average duration of the daily net new shadow would be 11 minutes. The net shadow would occur between 3:23 p.m. to 4:18 p.m. during November, January, and February, and between 4:23 p.m. and 5:05 p.m. during March and October. The maximum duration of the net new shadow would be 16 minutes occurring on February 18 and February 20. The average size of the net new shadows would be approximately 180 square feet. The largest shadow would be predicted to be approximately 534 square feet, occurring at 3:56 p.m. on February 16.*

*However, as the additional 0.01 percent shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year, the additional shadow on the Park as a result of the Project would be negligible. Therefore, the impact of new shadow from the proposed project on Guy Place Park would not be adverse and is not expected to interfere with the use of the Guy Place Park.*

*On June 5, 2019 the Capital Committee of the Recreation and Park Commission, and on June 20, 2019, the full Recreation and Park Commission conducted duly noticed public hearings at regularly scheduled meetings and recommended, through Resolution No. 1906-012, that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Guy Place Park.*

- AA. **Inclusionary Affordable Housing Program (Section 415).** The Planning Code sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on July 14, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 18% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on January*

25, 2019. *The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application.*

*The Environmental Evaluation Application was accepted on July 14, 2016; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide a minimum of 18% of the total proposed dwelling units as affordable. The on-site Inclusionary rate is broken into three separate income tiers: 10% of the units must be made available to low-income households with affordable rents set 55% AMI, 4% must be made available to moderate income households with rents set at 80% AMI, and 4% must be made available to middle-income households with rents set at 120% AMI. A Project Sponsor may use their on-site Inclusionary units to qualify for a density bonus under the State Density Bonus Law ("State Law"). In order to achieve the maximum allowable bonus density (35%) under the State Density Bonus Law, the Project must provide a minimum of 11% of the units available to very low-income households (up to 50% AMI). The Project Sponsor has reduced the affordable rental rates from 55% AMI to 50% AMI, and has increased the number of affordable units provided at 50% AMI by 1%. Therefore, the effective inclusionary rate is 19% as applied to the 291 units representing the base proportion of the project, or 55 dwelling units (28 one-bedroom, 20 two-bedroom, and 7 three-bedroom units). If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

7. **State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

**A. The Housing Project is eligible for the Individually Requested Density Bonus Program.**

*The Project consists of five or more dwelling units on a site that in the C-3-O(SD) Zoning District that is currently developed as a five-story structure containing only non-residential uses (office use) and is, therefore, eligible for the Individually Requested Density Bonus Program.*

**B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.**

*The Project is requesting waivers from six development standards and is not seeking any concessions or incentives under the Individually Requested Density Bonus Program.*

**C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.**

*The Project includes the demolition of the existing five-story office building and construction of a new 42-story residential building. The Project would contain a mix of 199 one-bedroom units, 144 two-*

*bedroom units, and 49 three-bedroom units totaling 392 dwelling units, with 55 dwelling units provided as affordable.*

*In order to achieve the proposed residential density, the Project is requesting six waivers from development standards, including: 1) Setbacks and Streetwall Articulation (Section 132.1(c)(1)); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135(g)); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Height (Section 250). Without the waivers, the Project will be physically precluded from constructing the additional 101 units as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 35% density bonus.*

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.**

*The Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.*

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.**

*The requested Density Bonus for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.**

*The Project is not seeking any concessions or incentives under the Individually Requested Density Bonus Program.*

- 8. General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the Transit Center District Plan ("TCDP") (a sub-area of the Downtown Area Plan), the Downtown Area Plan, and the General Plan as follows:

## **GENERAL PLAN: HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

#### **Policy 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

**Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

**OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

**OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.4:**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**Policy 12.2**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

**Policy 12.3**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

Support "smart" regional growth that located new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

**GENERAL PLAN: URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**OBJECTIVE 1**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**Policy 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

**GENERAL PLAN: TRANSPORTATION**

**OBJECTIVE 2**

USE THE EXISTING TRANSPORTATION INFRASTRUCTURE AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

**Policy 2.1**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development and coordinate new facilities with public and private development.

**DOWNTOWN AREA PLAN**

**OBJECTIVE 2**

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

**Policy 2.1**

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

**Policy 2.2**

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

**OBJECTIVE 7**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

Facilitate conversion of underused industrial and commercial areas to residential use.

**OBJECTIVE 10**

ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

**Policy 10.2**

Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

**TRANSIT CENTER DISTRICT PLAN: LAND USE**

**Policy 1.2:**

Revise height and bulk districts in the Plan Area consistent with other Plan objectives and considerations.

**Policy 1.4:**

Prevent long-term under-building in the area by requiring minimum building intensities for new development on major sites.

**TRANSIT CENTER DISTRICT PLAN: URBAN FORM**

**OBJECTIVE 2.2:**

CREATE AN ELEGANT DOWNTOWN SKYLINE, BUILDING ON EXISTING POLICY TO CRAFT A DISTINCT DOWNTOWN "HILL" FORM, WITH ITS APEX AT THE TRANSIT CENTER, AND TAPERING IN ALL DIRECTIONS.

**OBJECTIVE 2.3:**

FORM THE DOWNTOWN SKYLINE TO EMPHASIZE THE TRANSIT CENTER AS THE CENTER OF DOWNTOWN, REINFORCING THE PRIMACY OF PUBLIC TRANSIT IN ORGANIZING THE CITY'S DEVELOPMENT PATTERN, AND RECOGNIZING THE LOCATION'S IMPORTANCE IN LOCAL AND REGIONAL ACCESSIBILITY, ACTIVITY, AND DENSITY.

**Policy 2.3:**

Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.

**OBJECTIVE 2.12:**

ENSURE THAT DEVELOPMENT IS PEDESTRIAN-ORIENTED, FOSTERING A VITAL AND ACTIVE STREET LIFE.

**OBJECTIVE 2.13:**

ENACT URBAN DESIGN CONTROLS TO ENSURE THAT THE GROUND-LEVEL INTERFACE OF BUILDINGS IS ACTIVE AND ENGAGING FOR PEDESTRIANS, IN ADDITION TO PROVIDING ADEQUATE SUPPORTING RETAIL AND PUBLIC SERVICES FOR THE DISTRICT.

### **TRANSIT CENTER DISTRICT PLAN: PUBLIC REALM**

#### **OBJECTIVE 3.8**

ENSURE THAT NEW DEVELOPMENT ENHANCES THE PEDESTRIAN NETWORK AND REDUCES THE SCALE OF LONG BLOCKS BY MAINTAINING AND IMPROVING PUBLIC ACCESS ALONG EXISTING ALLEYS AND CREATING NEW THROUGH-BLOCK PEDESTRIAN CONNECTIONS WHERE NONE EXIST.

#### **Policy 3.11**

Prohibit the elimination of existing alleys within the District. Consider the benefits of shifting or re-configuring alley alignments if the proposal provides an equivalent or greater degree of public circulation.

#### **Policy 3.12**

Design new and improved through-block pedestrian passages to make them attractive and functional parts of the public pedestrian network.

#### **OBJECTIVE 4.1:**

THE DISTRICT'S TRANSPORTATION SYSTEM WILL PRIORITIZE AND INCENTIVIZE THE USE OF TRANSIT. PUBLIC TRANSPORTATION WILL BE THE MAIN, NON-PEDESTRIAN MODE FOR MOVING INTO AND BETWEEN DESTINATIONS IN THE TRANSIT CENTER DISTRICT.

#### **Policy 4.5:**

Support funding and construction of the Transbay Transit Center project to further goals of the District Plan, including completion of the Downtown Extension for Caltrain and High Speed Rail.

*The Project is located within an existing high-density downtown area which was re-zoned as part of an area plan to design development around the Transbay Transit Center. The Transbay Transit Center is designed to be the Bay Area's hub of intermodal public transportation, with corresponding infrastructure improvements in this area of downtown. The overarching premise of the Transit Center District Plan ("TCDP") is to continue the concentration of additional growth where it is most responsible and productive to do so—in proximity to San Francisco's greatest concentration of public transit service. The increase in development, in turn, will provide additional revenue for the Transit Center project and for the necessary improvements and infrastructure in the District. Meanwhile, the well-established Downtown Plan envisions a series of high-density residential areas ringing the area, enabling people to live within walking distance of the central business district. The integration of housing reduces the burden on the transit systems, and helps to enliven the central district. This Project implements the vision of both Plans through the construction of 392 dwelling units located within walking distance of the Transbay Transit Center, as well as the Downtown Core.*



*One of the specific goals of the Transit Center Plan is to leverage increased development intensity to generate revenue that will enable the construction of new transportation facilities, including support for the Transbay Transit Center, including the Downtown Rail Extension. These revenues will also be directed toward improvements to sidewalks and other important pedestrian infrastructure to create a public realm that is conducive to, and supportive of pedestrian travel. With approximately 476,000 gross square feet of residential uses, including approximately 3,500 gross square feet of retail uses, the Project will contribute substantial financial resources toward these improvements, and will also serve to leverage these investments by focusing intense employment growth within the core of planned transportation services.*

*The Project would add a significant amount of housing to a site that is currently underutilized, well-served by existing and future transit, and is within walking distance of substantial goods and services. Future residents can walk, bike, or access BART, MUNI, or regional bus service from the Project Site, including all future modes of public transportation proposed to terminate in nearby Transbay Transit Center.*

**BB. Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing given the existing building contains only non-residential uses (office use). The Project would improve the existing character of the neighborhood by developing a high-density residential structure with 392 dwelling units, including on-site affordable units.*

3. That the City's supply of affordable housing be preserved and enhanced,

*The Project Site is developed as a five-story building containing only non-residential uses (office use). As such, no existing resident units will be removed. The Project will provide 392 dwelling units, adding to the City's housing supply. The Project will comply with the City's Inclusionary Affordable Housing Ordinance, providing 19 percent of the units as affordable (55 Below Market Rate units provided on-site), as well as paying the Affordable Housing Fee for the bonus density floor area conferred through the State Density Bonus Program.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services. The Project also provides a minimum amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project is wholly a residential building and would not negatively affect the industrial and service sectors, nor would it displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by neighborhood serving retail and residential high-rise buildings.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

7. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development.

*A Shadow Study indicates the proposed Project would cast a shadow on Guy Place Park ("Park"), a property under the jurisdiction of the San Francisco Recreation and Park Department ("Recreation and Park Department") pursuant to Section 295. The Shadow Study indicates the existing shadow on the proposed Park would be approximately 11,597,777 square foot-hours, which is 72.34 percent of theoretically available annual sunlight. With the proposed Project, Guy Place Park would be shaded for an additional 1,949 square-foot-hours during the year, an increase of 0.01 percent.*

*However, as the additional shadow cast by the proposed Project would occur for a brief amount of time during select portions of the year, the additional shadow on the Park as a result of the Project would be negligible. Therefore, the impact of new shadow from the proposed project on Guy Place Park would be less than significant.*

*Shadow from the proposed Project on public plazas, and other publicly-accessible spaces other than those protected under Section 295 would be generally be limited to certain days of the year and would be limited in duration on those days. Shadow impacts of the proposed Project would be significant and unavoidable on both the Marriott Courtyard A & B and the 611 Folsom Street Plaza. However, these significant shadow impacts were disclosed in the TCDP PEIR, and the proposed Project would not result in new or substantially more significant impacts related to shadow that were not previously identified in the TCDP PEIR.*

CC. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.*

DD. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

EE. The Commission hereby finds that approval of the Downtown Project Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2016-001794DNX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 29, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the Transit Center District Plan EIR and contained in the MMRP are included as Conditions of Approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 309 /Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 19, 2019.

Jonas P. Ionin  
Commission Secretary

Draft Motion  
Hearing Date: September 19, 2019

RECORD NO. 2016-001794DNXSHD  
95 Hawthorne Street

AYES:

NAYS:

ABSENT:

ADOPTED: September 19, 2019

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Make Findings Related to Requested Waivers from Development Standards Pursuant to State Density Bonus Law** relating to a project that would demolish an existing 5-story commercial office building and construct of a new 42-story, approximately 444-foot tall residential building, located at 95 Hawthorne Street, within Lot 012 of Assessor's Block 3735, within the C-3-O(SD) Zoning District and a 320-I Height and Bulk District; in general conformance with plans, dated **May 29, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-001794DNXSHD** and subject to conditions of approval reviewed and approved by the Commission on **September 19, 2019** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 19, 2019** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project Sponsor must obtain an allocation of allowable shadow effects to properties protected by Section 295. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of a site permit for all development which exceeds the base FAR of 6.0 to 1, up to an FAR of 9.0 to 1. The net addition of gross floor area subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



11. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
14. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
15. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: building frontage. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

16. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.  
*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*
17. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
18. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
19. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

20. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM

Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

*For information about compliance, contact the TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 415-558-6377, [www.sf-planning.org](http://www.sf-planning.org).*

21. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

22. **Car Share.** Pursuant to Planning Code Section 166, no fewer than 4 car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

23. **Bicycle Parking.** The Project shall provide no fewer than 173 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

24. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than 196 off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

25. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide 3 off-street loading spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

26. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

27. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
28. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*
29. **Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
30. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
31. **Downtown Park Fee - C-3 District.** The Project is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
32. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

33. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

34. **Inclusionary Affordable Housing Program.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

A. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 19% of the proposed dwelling units as affordable to qualifying households. The area represented by the allowable base density accounts for 74% of the total project, or 291 of the proposed 392 units; therefore, the Inclusionary rate is applied to 291 units, and 55 affordable units are required. The Project will fulfill this requirement by providing the 55 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from the Planning Department in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

B. **Unit Mix.** The Project contains 199 one-bedroom, 144 two-bedroom, and 49 three-bedroom units; therefore, the required affordable unit mix is, 28 one-bedroom, 20 two-bedroom, and 7 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

C. **Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 19% of the proposed dwelling units as affordable to qualifying households, which applies to the area represented by the allowable base density, or 291 of the proposed 392 units. . Planning Code 415.6 requires 11% of the units must be affordable to low-income households, at least 4% must be affordable to moderate income households, and at least 4% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area

Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

As required for the project to achieve a 35% density bonus under the State Density Bonus Law, the project sponsor is reducing the rental rates for the low-income units, and providing the required low-income units as affordable for a term of 55 years to households earning less than 50% of the area median income. Upon the expiration of the 55-year term, these units shall thereafter be affordable to qualifying households at a rental rate of 55% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- D. **Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6(f)(2), the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- E. **Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of

conversion. Should the project sponsor convert rental units to ownership units, a greater number of on-site affordable units may be required, as the Inclusionary Affordable Housing Units in ownership projects are priced at higher income levels, and would not qualify for a 35% density bonus at the very low-income level.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- F. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to architectural addenda. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- G. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 19% or the applicable percentage as discussed above, of each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- H. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- I. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- J. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- K. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
  - ii. If the units in the building are offered for rent, the affordable units that satisfy both the Density Bonus law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households earning 50% of AMI in the California Health and Safety Code Section 50105 and or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and income levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to 55% of Area Median Income under the Inclusionary Affordable Housing Program, using an income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco" and shall remain affordable for the remainder of the life of the project. The initial and subsequent rent level of such units shall be calculated



according to the Procedures Manual. The remaining unit(s) being offered for rent shall be rented to qualifying households, as defined in the Planning Code and Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
  - iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  - v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
  - vi. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.
35. **Transit Center District Open Space Fee.** Pursuant to Section 424.6, the Project Sponsor shall pay a fee of to be deposited in the Transit Center District Open Space Fund.  
*For information about compliance, contact the Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
36. **Transit Center District Transportation and Street Improvement Fee.** Pursuant to Section 424.7, the Project Sponsor shall pay a fee which will be deposited in the Transit Center District Transportation and Street Improvement Fund.  
*For information about compliance, contact the Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

37. **Transit Center District Mello Roos Community Facilities District Program.** Pursuant to Section 424.8, the Project Sponsor is required to participate in a Transit Center District Mello Roos Community Facilities District (CFD) and to include the Project Site in the CFD prior to issuance of the First Temporary Certificate of Occupancy for the Project.  
*For information about compliance, contact the Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
38. **Art.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
39. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
40. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

41. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
42. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

43. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

44. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

45. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

46. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

Received at CPC Hearing 9/19/19  
J. Poling

↓ of on-street parking high occupancy LOS D area → drivers queue/circle

Maple driveway 1-2 vehicles/min. ↑250% & 214%

38% ↑ traffic southside Parker, ↑ Euclid bike conflict @ Parker

↑ probability pedestrian-vehicle conflicts: VisionZero failure

Study 2 blocks Parker south → mitigation measures

↓ Garage ceiling-stackers 2 ↓ tallest parts Blocks B&C buildings ↓ CA street-level impact

French Laundry chemicals concern

Greater garage depth ↑ impact archaeological/tribal resources: ↑ radius

“Net” numbers use via reliance on CPMC hospital data not environmentally-friendly.

That prior CPMC EIR hospital stats would be used to analyze 3700 CA not clearly stated nor noticed prior.

4 new low-pressure fire hydrants → safety

61,800 c yds soil/All-phase-workers=738, material=30, hauling=6,552 → 7,320 trips  
Need for Construction/Transportation Management Plan, Contractor Parking Plan, future DELIVERY routes

Rooftop appurtenances NOT in shadow study

-23% street trees—negative

Explicitly list “150 Parker Avenue School” as “Sensitive Receptor” of DEIR Modeling Extent, & as in 3333 Calif EIR.

↓ carshares from 7 to 2 ratio of 3333 Calif

Rose H.

Received at CPC Hearing 9/19/19  
M. Snyder



# SOUTH OF MARKET PLANNING COMMUNITY ADVISORY COMMITTEE

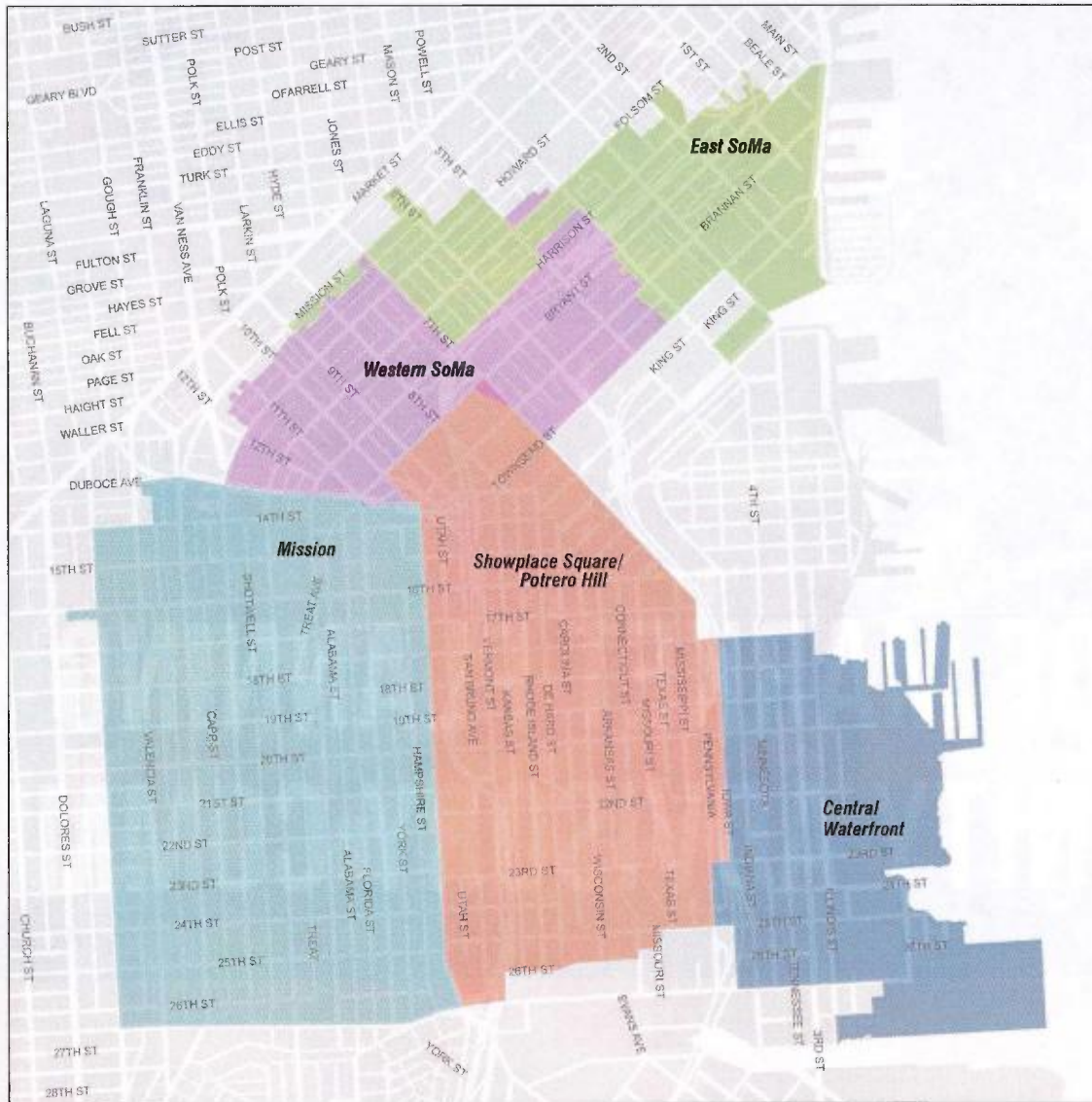
San Francisco Planning Commission | September 19, 2019

San Francisco  
Planning

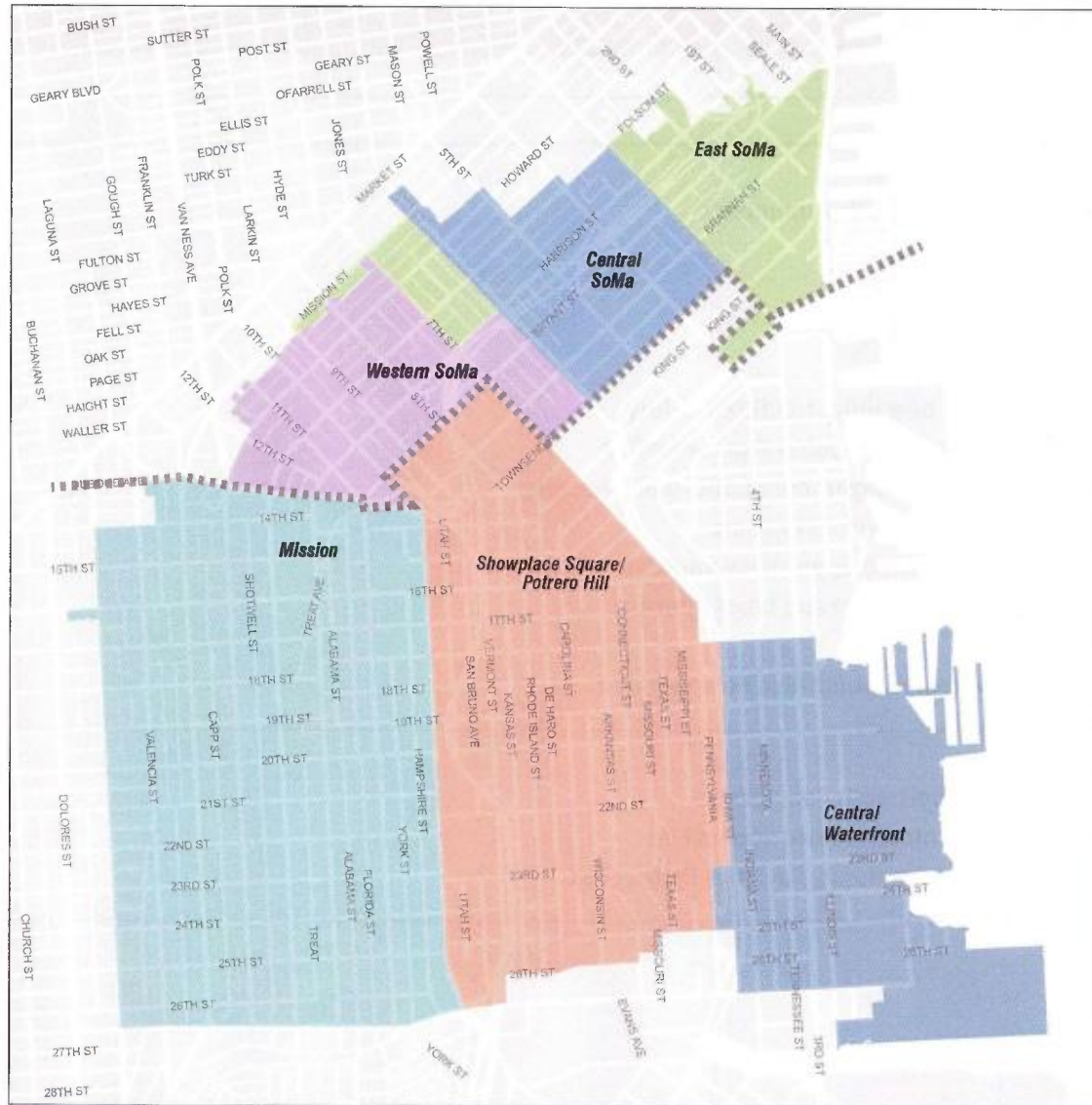


Map  
revised M.

# EASTERN NEIGHBORHOODS / SOUTH OF MARKET CAC GEOGRAPHY



# EASTERN NEIGHBORHOODS / SOUTH OF MARKET CAC GEOGRAPHY



# THE SOUTH OF MARKET PLANNING COMMUNITY ADVISORY COMMITTEE

Geography	<i>SoMa (East, Western, Central)</i>
Staffing	Planning Department
Membership	<p>11 members appointed by:</p> <ul style="list-style-type: none"> <li>• <b>Board (D6 Supervisor):</b> 7 members</li> <li>• <b>Mayor:</b> 4 members</li> </ul> <p><b>Required Areas of Expertise</b></p> <ul style="list-style-type: none"> <li>• Small business</li> <li>• Transit / ped / bike infrastructure / safety</li> <li>• Historic preservation / cultural preservation</li> <li>• Development / management of affordable housing</li> <li>• Provider of social services in Soma</li> <li>• Parks, recreation and open space advocate</li> <li>• Employee development and labor interests</li> </ul> <p>11 alternatives members would also be appointed</p>
Funding Sources	<p><b>Revenues:</b></p> <ul style="list-style-type: none"> <li>• Eastern Neighborhoods Fee – SoMa</li> <li>• Central SoMa Infrastructure Impact Fee</li> <li>• Central SoMa Community Facilities District Tax</li> </ul>





# THE SOUTH OF MARKET PLANNING COMMUNITY ADVISORY COMMITTEE

<b>Project types</b>	<ul style="list-style-type: none"><li>• Transit</li><li>• Complete Streets</li><li>• Recreation and Open Space</li><li>• Child Care</li><li>• <b>Cultural / Historic Preservation</b></li><li>• <b>Environmental Sustainability &amp; Resilience</b></li></ul>
<b>CAC Duties</b>	<ul style="list-style-type: none"><li>• Prioritization of infrastructure funds from sources above</li><li>• Updates to Central SoMa Implementation Program, and relevant Planning and City Codes</li><li>• Monitoring Area Plan implementation</li><li>• Development proposals</li><li>• Design and programming of open space, including POPOS</li><li>• Development of City-owned properties within the area plans</li><li>• Monitor conditions of approval</li><li>• Coordinate with SoMa Stabilization CAC</li></ul>
<b>Sunset</b>	1/1/2035



# THE EASTERN NEIGHBORHOODS COMMUNITY ADVISORY COMMITTEE

	EXISTING	PROPOSED
Geography	Eastern Neighborhoods – East/West SoMa, Showplace Sq/Potrero, Mission, Central Waterfront	Eastern Neighborhoods – <i>Showplace Sq / Potrero, Mission, Central Waterfront</i>
Staffing	Planning Department	Same
Membership	19 members	11 members
Funding Sources	<b>Revenues:</b> Eastern Neighborhoods Community Infrastructure Fee (Sec 423)	<b>Revenues:</b> Eastern Neighborhoods Fee – <i>Showplace Square / Potrero Hill, Mission, Central Waterfront</i>
Project types	Capital funding (% allocations in Sec 423) <ul style="list-style-type: none"> <li>• Complete Streets</li> <li>• Transit</li> <li>• Recreation and Open Space</li> <li>• Childcare</li> <li>• Affordable Housing</li> </ul>	Same as present
CAC Duties	<ul style="list-style-type: none"> <li>• Provide input on prioritization of funding for public benefits (annually advise IPIC as part of City's Capital Plan)</li> <li>• Relay information to community members regarding status of development proposals</li> <li>• Provide input to Area Plan monitoring every 5 years</li> <li>• Feedback on policy/land use issues, as appropriate</li> </ul>	Generally, the same as present, but with more specific language regarding input per EN CAC's recommendation. More specific language regarding in-kinds
Sunset	12/31/2020	12/31/2023



# THE SOUTH OF MARKET STABILIZATION COMMUNITY ADVISORY COMMITTEE

	EXISTING	PROPOSED – 7/30 DRAFT
Geography (of revenues)	Rincon Hill Plan Area (but grants represent all of SoMa)	Same, plus Eastern Neighborhoods – <i>SoMa (East, West, Central)</i>
Staffing	MOHCD	Same
Membership	7 Board-appointed members from: <ul style="list-style-type: none"> <li>• Low-income family</li> <li>• Labor/workforce development</li> <li>• Senior/disability</li> <li>• Affordable housing</li> <li>• Community based organization</li> <li>• Service provider for SoMa families</li> <li>• Small business</li> </ul>	Same, with slight tweaks: <ul style="list-style-type: none"> <li>• Youth member or represents youth-development organizations</li> </ul> <p>7 alternatives also appointed</p>
Funding Sources	SoMa Stabilization Fee (paid by Rincon Hill projects)	<ul style="list-style-type: none"> <li>• SoMa Stabilization Fee</li> <li>• Central SoMa Community Facilities District Tax</li> <li>• Central SoMa Community Facilities Fee</li> </ul>
Project types	Program & capital funds for: Affordable Housing & Rent Assistance, Homeownership Programs, Eviction Prevention, Economic & Workforce Development, Community Based Orgs  No % allocation specified	CS CFD tax: will be programmed according to the categories listed in the Central SoMa Public Benefits Package.  CS Community Facilities Fee: capital facilities for nonprofit & social service organizations.
CAC Duties	Develop and administer a grant fund to implement the projects listed above	Same as present, plus: <ul style="list-style-type: none"> <li>• Provide CAC guidance on MOHCD affordable housing funds</li> <li>• Advise IPIC as part of City’s Capital Plan (same as ENCAC)</li> <li>• Collaborate on Monitoring Report</li> <li>• Coordinate with SoMa CAC</li> </ul>
Sunset	Not specified	1/1/ 2035



*[www.sf-planning.org](http://www.sf-planning.org)*

San Francisco  
**Planning**



I ask that **Commission officers** set 11/21 for Academy of Art University hearing.

That all hearing documents provided to PUBLIC **4 weeks in advance**.

That **staff recommendations** be available **3 weeks** before hearing. So public may review and can submit written comments.

**Development Agreement** not yet available. **Environmental addendum** not released. **Project description NOT final**.

There are now **43 AAU sites**. Several to be abandoned. DEIR had 40 sites.

There has been ZERO outreach to community by DEPARTMENT around AAU sites.

7/5/19 Institutional Master Plan **accepted** 7/25/19.

Not ONE opportunity for housing & tenant organizations to talk to Planning about HOW to protect housing, for AAU to BUILD HOUSING.

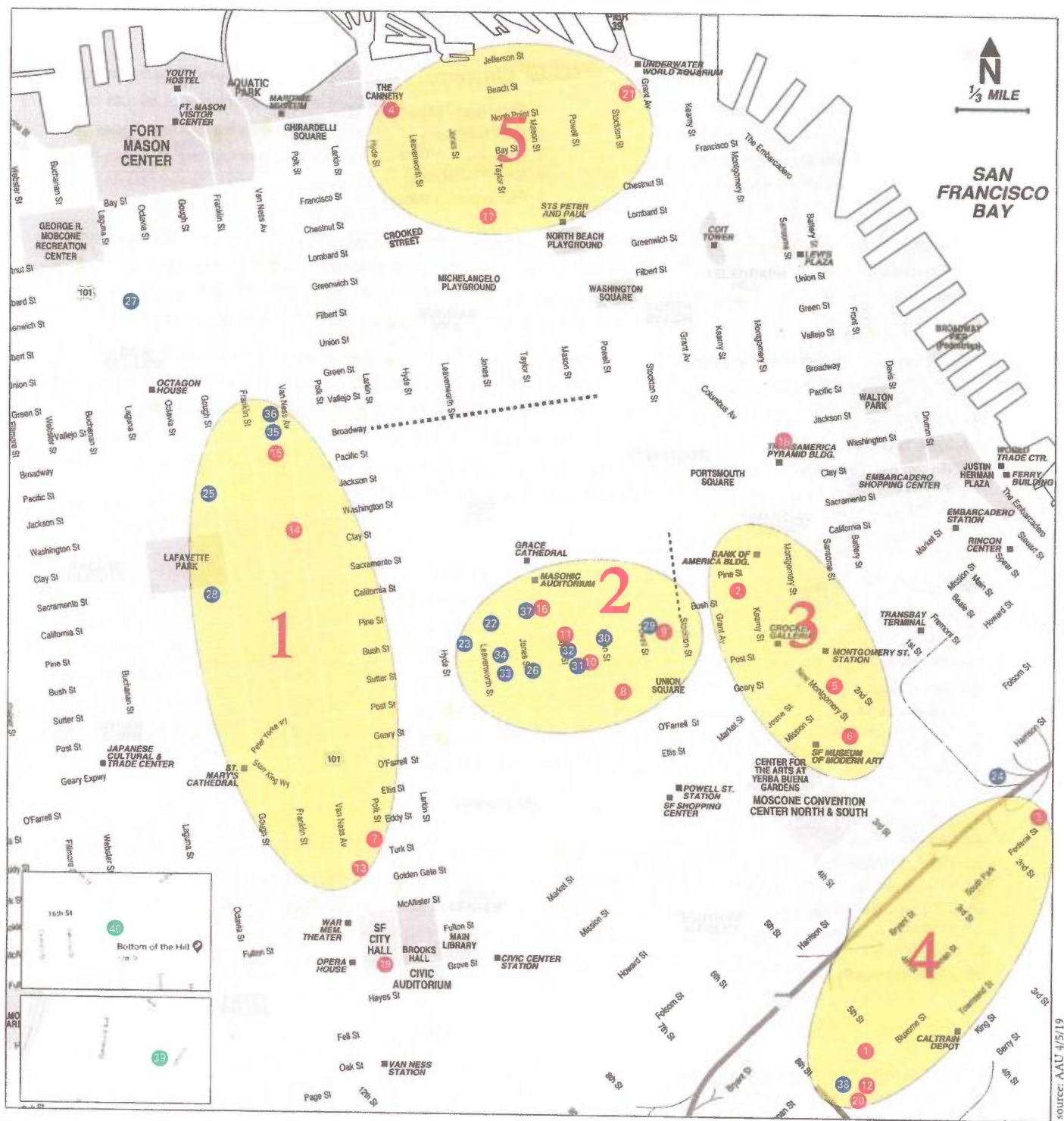
Not ONE opportunity to talk about AAU incursion on Van Ness - with AAU wandering buses.

IMP designed to be FIRST STEP. Instead used as LAST STEP. After private Department Discussions/negotiations with AAU. Hearing is FINAL approval.

Sue Hestor

150 words

# Academy of Art University – Existing Campus



source: AAU 4/5/19

---

**Institutional Sites**

1. 601 Brannan St.
2. 410 Bush St.
3. 58-60 Federal St.
4. 2801 Leavenworth St.
5. 77-79 New Montgomery St.
6. 180 New Montgomery St.
7. 625 Polk St.
8. 491 Post St.
9. 540 Powell St.
10. 625-629 Sutter St.
11. 740 Taylor St.
12. 466 Townsend St.
13. 950 Van Ness Ave./963 O'Farrell St.
14. 1849 Van Ness Ave.
15. 2151 Van Ness Ave.
16. 1069 Pine St.
17. 2295 Taylor St.
18. 700 Montgomery St.
19. 150 Hayes St.
20. 460 Townsend St.
21. 2340 Stockton St.

**Residential Sites**

22. 1080 Bush St.
23. 1153 Bush St.
24. 575 Harrison St.
25. 1900 Jackson St.
26. 736 Jones St.
27. 1727 Lombard St.
28. 1916 Octavia St.
29. 560 Powell St.
30. 620 Sutter St.
31. 655 Sutter St.
32. 680-688 Sutter St.
33. 817-831 Sutter St.
34. 860 Sutter St.
35. 2209 Van Ness Ave.
36. 2211 Van Ness Ave.
37. 1055 Pine St.
38. 168 Bluxome St.

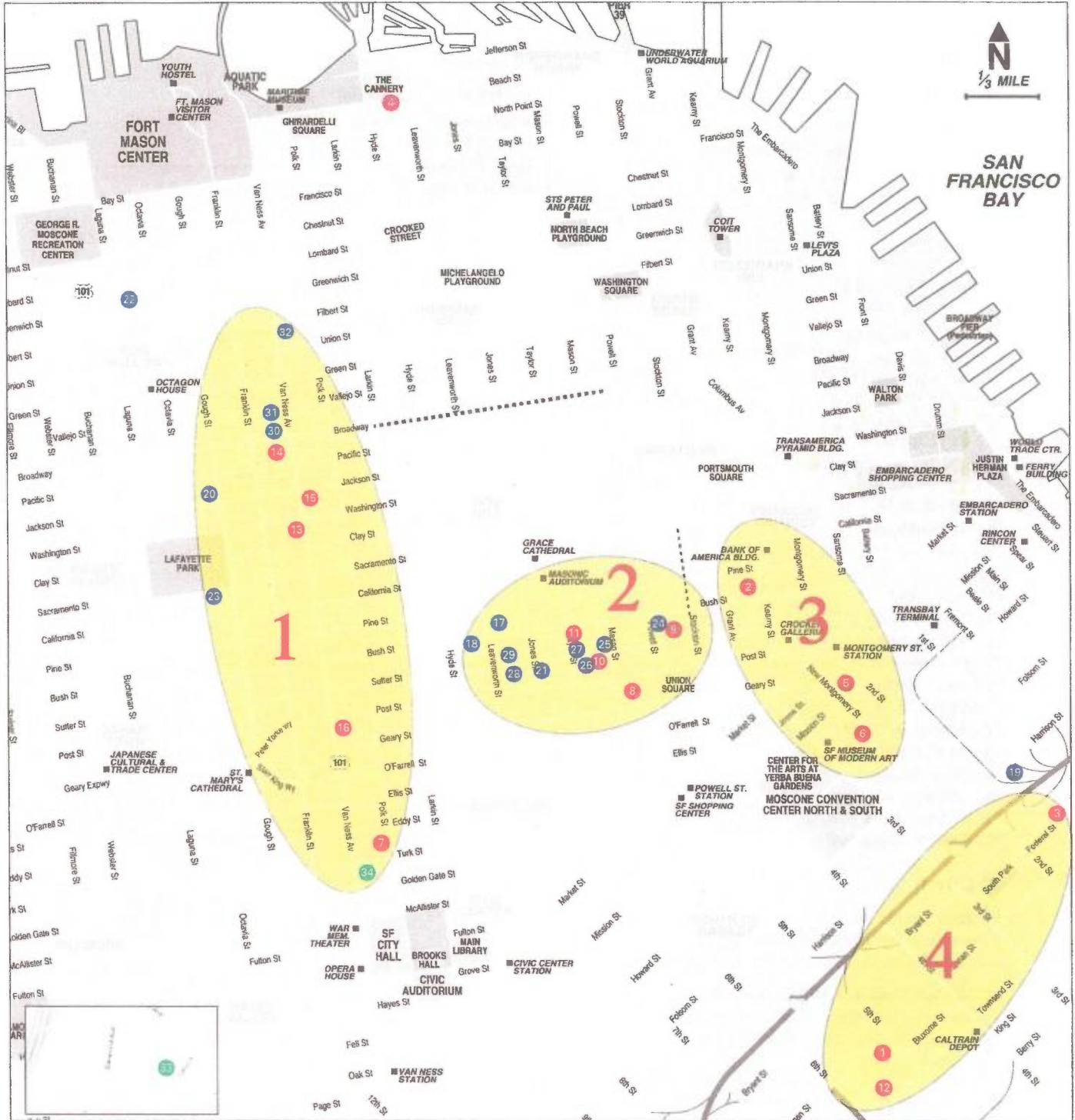
**Other**

39. 2225 Jerrold Ave. *Commercial Storage & Private Parking Garage (and lot) with Accessory Office*
40. 121 Wisconsin St. *(Vehicle Storage)*

**Clusters**

1. Van Ness Transit Corridor
2. Union Square
3. Financial District
4. South of Market
5. Fisherman's Wharf

# Academy of Art University – Proposed Campus



source: AAU 4/5/19



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**Institutional Sites**

1. 601 Brannan St.
2. 410 Bush St.
3. 58-60 Federal St.
4. 2801 Leavenworth St.
5. 77-79 New Montgomery St.
6. 180 New Montgomery St.
7. 625 Polk St.
8. 491 Post St.
9. 540 Powell St.
10. 625-629 Sutter St.
11. 740 Taylor St.
12. 466 Townsend St.
13. 1849 Van Ness Ave.
14. 2151 Van Ness Ave.
15. 1946 Van Ness Ave.
16. 1142 Van Ness Ave.

**Residential Sites**

17. 1080 Bush St.
18. 1153 Bush St.
19. 575 Harrison St.
20. 1900 Jackson St.
21. 736 Jones St.
22. 1727 Lombard St.
23. 1916 Octavia St.
24. 560 Powell St.
25. 620 Sutter St.
26. 655 Sutter St.
27. 680-688 Sutter St.
28. 817-831 Sutter St.
29. 860 Sutter St.
30. 2209 Van Ness Ave.
31. 2211 Van Ness Ave.
32. 2550 Van Ness Ave.

**Other**

33. 2225 Jerrold Ave.  
*(Commercial Storage & Private Parking Garage  
(and lot) with Accessory Office; Community Facility)*
34. 950 Van Ness Ave./963 O'Farrell St.  
*Private Parking Garage with groundfloor classic  
car museum ancillary to museum located at  
1849 Van Ness Ave.*

**Clusters**

1. Van Ness Transit Corridor
2. Union Square
3. Financial District
4. South of Market

Originally sent 1/27/2015 g.s.

Received at CPC Hearing 9/19/19  
Pub-Com

AND DEMO CTE + DEMONSTRATE VALUES

**From:** Thomas Schuttish [mailto:schuttishtr@sfcdglobal.net]  
**Sent:** Tuesday, January 27, 2015 11:13 AM  
**To:** Sanchez, Scott (CPC)  
**Cc:** Rahaim, John (CPC); scott.weiner@sfgov.org; Rodney Fong; Cindy Wu; Johnson, Christine D.(CPC); Kathrin Moore; Richards, Dennis (CPC); Rich Hillis; Antonini; Kim, Jane (BOS); Cohen, Malia (BOS); Buckley, Jeff (MYR); Secretary, Commissions (CPC); Ionin, Jonas (CPC); Hui, Tom (DBI)  
**Subject:** Remodels that seem to turn into demolitions in Noe Valley

Dear Mr. Sanchez:

At the Public Comment portion of the Planning Commission on January 22, 2015, I testified about the problem with remodels that actually appear to be demos. I think these "demos" add to the problem of affordability and relative affordability.

I gave you a copy of a letter that I gave to the Commission and I showed two buildings undergoing renovation with remodeling permits at 168 Jersey and 50/52 Oakwood (Mission Dolores neighborhood). The photos that I showed in my testimony were of houses that had no facade, no rear walls and no interior. A complete and total gutting of the structure. I also talked about a building at 891 Noe Street that was featured in the previous Sunday's Chronicle Real Estate Section, that appeared to be a unit merger, even though the permit detail report seemed to show they would maintain both units. (asking price: \$5 million) I know there are more of these situations throughout Noe Valley and obviously throughout the Mission, I just have not detailed them, but they are out there. And as we all know existing housing equals affordable or relatively affordable housing as defined by the City.

I think these are buildings (and the ones I will discuss below) that should have come before the Planning Commission because they require a Mandatory DR as demos or as unit mergers. Yet that never happened.

Neighbors cannot file DRs all the time and scrutinize these projects. First of all it is expensive, secondly most neighbors are not experts and do not understand the sketchy plans they receive with a 311 Notice (if they get a 311 Notice), and thirdly the process is intimidating. Trust me, it is a daunting process to file a DR. Plus I can fully understand that for the Staff and the Commission, DRs are annoying.

However these buildings are a problem. Why? Because they contribute to the speculative cycle that fuels the housing market, they add to the lack of affordability in the housing market and when the developers change the facades (front and rear) and radically increase the sizes and square footage, these "new" buildings may not meet the Residential Design Guidelines. And they do not meet the Planning Code Section 101.1 for Neighborhood Preservation as well as affordability and relative affordability.

I spoke with the aides in the three Supervisor's offices who are on the Land Use Committee and I left copies of my January 22, 2015 letter with them, as well as leaving a copy with an aide in the Mayor's office who said she would pass it on to Mr. Buckley. In the letter I listed several other buildings that I had written another letter about last year when I also testified at the Public Comment portion of the Planning Commission meeting on February 20, 2014. That letter also dated February 20, 2014 which I submitted for the record at the hearing, included the following addresses, as well as before and after photos or the homes and copies of the permit detail report:

**4365 26th Street; 90 Jersey Street; 2220 Castro Street; 4318 26th Street; 1375 Noe Street; 4372 25th Street; 865 Duncan Street; 1612 Church Street; 525 28th Street; 1433 Diamond Street.**

Most of these homes have sold for between \$3 to \$5 million. And they look completely different from the homes they were previously as the before and after photos show. And actually, this February 20, 2014 letter was attached to January 10, 2014 letter that I sent to Mr. Metcalf at SPUR along with copies to the Planning Commission, Mayor Lee, Supervisor Weiner, Mr. Hui, Mr. Rahaim.

There is currently another building at 4218 24th Street, that has been radically altered and the entire facade is completely different, from an Edwardian style with beautiful fenestration to an ultra modern box.

Here are some other addresses: 1151/53 Castro Street and 1144/46 Castro Street that each appeared to units that have been merged

**Here is my suggestion for a solution to this problem:** Much greater scrutiny at the time of application for projects that appear to have extensive remodeling. Descriptions like "alteration of facade" should call for greater scrutiny from the staff at the intake. So should a simultaneous expansion in the front, rear, side, horizontally and vertically of any project attract greater scrutiny. Perhaps so should huge increase in size and square footage of a proposed project, regardless of the fact that it may be within the Code, attract greater scrutiny. Perhaps also there should be an alert put out on the both the Mandatory Pre Application meeting notice and the 311 in simple English for all those neighbors who may be a novice to the planning process, to have them more actively encourage questions of the project sponsor or to call the Planner or the Building Department. When a project sponsor makes an application, aren't they affirming that what they are submitting on the plans and in the description of the permit application is true? Don't they sign a sheet attesting to that? Shouldn't this be more than just a piece of paper that someone signs?

**However to me the bottom line is this:** Since decision makers are concerned about the affordable housing problem (or "crisis" as it is often called) here in San Francisco, just as the Mayor spoke so eloquently about it at his State of the City message, then every unit counts. And although this may seem like a modest problem and perhaps, Noe Valley and the Mission and even Bernal Heights are "lost" as neighborhoods of affordable or relatively affordable housing forever, there is still the existing housing in the Excelsior, Portola, and the Bayview, as well as the Sunset and the Richmond that needs protection from this insidious type of "remodeling". Remodeling and alteration should be to allow a new kitchen or bath, or another bedroom for a growing family. It should not be what the houses I have mentioned above have become.

And it cannot be entirely up to the public to police this type of thing.

Thank you and have a nice day.

Sincerely,

GEORGIA SCHUTTISH

RE: 1433 DIAMOND →  
5 PAGES GEN'L PUB.  
COMMENT 9/19/2019

Property History for 1433 Diamond St

Date	Event & Source	Price
Sep 13, 2019	Sold (MLS) (Closed)	\$4,500,000
Sep 10, 2019	Pending	-
Sep 6, 2019	Relisted (Active)	-
Sep 6, 2019	Delisted (Hold)	-
Aug 14, 2019	Listed (Active)	\$3,995,000
Jun 6, 2014	Sold (MLS) (Closed)	\$3,425,000
Jun 6, 2014	Sold (Public Records)	\$3,425,000
May 30, 2014	Delisted	-
May 29, 2014	Listed	\$3,425,000
Dec 21, 2012	Sold (MLS) (Closed)	\$1,050,000
Dec 21, 2012	Sold (Public Records)	\$1,050,000
Dec 15, 2012	Pending	-
Nov 23, 2012	Listed (Active)	\$799,000

SECOND SALE  
SINCE ALTERATION

FIRST SALE  
AFTER ALTERATION

PRIOR TO  
~~ALTERATION~~  
ALTERATION  
PERMIT

1. 1433 DIAMOND
2. RH-1 ZONING
3. ALTERATION PERMIT 2012
4. DR WITHDRAWN
5. NO DEMO CALCS ON PLANS ON FILE  
W/ DBI

# ADDRESSES TO CONSIDER AS POTENTIAL DEMOLITIONS SINCE JANUARY 2015 EMAILS

2149 Castro  
2430 Castro RH-1

**GREEN ADDRESSES SHOULD HAVE BEEN DEMOS ON 2018 INVENTORY AVERAGE INCREASE IN PRICE \$3.62 million before and after work**

2025 Castro  
 4055 Cesar Chavez \* ^ L  
4068 Cesar Chavez L RH 2  
 4173 Cesar Chavez. L  
 4326 Cesar Chavez. L  
1559 Church\* RM-1  
 41 Clipper  
33 Day L. RH-2

## January 2015 Addresses in Emails to Commission

2220 Castro L  
 1612 Church  
 1433 Diamond  
 865 Duncan  
 90 Jersey \$  
 168 Jersey. L  
 1375 Noe \$  
 50 Oakwood \* L

118 Day  
 1188 Diamond \$ L  
 1608 Dolores \*  
 1156 Dolores \*  
 1408 Douglass. L  
 310 Duncan\*^  
 276 Duncan \* L  
 844 Duncan  
 725 Duncan L  
 752 Duncan. L  
 55 Homestead L

4218 24th Street  
 4318 26th Street L  
 4365 26th Street. L  
 525 28th Street

235 Jersey \* L  
 290 Jersey ^ \* L  
 481 Jersey L  
 143 Laidley \$ L  
 537 Laidley L  
 130 Randall  
 548 Rhode Island L  
 1235 Sanchez  
 1163 Shotwell \* ^  
 1110 York\*\*  
 1161 York \*^ L  
 171 Valley

## New Addresses Since April 2018 Joint BIC/Planning Meeting

1369 Sanchez ^  
 139 Grand View L  
 4466 24th Street \*\* \$  
 4061 Cesar Chavez \*\* \$ L  
 322 Chattanooga \* L  
 350 Jersey L  
 245 Euclid

3790 21st Street \* \$ L  
4028 25th Street \$ L  
 4186 25th Street \* L  
 3855 26th Street L  
 709 27th Street  
 739 27th Street L  
 450 27th Street

1071 Alabama ^ L (Planning Enforcement Action restored this Pioneer District house)

255 28th Street L. RH-2  
 386 28th Street ^  
556 28th Street L RH-1  
 159 7th Avenue \* ^ L  
 138 8th Avenue \* ^  
 1540 17th Avenue  
 2829 Baker \* L  
 2321 Bush \* ^  
 150 Vicksburg\*^ L  
 376 San Carlos \* ^ L  
 17 Temple L.

## Key to Symbols

\* Originally pair of flats

\*\* Added a second condo unit

\$ Extensive Excavation

^ Did not have vertical addition sold as single family (unit merger?)

L Permits issued under LLC ownership

**RED Addresses are December 2015 Noe Valley Five Project Sample  
 40% are Demolitions per Staff**

At least 50 are completed projects that were resold average > \$3.5 to \$5 million plus. Others are on the market either for sale or pending. Others are not complete. At least 3 never appeared on the market. At least 1 had violations corrected with new permits.

(from G. Schuchman)

as of 9/19/2019 JS.

**NUMERICAL CRITERIA VALUES FOR RH-1 from 2009 - September 12, 2019**

\$2.2 MILLION

July 2019

\$1.9 MILLION

December 2017

\$1.63 MILLION

November 2015

\$1.54 MILLION

April 2009

\$1.506 MILLION

March 2014

\$1.3 MILLION

August 2013

No Adjustment to Demo Calcs since Code Implementation Document, October 2010

COMMISSION CAN ADJUST DEMO CALCS PER SECT 317 (b) (2) (D)

2009 value stated in 4/29/2009 ZA Letter to Amy Brown re: Crown Terrace; 2013 value based on RJ&R memo by D. Silverman found on Internet; All other values published by Planning Department in "Removal of Dwelling Units Periodic Adjustment to Numerical Criteria"

originally submitted :

March 2, 2017 MAP 2020 Suggestions for Additional Protection of Housing.

From: Georgia Schuttish

To: San Francisco Planning Commission and Staff

Dear President Hillis and Fellow Planning Commissioners:

Please consider the following Section 317 reforms for the Calle 24 area of MAP 2020 you are hearing today. Please view it as a good opportunity to do a test case for 317 and meet some of the goals of the MAP 2020. Here are some options:

1. Do not allow Section 317 (b) (7) for this area, as right, but require a Mandatory Discretionary Review hearing to protect existing equal sized units in older flats. There are many pairs of flats in this area.

2. Change the Tantamount to Demolition language. Here is a suggestion: If any or all sections of the front or rear facade or wall of a structure are proposed for removal, then the project is considered Tantamount to a Demolition and must have a CUA hearing. If the rear facade or wall of a structure is removed for a horizontal addition and does not exceed the rear yard requirements, it will be considered an alteration. Any project with a vertical addition that adds square footage to a structure should be considered Tantamount to Demolition. A roof deck is a vertical addition, but not skylights or clerestory. If any portion of the front facade is altered during construction other than replacement windows per the Planning and Building Code the project would be considered Tantamount a Demolition. Garages can be added under the soft story program and the ADU provision or a Variance may be sought. Repairs to a front or rear facade due to poor conditions would require a special Building Permit that would have scrutiny from both the Building Department and the Enforcement section of the Planning Department.

3. Use your current powers under Section 317 to Adjust the Numerical Criteria for Demolitions. Further Discussion may be required. Please see attached.

4- Could do this for Excelsior! (added 9/19/19) gl.

# Russian Hill Community Association

1166 Green St. San Francisco, CA 94109 510-928-8243 rhcasf.com

September 19, 2019

President Myrna Melgar &  
San Francisco Planning Commission

Re: Commission Agenda 9/19/19: C (c) Director's Qualifications

Dear President Melgar & Planning Commissioners:

The Russian Hill Community Association appreciates your invitation for the community to comment on critical qualifications for the new Planning Director. The RHCA urges the Commission to consider an applicant with a Commitment to Process and Procedures.

Community organizations rely on a consistent application of PROCESS in order to adequately assist members and inform the public. Without the understanding, appreciation and implementation of the PROCESS which the community and public entities have developed over decades the foundation of a good planning system deteriorates.

Community organizations rely on a planning department and planners who understand the PROCEDURES which form the framework of the PROCESS. There is no procedural manual for the Planning Department. At times past Commission Secretary Jonas Ionin assembled, I believe, notes which served as a type of training guide for new and inexperienced planners...but it was not a procedural manual. Nowhere are guidelines to the General Plan, Residential Design Guidelines, Zoning Administrator Bulletins et al assembled.

Many of us were mentored by the extraordinary Mary Gallagher – a former San Francisco Planner, San Mateo Planning Director and a consultant. The notorious 60 Russell Street is a case in point where the parameters regarding matching light wells were a question and it took Ms. Gallagher to clarify the guidelines for planners and community alike. The RHCA has a similar challenge on Union Street now where a planner – probably using Google earth and a developer's statement, made an assessment, later withdrawn after her assumptions proved inaccurate. An overworked Zoning Administrator cannot be the source of all information and overwhelmed community members can't catch all questionable decisions.

PROCESS and PROCEDURES – a commitment to both – are critical qualifications for the new Planning Director.

Thank you for your consideration.

*Kathleen Courtney*

Chair, Housing & Zoning  
[kcourtney@rhcasf.com](mailto:kcourtney@rhcasf.com)  
510-928-8243

Cc: Jamie Cherry, John Borruso, Chris Bigelow, RHCA; Robyn Tucker, PANA; Jerry Dratler, SFLUC; Gary Weiss,

19 September 2019

President Myrna Melgar  
San Francisco Planning Commission  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102

RE: New Planning Director Desired Qualifications

President Melgar, Commissioners:

In response to the Planning Commission's call for the desired qualifications of a new director of the Planning Department, I would like to make the following comments.

First and foremost, we all have to do what we can to help our fellow San Franciscans who are unhoused; our first priority is to their well-being.

I am focusing my wish list for a new director on an individual who would prioritize:

- re-establishing an autonomous Historic Preservation sector within the Planning Department that can effectively promote the goals the City has developed over decades, the goals of the General Plan, and build on the existing preservation framework by specifically prioritizing:
  - citywide survey of historic resources with an emphasis on historic districts;
  - the Draft Preservation Element submitted to the City for review in 2009;
  - training for junior planners that focuses on the Department's past planning efforts (which are sometimes forgotten) and City history; training specific to San Francisco; leadership for junior planners;
  - a reliable and information online Property Information Map and Database (which used to work better than it currently does).

The steps listed above would result in well-balanced, well-informed, well-managed growth, citywide, that integrates preservation, other City goals, and environmental sustainability.

A new Planning Director must ensure that resources to achieve these priorities are secure.

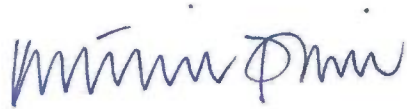
Whether the Commission chooses to undertake an international search or to promote a San Franciscan is not as important as ensuring the new individual understands and truly values the urban qualities that make San Francisco unique and critical to safeguarding healthy tourism. Unique to San Francisco is the pattern of small parcels on both grand boulevards and in the neighborhoods that make walking in San Francisco interesting, not alienating. The fine-grained nature of the city must be respected, and historic development patterns should be preserved by restricting the consolidation of multiple lots.



The ideal individual is one who understands quality planning, will maintain high standards, and who brings a scholarly perspective as we had in the Allan Jacobs era (1967-1975). The ideal individual will serve existing communities first; speculative investment projects, luxury housing should not be prioritized.

I hope the search team will include a member of the HPC or a preservation planner. I wish the Department luck and wisdom in this search.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Katherine T. Petrin'.

Katherine T. Petrin  
Architectural Historian and Preservation Planner  
Co-Founder Save New Mission  
San Francisco Neighborhood Theater Foundation

## Input for new Planning Department Director

My name is Jerry Dratler with the San Francisco Land Use Coalition

I have five suggestions.

1. The Department should be required to include a reasoned paragraph explaining why it recommends approval or denial of a project and the paragraph should be signed by a member of senior management.
2. The Planning Department should reject 4 common flawed documents which I list.
  1. Architectural plans that lack an existing and proposed square footage table.
  2. Unsigned Environmental Evaluation Applications.
  3. Documents that don't include a copy in electronic format
  4. New construction projects that lack a survey of record.
3. Improve citizen access to information by ensuring the 6 documents listed below are available on Accela one week before the project's scheduled hearing date.
  1. Demolition calculations
  2. HRE reports
  3. The entire set of architectural plans.
  4. The Planning Department Residential Design Advisory Team's written comments.
  5. The Planning Department's Discretionary Review Analysis
  6. The survey of record for new construction
4. Some project sponsors or their agents' game the system by submitting last minute changes. A hard-cutoff date needs to be implemented to eliminate the confusion last minute changes introduce into the hearing process.
5. The new Planning Department director should work with the Planning Commission to develop a standard project package for complicated projects like unpermitted demolitions.

**Public Testimony by Carolyn Kenady**  
**Criteria for SF Planning Director**  
**San Francisco Planning Commission - Sept. 19, 2019**

Good afternoon President Melgar and Planning Commissioners. I'm Carolyn Kenady from the Dolores Heights Improvement Club. Thank you for discussing the criteria for the new Planning Director before you begin selection. A clear and agreed-upon set of criteria are key to a successful recruitment and selection process.

More importantly, they are critical to the City of San Francisco. I cannot think of a more momentous time in our City's recent history. To me, SB 50 epitomizes the important decisions, choices, and trade-offs that will shape the future of our City's built environment. What I hear from neighbors and people on the street: they are frustrated with the homelessness, the lack of affordable housing for our young people, our teachers, our police officers and others, the proliferation of high-rise luxury housing, and the traffic congestion and other quality of life issues hitting us everyday. I believe that we can forge a better path forward. And that San Francisco can lead this.

Each week you deal with these issues in this chamber. Questions like: How do we balance top-down state mandates vs. SF's General Plan and thoughtful planning policies and strategies? How do we balance market-rate housing vs. affordable housing and the need to grow vs. the need for transportation capacity and other key infrastructure to support that growth? The person who succeeds John Rahaim will have to deal with many challenges.

Here's the skills and behaviors that comprise my top five list:

- A broad thinker who can analyze and understand the disparate impacts of legislative and policy changes on our City and advocate for our City's future

- A politically savvy leader who can work with our Board of Supervisors and other elected officials to achieve San Francisco's goals. We need City Planning aligned with our elected officials and vice versa
- A relationship-builder who engages with stakeholders and seeks to understand their points of view and develop consensus
- Someone with the courage to challenge and push back when warranted ... who will advise our city leaders even when his or her advice runs counter to their initial ideas
- Leader who attracts, develops, inspires, and retains a top-notch staff

Thank you for seeking input. And thank you for all you do to forge a better path for our City during these critical times.

# Qualifications for New Director?

- Should watch hearing on SFGOVTV from May 2019 of children from Excelsior. These children will mature during the next Director's tenure and hopefully they will still be living here. Need policies to protect the existing housing in vulnerable neighborhoods for future well being of City and all children.
- Occupancy Study should be done of luxury condos built in last 10 years in Eastern Neighborhoods by looking at water usage meta data showing likelihood of full time occupancy of the units. Has the City approved units that are used full time for housing or is something else going on? (Short term rental? Investment? Etc).
- Understand Geology of San Francisco
- Understand Land Use History of San Francisco:
  - Interplay of natural environment and built environment
  - 1970s Redevelopment and Subsequent Re-Zoning
  - Gentrification and Displacement of last two decades
  - City of Renters (Both in multi unit buildings and sfh)
- Understand RH neighborhoods
  - Speculative Fever (Money Bomb) in many neighborhoods since 2010
  - RDGs need strengthening and reinforcing
  - Importance of Rear Yard Mid-block Open Space
    - Future role of Rear Yards in carbon capture and urban farming?
  - More efficient use of interior space in alterations/new construction
  - Problems with excavations on typical 25 x114 lot
  - Demolitions vs. Alterations (adjusting Demo Calcs per Section 317)
  - Soundness Reports to preserve viable housing
  - Assessment of Densification as it occurs (cost per unit, occupancy, etc)
- Close and Continual Collaboration with DBI and BIC
  - DBI and Planning Staff need more coordination on day to day basis to provide better more consistent outcomes and Code compliance



## THE GOOSE WITH THE GOLDEN EGGS

Illustration by Boris Artzybasheff

A farmer went to the nest of his goose to see whether she had laid an egg. To his surprise he found, instead of an ordinary goose egg, an egg of solid gold. Seizing the golden egg he rushed to the house in great excitement to show it to his wife.

Every day thereafter the goose laid an egg of pure gold. But as the farmer grew rich he grew greedy. And thinking that if he killed the goose he could have all her treasure at once, he cut her open only to find—nothing at all.

*Application:* THE GREEDY WHO WANT MORE LOSE ALL.

ATTACHMENT

398

ITEM #6 9/19/19

PLANNING DIR.  
QUALIFICATIONS

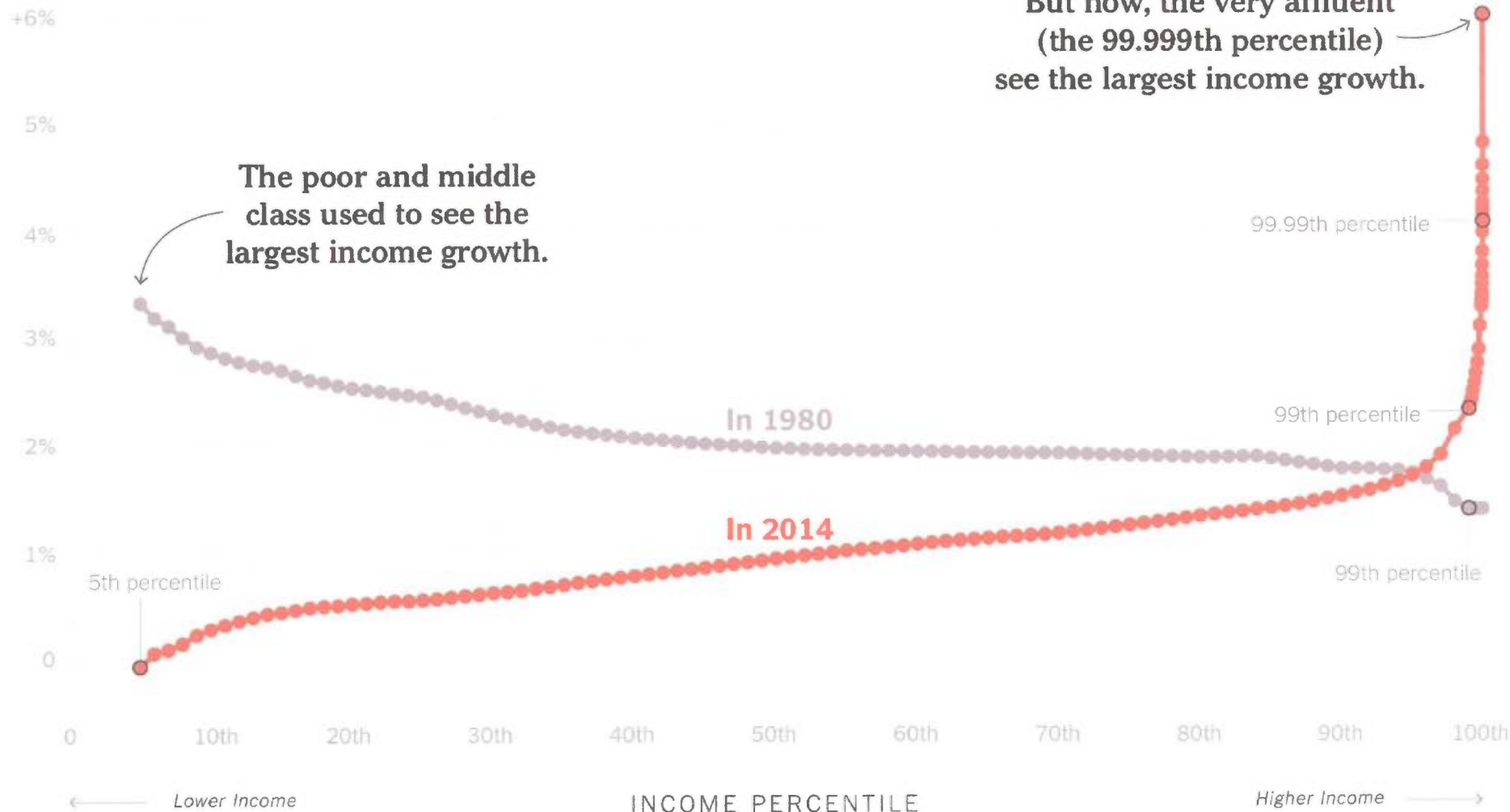
# Our Broken Economy, in One Simple Chart

By DAVID LEONHARDT

AUG. 7, 2017

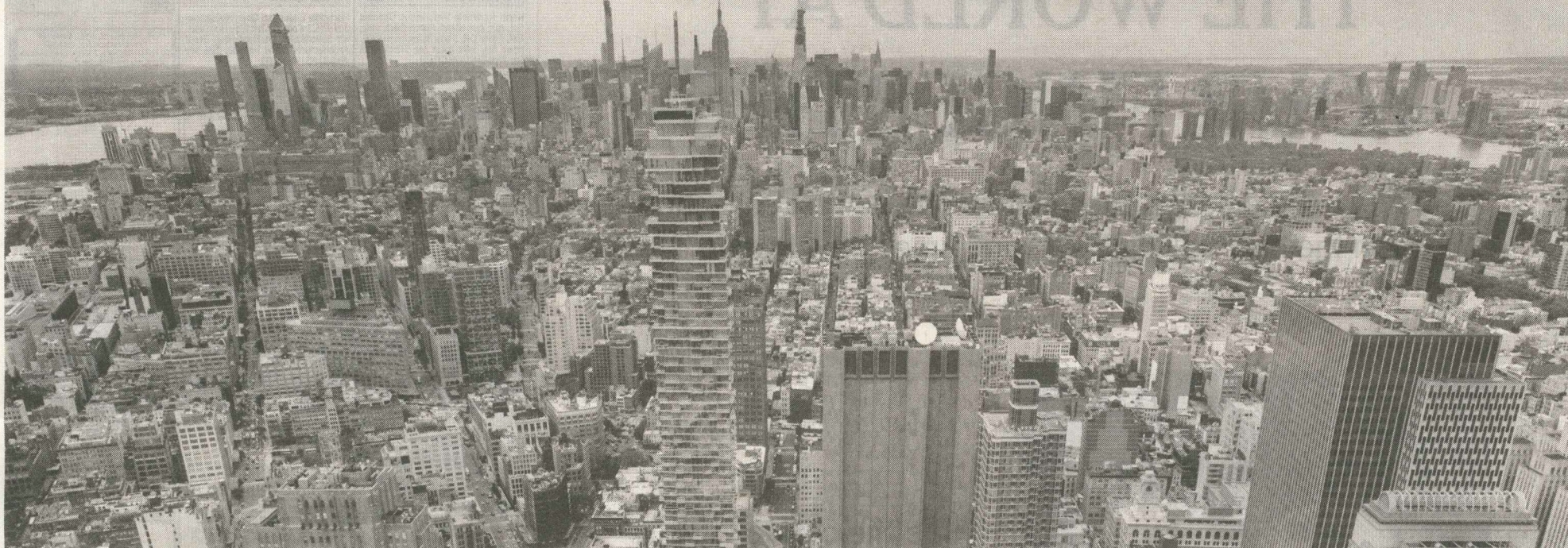
## INCOME GROWTH

Over previous 34 years



# Real Estate

## Buyers' Choice at the High End



PHOTOGRAPHS BY STEFANO UKMAR FOR THE NEW YORK TIMES

A quarter of New York's new luxury condos are unsold.

By STEFANOS CHEN

Picture an empty apartment — there are thousands in Manhattan's new towers — and fill it with the city's chattiest real estate developers. How do you quiet the room?

Ask about their sales.

Among the more than 16,200 condo units across 682 new buildings completed in New York City since 2013, one in four remains unsold, or roughly 4,100 apartments — most of them in luxury buildings, according to a new analysis by the listing website StreetEasy.

"I think we're being really conservative," said Grant Long, the website's senior economist, noting that the study looked specifically at ground-up new construction that has begun to close contracts. Sales in buildings converted to condos, a relatively small segment, were not counted, because they are harder to reliably track. And there are thousands more units in buildings under construction that have not begun closings but suffer from the same market dynamics.

Projects have not stalled as they did in the post-recession market of 2008, and new buildings are still on the rise, but there are signs that some developers are nearing a turning point. Already the prices at several new towers have been reduced, either directly or through concessions like waived common charges and transfer taxes, and some may soon be forced to cut deeper. Tactics from past cycles could also be making a comeback: bulk sales of unsold units to investors, condos converting to rentals en masse, and multimillion-dollar "rent-to-own" options for sprawling apartments — a four-bedroom, yours for just \$22,500 a month.

The slowdown is uneven and some projects are faring better than others, but for well-heeled buyers there is no shortage of discounts and sweeteners to be had.

The analysis, a compilation of both public and proprietary listing and building data, is one of the most sobering looks yet at the city's flagging condo market, which peaked about three years ago amid a glut of inventory. Now the market could face new obstacles, from growing fears of a recession, to changes in tax law and political instability heading into an election year.

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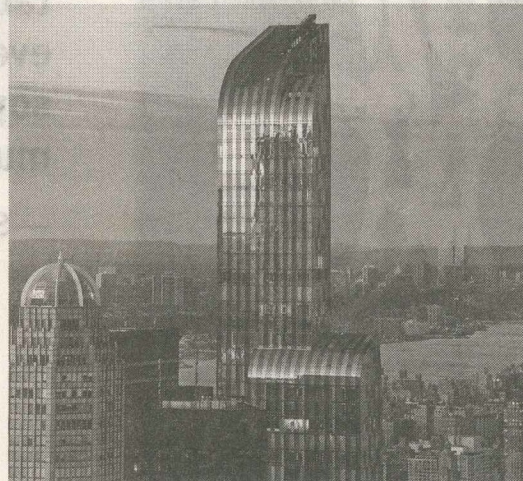
Moreover, a growing share of condos sold in recent years have been quietly listed as rentals by investors who bought them and are reluctant to put them back on the market. Of the 12,133 new condos sold between January 2012 and August 2019, 38 percent have appeared on StreetEasy as rentals.

"That to me is the most alarming trend here," Mr. Long said. "That's the group of folks that could go away at any minute — if there's a recession, people just want to put their money in Treasury bonds," he said, referring to a lower-risk investment strategy.

### An Uneven Slowdown

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New development is also performing worse than the resale market. From January to late August, there was a 35 percent drop in the number of contracts signed for new development at or above \$4 million, compared with the same period last year; the overall luxury market at that price had just 17 percent fewer contracts, according to a report from Olshan Realty.

But among new projects, developers do not suffer equally, said Donna Olshan, the firm's president. The developers who bought at peak land costs and who promised lenders overly ambitious returns are less able to reduce their pricing now that the market has softened. Because of lender obligations, prices can be cut only so much, and developers who have managed to refinance their projects have only bought themselves an extension of two to three years in most cases to make good on their promises.

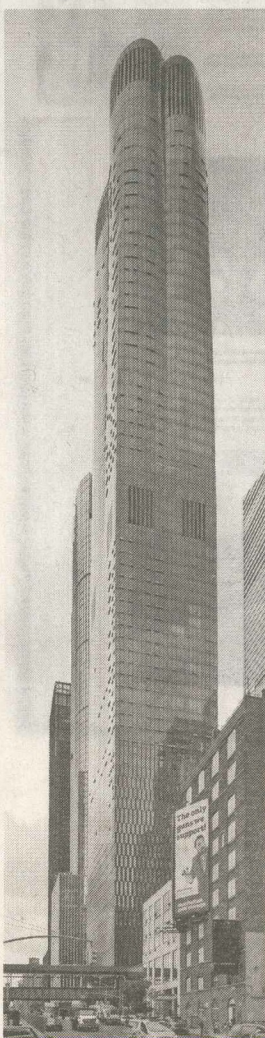
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"It's about the buildings — you can't broad-stroke an entire market," said Ziel Feldman, the chairman of HFZ Capital Group, who has worked in New York real estate since the 1980s. Despite the oversupply, he said, demand is still strong for new condos, especially ones that fill a gap in the market.

At his West Chelsea project the XI, a 236-unit pair of twisting towers near the Hudson River, he said, sales have been moving "wonderfully," in part because their core product, \$4 million to \$8 million apartments, has higher demand than some of the larger, pricier condos built elsewhere. He would not say how many units were in contract — sales are not publicly recorded until closings begin — but noted that as the project approaches completion, scheduled for early 2020, there had been an uptick in demand.

But dozens of buildings, some of them several years old, remain largely unsold, and a pipeline of upcoming projects will add even more competition. There were 88 new condo buildings that were less than half sold in late August, and most likely several more that have not yet disclosed sales, according to StreetEasy.



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As of Aug. 26, the tower, which received a permit for occupancy in late 2018, had sold only about 20 percent of its units, Mr. Long said. A spokeswoman for Extell said there were "hundreds of more units" under contracts that had not yet closed.

That is a worrying sales pace for a luxury project with some of the most compelling incentives on the market. The tower was one of the last to receive a now-expired tax break that buyers will enjoy for several years. And the developer, Extell, the same company that built One57 and Central Park Tower, has engaged in some of the costliest promotions to lure buyers, including a waiver of up to 10 years of common charges on their most expensive units, potentially worth tens of millions of dollars to Extell. The developer began marketing in 2015, while the building was under construction.

Midtown West, which includes the sprawling Hudson Yards project, has several upcoming towers that have not yet recorded closings. But the recently completed 285-unit tower at 15 Hudson Yards was just 37.5 percent sold through late August, though marketing began in 2016. In January, the developer said that "over 60 percent" had sold, but that number includes units still in contract.

The slower rate of sales in Upper Manhattan neighborhoods like East Harlem suggest that developers may also have been too ambitious in pushing prices in less central, comparatively affordable markets, Mr. Long said.

"I keep thinking we'll have the final challenge thrown at us, and then things keep cropping up," said Ryan Schleis, a senior vice president at Corcoran Sunshine Marketing Group, which represents some of the

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Below, the 815-unit One Manhattan Square tower in Two Bridges, south of Chinatown, had been about 20 percent sold by late August. Bottom, the tower at 15 Hudson Yards, where 37.5 percent of its condos had been sold by late August.

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Where inducements won't cut it, there are signs that some developers are entertaining bulk sales. In past downturns, investors have swooped in to rescue debt-burdened developers with offers to buy dozens of units or more, sometimes at 20 to 25 percent discounts.

"Before, they said, 'No way, no how,'" said Elliot Bogod, the president of Broadway Realty, who represents a number of interested investors. "Now, everybody is talking to us." Such sales have not yet materialized in this cycle, he said, but he is in advanced negotiations with a number of properties.

Another potential exit strategy is to convert a number of unsold condos to rentals until the market improves, but there are downsides. First, much of what was built this cycle is too large and expensive to recoup its full value as rentals. Second, a high number of renters in a for-sale building can turn off full-time residents and future buyers. And a rented unit isn't likely to command the same premium as a brand-new apartment, which is why most developers are loath to discuss such arrangements.

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Even in buildings that have nearly sold





PHOTOGRAPHS BY STEFANO UKMAR FOR THE NEW YORK TIMES

## A quarter of New York's new luxury condos are unsold.

By STEFANOS CHEN

Picture an empty apartment — there are thousands in Manhattan's new towers — and fill it with the city's chattiest real estate developers. How do you quiet the room?

Ask about their sales.

Among the more than 16,200 condo units across 682 new buildings completed in New York City since 2013, one in four remains unsold, or roughly 4,100 apartments — most of them in luxury buildings, according to a new analysis by the listing website StreetEasy.

"I think we're being really conservative," said Grant Long, the website's senior economist, noting that the study looked specifically at ground-up new construction that has begun to close contracts. Sales in buildings converted to condos, a relatively small segment, were not counted, because they are harder to reliably track. And there are thousands more units in buildings under construction that have not begun closings but suffer from the same market dynamics.

Projects have not stalled as they did in the post-recession market of 2008, and new buildings are still on the rise, but there are signs that some developers are nearing a turning point. Already the prices at several new towers have been reduced, either directly or through concessions like waived common charges and transfer taxes, and some may soon be forced to cut deeper. Tactics from past cycles could also be making a comeback: bulk sales of unsold units to investors, condos converting to rentals en masse, and multimillion-dollar "rent-to-own" options for sprawling apartments — a four-bedroom, yours for just \$22,500 a month.

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Moreover, a growing share of condos sold in recent years have been quietly relisted as rentals by investors who bought them and are reluctant to put them back on the market. Of the 12,133 new condos sold between January 2013 and August 2019, 38 percent have appeared on StreetEasy as rentals.

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The downturn has been hardest on the ultraluxury market, which kick-started the trend toward bigger and fancier apartments more than six years ago.

The supertall One57 tower, completed in 2014 and considered the forerunner of Billionaires' Row, a once largely commercial corridor around 57th Street in Midtown, remains about 20 percent unsold, with 27 of roughly 132 multimillion-dollar apartments still held by the developer, according to Jonathan J. Miller, the president of Miller Samuel Real Estate Appraisers & Consultants.

"That's mind-blowing," Mr. Miller said, because the building actually began marketing eight years ago, in 2011, and a typical building might sell out in two to three years in a balanced market.

In an analysis of seven luxury towers on and around Billionaires' Row, including pending sales, almost 40 percent of units remain unsold, Mr. Miller said. Another competitor, Central Park Tower, set to become the tallest and, by some measures, the most expensive residential building in New York, has not released any sales data.

By Mr. Miller's count, which includes buildings that are still under construction, there are over 9,000 unsold new units in Manhattan. (His estimate includes so-called "shadow inventory," which developers strategically do not list for sale to hold off for a stronger market.) At the current pace of sales, it would take nine years to sell them — a daunting timeline that could be



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### Market Breakdown

While the StreetEasy analysis included all five boroughs, Manhattan had the most unsold condos by far: Over 2,400 of the unsold units, about 60 percent, were in the borough, primarily in large luxury buildings.

The Manhattan neighborhoods with the lowest share of new condo sales were the Lower East Side (32 percent sold); Midtown West, which includes Hudson Yards (55 percent); East Harlem (56 percent); Gramercy Park (60 percent); and Washington Heights (63 percent). The data represents a snapshot of what has actually sold since 2013, in buildings where closings have started to be publicly recorded.

The single largest reason the Lower East Side tops the list is because of the massive One Manhattan Square, an 815-unit skyscraper that towers over nearby Chinatown, where prices ranged from \$1.2 million for a one-bedroom to over \$13 million for a penthouse. Among seven new buildings in the neighborhood that have recorded sales,



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Mr. Schleis cites recent limits on state, local and property tax deductions, as well as changes to the mansion tax, which has risen from a flat 1 percent on million-dollar sales to a staggered rate of up to 3.9 percent for sales above \$25 million. Factor in the retreat of international buyers from China and elsewhere, recession fears and the fact that elections tend to roil investors, and there are a number of new challenges worsening an already oversupplied market.

### Drastic Measures

"Everyone is scrambling to figure out how to move the inventory in an effective way," said Vickey Barron, an agent with Compass, and that includes sweetening the pot for brokers.

She said she recently received an unsolicited, grapefruit-size "trophy" in the mail from a major developer hoping she would bring her clients to its condo. The heavy statue, wrapped in a gift box, read "5%" in large font — a promise to pay her above the standard 3 percent commission that most

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Even in buildings that have nearly sold out inventory, the high rate of apartments becoming rentals is concerning. The tower at 30 Park Place in TriBeCa, where about 90 percent of units have sold for an average price of \$3,282 a square foot, has had almost 58 percent of those sales relisted as rentals, according to StreetEasy.

That suggests that more than half of the buyers at the tower, which has a Four Seasons Hotel at its base, were investors, not full-time residents, Mr. Long said. And future projects should be wary of relying on similar buyers, he said, considering the likelihood of an impending recession.

"People don't realize this is already as bad as it was after Lehman, purely from a supply standpoint," said Mark Chin, the chief executive of Keller Williams TriBeCa, referring to the collapse of the financial firm and onset of the 2008 recession. While he doesn't expect this cycle to match the scale of that downturn, he does believe the worst is yet to come for some projects.

"I can smell it from here, I just can't figure out yet where the stench is coming from," he said. "But it's guaranteed to be happening."