

Received at CPC Hearing 11/21/19
R. S. Moore

2. WHY THE D.R. SHOULD BE UPHELD: The loss of PDR space, which Mission Area Plan states must be retained and preserved.

OBJECTIVE 1.7

RETAIN THE MISSION'S ROLE AS AN IMPORTANT LOCATION FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ACTIVITIES.

It is important for the health and diversity of the city's economy and population that production, distribution and repair (PDR) activities find adequate and competitive space in San Francisco. PDR jobs constitute a significant portion of all jobs in the Mission. These jobs tend to pay above average wages, provide jobs for residents of all education levels, and offer good opportunities for advancement. However, they usually lease business space and are therefore subject to displacement. This is particularly important in the Mission as average household sizes tend to be larger and incomes lower than the rest of the city. Also, half of Mission residents are foreign born with two-thirds coming from Latin America and Mexico. Half of all Mission residents are of Latino heritage. About 45 percent of Mission residents speak Spanish at home. PDR businesses provide accessible jobs to many of these residents.

PDR is also a valuable export industry. PDR businesses that design or manufacture products in San Francisco often do so because of advantages unique to being located in the city. These export industries present an opportunity to grow particular PDR sectors, strengthening and diversifying our local economy. PDR also supports the competitiveness of knowledge industries by providing critical business services that need to be close, timely and often times are highly specialized.

Many PDR businesses form clusters, including arts activities, that are unique to San Francisco and provide services and employment for local residents. Establishing space for PDR activities that is protected from encroachment by other uses responds to existing policy set forth in the city's General Plan, particularly the Commerce and Industry Element, which includes the following pertinent policies:

- Seek to retain existing commercial and industrial activity and to attract new such activity to the city (Objective 2, Policy 1)
- Promote the attraction, retention, and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers (Objective 3, Policy 1)
- Avoid public actions that displace existing viable industrial firms (Objective 4, Policy 3)
- When Displacement does occur, attempt to relocate desired firms within the city (Objective 4, Policy 4)
- Avoid encroachment of incompatible land uses on viable industrial activity (Objective 4, Policy 5)
- Maintain an adequate supply of space appropriate to the needs of incubator industries (Objective 4, Policy 11)

1. WHY THE D.R. SHOULD BE UPHOLD: We should not reward a Bad Actor

On 7/26/18, after years of illegal use, the Planning Dept issues a Notice of Enforcement telling Joey the Cat to stop illegally using the premises for private party rentals, and stated that he would be charged \$250/day if he didn't cease and desist. Yelp reviews show that Joey the Cat continued to knowingly violate the law for another year before finally applying for a change of use permit. (Joey Mucha owes the City over \$90k in fines.)



Yvonne L.
San Francisco, CA
👤 382 friends
👍 320 reviews
📷 268 photos
Elite '19

★★★★★ 5/20/2019

Okay, if you ever get a chance to throw a party at their private warehouse - do it!!! I'm in the events business and we hosted our holiday party here the last 2 years and it's such a huge hit! We have kids who attend and adults and they all equally enjoy the space. We opt for the skeeball tournament which is run by their staff. They have all sorts of games: hoop fever, pin ball, ping pong, and skeeball of course! The staff are all very nice and helps with setting up and breaking down. My last holiday party there i forgot a bunch of printouts that were part of a game we were doing and the manager on site was so nice in helping us get it all printed. They have a doorman who sits outside to ensure only our group is coming in so no drifters crashing your event. P.s. they allow outside catering and beer and wine :)

<http://downloads.capta.org/res/RegulationOfLiquorLicensesNearSchools.pdf>

We know that the Commission has historically been concerned about these PDR conversions to alcohol use. At the 12/21/17 Hearing regarding a venue 1 block away on Shotwell and 20th, President Melgar stated (in the transcript below:)

>> Commissioner Melgar:

"...my biggest issue is you're opening this project in the Mission beverage special use district, which is a big deal for somebody like me. So I worked with you, and one of the commenters talked about how the public health department has zeroed in on this particular track on alcohol and tobacco, and there is a big push to work with the existing businesses, because it's a cultural climate issue. It's not like specific projects. The youth that were growing up in a neighborhood that's still high crime, and there's a lot of toxic stress are surrounded by alcohol, and they're more likely to booze abuse it if it's all around you. So you said during your presentation this place was going to be open to all ages all the time, so people under 21 can just walk in?"

>> Response from [project sponsor]: "...It's a nuanced difference between a bar and a family space."

MM: "that concerns me. You don't understand the community where you're trying to open up this bar, so you know, that works. You know, in that model, everybody comes in. With people who don't have the toxic stress that, you know, makes them more at risk for abusing alcohol, but you know, to me, I can't support this project because of that, and I didn't hear during your presentation any mitigations. I didn't hear that you would work with the community on that issue, with the youth at John O'Connell High School on the specific programs. I saw the list of the people that you donate to, and that's great, but to me, if there is a specific harm, there should be a specific mitigation, and I just don't see that.

>>MM: "...I mean alcohol specifically, not just jobs for kids. That's what I mean with the specific harm, specific mitigation. Okay. Thank you."

6) Neighborhood serving business - Lack of Neighborhood/Cultural Sensitivity
The demographics of the current users have not shown culturally sensitive to the existing neighbors. The average rental cost for a corporate party is ~\$2500

3252 – 19th Street Joey the Cat Skeeball Timeline:

2014 = Auto Repair Shop bought by the Mucha family. NO CHANGE OF USE FILED to change from Auto Repair to Corporate Party venue.

2014-2018 – ILLEGAL, UNPERMITTED USE BY JOEY MUCHA – private tech parties

10/28/14 – Project Review meeting to discuss potential change of use

12/1/14 (Alcohol license issued # 405553) – The Hache Group LLC

8/24/15 – PRV withdrawn.

7/26/16 (Alcohol license issued type 37 – license # 9475087) Leap Imagination in Learning

11/16/16 (Alcohol license issued type 37 # 9485999) – The Tides Center

12/12/16 (Alcohol license issued # 542720) – F & B Associates Inc.

9/6/17 (Alcohol license type 37 # 9510154) – Tides Center

1/20/18 YELP review of the 2018 Kick Off Party at Joey the Cat.

2/24/18 (Alcohol license issued # 479852) Disgruntled Goat Inc.

3/15/18 – Complaint filed by neighbor for illegal tech parties without permits, illegal use.

3/22/19 (Alcohol license issued #327105) Fourth Street Saloon L-PSHIP

7/26/18 – Notice of Enforcement Letter sent by Planning to stop illegal use. (\$250/day fine due to City for every day from July 2018 until legal change of use.)

However, numerous Yelp reviews dated after the Notice of Enforcement 7/26/18 show that the owner did not stop illegally hosting corporate events and private parties on site with alcohol. The only change they appear to have made was to take down their exterior sign to hide their illegal use, as noted in this review:

12/17/18 YELP review re: holiday party with beer and wine set-up.

1/25/19 YELP review; “Best Corporate Party Ever”

5/20/19 YELP review: “we’ve hosted our holiday party there here the last 2 years...” “...They have a doorman who sites outside to ensure only our group is coming in so no drifters crashing your event...PS. They allow outside catering and beer and wine ;)”

5. WHY THE D.R. SHOULD BE UPHELD: This venue is less than 600 ft from a public high school of vulnerable teens



4. WHY THE D.R. SHOULD BE UPHELD: We don't need *another* MISSION alcohol party place <600' from a school



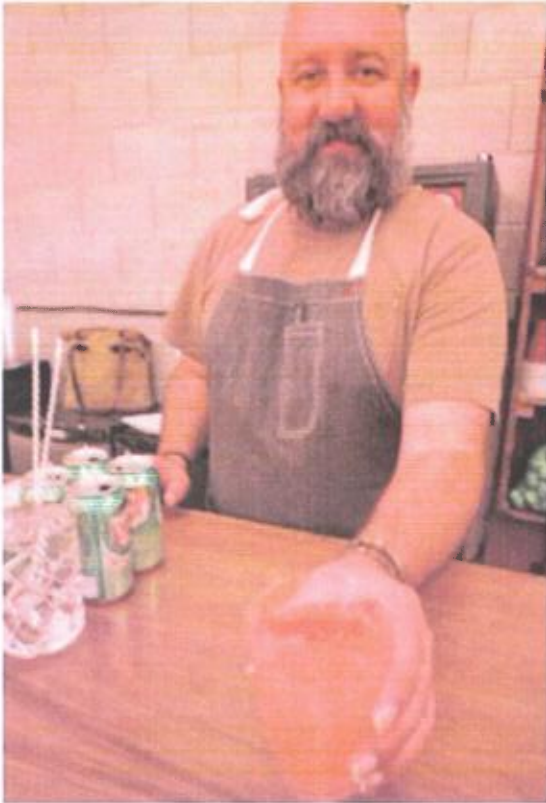
7. WHY THIS D.R. SHOULD BE UPHOLD: Cultural sensitivity and equity agreements are not in place.



6. WHY THIS D.R. SHOULD BE UPHeld: This venue illegally serves hipsters at corporate parties, and is not a neighborhood-serving business.



3. WHY THE D.R. SHOULD BE UPHHELD: *Bona fide* restaurant language is presently being revised and this loophole is closing. Current use shows corporate party rentals, with *lots of alcohol*.



8. THIS D.R. SHOULD BE UPHELD: There has not been a traffic study; how will it impact the SFFF Fire House across the street?



Received at CPC Hearing u/21/17 ABC
R. Suen

State of California
ABC-281
10/99

Department of Alcoholic Beverage Control



License Type: 37 Daily On-Sale General
License Nontransferable

LICENSE NO. 9510154
Receipt No. 2450226
Fee Paid \$25.00
Geographical Code 3800

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: TIDES CENTER
LOCATION ADDRESS: 3252 19TH ST
SAN FRANCISCO, CA 94110

TYPE OF EVENT: SOCIAL GATHERING
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: September 6, 2017
6:00 PM TILL 9:00 PM
THIS EVENT IS FOR THE FISCAL SPONSORSHIP FOR COMMUNITY GROWS
CONTACT PERSON: MS. KELLY ERNST FRIEDMAN, DEPUTY EXECUTIVE DIRECTOR
ESTIMATED ATTENDANCE: 95

AUTHORIZED REPRESENTATIVE / ADDRESS
KRISS DEIGLMEIER, CHIEF EXECUTIVE OFFICER, TIDES
PO BOX 29907
SAN FRANCISCO CA 94129-0907

LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.

Good for 1 day(s). Date Issued September 1, 2017.



Director of Alcoholic Beverage Control
By _____

SFD (for) [Signature] 9/1/2017



ABC ONE DAY PERMIT RECOMMENDATION

SFPD MISSION PERMITS

TO: **California Alcoholic Beverage Control
Department of Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA 94105
(415) 356-6500
(415) 356-6599 FAX**

We have received the following application for ABC One Day Permit as indicated:

Organization: Tides Center
Authorized Rep.: **Kelly Ernstfriedman**
Location: 3262 19th Street San Francisco, CA 94110
Property Owner: **Joseph Mucha**
Event Date: 9/6/17
Event Time: **6pm – 9pm**

Mission Station Conditions:

Mission Station has no objection to granting an ABC One Day General Permit for the above referenced organization at the date and time indicated. Recommended conditions, if any, to be imposed upon the Department of Alcoholic Beverage Control Daily License as follows:

1. All identification shall be checked to verify that the person presenting the identification is of legal drinking age, set by the California Alcoholic Beverage Control section 25658(a). No deceptive identification document shall be permitted as proof of identity.
2. All ABC laws shall be observed.
3. Authorized representative shall be present the entire time that alcoholic beverages are being served, and shall be responsible for any violations.
4. If the Authorized Representative is providing entertainment (as defined in San Francisco Municipal Police Code section 1060.1 MPC) the representative must first obtain the permit for such entertainment, or ensure that the facility the event is being held has the valid permit for such events.
5. No alcoholic beverages are to be taken off the premises at any time.
6. The Authorized Representative shall not allow the occupant of the building to exceed the maximum number set by the San Francisco Fire Department.
7. Sufficient evidence of charitable or non-profit status shall be provided to ABC.
8. Authorized Representative shall employ a minimum of (1) one security guard(s) to ensure compliance with the above conditions and to maintain a safe and orderly event.

W. Griffin
Captain #227

AUG 26 2017

Ofc. Medina #1569
Permit Officer

Captain W. Griffin #227
Commanding Officer
Mission District

Officer Alexandra Medina #1569
Permit Officer
Mission Police Station

ABC

State of California

Department of Alcoholic Beverage Control

CATERING AUTHORIZATION APPLICATION

Please read instructions before completing form.

LICENSE NUMBER	479852
RECEIPT NUMBER	2483507
TOTAL FEE	\$ 25-

SECTION 1

1. LICENSEE NAME(S) (if an individual, first name, middle name, last name.) Disgruntled Goat Inc	2. CONTACT PERSON Steve Koptanakis	3. CONTACT PHONE NUMBER [REDACTED]
4. LICENSED PREMISES ADDRESS 2209 Polk St. SF CA, 94109	5. [REDACTED]	
6. EVENT LOCATION (Street number and name, city, zip code) Down The CAT Avenue 3252 19th St SF, CA 94110		
7. DESCRIPTION OF LOCATION (Parking lot, office building, residence, country club, park, etc.)		

8. EVENT LOCATION IS WITHIN THE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	9. EVENT DATE(S) 2/24/18	10. TOTAL NUMBER OF DAY(S) 1
11. EVENT HOURS From 6:00pm To 12:00am	12. EVENT OPEN TO THE PUBLIC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13. ESTIMATED ATTENDANCE 125

SECTION 2 CATERING EVENT

14. EVENT TYPE <input type="checkbox"/> Convention <input type="checkbox"/> Trade Exhibit <input type="checkbox"/> Social Gathering <input type="checkbox"/> Anniversary <input type="checkbox"/> Sporting Event <input type="checkbox"/> Picnic <input type="checkbox"/> Wedding <input type="checkbox"/> Birthday <input checked="" type="checkbox"/> Other Corporate event	15. NUMBER OF EVENTS CATERED THIS YEAR AT THIS LOCATION (Not applicable to club licenses) 0
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16. ORGANIZATION SPONSORING EVENT Fox Tail Catering and Events	17. PERSON IN CHARGE OF EVENT Patrick Hamilton
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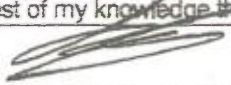
18. MAILING ADDRESS [REDACTED]	19. PHONE NUMBER OF ABOVE PERSON [REDACTED]
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SECTION 3 EVENT AUTHORIZED PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 25600.5

20. SUPPLIER NAME	21. SUPPLIER LICENSE NUMBER
22. SUPPLIER CONTACT PERSON	23. SUPPLIER CONTACT PHONE NUMBER

SECTION 4


I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE:  DATE SIGNED: **2/20/18**

SECTION 5 LOCAL LAW ENFORCEMENT AGENCY APPROVAL (IF APPLICABLE)

SIGNATURE	TITLE	DATE SIGNED
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SECTION 6 AUTHORIZATION (For ABC Use Only)

PROPERTY OWNER APPROVAL REQUIRED <input checked="" type="checkbox"/> Yes, attached <input type="checkbox"/> No	CONDITIONS/ACKNOWLEDGMENTS REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	LAW ENFORCEMENT APPROVAL REQUIRED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DISTRICT APPROVAL BY (Name) SFOO	ABC EMPLOYEE SIGNATURE 	DATE SIGNED 2/23/18	

Dept of Alcoholic Beverage Control San Francisco

FEB 21 2018

RECEIVED

Joey the Cat, 3252 19th Street, San Francisco, CA 94110

February 21, 2018

Alcoholic Beverage Control
33 New Montgomery Street, Suite 1230
San Francisco, CA 94103

To Whom It May Concern,

We acknowledge that Tonic Beverage Catering is providing/serving alcohol beverage service during an event at Joey the Cat, on Saturday 2/24 from 7pm-11pm. Tonic's bar service will include beer, wine, and spirits for approximately 75 guests.

Please contact us if you have any questions

Thank you,
Alex Lane
General Manager, Joey the Cat

CATERING AUTHORIZATION APPLICATION

Please read instructions before completing form.

RECEIVED

MAR 12 2019

LICENSE NUMBER
58-327105
RECEIPT NUMBER
2559458
TOTAL FEE
25.00
\$

SECTION 1

1 LICENSEE NAME(S) (If an individual first name, middle name, last name) Fourth Street Saloon Limited Partnership		2 CONTACT PERSON John Radovich	3 CONTACT PHONE NUMBER [REDACTED]
4 LICENSED PREMISES ADDRESS 711 Fourth Street, San Rafael CA 94901		5 MAILING ADDRESS (IF DIFFERENT) [REDACTED]	
6 EVENT LOCATION (Street number and name, city, zip code) 3252 19th St., SF, CA 94110			
7 DESCRIPTION OF LOCATION (Parking lot, office building, residence, county/city park, etc.) JOEY THE CAT			
8 EVENT LOCATION IS WITHIN THE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9 EVENT DATE(S) FRI, MARCH 22, 2019	10 TOTAL NUMBER OF DAY(S) 1
11 EVENT HOURS From 6:30 To 10:30pm		12 EVENT OPEN TO THE PUBLIC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13 ESTIMATED ATTENDANCE 80

SECTION 2 CATERING EVENT

14 EVENT TYPE				15 NUMBER OF EVENTS CATERED THIS YEAR AT THIS LOCATION (Not applicable to club licensees)
<input type="checkbox"/> Convention	<input type="checkbox"/> Trade Exhibit	<input checked="" type="checkbox"/> Social Gathering	<input type="checkbox"/> Anniversary	0
<input type="checkbox"/> Sporting Event	<input type="checkbox"/> Picnic	<input type="checkbox"/> Wedding	<input type="checkbox"/> Birthday	
<input type="checkbox"/> Other				

16 ORGANIZATION SPONSORING EVENT FOXTAIL CATERING	17 PERSON IN CHARGE OF EVENT ELEXIS FELDBRILL
18 MAILING ADDRESS [REDACTED]	19 PHONE NUMBER OF ABOVE PERSONAL [REDACTED]

SECTION 3 EVENT AUTHORIZED PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 25600.5

20 SUPPLIER NAME	21 SUPPLIER LICENSE NUMBER
22 SUPPLIER CONTACT PERSON	23 SUPPLIER CONTACT PHONE NUMBER

SECTION 4

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE 	DATE SIGNED 3.11.19
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SECTION 5 LOCAL LAW ENFORCEMENT AGENCY APPROVAL (IF APPLICABLE)

SIGNATURE	TITLE	DATE SIGNED
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SECTION 6 AUTHORIZATION (For ABC Use Only)

PROPERTY OWNER APPROVAL REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	CONDITIONS/ACKNOWLEDGMENTS REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	LAW ENFORCEMENT APPROVAL REQUIRED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DISTRICT APPROVAL BY (Name) SFD		ABC EMPLOYEE SIGNATURE 	DATE SIGNED 03/12/19

CATERING OR EVENT AUTHORIZATION APPLICATION

Received at CPC Hearing 11/11/14

R. Suen

Department of Alcoholic Beverage Control

Please read instructions before completing form.

LICENSE NUMBER	405553
RECEIPT NUMBER	2267407
TOTAL FEE	\$ 25

SECTION 1

1. LICENSEE NAME(S) (If an individual, first name, middle name, last name.) The Hache Group, LLC dba Elixir		2. CONTACT PERSON	3. CONTACT PHONE NUMBER
4. LICENSED PREMISES ADDRESS 3200 16th St., San Francisco, CA 94103		5. MAILING ADDRESS (IF DIFFERENT)	
6. EVENT LOCATION (Street number and name, city, zip code) 3252 19th Street, SF, CA 94110			
7. DESCRIPTION OF LOCATION (Parking lot, office building, residence, county/city park, etc.) Event Venue			
8. EVENT LOCATION IS WITHIN THE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9. EVENT DATE(S) 12/1/14	10. TOTAL NUMBER OF DAY(S) 1
11. EVENT HOURS From 6pm To 9pm		12. EVENT OPEN TO THE PUBLIC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13. ESTIMATED ATTENDANCE 100

SECTION 2

CATERING EVENT

14. EVENT TYPE				15. NUMBER OF EVENTS CATERED THIS YEAR AT THIS LOCATION (Not applicable to club licensees)
<input type="checkbox"/> Convention	<input type="checkbox"/> Trade Exhibit	<input checked="" type="checkbox"/> Social Gathering	<input checked="" type="checkbox"/> Anniversary	1 RECEIVED NOV 24 2014
<input type="checkbox"/> Sporting Event	<input type="checkbox"/> Picnic	<input type="checkbox"/> Wedding	<input type="checkbox"/> Birthday	
<input type="checkbox"/> Other	<input type="checkbox"/> Event Authorized Pursuant to Business and Professions Code Section 25600.5			
16. ORGANIZATION SPONSORING EVENT Pernod Ricard USA LLC				
17. PERSON IN CHARGE OF EVENT Megan Kenny		18. MAILING ADDRESS		
19. PHONE NUMBER OF ABOVE PERSON		20. NUMBER OF DAYS AN 'ADJACENT PROPERTY' EVENT HELD AT THIS LOCATION THIS CALENDAR YEAR		

SECTION 3

EVENT ON ADJACENT PROPERTY

21. LOCAL LAW ENFORCEMENT AGENCY APPROVAL SIGNATURE	23. TITLE	24. DATE SIGNED
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SECTION 4

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE 	DATE SIGNED 11/18/14
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SECTION 5

AUTHORIZATION (For ABC Use Only)

PROPERTY OWNER APPROVAL REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	CONDITIONS/ACKNOWLEDGMENTS REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	LAW ENFORCEMENT APPROVAL REQUIRED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DISTRICT APPROVAL BY (Name) SFD	ABC EMPLOYEE SIGNATURE 	DATE SIGNED 12/1/14	



The Haché Group, LLC
d.b.a. ELIXIR
3200 16th St.
San Francisco, CA 94103



TO: California ABC

RE: 218 Permit Application from The Hache Group, LLC (Lic# 58405553)

Thank you for processing our permit request. If you have any questions, please call me at



Otherwise, please fax me a copy of the approved permit for my records, and we will come to pick it up when we hear from you.

Regards,

H. Joseph Ehrmann
Managing Member

RECEIVED

NOV 25 2014

Dept of Alcoholic Beverage Control
San Francisco



State of California
ABC-281
10/99

Department of Alcoholic Beverage Control



License Type: 37 Daily On-Sale General
License Nontransferable

LICENSE NO. 9475087
Receipt No. 2373950
Fee Paid \$25.00
Geographical Code 3800

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: LEAP IMAGINATION IN LEARNING
LOCATION ADDRESS: 3252 19TH ST
SAN FRANCISCO, CA 94110

TYPE OF EVENT: SOCIAL GATHERING
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: July 26, 2016
5:30 PM TILL 8:30 PM
OTHER EVENT: FUNDRAISER

ESTIMATED ATTENDANCE: 100

AUTHORIZED REPRESENTATIVE / ADDRESS

MS. JILL DINEEN, EXECUTIVE DIRECTOR



LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.

Good for 1 day(s). Date Issued July 25, 2016.



Director of Alcoholic Beverage Control

By _____

SFD (for) JLD. 7/25/2016

DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

Instructions: Complete all items. Submit to local ABC District Office with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.ca.gov/distmap.html>

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

LICENSE NUMBER 945081	Geo CODE
RECEIPT NUMBER 23739	
FEE \$ 25.	

1. ORGANIZATION'S NAME: **Leap Arts in Education**

CONDITIONS REQUIRED: Yes No

DIAGRAM REQUIRED: Yes No

2. LICENSE TYPE (Check appropriate license type AND organization type)

a. **Daily General (\$25.00)** (Includes beer, wine and distilled spirits)

Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure

Organization Formed for Specific Charitable or Civic Purpose

Other: _____

Fraternal Organization in Existence Over Five Years with Regular Membership

Religious Organization

Vessel per Section 24045.10 B&P (\$50.00)

NUMBER OF DISPENSING POINTS: _____

b. **Special Daily Beer (\$25.00)**

Charitable Fraternal Social Political Other: _____

Civic Religious Cultural Amateur Sports Organization

NUMBER OF DISPENSING POINTS: _____

Special Daily Beer & Wine (\$50.00)

Special Daily Wine (\$25.00)

c. **Special Temporary License (\$100.00)** (Different privileges depending on statute)

Television Station per Section 24045.2 or 24045.9 B&P

Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P

Person conducting Estate Wine Sale per Section 24045.8 B&P

Women's Educational and Charitable Organization per Section 24045.3 B&P

Other Special Temporary Licenses, per Section

License number: _____ Amount \$: _____

3. EVENT TYPE

Dinner Dance Wedding Lunch Picnic Barbeque Social Gathering Festival

Sports Event Concert Birthday Mixer Carnival Dinner Dance Other: **Fundraiser**

4. TOTAL # OF DAYS: **1**

5. ESTIMATED ATTENDANCE: **100**

6. HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND/OR CONSUMPTION

From **5:30pm** To **8:30pm**

7. EVENT DATE(S): **July 26, 2016**

8. EVENT IS OPEN TO THE PUBLIC: Yes No

9. EVENT LOCATION (Give facility name, if any, street number and name, and city): **3252 19th Street, San Francisco, CA 94110**

10. LOCATION IS WITHIN THE CITY LIMITS: Yes No

11. TYPE OF ENTERTAINMENT: **Arcade Games**

12. SECURITY GUARDS: Yes No If yes, how many? **1**

13. AUTHORIZED REPRESENTATIVE'S NAME: **Jill Dineen (Leap)**

14. REPRESENTATIVE'S TELEPHONE NUMBER: _____

15. REPRESENTATIVE'S ADDRESS: _____

16. ORGANIZATION'S MAILING ADDRESS (if different from #15 above): _____

17. AUTHORIZED REPRESENTATIVE'S SIGNATURE: *Jill Dineen (Leap)*

18. DATE SIGNED: **07/19/16**

PROPERTY OWNER APPROVAL BY (Name), REQUIRED: **Alex Lane**

PHONE NUMBER: _____

PROPERTY OWNER SIGNATURE: *Alex Lane*

DATE SIGNED: **07/19/16**

LAW ENFORCEMENT APPROVAL BY (Name), IF APPLICABLE: **Off. Medina #1569**

PHONE NUMBER: _____

LAW ENFORCEMENT SIGNATURE: *Off. Medina*

DATE SIGNED: **7-20-16**

DISTRICT OFFICE APPROVAL BY (Name): **Permit Officer**

PHONE NUMBER: _____

ABC EMPLOYEE SIGNATURE: *SM*

ISSUANCE DATE: **7/25/16**

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

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Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

LICENSE NUMBER	GEO CODE
RECEIPT NUMBER	
FEE	
\$	

1. ORGANIZATION'S NAME
Leap - Arts in Education

CONDITIONS REQUIRED: Yes No

DIAGRAM REQUIRED: Yes No

2. LICENSE TYPE (Check appropriate license type AND organization type)

a. **Daily General (\$25.00)** (Includes beer, wine and distilled spirits)

Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure

Organization Formed for Specific Charitable or Civic Purpose

Other:

Fraternal Organization in Existence Over Five Years with Regular Membership

Religious Organization

Vessel per Section 24045.10 B&P (\$50.00)

b. **Special Daily Beer (\$25.00)** **Special Daily Beer & Wine (\$50.00)** **Special Daily Wine (\$25.00)**

Charitable

Civic

NUMBER OF DISPENSING POINTS

c. **Special Temporary**

Television Station

Nonprofit Corporation

Other Special Temporary

License number

3. EVENT TYPE

Dinner

Sports Event

Social Gathering

Festival

Other: Fundraiser

4. TOTAL # OF DAYS: 1

5. PERIOD OF CONSUMPTION: To 8:30 PM

7. EVENT DATE(S): July 26, 2016

9. EVENT LOCATION (Give facility name): **Joey the Cat - 32**

10. LOCATION IS WITHIN THE COUNTY OF: **San Francisco**

Yes

13. AUTHORIZED REPRESENTATIVE: **Ryan Lee**

15. REPRESENTATIVE'S ADDRESS: **228 Grant Avenue 5th Floor**

16. ORGANIZATION'S MAILING ADDRESS:

17. AUTHORIZED REPRESENTATIVE SIGNATURE: _____

18. DATE SIGNED: **July 14, 2016**

PROPERTY OWNER APPROVAL: **Sam Sabo**

LAW ENFORCEMENT APPROVAL: _____

DISTRICT OFFICE APPROVAL: _____

The above-named organization hereby certifies that it is duly organized under the laws of the State of California and is authorized to engage in the temporary sale or alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

RECEIVED
JUL 18 2016

ABC

License Type: 37 Daily On-Sale General
License Nontransferable

LICENSE NO. 9485999
Receipt No. 2397315
Fee Paid \$25.00
Geographical Code 3800

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: THE TIDES CENTER
LOCATION ADDRESS: 3252 19TH ST
SAN FRANCISCO, CA 94110

TYPE OF EVENT: SOCIAL GATHERING
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: November 16, 2016
6:00 PM TILL 9:00 PM
JOEY THE CAT'S ARCADE WAREHOUSE, AN UNLICENSED LOCATION

ESTIMATED ATTENDANCE: 95

AUTHORIZED REPRESENTATIVE / ADDRESS

MS. BARBARA WENGER, DIRECTOR OF COMMUNITY GROWS OF THE TIDES CENTER
762 FULTON ST
SAN FRANCISCO CA 94102

LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.

Good for 1 day(s). Date Issued November 10, 2016.



Director of Alcoholic Beverage Control

By _____

Signature: SFD (for) [Signature]
Date: 11/10/2016

DGL

DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

Instructions: Complete all items. Submit to local ABC District Office with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.ca.gov/distmap.html>

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

LICENSE NUMBER	GEO CODE
9485999	
RECEIPT NUMBER	
2397315	
FEE	
\$ 25.00	

1. ORGANIZATION'S NAME Tides Center	CONDITIONS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	--

2. LICENSE TYPE (Check appropriate license type AND organization type)

a. **Daily General (\$25.00)** (Includes beer, wine and distilled spirits)

Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure

Organization Formed for Specific Charitable or Civic Purpose

Other: _____

Fraternal Organization in Existence Over Five Years with Regular Membership

Religious Organization

Vessel per Section 24045.10 B&P (\$50.00)

NUMBER OF DISPENSING POINTS _____

b. **Special Daily Beer (\$25.00)** **Special Daily Beer & Wine (\$50.00)** **Special Daily Wine (\$25.00)**

Charitable Fraternal Social Political Other: _____

Civic Religious Cultural Amateur Sports Organization

NUMBER OF DISPENSING POINTS
1

c. **Special Temporary License (\$100.00)** (Different privileges depending on statute)

Television Station per Section 24045.2 or 24045.9 B&P

Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P

Person conducting Estate Wine Sale per Section 24045.8 B&P

Women's Educational and Charitable Organization per Section 24045.3 B&P

Other Special Temporary Licenses, per Section _____

License number _____ Amount \$ _____

3. EVENT TYPE

Dinner Dance Wedding Lunch Picnic Barbeque Social Gathering Festival

Sports Event Concert Birthday Mixer Carnival Dinner Dance Other: _____

4. TOTAL # OF DAYS: 1

5. ESTIMATED ATTENDANCE: 95

6. HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND/OR CONSUMPTION
From 6:00 p.m. To 9:00 p.m.

7. EVENT DATE(S): 11-16-2016

8. EVENT IS OPEN TO THE PUBLIC
 Yes No

9. EVENT LOCATION (Give facility name, if any, street number and name, and city)
Joey the Cat's Arcade Warehouse, 3252 19th Street, San Francisco 94110

unlicensed location

10. LOCATION IS WITHIN THE CITY LIMITS
 Yes No

11. TYPE OF ENTERTAINMENT
Skee Ball Community Grove

12. SECURITY GUARDS
 Yes No

If yes, how many? 1

13. AUTHORIZED REPRESENTATIVE'S NAME
Barbara Wenger DTP of The Tides Center

14. REPRESENTATIVE'S TELEPHONE NUMBER
[REDACTED]

15. REPRESENTATIVE'S ADDRESS
Community Grove, [REDACTED]

16. ORGANIZATION'S MAILING ADDRESS (if different from #15 above)
[REDACTED]

17. AUTHORIZED REPRESENTATIVE'S SIGNATURE
Barbara Wenger

18. DATE SIGNED
10/18/16

PROPERTY OWNER APPROVAL BY (Name), REQUIRED
Alex Lane

PHONE NUMBER [REDACTED]

PROPERTY OWNER SIGNATURE [Signature]

DATE SIGNED 10-17-16

LAW ENFORCEMENT APPROVAL BY (Name), IF APPLICABLE
Orc. Medina #1509 Permit Officer

PHONE NUMBER [REDACTED]

LAW ENFORCEMENT SIGNATURE [Signature]

DATE SIGNED 10-25-16

DISTRICT OFFICE APPROVAL BY (Name)
[Signature]

PHONE NUMBER [REDACTED]

DISTRICT EMPLOYEE SIGNATURE [Signature]

ISSUANCE DATE 11/10/16

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not include off-sale ("to-go") privileges.

This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

RECEIVED

NOV 09 2016

State of California
CATERING OR EVENT AUTHORIZATION APPLICATION

Department of Alcoholic Beverage Control

Please read instructions before completing form.

LICENSE NUMBER **ABC**
 542720
 RECEIPT NUMBER
2401199
 TOTAL FEE (\$100.00 per day)
 \$ **75.00**

SECTION 1

1 LICENSEE NAME (Last, first, middle) F & B Associates, Inc		2 CONTACT PERSON Dirk Alton	3 CONTACT PHONE NUMBER [REDACTED]
4 LICENSED PREMISES ADDRESS 3600 Haven Avenue, Redwood City, CA 94063		5 MAILING ADDRESS (IF DIFFERENT) [REDACTED]	
6 EVENT LOCATION (Street number and name, city, zip code) 3252 - 19th Street, San Francisco, CA 94110			
7 DESCRIPTION OF LOCATION (Parking lot, office building, residence, county/city park, etc.) Joey the Cat Warehouse <i>unlicensed location</i>			
8 EVENT LOCATION IS WITHIN THE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9 EVENT DATE(S) December 12, 2016	10 TOTAL NUMBER OF DAY(S) 1
11 EVENT HOURS From <u>6pm</u> To <u>11pm</u>		12 EVENT OPEN TO THE PUBLIC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	13 ESTIMATED ATTENDANCE 90

SECTION 2 CATERING EVENT

14. EVENT TYPE <input type="checkbox"/> Convention <input type="checkbox"/> Trade Exhibit <input type="checkbox"/> Social Gathering <input type="checkbox"/> Anniversary <input type="checkbox"/> Sporting Event <input type="checkbox"/> Picnic <input type="checkbox"/> Wedding <input type="checkbox"/> Birthday <input checked="" type="checkbox"/> Other <u>Holiday Party</u>				15. NUMBER OF EVENTS CATERED THIS YEAR AT THIS LOCATION (Not applicable to club licensees) 0
16 ORGANIZATION SPONSORING EVENT JSH&A Communications		17 PERSON IN CHARGE OF EVENT Deanna Killackey		
18 MAILING ADDRESS [REDACTED]		19. PHONE NUMBER OF ABOVE PERSON [REDACTED]		

SECTION 3 EVENT ON ADJACENT PROPERTY

20 CALENDAR QUARTER (Limit is one event per quarter) <input type="checkbox"/> January 1 - March 31 <input type="checkbox"/> July 1 - September 30 <input type="checkbox"/> April 1 - June 30 <input type="checkbox"/> October 1 - December 31		21. NUMBER OF EVENTS ALREADY HELD THIS YEAR AT THIS LOCATION
22 LOCAL LAW ENFORCEMENT AGENCY APPROVAL SIGNATURE	23 TITLE RECEIVED	24 DATE SIGNED DEC 07 2016

SECTION 4

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct.

LICENSEE SIGNATURE *S. Koal* DATE SIGNED 11/21/16

SECTION 5 AUTHORIZATION (For ABC Use Only)

PROPERTY OWNER APPROVAL REQUIRED <input type="checkbox"/> Yes, attached <input type="checkbox"/> No	CONDITIONS/ACKNOWLEDGMENTS REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	DIAGRAM REQUIRED <input type="checkbox"/> Yes, attached <input checked="" type="checkbox"/> No	LAW ENFORCEMENT APPROVAL REQUIRED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DISTRICT APPROVAL BY (Name) <i>SFD</i>	ABC EMPLOYEE SIGNATURE <i>AM</i>	DATE SIGNED <u>12/7/2016</u>	

Received at CPC Hearing 11/21/19
B. Hicks

461 29th St., 2008.0023CUA

From: mike <mike@garavaglia.com>
To: "Ionin, Jonas (CPC)", "myrna.melgar@sfgov.org", joel.koppel@sfgov.org, frank.fung@sfgov.org, "milicent.johnson@sfgov.org", "kathrin.moore@sfgov.org", "dennis.richards@sfgov.org", commissions.secretary@sfgov.org
Cc: bridget.hicks@sfgov.org, Marc Norton <nortonsf@ix.netcom.com>
Subject: 461 29th St., 2008.0023CUA
Date: Nov 20, 2019 11:01 AM
Attachments: 191119_461-29thSt_LettertoPlanning.pdf 191119_attachment_461-29thSt_toPlanning.pdf

Dear Mr. Ionin,

Please see the forwarded email below and the attached letters. They are part of the official record for the hearing. We will provide copies to the commissioners at that time.

Sincerely,
 Michael Garavaglia, A.I.A. LEED AP BD+C
 President, Garavaglia Architecture, Inc.

582 Market Street, Suite 1800
 San Francisco, CA 94104
 P: 415.391.9633 F: 415.391.9647
www.garavaglia.com

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

From: Marc Norton
Sent: Nov 20, 2019 6:27 AM
To: Concerned29thStreetNeighbors@NoeValley.net
Cc: Bridget Hicks , Tom McGrath , Earle Weiss , Andy Levine , "Ozzie Rohm,Noe Neighborhood Council"
Subject: NEW LETTER from GARAVAGLIA ARCHITECTURE - 461 29th Street

Attached is a **new letter from Michael Garavaglia, Preservation Architect**, concerning the inadequate review by the Planning Department of the Historic Resource Status of the existing home at 461 29th Street. The letter was delivered Tuesday to Bridget Hicks, the Planner overseeing the monster house project at this site. The letter will be delivered to the Planning Commission today.

The current configuration of the home, with its Mission Revival roof form and parapet, has existed since at least 1939. This is documented in the photos in the updated Memorandum also attached to this email.

Mr. Garavaglia wrote to the Planning Department in October, presenting these photos, which were not taken into consideration when an old historic review was conducted in 2008. The Planning Department finally responded to this new information last week, issuing a new CEQA Categorical Exemption Determination. However, in their apparent haste to make this determination in advance of the scheduled Thursday, November 21 hearing, they failed to conduct a new Historic Resource Evaluation, which is normally done to document an exemption determination. In less technical terms, they are just winging it.

According Mr. Garavaglia, the Planning Department's main error is that they continue to treat the current configuration of the home "as if it were an alteration of an 1880's building, and not as a version of the building that may have achieved significance in its own right," having existed for at least 80 years.

If the Planning Commission relies on the new exemption determination and allows the current home to be demolished without proper historic review, they will be inviting an appeal.

Marc Norton
 468 - 29th Street
 (415) 648-2535



582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104

T: 415.391.9633
F: 415.391.9647

www.garavaglia.com

MEMORANDUM

Date: November 19, 2019

To: Bridget Hicks, M.S., Planner II
Bridget.Hicks@sfgov.org

From: Michael Garavaglia, A.I.A., LEED AP BD+C
President, Garavaglia Architecture, Inc.

Project: 2019093 - 461 29th Street Consulting

Re: 2008.0023CUA
Proposal to demolish the residence at 461 29th Street / New multi-unit residential building

Via: Email

Dear Ms. Hicks,

This letter has been requested by Marc Norton (residing at 468 29th Street) to address the current plans and proposal to demolish the residence at 461 29th Street (Conditional Use Application 2008.0023CUA , Building Permit No. 201803264612 and 201803264615). Mr. Norton has requested services of Garavaglia Architecture, In. (GA) due to our current standing in the consultant pool as a qualified Historic Resource Consultant in San Francisco.

The primary reason for this concern is the manner in which the conditional use application from 2008, and resulting 2008 CEQA determination of Categorical Exemption (Cat. Ex.), has been transferred to this current project. Even though the permits for the project were disapproved and eventually cancelled, this 11-year-old application has been deemed adequate for review in 2019. As part of the 2008 Cat. Ex., a 2007 Historic Resource Evaluation was prepared under an older method of evaluation and historical context. The report never evaluated the current configuration of the building - it only discussed it as a reduction in historical integrity of the 1880's building. A relevant photograph found in the Muni archives dated **Jan 3, 1939** confirms it was built before 1939 (the most relevant permit history applicable to this current configuration is from 1934 when a garage door was added and front stair was changed).

The historical evaluation report would be considered inadequate under today's evaluation methodology as it discusses the current version of the building as if it were an alteration of an 1880's building, and not as a version of the building that may have achieved significance in its own right. Also it explicitly notes that it evaluated the building built before 1913 - thus subject to the previous SF Planning CEQA Guidelines. Today there would be a 45-year look back period (buildings built before 1974). This oversight was brought to Planning's attention about 6 weeks ago, only recently was a modification to the Cat. Ex. document was provided. This was done only after continued requests to provide an updated HRE for the project. Without this

persistence the limited "evaluation" (that partly appears in the application and provided without any supportive written material) would not have occurred. As the substance of the 2008 Cat. Ex. was changed, how could it still apply today for the current project? Additionally how is it that a full HRE was not required of the developer - especially considering that the building will be demolished?

No additional documentation was provided to substantiate the analysis and determination by the current Preservation staff. Given the insufficient information and analysis in the 2007 HRE, a full HRE for the property should be required, including the additional analysis on the pre-1939 alteration, to comply with the current standard of review.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Garavaglia". The signature is fluid and cursive, with the first letter "M" being particularly large and prominent.

Michael Garavaglia, A.I.A., LEED AP BD+C
President, Garavaglia Architecture, Inc.

cc: Marc Norton, 468 29th Street, San Francisco, CA 94131, (415) 648-2535
Attachment: 191119_Draft_attachment461-29thSt_LettertoPlanning.pdf



582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104

T: 415.391.9633
F: 415.391.9647

www.garavaglia.com

MEMORANDUM - DRAFT

Date: October 3, 2019 updated November 19, 2019

To: Bridget Hicks, M.S., Planner II
Bridget.Hicks@sfgov.org

From: Michael Garavaglia, A.I.A., LEED AP BD+C
President, Garavaglia Architecture, Inc.

Project: 2019093 - 461 29th Street Consulting

Re: 2008.0023CUA
Proposal to demolish the residence at 461 29th Street / New multi-unit residential building

Via: Email

This letter has been requested by Marc Norton (468 29th Street) to address the current plans and proposal to demolish the residence at 461 29th Street (Building Permit No. 201803264612 and 201803264615). Mr. Norton has requested our services due to our current standing in the consultant pool as a qualified Historic Resource Consultant in San Francisco.

The subject property currently has a Planning Department Historic Resource Status of "C - No Historic Resource Present," as a result of a 2007 Historic Resource Evaluation (HRE) which concluded that "[the] building does not appear to qualify for listing in the California Register under any of the Criteria, and therefore should not be considered an individual Historical Resource for CEQA purposes."¹ This report was completed prior to the establishment of the current San Francisco Planning Department standards provided to qualified Historic Resources Consultants, and the publication of San Francisco Preservation Bulletin No. 16.² As such, the report would not currently meet the guidelines for a sufficient HRE.

The 2007 evaluation of significance and integrity focuses on the presumed original design of the 1880s building, and not on the current configuration present as early as 1939 (Figures 1 & 2). The 2007 HRE does note these alterations to the building, but does not consider if the changes have acquired historic significance in their own right.

¹ Tim Kelley Consulting, *Historic Resource Evaluation: 461 29th Street, San Francisco, Ca.* (Tim Kelley Consulting, 2007).

² San Francisco Planning, "City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources," San Francisco Preservation Bulletin, no. 16 March 2008, Draft.

The report itself states (a now outdated) historical context to evaluate the project under. The following is the paragraph where the Evaluation is discussed. "This evaluation is undertaken preparatory to considering demolition, because the subject residential building was constructed prior to 1913, and therefore is a Category B building under Planning Department CEQA Guidelines."

It is also noted that the 2007 HRE misstates a 1964 permit as foundation and sheet rock in basement. The correct scope on the permit is "repair backstairs, sheet rock in basement". A copy of the permit is available if desired.

In addition, the 2018 Environmental Review Application for the project notes that an HRE is required, as the project proposes to demolish a building over 45 years old (Section 5.2.).³ Due to the age of the 2007 HRE and insufficient evaluation methodology, the findings of the report should no longer be considered applicable to the current proposal. As such, an updated evaluation of the significance of the property is warranted prior to the approval to demolish or significantly alter the building.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Garavaglia". The signature is fluid and cursive, with a large loop at the end.

Michael Garavaglia, A.I.A., LEED AP BD+C
President, Garavaglia Architecture, Inc.

cc: Marc Norton, 468 29th Street, San Francisco, CA 94131, (415) 648-2535

³ Accessed October 3, 2019 on the San Francisco Property Information Map (Report for: 6631033).



Figure 1. View of 461 29th Street looking west toward Noe Street, 1939. Subject building noted with red outline. (29th & Sanchez Jan 3, 1939: OpenSFHistory / wnp4.1171.jpg)



Figure 2. Detail of the subject building, 1939. (29th & Sanchez Jan 3, 1939: OpenSFHistory / wnp4.1171.jpg)



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Revised Draft Motion

HEARING DATE: NOVEMBER 21, 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.: 2008.0023CUA
Project Address: 461 29th STREET
Zoning: RH-2, Residential-House, Two Family Zoning District
40-X Height and Bulk District
Block/Lot: 6631/033
Project Sponsor: Earle Weiss
21 Corte Madera Avenue, #4
Mill Valley, CA 94941
Property Owner: Tom McGrath
San Francisco, CA 94131
Staff Contact: Bridget Hicks- (415) 575-9054
Bridget.Hicks@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317, TO ALLOW THE DEMOLITION OF AN EXISTING ONE-STORY OVER GARAGE, 1,284-SQUARE FOOT, SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A 40-FOOT-TALL, 5,877 SQUARE FOOT RESIDENTIAL BUILDING WITH TWO DWELLING UNITS AND ONE ACCESSORY DWELLING UNIT (ADU) WITH 3 OFF-STREET VEHICULAR PARKING SPACE AND 3 BICYCLE PARKING SPACES LOCATED AT 461 29TH STREET, LOTS 033 IN ASSESSOR'S BLOCK 6631, WITHIN THE RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 01, 2019, Earle Weiss of Earle Weiss Architects (hereinafter "Project Sponsor") filed Application No. 2008.0023CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to demolish the existing one-story over garage, 1,284 square-foot, single-family residence and the construction a new 40-foot-tall, 5,788-square-foot residential building with two dwelling units and one accessory dwelling unit and three off-street parking spaces (hereinafter "Project") at 461 29th Street, Block 6631 Lot 033 (hereinafter "Project Site").

On August 29, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2008.0023CUA. At this public hearing, the Planning Commission continued the Project to the public hearing on November 7, 2019. At this public hearing, the Planning Commission continued the Project to the public hearing on November 21, 2019.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2008.0023CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 Conditional Use Authorization as requested in Application No. 2008.0023CUA, subject to the conditions contained in "EXHIBIT A" of this motion, 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 of an existing one-story over garage, 1,284 square-foot, single-family residence and the construction a new 40-foot-tall, 5,788-square-foot residential building with two dwelling units and one accessory dwelling unit (ADU). The Project includes three off-street vehicular parking spaces and three bicycle parking spaces. The ADU will be designated as Unit 1 and will occupy the basement and ground floor levels.
3. **Site Description and Present Use.** The subject property is located on the south side of 29th Street between Noe Street and Sanchez Street, Lot 033 in Assessor's Block 6631 and is located within the RH-2 (Residential-House, Two-Family) Zoning District and a 40-X height and Bulk District. The site is an approximately 2,850 square foot lot with 25 feet of frontage and a depth of 114 feet. The Project site has an existing approximately 1,284 square foot, one-story over garage, single family dwelling constructed sometime between 1880 and 1886. The existing residential building is currently vacant.
4. **Surrounding Properties and Neighborhood.** The subject property is located in the Noe Valley neighborhood within Supervisorial District 8. Parcels within the immediate vicinity consist predominantly of two- to three-story single- and multi-family residential buildings constructed mostly in the early 1900s. The subject block face exhibits a variety of architectural styles, scale, and massing.
5. **Public Outreach and Comments.** To date, the Department has received 8 letters of opposition and no letters of support. The letters of opposition are consistent in their concerns pertaining to the Project's height, scale and façade. With regard to height, the comments cite that a 3-story building, rather than the proposed 4-story project, would be more compatible with the neighborhood. With regard to scale, the comments cite that the area of proposed project is too large and out of scale

with the surrounding neighborhood. With regard to the façade, comments cite concerns with the quality of the material palate being out of character with the neighborhood.

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. **Residential Demolition – Section 317.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in an RH-2 Zoning District. The Code establishes criteria that the Planning Commission shall consider in the review of applications for residential demolition.

As the Project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings as part of this Motion (See Below).

- B. **Front Setback Requirement.** Planning Code Section 132 requires, in RH-2 Districts, a front setback that complies to legislated setbacks (if any) or a front back based on the average of adjacent properties (15-foot maximum).

The average front setback of the two adjacent buildings is 1-foot, 7-inches. The proposed front setback is 1-foot, 7-inches and, therefore, complies with Planning Code Section 132.

- C. **Front Setback Landscaping and Permeability Requirements.** Planning Code Section 132 requires that the front setback be at least 20% unpaved and devoted to plant material and at least 50% permeable to increase storm water infiltration.

The Project provides 10 square feet of landscaped area and a total of 31 square feet of permeable area in the front setback and, therefore, complies with Planning Code Section 132.

- D. **Rear Yard Requirement.** Planning Code Section 134 requires a minimum rear yard depth equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by averaging of the adjacent rear building walls. When averaging, the minimum rear yard allowed is 25 percent, but in no case less than 15 feet, and shall be provided at the ground level. If a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (e)(1) above times the reduction in depth of rear yard permitted by Paragraph²subsection (e)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

The required rear yard of 45% of the lot depth is approximately 51-feet, 3-inches. The average of the adjacent rear yards is 40-feet, 4-inches. The Project proposes 40-foot, 4-inch rear yard setback based on the average setback of the two adjacent properties (while maintaining at least 25% of the lot depth or 2-8 feet, 6-inches) and also utilizes the alternative method of averaging pursuant to Planning Code Section 134. The area of resulting reduction is no more the area of the resulting addition and all portions of the open area on the part of the lot to which the rear yard reduction applies are directly exposed laterally to the open area behind the adjacent building. Additionally, the last 10-feet of building depth does not exceed 30-feet in height. Therefore, the Project complies with the rear yard requirement of Planning Code Section 134.

- E. **Usable Open Space.** Planning Code Section 135 requires, in RH-2 Districts, usable open space that is accessible by each dwelling (100 square feet per unit if private, or 133 square feet if shared).

The Project provides access to the rear yard open space for Units 1 and 2. The rear yard is over 700 square feet, which is greater than the 266 square feet required and, therefore, the Project provides code complying open space for Units 1 and 2. Unit 3 has access to private roof deck. The private open space area for Unit 3 is over 300 square feet which is greater than the 100 square feet required and therefore, the Project provides Code-compliant open space for Unit 3.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room for all dwelling units face onto a public street or public alley, at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

All three units have either direct exposure to 29th Street, which possess a qualifying width, or to the Code compliant rear yard; therefore, the Project complies with Planning Code Section 140.

- G. **Off-Street Parking.** Planning Code Section 151 allows a maximum of 1.5 parking spaces for each Dwelling Unit/.

The proposed three-dwelling unit Project provides three off-street parking spaces and, therefore, complies with Planning Code Section 151.

- H. **Street Frontage, Parking and Loading Access Restrictions.** Off-street parking shall meet the standards set forth in Planning Code Section 155 with respect to location, ingress/egress, arrangement, dimensions, etc.

Proposed off-street parking for three vehicles will be located wholly within the property, and will comply with access, arrangement and street frontage dimensional standards.

- I. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit.

The Project is required to provide three Class 1 bicycle parking spaces and no Class 2 bicycle parking spaces. The Project proposes three Class 1 bicycle parking spaces located in the shared garage; therefore, the Project complies with Planning Code Section 155.2.

- J. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District. Planning Code Section 261 further restricts height in the RH-2 Zoning District to 30-feet at the front lot line or required front setback, then at such setback, height shall increase at an angle of 45° toward the rear lot line until the prescribed 40-foot height limit.

The Project proposes the construction of a new 4-story, three-dwelling unit, residential building that will be approximately 39-feet, 6-inches tall. The building height, as measured from the front setback, is approximately 30-feet tall. The fourth floor is set back 15-feet from the front building wall, and, therefore, complies with Planning Code Sections 260, 261, and the 40-X Height and Bulk District.

- K. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

The Project proposes new construction of a building that will result in two net new dwelling units; therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The use and size of the proposed Project is compatible with the surrounding neighborhood. The proposal would demolish an existing single-family dwelling that contains three bedrooms and has approximately 1,284 gross residential square feet. The new building will contain one 2-bedroom ADU, one 2-bedroom unit, and one 3-bedroom dwelling unit ranging in size from approximately 1,322 square feet and 2,137 square feet, respectively. The siting of the new building is in conformity with the requirements of the

Planning Code and is consistent with the objectives of the Residential Design Guidelines, as well as with the existing development pattern and neighborhood character. Overall, the construction of three new dwelling units is necessary and compatible with the surrounding neighborhood and the larger City.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project includes a three-story massing along the street, with the fourth-floor set back 15-feet from the front building wall, which is appropriate given the context of the surrounding neighborhood. The Project provides an average rear yard setback of 40-feet, 4-inches which maintains the existing development pattern and pattern of mid-block open space.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require vehicular parking for residential dwelling units and allows a maximum of 1.5 spaces per unit. The Project proposes three off-street parking spaces and three Class 1 bicycle parking spaces.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the Project is residential in nature, the use is not considered to have the potential to produce noxious or offensive emissions.

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project is residential and will be landscaped accordingly and adequate treatment will be given to screening, open space, and parking spaces.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RH-2, (Residential-House, Two Family) District.

The proposed Project is consistent with the stated purpose of the RH-2 Zoning District, which is characterized by one-, two-, and multi-family buildings that are finely scaled and usually do not exceed 25-feet in width and 40-feet in height.

8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications for Residential Demolition. On balance, the Project does comply with said criteria in that:

- i. Whether the property is free of a history of serious, continuing Code violations;

Since the first hearing, a review of the Department of Building Inspection and Planning Department databases has found an open Department of Building Inspection case for a complaint filed on September 30th, 2019, alleging work within the residence without a permit. On October 7, 2019 Building Permit Number 201910073716 was issued to address said work.

- ii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The existing dwelling is currently used as a single-family home and appears to be in decent, safe and sanitary condition.

- iii. Whether the property is an "historical resource" under CEQA;

The Planning Department reviewed the Historic Resource Evaluation submitted and provided a historic resource determination in a Historic Resource Evaluation Response (HRER). The historic resource determination concluded that the subject property is not eligible for listing in the California Register of Historical Resources (CRHR) individually or as a contributor to a historic district.

Preservation staff reviewed the previous Historic Resource Evaluation Response (HRER) and related documents and agreed with the determination. Staff determined that the previous historic review was complete and meet current standards for research and analysis. Based on public feedback regarding analysis of later alterations to the subject property staff reviewed and added further analysis to the Categorical Exemption, which follows:

Based on an additional analysis of the building's development and alteration history, it does not appear that the alterations completed ca. 1930s and later are significant in their own right. These alterations do not appear to have been completed by a master architect and do not possess high artistic value such that the building would be considered an individually eligible historic resource.

Therefore, the existing structure is not a historic resource under CEQA.

- iv. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Not Applicable. The Planning Department determined that the existing structure is not a historic resource. Therefore, the removal of the structure would not result in a significant adverse impact on historic resources under CEQA.

- v. Whether the project converts rental housing to other forms of tenure or occupancy;

The Project does not convert rental housing to other forms of tenure or occupancy, as the existing building is a single-family residence and is used as such.

- vi. Whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;

Although the single-family dwelling is technically subject to the Rent Stabilization and Arbitration Ordinance because it is a residential building constructed before 1979, the Planning Department cannot definitively determine which aspects of the Ordinance are applicable. The Rent Stabilization and Arbitration Ordinance includes provisions for eviction controls, price controls, and other controls, and it is the purview of the Rent Board to determine which specific controls apply to a building or property.

- vii. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

Although the Project proposes the demolition of an existing dwelling, the new construction will result in two additional dwelling units.

- viii. Whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the number of bedrooms and by constructing three new dwelling units and that are consistent with the RH-2 Zoning District. The proposed residential development is characteristic of other existing residential buildings located along 29th Street. Additionally, two net new dwelling units would be added to the City's Housing Stock.

- ix. Whether the project protects the relative affordability of existing housing;

The Project removes an older dwelling unit, which is generally considered more affordable than a more recently constructed unit; however, the project will add two net new family-sized dwelling units to the City's Housing Stock.

- x. Whether the project increases the number of permanently affordable units as governed by Section 415;

The Project is not subject to the provisions of Planning Code Section 415, as the Project proposes less than ten units.

- xi. Whether the project locates in-fill housing on appropriate sites in established neighborhoods;

The Project proposes in-fill housing with a total of three dwelling units which is consistent with the varying neighborhood density. The proposed residential development is characteristic of other existing residential buildings located along 29th Street and in the surrounding neighborhood.

- xii. Whether the project increases the number of family-sized units on-site;

The Project proposes an opportunity for family-sized housing. The Project proposes two dwelling units that contain two bedrooms and two bathrooms, and one dwelling unit that contains three bedrooms and three bathrooms. Currently, the property contains one dwelling unit with three bedrooms and two bathrooms.

- xiii. Whether the project creates new supportive housing;

The Project does not create new supportive housing.

- xiv. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The overall scale, design, and materials of the proposed buildings are consistent with the block-face and compliment the neighborhood character with a contemporary design.

- xv. Whether the project increases the number of on-site Dwelling Units;

The Project will increase the number of on-site units from one dwelling unit to three dwelling units.

- xvi. Whether the project increases the number of on-site bedrooms.

The existing dwelling contains three bedrooms. The proposed Project provides a total of seven bedrooms between the three dwelling units.

- xvii. Whether or not the replacement project would maximize density on the subject lot; and

The maximum density for the subject property is two units and one accessory dwelling unit. The Project proposes the new construction of a two-unit building, with an accessory dwelling unit maximizing the density permitted in the RH-2 Zoning District.

- xviii. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

The Project will replace the existing single-family dwelling with three new dwelling units of a similar size. The Project will result in three family-sized dwelling units.

Regarding unit size and count, the existing dwelling unit has approximately 1,284 square feet of habitable area and three bedrooms. The proposed building contains a three-bedroom unit and two two-bedroom units. The new units provide more than the existing square footage and bedroom count.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1

Discourage the demolition of a sound existing housing unless the demolition results in a net increase in affordable housing.

While the Project will demolish an existing single-family dwelling, the new construction will result in two net new dwelling units to the existing housing stock.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.4:

Preserve “naturally affordable” housing types, such as smaller and older ownership units.

While the Project will demolish an existing single-family dwelling, the new construction will result in two net new dwelling unit to the existing housing stock.

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.

The Project proposes to demolish a single-family residence and to construct a new three-family home, one with three bedrooms and two with two-bedrooms which could accommodate families with children.

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.

The proposed replacement building conforms to the Residential Design Guidelines and, while contemporary in architecture, is appropriate in terms of scale, proportions and massing for the surrounding neighborhood.

Policy 11.4:

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

Policy 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The subject property is within a RH-2 Zoning District which allows for higher residential density than the existing single-family dwelling. The proposed replacement building provides three family-sized dwelling units within a District with a maximum of two dwelling units and one additional ADU per lot. Furthermore,

the proposed new construction conforms to the Residential Design Guidelines and is appropriate in terms of material, scale, proportions and massing for the surrounding neighborhood.

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 1.2:

Recognize, protect, and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3

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

The proposed replacement building reflects the existing mixed architectural character and development pattern of the neighborhood, particularly by proposing a construction with a setback fourth floor that respects the two- to three- story heights on the block face. The structure, as viewed from the front façade, will continue the stepped pattern of building forms along the block-face with the top floor set back from the main building wall.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The replacement building has been designed to be compatible with the neighborhood's mixed massing, width, height, and architectural style. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood context.

10. **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:
 - A. 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 site does not possess any neighborhood-serving retail uses. The Project provides three new dwelling units which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

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

The Project is compatible with the existing housing and neighborhood character of the immediate neighborhood. The Project proposes a height and scale that is compatible with the adjacent neighbors and will add three additional dwelling units, which is consistent with the density intent of the underlying RH-2 Zoning District and surrounding neighborhood.

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

While the affordability of the existing unit is not preserved since it is proposed to be demolished, the replacement building will provide a well-designed two-family home that contains a total net gain of additional bedrooms and units.

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

The Project would not have a significant adverse effect on automobile traffic congestion, nor would it create parking problems in the neighborhood. The Project would enhance neighborhood parking by providing an off-street vehicle and bicycle parking space for each unit. The Project Site is located just over one block from the Church Street and 29th Street Muni J-Church light rail line.

- E. 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 a residential project in and RH-2 District; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.

- F. 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.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any City Landmarks or historic buildings.

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

The Project will have no negative impact on existing parks and open spaces. The height of the proposed building is compatible with the established neighborhood development.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use 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 Conditional Use Authorization Application No. 2008.0023CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 3, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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 November 21, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 21, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of the existing one-story over garage, 1,284 square-foot, single-family residence and the construction a new 40-foot-tall, 5,788-square-foot residential building with two dwelling units and one accessory dwelling unit and three off-street parking spaces located at 461 29th Street, Block 6631, and Lot 033 pursuant to Planning Code Section(s) **303 and 317** within the **RH-2** District and **40-X** Height and Bulk District; in general conformance with plans, dated **November 3, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2008.0023CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 21, 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 **November 21, 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
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 do so, 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
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
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
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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **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

7. **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

PARKING AND TRAFFIC

8. **Bicycle Parking.** The Project shall provide no fewer than 3 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

9. **Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than 3 off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **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

PROVISIONS

11. **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

MONITORING - AFTER ENTITLEMENT

12. **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

13. **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

OPERATION

14. **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>

15. **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

A. Perry

Submitted Testimony of Christopher Martin Concerning November 16, 2019 Planning Commission Agenda Item 16 a-c MULTIPLE PROPERTIES OWNED OR LEASED BY THE ACADEMY OF ART UNIVERSITY

Good Afternoon Commissioners:

In written testimony submitted earlier, Professor Tom Jones stated that The Cannery, located at 2801 Leavenworth Street, is a considerable distance from any of the other AAU core clusters (please see attached map). The Cannery is the only parcel in the what has been identified as the “Fisherman’s Wharf Cluster.” I agree with Professor Jones---**The Cannery is not a convenient location for students or transportation and should not be converted to allow AAU uses.**

I have a deep background and first-hand knowledge of The Cannery and Fisherman’s Wharf. My family originally developed and operated The Cannery for over 40 years. I managed The Cannery for most of that time, and filled it with businesses that attracted locals as well as tourists, including non-chain retail tenants, movie theaters, comedy clubs, museums, sidewalk cafes and restaurants. For years, The Cannery accommodated street performers (including Robin Williams and others) and produced lively free events including film festivals, farmers markets, and numerous music festivals. **Seven million people a year visited The Cannery. The Cannery was an anchor and draw to the area.**

In 2007, we sold The Cannery to a real estate entity that had a San Francisco partner. After several years that entity forfeited The Cannery to their lender. In 2011, the Stephens family purchased the property from the lender despite instruction from the Department of Planning to cease purchasing additional properties for AAU uses.

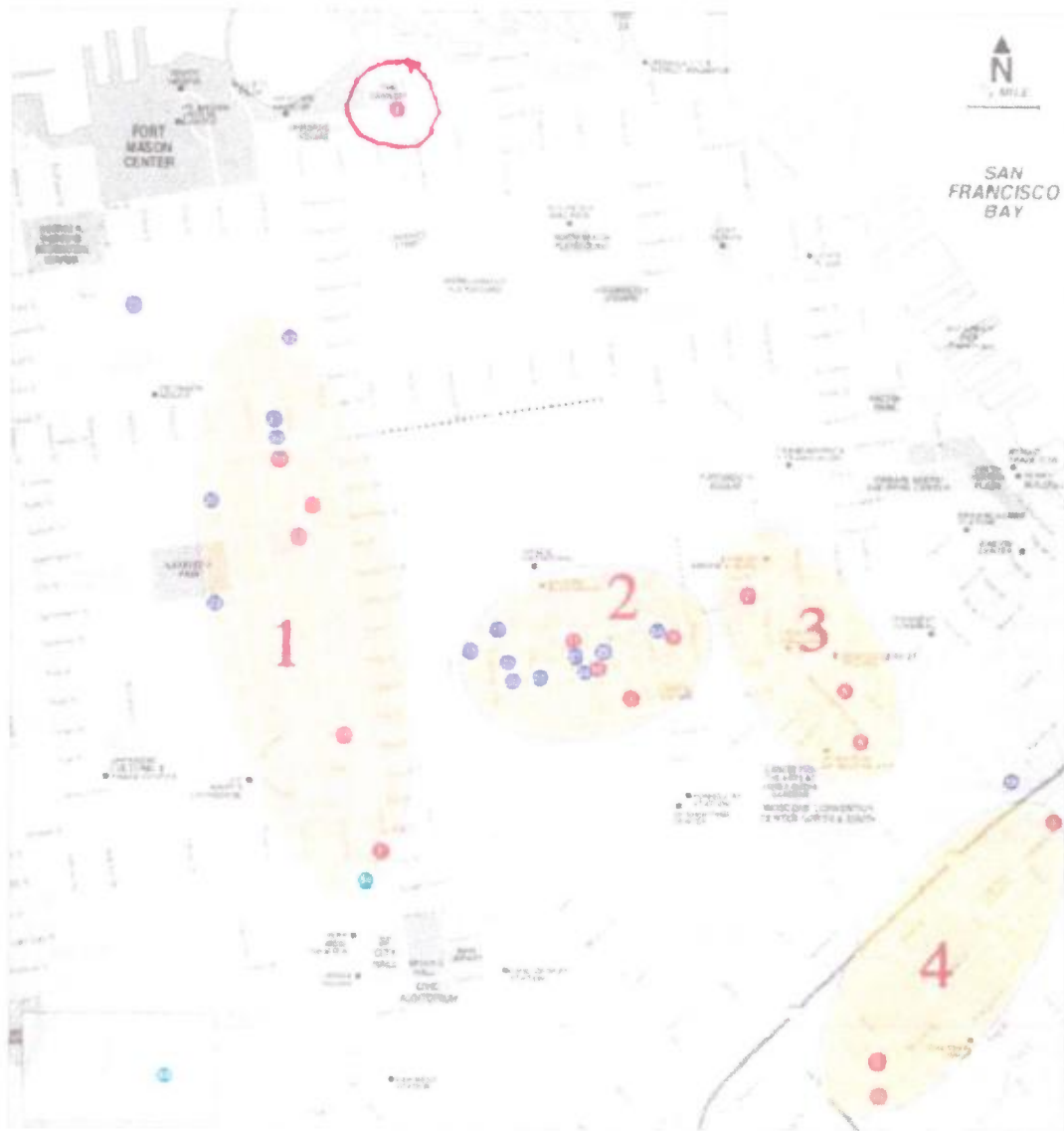
Today, under AAU management, The Cannery is a dead zone. No trespass signs greet you when you enter the property. **Access to the building is limited.** Public restrooms are closed to the public. Nearly all retail spaces and restaurants are vacant (please see attachment). Even the AAU galleries are closed most of time. It is tragic. **A once vibrant complex that was designed for people to enjoy is bleak and empty.**

It is clear to me that the AAU is not capable of running The Cannery as it was intended to operate.

Inactive storefront on the first and second levels reduces and discourages pedestrian circulation on Jefferson and Beach Street. It already has created a dead zone on along Beach and Jefferson Street, which has reduced foot traffic to Ghirardelli Square and directly impacts the sales of many other businesses. Further, **AAU uses on the 1st and 2nd levels of The Cannery are contrary to the Department of Planning's Fisherman's Wharf Public Realm Plan and Gehl Architects' vision to invigorate Fisherman's Wharf** with active frontages that are inviting and engaging to the passers-by, such as, sidewalk cafes and stimulating retail stores. Shutting down the active ground level spaces at The Cannery, not just on Jefferson Street, but Leavenworth Street, Beach Streets, and The Cannery's courtyard eliminates lively sidewalk activity and creates a large dead zone and that stagnates the vibrant promenade that Mr. Gehl believes can be achieved at Fisherman's Wharf.

I recently visited the Cannery and the Fisherman's Wharf area. It saddened me. Business is way down in the Wharf. Merchants and restaurant owners tell me it has never been so slow in decades. I spent many years working with Jimmy Herman and others to maintain the fishing industry and instill a sense of planning and community in the area. All of the marine supply stores along have been converted to tacky tourist oriented gift stores. The lack of authenticity threatens the Wharf's future. **Your staff recommended not including The Cannery as an Academy use property.** I urge this Commission to **reject the proposed land-use change for The Cannery and to preserve its intended use as a lively retail, restaurant, and entertainment landmark.**

Academy of Art University - Proposed Campus



The map above is part of the MASTER PLAN information for AAU. Note that while the four areas of existing buildings are all proposed as part of their CAMPUS, the Cannery stands alone far from any other facilities.

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
with 1000 sq ft with Accessory Office, Community Facility
34. 950 Van Ness Ave./963 O'Farrell St.
Private Parking Garage with 1000 sq ft with
car museum access to museum building
1849 Van Ness Ave.

Clusters

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

NO TRESPASSING

REQUEST FOR ENFORCEMENT OF MUNICIPAL POLICE CODE SECTION 25

San Francisco Municipal Police Code Section 25 provides that no person shall willfully remain upon any private property or business premises after being notified to leave by the owner, lessee, or other person in charge. Notice may be oral or in the form of a written notice posted in a conspicuous place.

A violation of Section 25 is an infraction. A second violation within 24 hours (Section 26) is a misdemeanor.

To the San Francisco Police Department:

I hereby request that the San Francisco Police Department enforce the above Municipal Police Code Sections on my behalf and in my absence. I have given no person(s) permission to sleep, lie, or in any way remain within my doorway located at 2801 LEAVENWORTH (private property) while my business is closed, during the days and hours listed below (including holidays).

<input type="checkbox"/> Sun. : : am/pm to : : am/pm	<input type="checkbox"/> Thurs. : : am/pm to : : am/pm
<input type="checkbox"/> Mon. : : am/pm to : : am/pm	<input type="checkbox"/> Fri. : : am/pm to : : am/pm
<input type="checkbox"/> Tues. : : am/pm to : : am/pm	<input type="checkbox"/> Sat. : : am/pm to : : am/pm
<input type="checkbox"/> Wed. : : am/pm to : : am/pm	24 HOURS A DAY / 7 DAYS A WEEK

I further state that I will notify the San Francisco Police Department in writing within 24 hours if I do give a person(s) permission to sleep, lie, or in any way remain within said doorway, providing the Police Department with the person(s) name.

I agree to post a copy of this notice in a location where it will be visible to all persons within the said area. I understand that this letter of request expires six months after the below - signed date.

Signature of owner or agent MICHAEL PETRICCA Date 1/1/15

Address 180 NEW MONTGOMERY ST

2 copies: Owner

AGENT TO POST

JANUARY 1, THROUGH JUNE 30, 2015



ACQUA
NIVERS

GALLERY
#12

GALLERY IS
TEMPORARILY
CLOSED

A. Perry

SUE C. HESTOR
Attorney at Law
870 Market Street, Suite 1128 San Francisco, CA 94102
office (415) 362-2778 cell (415) 846-1021
hestor@earthlink.net

November 21, 2019

Items 16a-c - 34 Properties owned or leased by the Academy of Art University

Members of the PUBLIC have taken concerted action since December 2005 - FOURTEEN YEARS - to force the City to deal with the rogue **FOR PROFIT** Academy of Art University. Exh 1

AAU has acquired 43 sites in NE San Francisco, all but 3 since 1991 when it was required to file an Institutional Master Plan. Which it failed to do. Exh 2. A significant number of buildings are Delaware LLCs - which obscures ownership.

17 of AAU buildings are residential properties - apartment buildings, residential hotels, tourist hotels. They were under Rent Control, but it was basically ignored.

AAU Residential buildings not ADA compliant PLUS buses and instructional buildings

Besides plundering SF housing supply, AAU has not met its legal obligation to provide accessible facilities. Its residences are non-compliant. Exh 3, Exh 4 plus submissions of architect/planner Tom Jones and Bob Planthold.

The wandering private AAU bus system (AAU advertising) is non-accessible. **Instructional buildings** (PSEI) do not have accessible path of travel and in some cases, lack required building access.

Impacts of AAU students NOT housed in AAU buildings

Most AAU students do NOT live in AAU owned buildings. **Where do they live?** Where do they compete with SF workers and residents for housing? What neighborhoods? Richmond? Mission? Marina? South of Market? Western Addition? Haight? Elsewhere in City?

Around 40% of AAU enrollment is foreign students. They CANNOT live at home. They are not eligible for US federal student loans. Those students pay full costs of enrollment and services to FOR PROFIT AAU. AAU has faced major litigation for violations of federal law for recruiting students.

10 years ago AAU students bought apartments that were restricted to SENIOR CITIZEN HOUSING and proceeded to disrupt that building near Polk.

Unlike USF, UCSF, Calif College of Arts, SF State, Hastings, Conservatory of Music AAU has **FAILED TO BUILD NEW STUDENT HOUSING** to expand supply of housing.

No Legal Notice of Amendments to Planning and Administrative Codes

The only legal notice which was given for Planning Commission was 10/16/19 notice for 11/7/19 hearing on approving project . At the time Notice was published, there was **Development Agreement** to the public.

At time notice given (7/3/19) for AAU 7/5/19 Inst Master Plan, the 2019 amended settlement agreement was not signed and available to the public.

These agreements make important revisions to the Planning Code. To the code governing Residential Hotels. To code governing Development Agreements - Chapter 56 EXPLICITLY bans development agreements for institutions required to file Institutional Master Plans

AAU 7/5/19 IMP was accepted 7/25/19. And the Development Agreement provisions were negotiated by AAU and the Planning Department (and others in City Hall including the City Attorney).

The public was not allowed to participate. The documents for hearing at HPC and Plan Comm are massive. They include thousands of pages of environmental documents.

There has been insufficient time for the PUBLIC to review documents that have only been available to AAU. And to Planning Department staff.

Sue Hestor

EXHIBITS -

- 1 AAU at Planning Commission - Date, Issue, Names of Planning Commissioners
- 2 Properties acquired by AAU - year and size
- 3 AAU Residential Building Accessibility Analysis - by architect and planner Tom Jones
- 4 What are a public or private college-university's responsibilities to students w/disabilities

AAU at Planning Commission

post Dec 2005 when AAU confronted on need to file IMP
Former Planning Commissioner Current Commissioner

5/25/06 PLAN COMM - Comm Kevin Hughes raises question of AAU need to file IMP; ZA Badiner - AAU was first notified of need to file IMP 3/03 IMP lack raised by 12/05 St Brigid gp. Comm Bill Lee - need for Student Housing
Plan Comm - Sue Lee, Dwight Alexander, Shelley Bradford-Bell, Kevin Hughes, Bill Lee, Christine Olague

6/1/06 PLAN COMM - atty Atkinson informs Plan Comm the AAU just filed IMP
Plan Comm - Sue Lee, Alexander, Bradford-Bell, Hughes, Bill Lee, Olague, Antonini

2007

7/26/07 PLAN COMM requests addl info on IMP - Lorraine Hansberry Theater (Olague, Sugaya)
Plan Comm - Alexander, Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

9/27/07 PLAN COMM on AAU AAU non-compliance on IMP and enforcement issues. AAU Atty Michael Burke apology for non-compliance. Told staff in advance of intention re Flower Mart purchase. Directed to solve various problems. Plan Comm concerns about magnitude of violations & status of Lorraine Hansberry. Query to Elise Stephens - why keep buying more buildings after 3/7/07 Notice of massive number of violations? ES - we submitted IMP 10/06, although deemed inadequate by Planning staff. Burke - will redraft IMP in several months
Plan Comm - Alexander, Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

10/31/07 AAU submits revised IMP. Staff deems adequate for hearing - lacks Transportation Management Plan 8/13/07 AAU IMP version deemed totally inadequate for hearing

2008

12/6/07 PLAN COMM HEARING on the AAU IMP. Comm - Additional information needed.
Plan Comm - Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

1/24/08 PLAN COMM Exec Session on AAU litig.
Open Session on code violations, enforcement actions, IMP, Flower Mart; Atty Michael Burke - AAU will bring bldgs into compliance w/Code ASAP
Plan Comm - Alexander, Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

2/14-4/17/08 PLAN COMM STATUS REPORT ON AAU ENFORCEMENT AND INSTITUTIONAL MASTER PLAN UPDATE (IMP). On agenda of EVERY Plan Comm mtg

4/24/08 PLAN COMM Info Present of draft IMP. IMP ruled not complete Plan Comm - Olague, Antonini, S. Lee, W. Lee, Moore

5/1/08 PLAN COMM Exec Session on possible AAU litig

5/1/08 PLAN COMM Star Motel 1727 Lombard
Plan Comm - Olague, Antonini, W. Lee, Miguel, Moore, Sugaya

8/8/08 PLAN COMM Star Motel hearing - 1727 Lombard to legalize conversion 2007.1072
INTENT TO DENY CONVERSION
PLAN COMM - Olague, Miguel, Antonini, Borden, Lee, Moore, Sugaya

2010

2/8/10 Planning letter to AAU (ZA Badiner) - concerns of Plan Comm, BOS Land Use Comm, Plan Dept staff re lack of compliance w/Planning Code requirements

7/1/10 PLAN COMM Progress report on Enforcement Activities
PLAN COMM - Miguel, Olague, Antonini, Borden, Lee, Moore, Sugaya

9/29/10 Notice of Preparation of AAU EIR 2008.0586 published

12/9/10 PLAN COMM - info enforcement update.
Plan Comm Antonini, Rodney Fong, Moore, Sugaya, Miguel, Olague

2011

7/14/11 PLAN COMM Exec Session - lawsuit.
Plan Comm Antonini, Fong, Moore, Sugaya, Miguel, Olague

11/17/11 PLAN COMM - hearing on Institutional Master Plan
Plan Comm Antonini, Moore, Miguel, Olague Recused Fong, Sugaya

2012

9/20/12 PLAN COMM Exec Session - whether to initiate litigation against AAU
Plan Comm - Rodney Fong, Wu, Antonini, Borden, Hillis, Moore, Sugaya

2015

2/25/15 AAU DEIR published

4/16/15 DEIR Hearing
Plan Comm Antonini, Fong, Wu, Moore, Hillis, Richards, Christine Johnson

10/1/15 AAU update to CPC Plan Comm Antonini, Fong, Wu, Moore, Hillis, Richards, CJohnson

2016

3/17/16 Plan Comm hearing on 11/17/15 Update to AAU IMP .
Plan Comm Antonini, Fong, Wu, Moore, Hillis, Richards, CJohnson

5/19/16 Plan Comm Exec Session on AAU.
ESTM hearing - Comment on 5/12/16 memo.
Plan Comm Antonini, Fong, Wu, Moore, Hillis, Richards, CJohnson

7/28/16 AAU EIR Certified + hearing 2008.0586
Initiate Amend to Plan Code to convert 2209 and 2211 Van Ness
Plan Comm Antonini, Fong, Wu, Moore, Hillis, Richards, CJohnson

9/22/16 PLAN COMM AAU Student Housing CONT > 11/17/16 > 2/27/17 > 7/27/17 > 11/2/17
Init of legis legalize 2209 2211 VNess
AAU Amend PCode Sec 317 loss of hsg
Student Hsg Exemp amend LEGIS AAU
AAU Resid sites 2209 VNess CU 2211 VNess CU 1916 Octavia CU 1055 Pine CU
860 Sutter CU 1080 Bush CU 1153 Bush CU
AAU Amend PCode 175.5(b) 601 Brannan
Plan Comm Fong, Richards, Hillis, CJohnson, Koppel, Melgar, Moore

2017

2/2/17 Plan Comm CONT to 7/27 EIR findings, 3 Code amend, 2209 & 2211 VNess,
1916 Octavia, 1055 Pine, 860 Sutter, 1080 Bush, 1153 Bush, 460 & 466 Townsend

2/2/17 Info Tom Lakevitz Development Agree't Appl, Abbrev Term Sheet for Global Resolution
Plan Comm Fong, Hillis, Moore, CJohnson, Koppel, Melgar

7/27/17 Plan Comm CONT to 11/2 EIR findings, 3 Code amend, 2209 & 2211 VNess,
1916 Octavia, 1055 Pine, 860 Sutter, 1080 Bush, 1153 Bush, 460 & 466 Townsend

7/27/17 IMP PCode 304.5 Info Pres - Teague, Engmann
7/27/17 AAU IMP update 2017-005439IMP
Plan Comm Fong, Moore, Richards, CJohnson, Koppel

11/2/17 Plan Comm CONT indef EIR findings, 3 Code amend, 2209 & 2211 VNess, 1916 Octavia,
1055 Pine, 860 Sutter, 1080 Bush, 1153 Bush, 460 & 466 Townsend

AAU full IMP - hrg only - Cont indef - needs strengthening
Plan Comm Hillis, Richards, Fong, CJohnson, Koppel, Melgar, Moore

2019

7/25/19 Plan Comm Exec session People v Stephens Inst dba AAU 2016

7/25/19 Hear & accept AAU 7/5/19 full IMP
Plan Comm Moore, Richards, Frank Fung, Milicent Johnson, Koppel, Melgar

Properties acquired by AAU – year & square feet of lot

NOTE: an acre is 43,560 sq ft. Ownership/control of acre triggers requirement to file IMP

1966	740 Taylor	3,593 sqft	change of use requires CU – <u>appl 9/14/07</u>
1968	625 Sutter	6,660 sqft	
1977	540 Powell	6,873 sqft	IMP Ord effective 1/1/77
1991	2340 Stockton	37,812 sqft	<u>FULL INSTITUTIONAL MASTER PLAN REQUIRED</u>
1992	79 New Montgomery	22,562 sqft	
1993	680 Sutter (RES)	4,098 sqft	change of use requires CU – no appl
1994	736 Jones (RES)	4,031 sqft	change of use requires CU – no appl
	410 Bush	13,198 sqft	
1995	180 New Montgomery	21,418 sqft	sold?
	1916 Octavia (RES)	9,750 sqft	change of use requires CU – <u>appl 9/14/07</u>
1996	560 Powell (RES)	3,037 sqft	change of use requires CU – no appl
1997	1900 Jackson (RES)	2,678 sqft	change of use requires CU – no appl
1998	1153 Bush (RES)	5,841 sqft	change of use requires CU - <u>appl 9/14/07</u>
	2209 Van Ness (RES)	6,368 sqft	change of use requires CU – <u>appl 9/14/07</u>
	1849 Van Ness	26,412 sqft	change of use requires CU – <u>appl 9/14/07</u>
1999	1080 Bush (RES)	6,294 sqft	change of use requires CU – <u>appl 9/14/07</u>
	655 Sutter (RES)	8,318 sqft	
2000	1069 Pine	2,622 sqft	change of use requires CU – <u>appl 9/14/07</u>
	1055 Pine (RES)	20,738 sqft	change of use requires CU – <u>appl 9/14/07</u>
2001	491 Post	15,124 sqft	
2003	2295 Taylor	10,400 sqft	change of use requires CU – <u>appl 9/14/07</u>
	860 Sutter (RES)	6,410 sqft	change of use requires CU – <u>appl 9/14/07</u>
2005	58 Federal	18,162 sqft	change of use requires CU – no appl
	466 Townsend	37,812 sqft	change of use requires CU – no appl
	2151 Van Ness	21,492 sqft	change of use requires CU – <u>appl 9/14/07</u>
	620 Sutter (RES) YWCA	12,667 sqft	change of use requires CU – no appl Hansberry
	2211 Van Ness (RES)	3,689 sqft	change of use requires CU – <u>appl 9/14/07</u>
2006	817-831 Sutter (RES)	8,562 sqft	change of use requires CU – <u>appl 9/14/07</u>
2007	601 Brannan	68,750 sqft	requires zoning change
	168 Bluxome (RES)	21,771 sqft	48 Live/work change of use requires CU
	575 Harrison (RES)		33 Live/work change of use requires CU
	1727 Lombard (RES)	25,465 sqft	change of use requires CU – <u>appl 9/14/07</u> STAR
2008	121 Wisconsin bus yard		lease - not consistent w/zoning
2009	930-950 Van Ness		
	963 O'Farrell		
	2225 Jerrold		requires zoning change - not allowed
	460 Townsend		industrial - requires CU
2011	2801 Leavenworth, The Cannery		change of use
	625 Polk, California Hall		
	700 Montgomery		change of use
2012	150 Hayes (ex CSAA)		change of use
2014	1142 Van Ness/ Post Concordia Club		Not acknowledged until 2017
	2550 Van Ness (RES)		Not acknowledged until 2017
	1946 Van Ness Ehren's		Not acknowledged until 2007

AAU RESIDENTIAL BUILDING ACCESSIBILITY ANALYSIS

				accessible	accessible	accessible	notes
				entry	bathrooms	kitchens	
Category I: AAU Beds in former hotel/office space							
620 Sutter	136 beds	61 rooms		NO 5 stairs	NO	none	double and triple occupancy rooms each with small bath
655 Sutter	177 beds	55 rooms		NO up 1 step	YES some	none	variety of room sizes, all common baths, some with constricted entry but having handicapped stalls
817-825-831 Sutter	222 beds	111 rooms		YES except 19 rooms not	NO	none	19 rooms on basement and first floor only accessed by stair as is office and study - some commons
860 Sutter - current tourist hotel portion	84 beds	39 rooms		NO up 7 steps	NO	none	single rooms approx half with small bath, remainder sharing small baths at ends of halls
SUBTOTAL	619 beds	266 rooms					
2550 Van Ness Heritage Motel	306 beds	136 rooms		YES		6 none	Motel with 2 handicapped bath units per floor, all others have non-compliant bathrooms
1727 Lombard Star Motel	105 beds	52 rooms		YES		4 none	Motel with 2 handicapped bath units at grade level, none others comply, no elevator to upper floors
SUBTOTAL	411 beds	188 motel buildings					
TOTAL	1030 BEDS	454 ROOMS					
TOTAL ACCESSIBLE UNITS				10			
Category II: AAU Beds/Units in former live/work units							
575 Harrison	132 beds in	33 live work units	YES		YES/NO	NO	handicapped bath only at loft level where one enters, but kitchen and large living is down stairs
168 Bluxome Street	beds in	units	withdrawn				
TOTAL	132 BEDS	33 UNITS					
TOTAL ACCESSIBLE UNITS				0			
Category III: AAU Beds/Units in former SRO or Apartment Buildings							
SRO AND GROUP HOUSING UNITS ACCORDING TO PLANNING							
2211 Van Ness	24 beds in	3 units plus 4 rooms		PARTIAL via ramp to base		1	1 2 sleeping rooms and kitchen plus bath at lowest level accessible, no others are former house subdivided wide variety room sizes basement level commons former house subdivided wide variety room sizes elevator and elev. foyer look too small for ADA Small rooms irregular plan shared baths some commons below street level single rooms approx half with small bath, remainder sharing small baths at ends of halls
2209 Van Ness	57 beds in	18 rooms		NO up 20 or down 8 steps	NO	none	
1916 Octavia	46 beds in	22 rooms		PARTIAL via ramp to back	NO	none	
1153 Bush	42 beds in	16 rooms		NO up 12 steps	NO	none	
860 Sutter SRO room portion	102 beds in	50 rooms		NO up 7 steps	NO	none	
SUBTOTAL SRO and GROUP HOUSING UNITS	271 BEDS	110 ROOMS + 3 UNITS					
TOTAL ACCESSIBLE UNITS				0			
APARTMENT UNITS ACCORDING TO PLANNING							
1900 Jackson	42 beds in	9 units		NO up 1 step, elev. not acc.	NO	NO	mix studio, one, 2 bed apts. Space in front of elevator not adequate for ADA 15 rooms share semi-private baths, remaining very small studio apts., some commons Studio apts with small baths, narrow kitchens one and two bed apts none accessible due to narrow entry halls, tiny baths, narrow kitchens two room apartments with small baths and kitchens
1080 Bush	150 beds in	42 units plus 15 rooms	YES		NO	NO	
736 Jones	74 beds in	35 units		NO up 5 steps	NO	NO	
680-88 Sutter	80 beds in	27 units		NO up 8 stairs	NO	NO	
560 Powell	64 beds in	27 units		NO up 10 stairs	NO	NO	
SUBTOTAL APARTMENT UNITS	410 BEDS	141 UNITS plus 15 rooms in 1 group hs'g unit					
TOTAL ACCESSIBLE UNITS				0			
TOTAL ALL BEDS Categories I, II, III		1843 BEDS					
TOTAL COMBINED UNITS AND ROOMS Category III		579 ROOMS plus 36 UNITS					
TOTAL ACCESSIBLE ROOMS		10 accomodating 20 beds					

EXH 3

Published on ADA National Network (<https://adata.org>)

WHAT ARE A PUBLIC OR PRIVATE COLLEGE-UNIVERSITY'S RESPONSIBILITIES TO STUDENTS WITH DISABILITIES? [1]

Both public and private colleges and universities must provide equal access to postsecondary education for students with disabilities. Title II of the ADA covers publicly-funded universities, community colleges and vocational schools. Title III of the ADA covers privately-funded schools. All public or private schools that receive federal funding are required under Section 504 of the Rehabilitation Act to make their programs accessible to students with disabilities.

All the programs of postsecondary institutions, including extracurricular activities, must be accessible to students with disabilities. The schools can do this in several ways: by providing architectural access to buildings, including residential facilities; by providing aids and services necessary for effective communication, like sign language interpreters, Braille or electronic formats and assistive listening devices; and by modifying policies, practices and procedures, such as testing accommodations and access to school facilities for service animals. Accommodations and program modifications should be individually designed to meet the needs of the student with a disability.

Accommodations and modifications of policies and practices are not required when it would fundamentally alter the nature of the service, program, or activity or give rise to an undue financial or administrative burden.

Postsecondary institutions often have an office that coordinates accommodations for students with disabilities. The student should notify the appropriate institutional office well in advance of the needed modification or accommodation. Technical guidance is available through the **ADA National Network** (<http://adata.org/contact-us>) [2] at 1-800-949-4232. For more information please visit:

- Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities: <http://www2.ed.gov/about/offices/list/ocr/transition.html> (<http://www2.ed.gov/about/offices/list/ocr/transition.html>) [3]
- Auxiliary Aids and Services for Postsecondary Students with Disabilities: <http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html> (<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>) [4]

Source URL: <https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities>

Links:

[1] <https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities>

[2] <http://adata.org/contact-us>

[3] <http://www2.ed.gov/about/offices/list/ocr/transition.html>

[4] <http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

Received at CPC Hearing 11/21/19
A. Pem



Academy of Art University Planning Commission Hearing

November 21, 2019



Global Resolution

Through Court-supervised settlement efforts, the Academy and City have come to terms on a settlement to resolve the 2016 litigation. The settlement includes 4 main components:

- **Settlement Agreement** resolving litigation
- **Development Agreement** bringing a 34-site AAU campus into compliance with the Planning Code
- **Stipulated Injunction** giving City heightened rights to timely enforce Academy's obligations
- **Guaranty** ensuring Academy's performance of certain financial obligations

Before the Commission

- **Development Agreement** - Resolution recommending the Board of Supervisors approve the Development Agreement
- **Master Conditional Use Authorization** - Planning Commission approval of Master Conditional Use Authorization permits 34-site Academy campus and allows building modifications and permit work to bring all Academy buildings into conformance with the Planning Code

34 Building-Specific Plan Sets

- The result of **five years** of work and negotiation
- Prepared in dialogue with the **Academy's architect, the City Attorney, the Planning Department, and the Court**
- All buildings permits must meet ADA requirements and all building code requirements
- AAU to file building permits within 60 days of the approval of the DA, and to **complete the work within a specific time period**

34 Building-Specific Plan Sets

- Reflects building modifications and permit work required to bring all Academy buildings into conformance with the Planning Code, including:
 - Installation of approximately **500 bike racks**
 - Approximately **28% reduction in off-street parking** at Academy properties
 - **Façade alterations** to address historic preservation review by City and active use issues
 - Addition/improvement of Academy **recreation facilities** (1727 Lombard, 1142 Van Ness, 2225 Jerrold, 601 Brannan)
 - **Code-compliant signage** programs for each property

Development Agreement Benefits to City

Monetary Payments

- **\$58,052,436** payment by Academy affiliates to the City, which includes:
 - **\$37,600,000** affordable housing payment
 - **\$7,000,000** in penalties under the Planning Code and Unfair Competition Law
 - Payment of all City time and materials, including City Attorney time
 - Payment of all impact fees
 - **\$8,200,000 to \$8,400,000** payment to small sites fund

Development Agreement Benefits to City

Housing Benefits

- **\$37,600,000** affordable housing payment
- **\$8,200,000 to \$8,400,000** payment to small sites fund
- **83 rooms at 1055 Pine** remain SRO-designated for **non-Academy use**
- 31 SRO-designated rooms contained in 1080 and 1153 Bush consolidated into existing tourist hotel rooms 860 Sutter (39 rooms) resulting in a **net addition of 8 SRO-designated rooms**

Development Agreement Benefits to City

Housing Benefits

- “**Housing Metering**” will ensure:
 - Academy must house **28%** of its on-site, fulltime students
 - Depending on occupancy rates, percentage increases to as high as **38%**
 - AAU must file an **Annual Monitoring Report**
- **AAU-specific prohibition** on conversion of existing housing or PDR space to new student housing

Development Agreement Benefits to City

AAU Performance Schedule

- AAU must submit building permits within **60 days** of approval of DA
- **Completion**, within **8 months** of City approvals, of all interior improvements, signage removals/installations, and streetscape improvements
- **Completion**, within **14 months** of City approvals, of all exterior improvements, including all historic improvements required through Articles 10 and 11 of the Planning Code
- **Completion**, within **20 months** of City approvals, of the extensive rehabilitation of 58 Federal

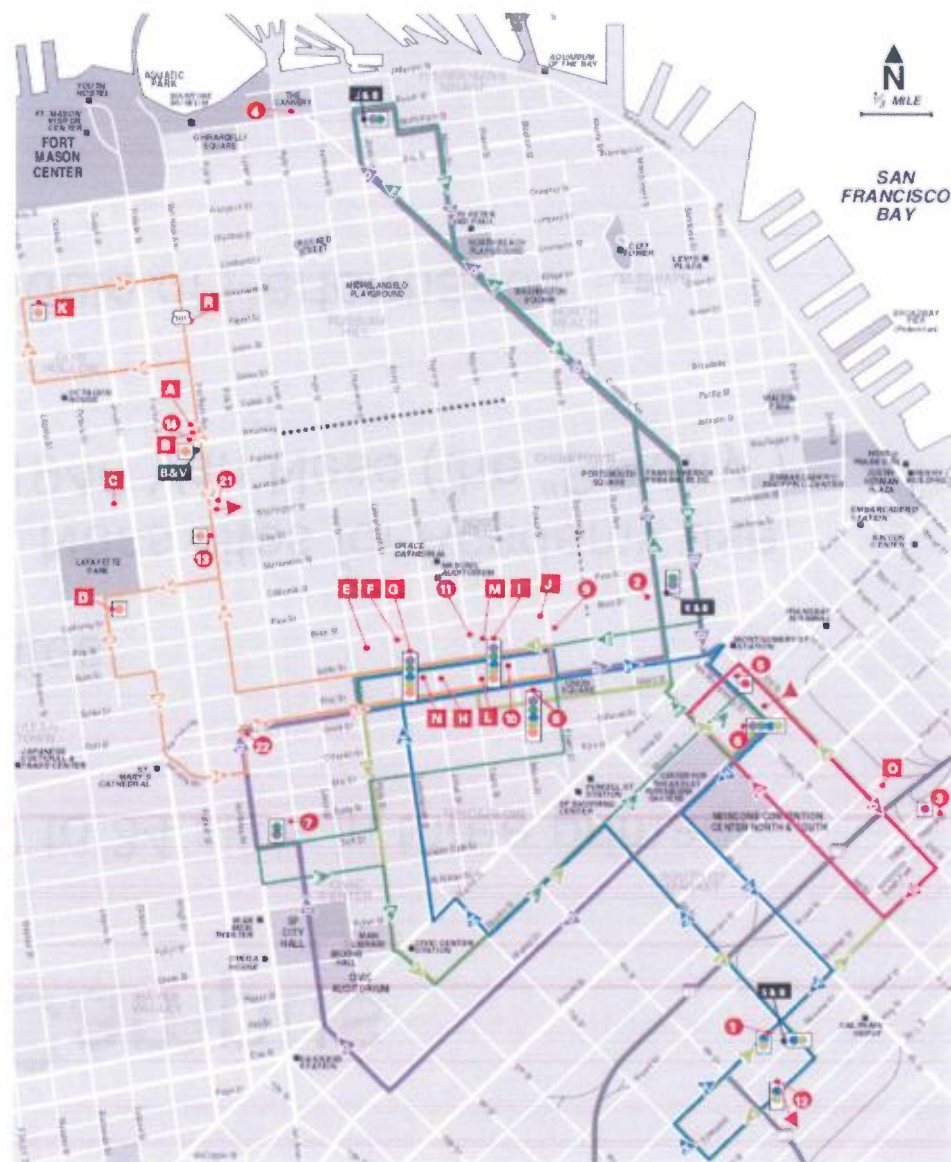
Development Agreement Benefits to City

AAU-Specific Procedural Requirements and Moratoria

- **Moratorium** on new development applications not related to DA-work for 1 year after final approval of DA
- **Moratorium** on new signage for Academy's approved campus until 2 years after Academy completes all work required under DA
- **30-day notice** to Planning before filing new development applications

Shuttle Program Improvements

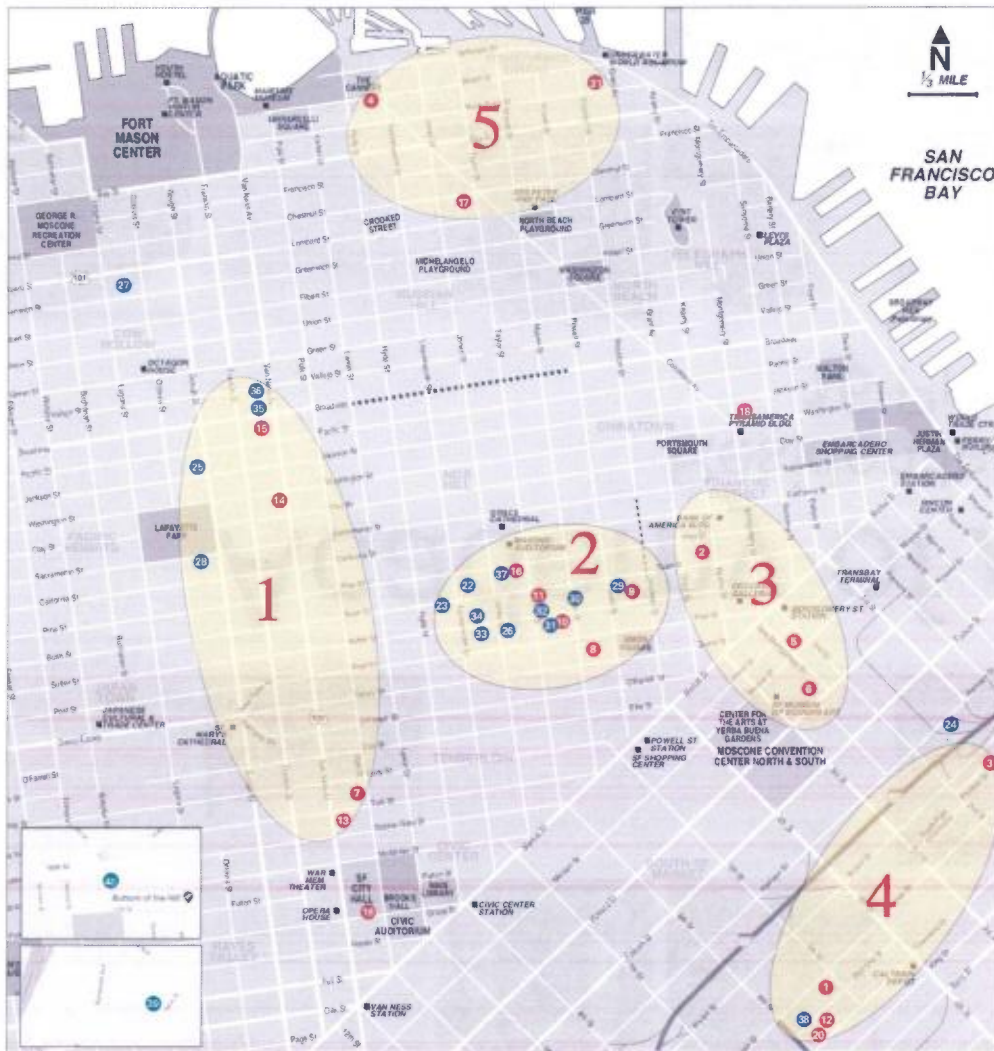
- Increased efficiency by consolidation of shuttle stop locations and modification of shuttle routes and schedules
- Replacement of diesel shuttle vehicles with less polluting vehicles
- Payment of a ~\$1.5 million-dollar transit mitigation fair share fee
- Academy shuttle service will not use Muni or regional transit stops unless previously approved by SFMTA
- On-going reporting by the Academy and monitoring by the City for life of DA



Academy's Campus

- AAU **consolidating** campus from 40 to 34 sites in three primary clusters
- AAU **vacating** 9 existing Academy sites
- AAU **converting** 3 underutilized Van Ness sites for Academy use, including extensive rehabilitation of 1946 Van Ness (the “Bakery”) and the Concordia Club
- AAU **must complete work** per Schedule of Performance

Academy of Art University – Existing Campus



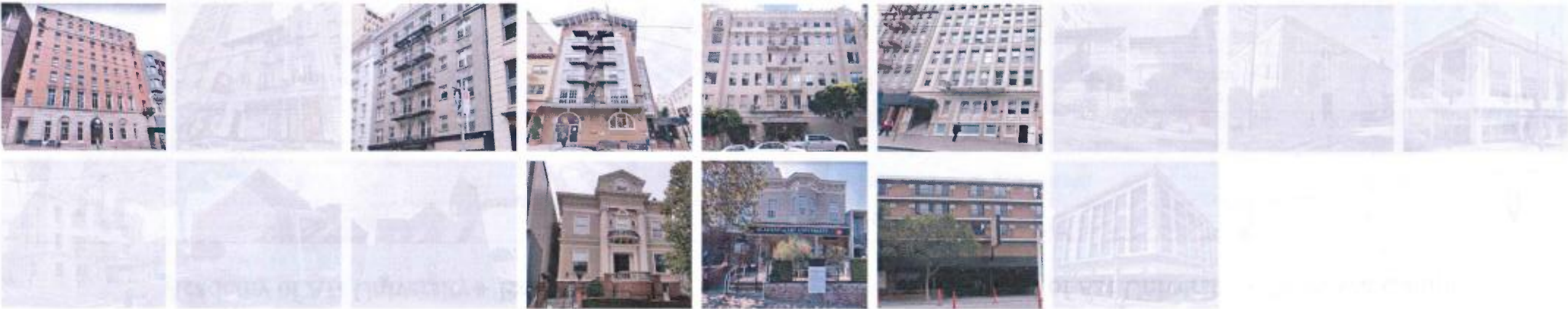
Academy of Art University – Proposed Campus





Academy of Art University

Residential Properties
16 Properties





Academy of Art University

Institutional / Non-Residential Properties

18 Properties



Plan Sets

- Proposed plan sets are the result of extensive diligence and dialogue between the Academy's architect and City. Each plan sets represents:
 - Iterative, detailed review of each property by Department staff spanning the past 5 years
 - Reflects building modifications and permit work required to bring all Academy buildings into conformance with the Planning Code, including
 - Installation of approximately 500 Class 1 and 250 Class II spaces
 - Approximately 28% reduction in off-street parking at Academy properties
- Academy required to submit additional plan sets within 60 days of DA approval showing all work required to bring all Academy buildings into conformance with the Building Code, including all necessary ADA improvements



Academy of Art University Planning Commission Hearing November 21, 2019



A. Perry

11/8/19

2550 VAN NESS AVENUE CHANGE OF USE INTERIM AGREEMENT

THIS 2550 VAN NESS AVENUE CHANGE OF USE INTERIM AGREEMENT (“**Agreement**”) is entered into as of _____, 2019, and is by and among the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, acting by and through its Planning Department (the “**City**”), 2550 VNPOOL, LLC, a Delaware limited liability company (“**Property Owner**”), and the STEPHENS INSTITUTE, a California corporation (“**Stephens Institute**,” and together with the Property Owner, the “**2550 Parties**”) with respect to the property commonly referred to as 2550 Van Ness Avenue in San Francisco, California and as more particularly described on **Exhibit A** attached hereto (the “**Property**”). The City and the 2550 Parties are also sometimes referred to individually as a “**Party**” and together as the “**Parties**.”

RECITALS

This Agreement is made with reference to the following facts:

A. On May 6, 2016, the City Attorney of the City and County of San Francisco (the “**City Attorney**”), on behalf of the People of the State of California and the City, commenced litigation against the Stephens Institute, and certain other limited liability companies associated with the Stephens Institute including Property Owner (collectively with Stephens Institute, the “**Academy**”), in *People v. Stephens Institute, et. al*, San Francisco Superior Court Number CGC-16-551-832 (the “**Lawsuit**”). In the Lawsuit, the People and the City alleged violations of the City’s Administrative Code, Planning Code, Building Code and the State Unfair Competition Law, Business and Professions Code Section 17200 *et seq.*

B. The Academy has expressed its commitment to the City Attorney and the Planning Department, as well as to the San Francisco Superior Court (the “**Court**”) in the settlement discussions referenced below, to: (i) discontinue, relocate existing Stephens Institute uses or change Stephens Institute uses in buildings in accordance with applicable Laws; (ii) compensate the City for past violations, including providing affordable housing public benefits to the City; (iii) bring certain properties into compliance with the Planning Code including, where applicable, Articles 10 and 11; and (iv) work cooperatively with the City in planning for future Stephens Institute growth in a manner that accounts for the urban nature of the Stephens Institute’s campus, without adversely impacting the City’s affordable or rent-controlled housing stock, or burdening its transportation system, including, as a part of that plan, building new housing, or converting existing buildings, for its students on property that is zoned for such use.

C. As a result of settlement discussions, and under the auspices of the Court, the Academy and the City entered into a non-binding Term Sheet for Global Resolution, dated November 15, 2016, (the “**Initial Term Sheet**”) as amended by that certain Supplement to Term Sheet for Global Resolution, dated July 10, 2019 (the “**Supplement**”, and together with the Initial Term Sheet, the “**Term Sheet**”). The Term Sheet was intended to provide a basis to resolve all of the outstanding issues relating to the Lawsuit and other land use matters and to establish appropriate principles and processes for land use compliance by the Academy.

D. As contemplated by the Term Sheet, the City, the Academy, and others have agreed to enter into a comprehensive consent judgment that they will file with the Court seeking the

12/12/20
12/12/20

Court's approval and entry of judgment (the "**Consent Judgment**"). The Consent Judgment contains three main parts: (1) a Settlement Agreement (the "**Settlement Agreement**"), which includes obligations of the LLC Parties, as that term is defined in the Settlement Agreement, to make payments to the City; (2) a Stipulated Injunction (the "**Injunction**"), which is an exhibit to the Settlement Agreement and provides a mechanism for judicial enforcement of the Academy's obligations under the Settlement Agreement; and (3) a Development Agreement, which is also an exhibit to the Settlement Agreement (the "**Development Agreement**," and collectively with the Consent Judgment, Settlement Agreement, and Injunction, the "**Settlement Documents**"). Also critical to the global resolution that the Consent Judgment would achieve is the instrument securing the LLC Parties financial obligations under the Settlement Agreement, the obligations of the LLC Parties to make the full settlement payments under the Settlement Agreement will be secured by a Guaranty (the "**Guaranty**") from the Stephens Family Revocable Trust, the Elisa Stephens Revocable Trust, the Scott Stephens Revocable Trust, Elisa Stephens, Scott Stephens, and Susanne Stephens.

E. As contemplated by the Term Sheet, the Academy and the City, among others, intend to enter into the Development Agreement which addresses, among other things, the entitlements for the Project, as defined in the Development Agreement, conditions of approval, requirements for withdrawal of Stephens Institute use from certain properties, mitigation and improvement measures, student enrollment and housing metering requirements, institutional master plan updates, and requirements for future approvals.

F. On _____, 2020, the City's Board of Supervisors is scheduled to vote on an ordinance approving the Development Agreement, authorizing the City's Planning Director to execute the Development Agreement on behalf of the City, granting certain waivers, findings of consistency and exemptions from the Planning and Administrative Codes, and adopting amendments to the Planning Code (the "**Enacting Ordinance**"). If approved, the Enacting Ordinance will become operative and effective on _____, 2020.

G. As a result of the settlement discussions described in Recital C, upon: (i) the payment by the LLC Parties of the first installment of the Settlement Payment, as that term is defined in the Settlement Agreement, (ii) the execution of the Settlement Documents; (iii) delivery of a declaration, under oath, executed by the President of the Stephens Institute that the Stephens Institute and 1055 Pine Street, LLC, a Delaware limited liability company, has vacated the property commonly known as 1055 Pine Street; (iv) the submission by the 2550 Parties of a complete and properly submitted building permit application for a change of use of the Property to Group Housing with Student Housing characteristic ("**Change of Use Application**"); and (v) compliance by the Property Owner with all applicable portions of Building Code Section 102A, the City agrees that it will not initiate any enforcement action against the Stephens Institute or the Property Owner for a change of use, under the City's Planning Code, of the Property from Tourist Hotel with ground floor Restaurant to Group Housing with Student Housing use characteristic with ground floor Restaurant or Limited Restaurant, prior to the Effective Date of the Development Agreement or March 1, 2020, whichever is later. ("Abatement Date")

H. The 2550 Parties have requested that the City enter into this Agreement to effectuate the interim occupation by the Academy at the Property in advance of the Da Vinci Change of Use on the terms and conditions agreed to during the settlement discussion.

I. The City is willing to enter into this Agreement, on the terms and conditions set forth below.

AGREEMENT

NOW, THEREFORE, for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

ARTICLE 1 EFFECTIVE DATE AND TERM

1.1 This Agreement shall take effect upon the (i) full execution and delivery of this Agreement by the Parties; (ii) the payment by the LLC Parties of the first installment of the Settlement Payment; and (iii) the date the City's Mayor signs the Enacting Ordinance (the "Effective Date").

1.2 The term of this Agreement (the "Term") shall commence upon the Effective Date and shall continue in full force and effect until the Abatement Date. Provided, however the Abatement Date shall be extended for such period of time as the effective date of the Development Agreement is delayed so long as there has been no final adjudication determining the Development Agreement is unlawful.

ARTICLE 2 2550 PARTIES REPRESENTATIONS AND COVENANTS

2.1 The Stephens Institute is a California corporation, in good standing under the Laws of the State of California, with the right and authority to enter into this Agreement. The Stephens Institute has all requisite power to own or lease the Property and authority to conduct its business and to enter into and to carry out and consummate the transactions contemplated by this Agreement.

2.2 The Property Owner is in good standing under the Laws of the State of California and under the Laws of the state in which it was formed, with the right and authority to enter into this Agreement. The Property Owner has all requisite power to own or lease the Property and authority to conduct its business and to enter into and to carry out and consummate the transactions contemplated by this Agreement.

2.3 To the knowledge of the 2550 Parties, the 2550 Parties represent and warrant that: (i) it is not a party to any other agreement that would conflict with its obligations under this Agreement and the 2550 Parties have no knowledge of any inability to perform its obligations under this Agreement; (ii) the execution and delivery of this Agreement and the agreements it contemplates by the 2550 Parties have been duly and validly authorized by all necessary action; and (iii) this Agreement is a legal, valid and binding obligation of the 2550 Parties, enforceable against the 2550 Parties in accordance with its terms.

2.4 Through its execution of this Agreement, the 2550 Parties acknowledge that they are familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 *et seq.* and Section 1090 *et seq.* of the California Government Code, and certifies that it does not know of any facts that constitute a violation of such provisions and agrees that it will promptly notify the City if it becomes aware of any such fact during the Term.

2.5 By executing this Agreement, the 2550 Parties acknowledge their obligations under section 1.126 of the City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with, or is seeking a contract with, any department of the City for the rendition of personal services, for the furnishing of any material, supplies or equipment, for the sale or lease of any land or building, for a grant, loan or loan guarantee, or for a development agreement, from making any campaign contribution to (i) a City elected official if the contract must be approved by that official, a board on which that official serves, or the board of a state agency on which an appointee of that official serves, (ii) a candidate for that City elective office, or (iii) a committee controlled by such elected official or a candidate for that office, at any time from the submission of a proposal for the contract until the later of either the termination of negotiations for such contract or twelve months after the date the City approves the contract. The prohibition on contributions applies to each prospective party to the contract; each member of the 2550 Parties' board of directors; the 2550 Parties' chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 10% in the 2550 Parties; any sub-contractor listed in the bid or contract; and any committee that is sponsored or controlled by the 2550 Parties. The 2550 Parties certify that it has informed each such person of the limitation on contributions imposed by Section 1.126 by the time it submitted a proposal for the contract, and has provided the names of the persons required to be informed to the City department with whom it is contracting.

2.6 To the knowledge of the 2550 Parties, no document furnished by the 2550 Parties to the City in connection with this Agreement contains any untrue statement of material fact, or omits a material fact necessary to make the statements contained therein not misleading under the circumstances under which any such statement shall have been made.

2.7 The 2550 Parties represent and warrant to the City that the neither Stephens Institute nor the Property Owner has filed nor is the subject of any filing of a petition under the federal bankruptcy law or any federal or state insolvency laws or Laws for composition of indebtedness or for the reorganization of debtors, and no such filing is threatened.

2.8 By all necessary action, the 2550 Parties have duly authorized and approved the execution and delivery of the Agreement and the performance of its obligations contemplated by this Agreement.

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ARTICLE 3
GROUP HOUSING WITH STUDENT HOUSING USE CHARACTERISTIC CHANGE
OF USE

3.1 The City agrees that it will not initiate any enforcement action against the Stephens Institute or the Property Owner for the Change of Use of the Property from Tourist Hotel with ground floor Restaurant to Group Housing with Student Housing use characteristic with ground floor Restaurant or Limited Restaurant, under the City's Planning Code, during the term of this Agreement. The City's agreement to forbear from enforcing for such Change of Use shall be conditioned on the occurrence of the following: (i) the payment by the LLC Parties of the first installment of the Settlement Payment; (ii) the execution of the Settlement Documents; (iii) delivery of a declaration, under oath, executed by the President of the Stephens Institute that the Stephens Institute and 1055 Pine Street, LLC, a Delaware limited liability company, have vacated the property commonly known as 1055 Pine Street; and (iv) the submission by the 2550 Parties of a complete and properly submitted Change of Use Application, which, for purposes of clarity, is a building permit application denoting a change of use under the Planning Code from Tourist Hotel to Group Housing with Student Housing use characteristic with ground floor Restaurant or Limited Restaurant. In addition, the City's agreement is conditioned on the Property Owner, or Stephens Institute, complying with all applicable portions of Building Code Section 102A.

3.2 Nothing in this Agreement shall preclude the City from taking any enforcement action against the Academy for the Academy's failure to meet any Building or Planning Code regulation, or any other applicable municipal regulation, not addressed in the Development Agreement or herein. This Article 3 shall survive the expiration or sooner termination of this Agreement. The terms and conditions governing the Academy's continued right to occupy the Property shall be governed by the Development Agreement and Approvals, as defined in the Development Agreement, upon the Development Agreement's effective date.

ARTICLE 4
GENERAL

4.1 Nothing in this Agreement is intended to or shall be read to conflict with or supersede the terms of the Settlement Documents.

4.2 The Property Owner shall indemnify the City and its officers, agents and employees (collectively, the "**City Parties**") from and against any and all loss, cost, damage, injury, liability, and claims (collectively, "**Losses**") arising or resulting directly or indirectly from any third party claim against any City Party arising from: (i) any accident, injury to or death of a person, or loss of or damage to property occurring in connection with the construction by the 2550 Parties or its agents or contractors of any improvements under this Agreement; (ii) the failure of any improvements constructed under this Agreement to comply with any local, Federal or State law; (iii) any default by the 2550 Parties under this Agreement; (iv) any dispute between the 2550 Parties, on the one hand, and their contractors or subcontractors, on the other hand, relating to the construction of any improvements under this Agreement; or (v) any dispute between or among the 2550 Parties relating to any assignment of this Agreement or the obligations that run with the portion of the transferred portion of the Property, including any dispute relating to which such

person is responsible for performing certain obligations under this Agreement, in any case except to the extent that any of the foregoing indemnification obligations is void or otherwise unenforceable under law or is caused by the willful misconduct of any of the City Parties.

4.3 All notices, demands, approvals, consents and other formal communications between the Parties required or permitted under this Agreement shall be in writing and shall be deemed given and effective upon the date of receipt (i) if given by personal delivery on a business day (or the next business day if delivered personally on a day that is not a business day), (ii) if sent for next-business-day delivery (with all expenses prepaid) by a reliable overnight delivery service, with receipt upon delivery, (iii) if mailed by United States registered or certified mail, first class postage prepaid, to the Party at their respective addresses for notice designated below, or (iv) if by electronic mail, on the day of sending such electronic mail if sent before 5:00 p.m. California time on a business day (and, otherwise, on the next business day), in each case to the respective address(es) (or email address(es)) of the Party to whom such notice is to be given as set forth below.

To the City:

John Rahaim
Director of Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94102
Email: john.rahaim@sfgov.org

with a copy to:

Dennis J. Herrera
City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Attn: Chief Deputy City Attorney, Academy of Art 2550 Van Ness Agreement
Email: ronald.flynn@sfcityatty.org

with a copy to:

Attn: Chief Assistant City Attorney (Academy)
email: jesse.smith@sfcityatty.org

with a copy to:

Attn: Deputy City Attorney, Land Use Team (Academy)
email: kristen.jensen@sfcityatty.org

To the 2550 Parties:

Academy of Art University
79 New Montgomery Street
San Francisco, CA 94105
Attn: Office of the President
Email: Estephens@Academyart.edu

with a copy to:

J. Abrams Law, P.C.
One Maritime Plaza
Suite 1900
San Francisco, CA 94111
Attn: Jim Abrams, Esq.
Email: jabrams@jabramslaw.com

4.4 The Parties understand and agree that this Agreement shall run with the land, and shall burden and benefit every successor owner of the Property.

4.5 This Agreement may be effectively amended, changed, modified, altered or terminated only by written instrument executed by the parties hereto.

4.6 This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. Venue for any proceeding related to this Agreement shall be solely in the courts for the State of California located in the City and County of San Francisco. Each Party consents to the jurisdiction of the State or Federal courts located in the City. Each Party expressly waives any and all rights that it may have to make any objections based on jurisdiction or venue to any suit brought to enforce this Agreement in accordance with the foregoing provisions.

4.7 The section and other headings of this Agreement are for convenience of reference only and shall be disregarded in the interpretation of this Agreement. Time is of the essence in all matters relating to this Agreement.

4.8 This Agreement does not create a partnership or joint venture between the City and the 2550 Parties as to any activity conducted by the 2550 Parties relating to this Agreement or otherwise. The 2550 Parties is not a state of governmental actor with respect to any activity conducted by the 2550 Parties hereunder. This Agreement does not create any rights in or for any member of the public, and there are no third party beneficiaries.

4.9 This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

[Signature Page Follows]

NOW THEREFORE, the parties hereto have executed this Agreement as of the Date set forth above.

CITY:

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
John Rahaim
Director of Planning

Approved as to form:

DENNIS J. HERRERA, City Attorney,

By: _____
Kristen A. Jensen
Deputy City Attorney

STEPHENS INSTITUTE:

STEPHENS INSTITUTE,
a California corporation

By: _____
Dr. Elisa Stephens
President

PROPERTY OWNER:

2550 VNPOOL, LLC300 STOCKTON
STREET, LLC,
a Delaware limited liability company

By: _____
Dr. Elisa Stephens
Manager

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

PARCEL 1:

Beginning at the point of intersection of the Easterly line of Van Ness Avenue with the Southerly line of Filbert Street; and running thence Easterly along said Southerly line of Filbert Street 223 feet 3 inches; thence at a right angle Southerly 137 feet 6 inches; thence at a right angle Westerly 223 feet 3 inches to the said Easterly line of Van Ness Avenue; thence Northerly along last named line 137 feet 6 inches to the point of beginning.

Being a portion of Western addition Block No. 45.

PARCEL 2:

An easement for driveway purposes over and along the following described parcel of land: Beginning at a point on the Southerly line of Filbert Street, distant thereon 223 feet 3 inches Easterly from the Easterly line of Van Ness Avenue; running thence Easterly along said line of Filbert Street 20 feet; thence at a right angle Southerly 137 feet 6 inches; thence at a right angle Westerly 20 feet; and thence at right angle Northerly 137 feet 6 inches to the point of beginning.

The aforesaid easement is not to include any portion of the existing building now situated on said easement.

Assessor's Lot 021; Block 0526



VAN NESS CORRIDOR NEIGHBORHOODS COUNCIL

*Cathedral Hill Neighbors Association * Golden Gate Valley Neighborhood Association * Hayes Valley Neighborhood Association * Lower Polk Neighbors* Middle Polk Neighborhood Association * Pacific Heights Residents Association * Russian Hill Community Association* Russian Hill Neighbors* Western SoMa Voice*

Ms. Myrna Melgar
President
SF Planing Commission

Re: Case # 2008.0586E

Dear President Melgar:

The **Van Ness Corridor Neighborhoods Association (VNCNC)** is requesting modifications to the Settlement Agreement between the City and the **Academy of Art University (AAU)** based on impacts of this Agreement on the Van Ness Corridor and its neighborhoods. While we believe Van Ness is a good location for additional **AAU** facilities and residences, there can be better uses for a number of sites.

In general, we support the concept of reducing the sprawl of the current **AAU** campus by eliminating use of at least the nine sites called out in the Agreement. By concentrating most residential and institutional uses from New Montgomery to Van Ness along Post and Sutter Streets, a better nexus of housing, classrooms and transit will be created.

Universities can bring many positives to a city, for both the student and the permanent resident populations. In the Bay Area we see the public museums at Stanford and UC Berkeley, the community health clinics provided by UCSF, the community law clinic at UC Hastings, and the youth basketball program at USF, to name a few. Unfortunately, as we know from the years of litigation with the AAU, this has not been the same kind of positive experience for the citizens of San Francisco.

The **VNCNC** is working to revitalize and activate Van Ness as a major residential, commercial, institutional and transportation corridor. Our specific concerns around the proposed AAU campus are:

1. **Too many retained sites seek to only store vehicles and serve as private parking garages.**
2. **Failure to eliminate AAU shuttles.**

3. **Underutilization of classroom space along Van Ness /Polk Street/New Montgomery.**

Of particular concern:

950 Van Ness- currently storing classic autos from a private collection. The proposed use is for a private parking garage and “museum” space. We find it totally unacceptable to add a private parking garage on a major transit corridor and store private automobiles without licensure as a museum. The building should be converted to artists’ studios and classrooms.

1142 Van Ness- as the Concordia Club, this institution provided access to events and membership for community members and organizations in addition to their private membership. The new Club should continue to provide community access as well as serving students and faculty. This building has major banquet facilities, a library, a full gym and swimming pool.

1849 Van Ness- currently a ground floor display of classic autos and an auto body paint shop and designated by the AAU as a “museum”. It needs to be licensed as a museum, and for AAU to set up a rigorous docent training program for students and community volunteers.

1946 Van Ness- proposed to be another display of classic autos and yet another auto body paint shop. This building needs to be converted to student housing. Auto storage needs to be located off Van Ness, rotated from warehouse storage as is the case with all museums.

In the broader discussion, there are many conflicting claims by the **AAU** and other parties around the actual number of instructors working and students taking classes in San Francisco. We know that the enrollment has declined significantly and that many students have shifted to on-line classes.

Therefore, it may be possible to shift most classes and residences to Areas 1, 2 and 3 of the proposed campus, eliminating the need for retaining some buildings in area 4. Certainly shuttle storage can be eliminated and warehouse storage increased at **950 Jerrold**.

In conclusion, we believe Campus Area 1 can absorb and expand additional classroom and student housing uses to create a better and safer housing and transportation experience for the students, as well as adding to the vibrancy of the Van Ness Corridor. We appreciate your support for our requested changes for these five properties.

Very truly yours,

/s/

Marlayne Morgan, Co-Chair

c. Planning Commissioners

John Rahaim

Jonas Ionin

R Thomas Jones
755 Carolina St.
San Francisco CA 94107

e-mail: rthomasjonesaia@gmail.com

November 12, 2019

Honorable Members of the Planning Commission

COMMENTS ON PROPOSED ACADEMY OF ART UNIVERSITY SETTLEMENT AGREEMENT

Introduction

The proposed Settlement Agreement with the AAU raises serious questions about how the alleged value to the city of the agreement was determined, and whether it is commensurate with the multiyear transgressions of the AAU, especially regarding the serial illegal conversion of SRO and other lower income housing to student housing. These concerns were outlined in comments submitted February 2, 2017 regarding the draft Settlement Agreement, and in November 2, 2017 regarding the IMP. Since that time some changes have occurred that do not address or reduce those concerns, including some changes only recently revealed to the public and now incorporated into all the documents being submitted for approval by the City with minimal time for Commission or public review.

1. THE FINAL AGREEMENT MITIGATING THE PINE STREET PROJECT IS MORE BENEFICIAL to AAU THAN THE ORIGINAL ONE

A significant change from requiring AAU to renovate and newly construct a senior affordable housing project at adjacent Pine Street properties is the new element requiring a payment of \$37,600,000 to the city to support affordable housing activities. This represents \$235,000 per unit to support 160 units in lieu of having to undertake a 160-unit development at Pine Street. While this appears to be of equal value, the removal of an obligation to do a project at the site, plus the agreement to allow AAU to transfer the SRO unit designations at the existing 1055 Pine Street building to other buildings actually creates a large financial windfall for AAU, as the property can now be valued at market rate values. Without the transfer of units to current tourist hotel rooms at 620 Sutter St., there would be an Article 41, section 41.13 requirements to contribute 80% of the cost of replacement housing for converting or removing the existing 155 beds in group housing at 1055 Pine Street. Additionally, AAU saves thousands of hours of their own and consultant time trying to make the project happen, and taking risks and responsibilities for managing permanent affordable housing.

2. THE TOTAL AMOUNT OF MITIGATION FOR LOST HOUSING IS SUBSTANTIALLY BELOW THE CITIES OWN STANDARDS

The original agreement never sufficiently evaluated the value of the former SRO and Low-Income Apartments converted over time illegally by AAU. There is no evidence provided in all the documents of how the city arrived at the figure they negotiated, and it is simply much lower than

would have been expected if the city were using its own guidelines on a building by building basis. Not including the Pine Street building, AAU acquired and converted 10 buildings containing 144 units and 128 group housing or SRO rooms with the total capacity for 681 beds. Using the city's own mitigation formula for SRO conversion payouts and the costs for local non-profits to acquire SRO units, the actual mitigation costs for the 681 beds being converted to student housing, plus the 155 beds at Pine Street being re-designated from Group Housing subject to Article 41, should be \$78,075,000. The city is proposed a total of \$37,600,000, which is the in-lieu fee for allowing AAU not to do the 160-unit Pine Street Project as originally negotiated.

The fee the City ought to be getting is amount is calculated using current city policy requirements as shown on the attached AAU Housing Summary. The Breakdown is:

- a. For residential hotels or group housing, Article 41.13 requires a payment of 80% of the total costs including land acquisition to replace SRO units to current standards. Using figures from actual MOHCD funded projects of SRO and senior housing types, the estimated 80% figure is \$205,500 per one-room single occupancy unit, and \$250,000 per group housing small apartment suite. TOTAL \$26,375,000
 - b. For lower income apartments, City policy is to obtain funding equal to the city share of non-profit housing costs, assuming other non-city funds would provide additional resources. In these cases, the city does not try to get full replacement costs, so non-profits do access other sources such as tax credits, discounted funds, state and federal grants, and some mortgage debt to develop new units. The per unit figure of \$235,000 used by the City for the proposed Pine Street project has been verified by a local non-profit as close to the actual amount currently needed in 2018-19, and was used to calculate the city share. TOTAL \$33,135,000
 - c. For in-lieu fee for removal of units at 1055 Pine Street the city calculated a fee of \$235,000 per unit. TOTAL \$18,565,00
3. THE AAU'S SPREADOUT CAMPUS PLAN REMAINS LARGELY INTACT The agreement also fails to sufficiently constrain AAU's currently widespread holdings into viable campus cores. Continued use of the isolated Cannery, dependence on a private bus transit system, use of city Rec and Park land for sports activities, and the removal of large retail frontages from active use all contribute to a campus that encroaches unnecessarily into many far-flung neighborhoods, and whose ground floor uses are in many cases deadening street retail activity.
4. THE PROPOSED PERFORMANCE SCHEDULE AND FUTURE OBLIGATIONS STIPULATIONS ARE INSUFFICIENT PROTECTIONS

The summary of future performance and obligations provided by the city do not adequately protect the city against default and possible bankruptcy by AAU. The AAU has a demonstrated history of bad-faith activities and failures to comply with city regulations when faced with financial penalties. As a for-profit entity with non-transparent financial operations, it could also quickly transfer assets and financial reserves to avoid payment of penalties or even declare insolvency. The city needs to immediately attach liens on AAU property whose total amount is equal to the total settlement amount, and only remove those liens as required payments are made. The major share of the settlement funds is related to illegal housing conversions, so the 10 residential properties that were former SRO and lower income apartment units should collectively have the liens related to housing mitigation.

In addition, there is no evidence that the AAU will be able to meet the student housing meeting formula beginning just 3 years hence. There must be an enforceable mechanism put in place that

allows the city to cap new admissions to AAU and establishes stiff penalties for violations of this as a strong disincentive. Students are admitted to universities 6-9 months before arriving, so this means establishing a city review of admissions starting in early 2000 if the 32% figure is to be met now. One possible leverage the city could use to cap admissions if metering is not met is to make academic building permits of occupancy conditional upon meeting metering requirements, and if not shut down use of some classroom and studio spaces as required to reduce teaching spaces. Hopefully the threat of this would provide a disincentive to violating the agreement, as financial disincentives unless tied to placing punitive liens on property have not historically motivated the AAU to comply.

Actions Needed

For the final Settlement Agreement to adequately, fairly, and comprehensively address the cumulative practices of the AAU the following must occur:

1. The City must establish a per bed housing mitigation fee for all properties for which AAU proposes to continue operating for any residential purposes using a transparent and equitable methodology based on current city policies and practices as suggested.
2. In allowing AAU to convert illegally used units to student housing, even with a mitigation fee the city should add a condition that these units are henceforth only permitted to be used as student housing, or as housing for low-moderate income occupants, and never reconverted to market-rate residential uses.
3. The City must establish geographic boundaries constraining AAU from operating programs or student housing outside core campus areas, and divest itself of properties outside these boundaries – including divestment of the Cannery, 1916 Octavia and 1900 Jackson Street (group housing too far west of Van Ness that would be better used for non-profit group housing facilities), and the Star Motel
4. The City should allow conversion of former live work buildings to student housing only with a levy of a conversion fee
5. Given the long-time lead required to find a site and get permits and construct new student housing, AAU should be given a year or less to acquire a site or face penalties. One way to insure they build new student housing is to require the use of the Pine Street property for new student housing.
6. The City should ban the AAU shuttle system
7. The City should mandate an AAU SF Park and Rec agreement on use of public parks and fields by AAU with higher fees and usage limits.
8. Much more aggressive mechanisms must be adopted to be sure AAU complies with the agreement, including uses of liens, building occupancy permits, and other actions other than penalties and access to the courts to guarantee performance or get adequate restitution for non-performance.

AAU HOUSING SUMMARY

revised November 12, 2019

TOTAL BEDS PROPOSED IN SETTLEMENT AGREEMENT	1843 beds in	16 Buildings	
BEDS IN ILLEGALLY CONVERTED SRO HOTELS AND APTS.	681 beds in	9.5 Buildings	860 Sutter is part SRO hotel, part tourist hotel
BEDS IN ILLEGALLY CONVERTED LIVE-WORK UNITS	132 beds in	1 Building	
BEDS IN TOURIST HOTEL or MOTEL ROOMS	1030 beds in	5.5 Buildings	860 Sutter is part SRO hotel, part tourist hotel
BEDS IN 1055 PINE, CONVERTED CONVALESCENT HOME	155 beds in	1 Building	To be vacated as per settlement agreement - designation as sro rooms removed and transferred to 860 Sutter

DETAILED RESIDENTIAL BUILDING INFORMATION
SUMMARY of AAU HOUSING with proposed bed count and room count

Category I: AAU Beds in former hotel/office space, not a conversion of existing apartments or SRO. Action: consider retaining as student housing

620 Sutter	136 beds	61 rooms	retain
655 Sutter	177 beds	55 rooms	retain
817-825-831 Sutter	222 beds	111 rooms	retain
860 Sutter - current tourist hotel portion	84 beds	39 rooms	project converts these to SRO/student housing
SUBTOTAL	619 beds	266 rooms	
2550 Van Ness Heritage Motel	306 beds	136 rooms	
1727 Lombard Star Motel	105 beds	52 rooms	
SUBTOTAL	411 beds	188 motel buildings	
TOTAL	1030 BEDS	454 ROOMS	

Category II: AAU Beds/Units in former live/work units, not a conversion of existing apartments or SRO. Action: Consider retaining as student housing

575 Harrison	132 beds in	33 live work units	retain
168 Bluxome Street	beds in	units withdrawn	withdrawn
TOTAL	132 BEDS	33 UNITS in live/work spaces	

Category III: AAU Beds/Units in former SRO or Apartment Buildings that must be divested or mitigated. Action: Require sale to non-profit or mitigation fee

SRO AND GROUP HOUSING UNITS ACCORDING TO PLANNING

2211 Van Ness	24 beds in	3 units plus 4 rooms	AAU SHOULD: convert back or mitigate
2209 Van Ness	57 beds in	18 rooms	convert back or mitigate
1916 Octavia	46 beds in	22 rooms	convert back or mitigate
1153 Bush	42 beds in	16 rooms	convert back or mitigate
860 Sutter SRO room portion	102 beds in	50 rooms	mitigate as part of 860 use as student housing
SUBTOTAL SRO and GROUP HOUSING UNITS	271 BEDS	110 ROOMS + 3 UNITS	

APARTMENT UNITS ACCORDING TO PLANNING

1900 Jackson	42 beds in	9 units	convert back or mitigate
1080 Bush	150 beds in	42 units plus 15 rooms in 1 group hs'g unit	convert back or mitigate
736 Jones	74 beds in	35 units	convert back or mitigate
680-88 Sutter	80 beds in	27 units	convert back or mitigate
560 Powell	64 beds in	27 units	convert back or mitigate
SUBTOTAL APARTMENT UNITS	410 BEDS	141 UNITS plus 15 rooms in 1 group hs'g unit	
TOTAL SRO, GROUP HOUSING, AND APARTMENT UNITS	681 BEDS	144 UNITS + 125 ROOMS	

TOTAL ALL BEDS Categories I, II, III

1843 BEDS

Total of all beds in all combined SRO and apartment units proposed by AAU 2019

TOTAL COMBINED UNITS AND ROOMS Categories I, II, III

579 ROOMS plus

180 UNITS

Total of SRO and group housing rooms plus apartment units owned by AAU 2019

The final AGREEMENT includes the following provision, which by inference is assumed to be mitigation for all AAU conversions, and is the basis for then designating all the above properties as STUDENT HOUSING

AMENDED AGREEMENT PROPERTIES

			PROPOSED MITIGATION PAYMENT IN LIEU OF BUILDING AFFORDABLE HOUSING		
1055 Pine current use	current 155 beds	81	\$ 19,035,000	\$ 235,000	current proposal to vacate and pay in lieu fee
1069 Pine current site adjacent to 1055 Pine		79	\$ 18,565,000	\$ 235,000	current proposal to retain lot and pay in lieu fee
PROPOSED FEE FOR HOUSING FROM FINAL SETTLEMENT			\$ 37,600,000		

AAU ALTERNATIVE HOUSING MITIGATION CALCULATION

The following is provided as an example of how a housing mitigation amount could have been calculated based on current city policies and practices:

ANALYSIS OF POSSIBLE REPLACEMENT COSTS

1. Article 41 - requires payment of 80% new development costs	125 rooms plus	\$ 205,000	per unit	\$ 25,625,000	Article 41 section 41.13 based on creating new SRO units with individual handicapped accessible baths but no kitchens
FOR ROOMS OR "GROUP HOUSING UNITS" IN SRO buildings	3 units in SROs	\$ 250,000	per unit	\$ 750,000	
			subtotal	\$ 26,375,000	
2. City Policy to Mitigate Loss of former low income apartments	141 units	\$ 235,000	per unit	\$ 33,135,000	
FOR UNITS using city figure of \$235,000 city share of subsidy Not including Pine Street					
TOTAL MINIMUM MITIGATION AMOUNT FOR Category Iii Buildings				\$ 59,510,000	
PLUS NEGOTIATED MITIGATION FOR 1055 Pine Street				\$ 18,565,000	
ACTUAL MINIMUM AMOUNT CITY SHOULD COLLECT UNDER CURRENT HOUSING POLICES				\$ 78,075,000	

RECENT SRO AND SENIOR HOUSING DEVELOPMENT COSTS FUNDED BY MOHCD				Completed Average
Project Name	<i>Transbay Block 11 - Rene Casanave</i>	<i>Rosa Parks II</i>	<i>Dr. George Davis Sr. Community</i>	
Address	25 Essex	1239 Turk St	1751 Carroll Ave	
Lot sq.ft	17,196	26,000	80,209	41,135
Compl. Date	3/1/13	7/26/16	6/1/16	
# of Units	120	98	121	113
# of BR ¹	120	99	125	115
Res. ²	76,460	62,809	121,860	87,043
Non-Res.	3,395	31,560	30,955	21,970
Total	79,855	94,369	152,815	109,013
Acq. Cost	\$ 922,933.00	\$ 2,706,500.00	\$ 4,991,545.00	\$ 2,873,659.33
Constr. Cost ⁶	\$ 33,541,645.00	\$ 31,227,020.00	\$ 41,779,783.00	\$ 35,516,149.33
Soft Cost	\$ 13,951,569.00	\$ 11,270,730.00	\$ 11,557,097.00	\$ 12,259,798.67
Total Dev. Cost	\$ 48,416,147.00	\$ 45,204,250.00	\$ 58,328,425.00	\$ 50,649,607.33
per unit building area	637.1667	640.9082	1,007.1074	
cost per unit	\$ 403,467.89	\$ 461,267.86	\$ 482,053.10	
cost per square feet	\$ 606.30	\$ 479.02	\$ 381.69	\$ 489.00
Local Subsidy ³	\$ 18,879,547.00	\$ 1,181,988.00	\$ 26,221,201.00	\$ 15,427,578.67
Comments	8 story Type IA -Supportive housing (HOPWA, DAH)	5 Story (4 story Type V over 1 story Type I) INCL. RPI costs	4 Type V over 2 Type IA. (bsmt pkg) & comml. Kitchen (significant non-res.)	
PROTOTYPE SRO PROJECT				
assume 350 sf per unit plus 25% more for circulation, commons etc - no supportive service spaces = 437.5 SF per unit in 201				\$ 213,938.91
Adjustment for inflation to 2019				\$ 256,726.70
Article 41 required payment for removing or demolishing SRO units = 80% of total costs				\$ 205,381.36

From: Paul Wermer
To: CPC-Commissions Secretary; Richards, Dennis (CPC); Fung, Frank (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Johnson, Millicent (CPC); Melgar, Myrna (CPC)
Cc: Perry, Andrew (CPC); Sue Hestor; Terry McGuire; Lynne Newhouse Segal; Marlayne Morgan
Subject: 11/21/19 Agenda, Item 16: MULTIPLE PROPERTIES OWNED OR LEASED BY THE ACADEMY OF ART UNIVERSITY (2019-012970CUA, 2019-012970PCADVA, 2008.0586E)
Date: Tuesday, November 19, 2019 10:45:26 AM
Attachments: RTJ AAU Comments 2019 11 12.pdf

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2309 California Street
San Francisco, California 94115

November 19, 2019

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

VIA EMAIL ONLY

SUBJECT: 11/21/19 Agenda, Item 16: MULTIPLE PROPERTIES OWNED OR LEASED BY THE ACADEMY OF ART UNIVERSITY (2019-012970CUA, 2019-012970PCADVA, 2008.0586E)

Dear Planning Commissioners:

I urge you to reject the proposed settlement with the Academy of Art University. I regret that I cannot attend and speak in person.

San Francisco has a well-documented housing crisis. Item 13 on the 11/21 agenda is a code amendment to help mitigate this problem: 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING STREAMLINING PROGRAM. The proposed settlement does not seem recognize this reality.

AAU has repeatedly, and with full understanding of their actions, converted residential units to student housing, removing SROs and other rent-controlled housing from the city's housing stock over a long period. Yet the proposed settlement effectively rewards AAU for these actions.

The details are clearly laid out in the Nov 12 comment letter from R. Thomas Jones (copy attached). The payments to the city far short of the actual costs of replacing these units. The settlement even falls short of the City's own criteria for compensating for lost housing.

Three other issues that I and others have raised over the past many years past Planning Commission hearings on AAU remain:

- 1) the failure to move away from the sprawl inherent in AAU's site acquisition activities
- 2) the attendant shuttle bus system that drives VMT, congestion and air quality issues (cf. recent published work on diesel engines, PM2.5 and children's health and mental function)

3) the reliance on Recreation and Park properties for the AAU's athletic programs, which saves AAU money but deprives San Francisco residents of use of those facilities when used by AAU.

This proposed settlement is a bad deal for San Francisco. I urge you to reject it.

Sincerely yours,
Paul Wermer

cc:
Andrew Perry, Planning Staff
Sue Hestor

--
Paul Wermer

From: [Bob Planthold](#)
To: commission.secretary@SFGOV.ORG; [CPC-Commissions Secretary](#)
Cc: [Perry, Andrew \(CPC\)](#); [Bob Planthold](#)
Subject: 21 Nov. OPPOSE Items 16a, 16 b, 16 c
Date: Monday, November 18, 2019 11:58:59 PM

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

Subject: 21 Nov. OPPOSE Items 16a, 16 b, 16 c

Date: Mon, 18 Nov 2019 23:44:37 -0800

From: Bob Planthold <political_bob@att.net>

To: myrna.melgar@sfgov.org, milicent.johnson@sfgov.org, kathrin.moore@sfgov.org

CC: Bob Planthold <political_bob@att.net>

First, I associate myself with the analysis and comments from

both Professor Thomas Jones, from CalPoly SLO, and attorney Sue Hestor.

My own comments focus on this draft settlement's avoidance of responding to the lack of proper and required access for people with disabilities.

Retrofit of existing bldgs. which have public accommodations is conveniently ignored.

This draft settlement, like an earlier counterpart of legislation before the

Bldg. Inspection Commission [Item 8 on the 20 Nov. agenda],

has not been brought to the attention of the Mayor's own Disability Council.

Such neglect, or failure, to include people with disabilities in a matter that

delays, if not lessens, making required accessibility improvements violates the

disability mantra:

Not FOR us WITHOUT us.

Maybe such involvement of the Mayor's Disability Council is not in itself a process you recognize,

but certainly the long-overdue accessibility retrofit now being ignored

in this draft settlement seems a way to let the Academy of Art and the City Attorney off easily from responsiveness to both federal and state laws requiring access.

People with disabilities have LONG been ignored and NOT represented by the City Attorney.

Too often the only encounter with the City Attorney is to have that office fight people with disabilities

with multiple delaying tactics to wear out our privately funded attorneys

so as to wear down us and our funds,

resulting in far less change than is warranted.

Plumb your memory for the various previous press conferences where

the City Attorney has announced lawsuits on behalf of various other

disadvantaged & marginalized groups who legitimately claim discrimination.

Members of the LGBT communities, transgender persons, immigrants, low-wage workers, women,

African-Americans, Hispanic-Americans, and Asian-Americans all have, THANKFULLY, benefited from advocacy from / by the City Attorney.

Not so for people with disabilities.

Name three significant lawsuits filed by the City Attorney, on behalf of p.w.d.s.

The point here is that the office of the City Attorney

avoids positively responding to, let alone helping p.w.d.s.

That neglect shows up in what ISN'T in this draft settlement.

Such neglect is neither professional nor appropriate.

Yet, back to the draft settlement,

it also violates the Fair Housing Act, and

quite possibly the Unruh Civil Rights Act.

To approve this, simply because a lot of work has gone into it

is an admission of neglect of responding to the needs and rights of people with disabilities.

Please just say NO! to the settlement,

NO to Items 16a, 16b, and 16c.

Bob Planthold

J. ABRAMS LAW, P.C.

One Maritime Plaza Suite 1900
San Francisco, CA 94111

Jim Abrams
Jabrams@jabramslaw.com
(415) 999-4402

VIA EMAIL

November 19, 2019

Honorable Members of the Planning Commission—

Myrna Melgar, President
Joel Koppel, Vice-President
Frank S. Fung
Milicent A. Johnson
Kathrin Moore
Dennis Richards

Re: Response to Public Comment on Proposed Development Agreement between Academy of Art University and LLC Parties and City and County of San Francisco and Academy of Art University Master Conditional Use Authorization (Case Nos. 2019-012970 & 2008-0586)

Dear Commissioners--

Please accept this letter as a project sponsor response to a public comment letter sent to you by R Thomas Jones on November 12, 2019. Upon review, and in advance of the upcoming hearing on the above-described matters coming before the Commission on November 21, 2019, sponsor respectfully wishes to make a few clarifications regarding the terms of the proposed Development Agreement and Settlement Agreement between the Academy of Art University (the "Academy") and LLC Parties ("LLC Parties" defined in each of the Development Agreement and Settlement Agreement) and the City and County of San Francisco (the "City").

1055 Pine

Contrary to what appears to be the understanding of Mr. Jones, the Development Agreement *would not* remove the Chapter 41 residential hotel designation (also commonly referred to as "SRO-designation") applicable to the rooms in 1055 Pine as a result of the LLC Parties' payment of a \$37,600,000 affordable housing benefit to the City. As described in more detail below, the LLC Parties' \$37,600,000 payment is based on an equivalency determination (described in the Term Sheet and Term Sheet Supplement) for operation of 160 affordable housing rooms at 1055 Pine and a new construction project at 1069 Pine for a period 66 years after Development Agreement

Mr. Norman Wong
November 14, 2019

approval; however, the payment *does not* constitute a one-for-one in-lieu fee payment lifting the applicability of Chapter 41 to 1055 Pine (nor any other SRO-designated unit to be occupied by the Academy for student housing). To be clear, separate and apart from the \$37,600,000 affordably housing benefit, the Academy must also vacate 1055 Pine and the 83 rooms at 1055 Pine will *remain SRO-designated*.

Net Increase of SRO Rooms

Under the Development Agreement, the 31 SRO-designated rooms existing in 1080 Bush and 1153 Bush¹ will be replaced by 39 rooms at 860 Sutter that are currently designated for tourist hotel use. The Academy has submitted documentation and accommodated a site visit by DBI and Planning Department staff to demonstrate that the 39 rooms at 860 Sutter are of equal or superior quality to the 31 SRO-designated rooms at 1080 Bush and 1153 Bush being replaced. Further, this replacement results in the *net addition of 8 SRO-designated rooms*.

Small Sites Fund Contribution

The LLC Parties' \$20,000,000 settlement payment to the City under the Settlement Agreement includes approximately **\$8,400,000** to be contributed to the City's Small Sites affordable housing fund, addressing alleged student housing conversion violations by the Academy. That means the total sum of affordable housing funds to be paid by the LLC Parties to the City under the Development Agreement and Settlement Agreement is approximately **\$46,000,000**. The payment of the \$46,000,000 to the City is separate and apart from the Academy's vacation of the SRO units at 1055 Pine and the net increase of 8 SRO-designated rooms described above.

Legal Academy Residential Uses v. Conversions Approved By Legislative Amendment

In his letter, Mr. Jones' appears to suggest that there are ten residential buildings the Academy is occupying out of compliance with the current Planning Code. This point merits clarification. The Development Agreement and plan sets attached to the Master Conditional Use Authorization document reflect a careful review of the entitlement status of each property AAU will continue to occupy. Specifically, AAU's current occupancy of the non-SRO Dwelling Units (i.e. apartment units) at 1900 Jackson, 1080 Bush, 736 Jones, 680 Sutter and 560 Powell was determined to have been legally instituted years before the 2012 Planning Code amendments prohibiting conversion of existing residential uses to student housing. That is, AAU's use of the non-SRO Dwelling Units at the five properties was determined to be a legal nonconforming use allowed under the current Planning Code.

In contrast, the following AAU proposed uses at six buildings does require a legislative amendment pursuant to the Development Agreement to be allowable under the current Planning Code:

¹ Technically, DBI's records reflect only 30 rooms; however, one of the rooms in 1153 Bush is particularly large and contains a door partition creating two distinct living spaces. The Academy agreed it would be appropriate to therefore classify the single room as two rooms, resulting in a SRO unit count of 31.

Mr. Norman Wong
November 14, 2019

1. Permitting a Student Housing use characterization at the currently existing 103 SRO-designated rooms AAU would continue to occupy that are currently located at 1153 Bush (16 rooms), 1080 Bush (15 rooms), 1916 Octavia (22 rooms) and 860 Sutter (50 rooms). Note, per the above, that implementation of these proposed uses at 1153 Bush, 1080 Bush and 860 Sutter (including its current 39 tourist hotel rooms) would result result in a net increase in SRO-designated rooms, with a total of 111 bedrooms in AAU's campus retaining SRO-designation under Chapter 41. Note that these proposes uses would reflect a net increase not only in SRO-designated rooms, but in housing more generally.
2. Permitting the last-legal single Dwelling Unit at 2209 Van Ness to be converted to 18 Group Housing bedrooms with a Student Housing use characteristic. Note that this proposed use at 2209 Van Ness would reflect a net increase in residential density.
3. Permitting the last-legal two Dwelling Units and ground floor commercial at 2211 Van Ness to be converted to three Dwelling Units and four Group Housing bedrooms with a Student Housing use characteristic. Note, this proposed use at 2211 Van Ness would also reflect a net increase in residential density.

In summary, the Academy proposes the following at the six properties requiring a legislative amendment: 111 SRO-designated rooms, 22 Group Housing rooms and three Dwelling Units for Student Housing, replacing 103 SRO-designated rooms and three Dwelling Units for an overall net increase in both SRO-designated units and housing more generally. The legislative amendment is to be approved pursuant to a Development Agreement and Settlement Agreement that includes not only a \$37,600,000 affordable housing public benefit tied to a 160-SRO-room equivalency (*i.e.*, significantly more rooms than AAU would be occupying pursuant to the legislative amendment), but also a \$8,400,000 Small Sites fund contribution, the vacation of 83 SRO units at 1055 Pine for non-AAU use and a net increase of 8 SRO-designated units in the City.

AAU respectfully submits to the Commission that this proposal represents a substantial and favorable benefit to the City of San Francisco, demonstrating the Academy's commitment to resolve outstanding land use disputes with the City, while providing a significant amount of Code-compliant student housing for its students and also supporting the City's affordable housing and general housing supply goals.

Assurance of Performance

To Mr. Jones' comment regarding skepticism about AAU's performance of its obligation, AAU respectfully notes that the Development Agreement will be recorded against the title of each Academy property and, along with the Settlement Agreement and a Stipulated Injunction, provides the City with significant enforcement remedies to assure the Academy and LLC Parties perform their obligations under the agreement. Further, a key component of the Settlement Agreement and Development Agreement regarding the LLC Parties financial commitments to the City is a Guaranty. The Guaranty can be found in Exhibit E to the Settlement Agreement, available here:

https://default.sfplanning.org/zoning/aau/Academy_Settlement_Agreement.pdf

(continued on next page)

Mr. Norman Wong
November 14, 2019

The Academy looks forward to presenting this information to the Commission on November 21, 2019, and would welcome the opportunity to address any requests for further clarification from Mr. Jones.

Sincerely,

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

Jim M. Abrams

Cc: R Thomas Jones -- rthomasjonesaia@gmail.com

Jesse Smith, City Attorney's Office -- jesse.smith@sfcityatty.org

Kristen Jensen, City Attorney's Office -- kristen.jensen@sfcityatty.org

Andrew Perry, Planning Department -- andrew.perry@sfgov.org

Jonas P. Ionin, Planning Department -- jonas.ionin@sfgov.org

From: [Peter Clark](#)
To: [Perry, Andrew \(CPC\)](#)
Cc: [Stefani, Catherine \(BOS\)](#); [Breed, London \(MYR\)](#)
Subject: Academy of Art University Properties (1900 Jackson); Record Number 2019-012970PRJ
Date: Monday, November 04, 2019 2:21:38 PM

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Dear Mr. Perry

I am writing you to follow up on our conversation of last Thursday, October 30. At that time we discussed the current proposal by the Academy of Art University (AAU) to place 6'x2' illuminated wall signs on the Jackson Street and Gough Street sides of their building at 1900 Jackson Street. I live across Gough Street from this building. Apparently this signage was agreed to in a Settlement Agreement and Development Agreement mediated between the City of San Francisco and the Stevens Institute aka AAU. I can tell you without reservation that neighbors whom I have alerted of this issue are universally opposed to the proposed signage. They are also universally upset that this signage proposal is included in the "fine print" of the Development Agreement negotiated between the City and the AAU, such agreement negotiated without input from the affected neighbors.

In our conversation you noted that the AAU proposed signage is code compliant. It was a challenge but I managed to find the pertinent code (Article 6, Section 6), read the code and attempt to understand the basis for compliancy. Apparently AAU is claiming that they are operating a business, i.e. student housing, at 1900 Jackson Street and accordingly qualify to put up signs advertising such a business. In my opinion this is a specious argument. The intent of the code is to allow businesses who are providing a service to the neighborhood, such as a small grocery store, to advertise. Student housing certainly does not meet that criterion. Furthermore AAU students having been coming and going to 1900 Jackson for over 5 years and have not needed a 6'x2' lighted sign to find their housing.

We do have real businesses in the neighborhood. Avenue Fine Food Market at 1837 Pacific Avenue is a local market and has appropriate signage. The German Consulate at 1960 Jackson Street and the Jackson Court, a b&b located at 2198 Jackson Street, are real businesses but have taken the "good neighbor" approach and have only small, discrete signs at their entrances.

The signage proposed by the AAU provides no positive benefit to the neighborhood and is blatant commercial advertising for the AAU. As such it should be denied.

Thank you for your consideration of this matter.

Peter O. Clark
Vice President
The 1880 Jackson Association

poclark@gmail.com
+1 415-215-0891

From: [David Stein](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: Properties of the Academy of Art University Proposal for 1900 Jackson Street, San Francisco
Date: Monday, November 04, 2019 5:15:01 PM

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RE: Record Number 2019-012970PRJ

Dear Mr. Perry, Supervisor Stefani and Mayor Breed,

I am a 40 year resident of 1880 Jackson Street and wish to express my strong objection to the plan by the Academy of Art University to post two lighted signs on their building at 1900 Jackson Street. This is an affront to the basic residential area we live in. There are no other such signs in the neighborhood. They could put a single discreet sign in the entry way of their building on Jackson Street rather than the signs they are contemplating. The one on Gough Street would face our building across the street and be a real eye-sore. They would be operating as a commercial business with such signs and this area is residential. We strongly implore you to reject their proposal.

With much appreciation,

David D. Stein

From: [Katherine Pattison](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Academy of Art University Properties (1900 Jackson) Record # 2019-012970PRJ
Date: Monday, November 04, 2019 2:18:25 PM

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

Dear Mr. Perry, Re: Academy of Art University (AAU)
Project Involving 34 Properties
Record No. 2019-012970PRJ
Specifically Property at 1900 Jackson

I am writing you in response to the Notice of Public Hearing currently scheduled for November 7th about the Project for the Academy of Art University referenced above. I am a long term resident of 1880 Jackson Street, and I am particularly concerned about the proposed installation of large lighted signs on both sides of the AAU building at 1900 Jackson.

Please do not let the FOR PROFIT Academy of Art University commercialize our neighborhood. My neighbors and I do not want to live on Van Ness Avenue. Please take into consideration the following:

- **Well established neighborhood and residential community:** Many of us have lived in this neighborhood for a number of years. I personally have been in my apartment for over 30 years. As a well established residential community, neighbors get to know each other and form bonds as they meet while taking kids to school, walking dogs, taking a stroll and visiting the nearby Lafayette Park. This is a firmly residential, not a commercial district.
- **Current signage reflects residential nature of neighborhood:** While there is a mix of single family, multi unit, owned and rented properties in our neighborhood, all current buildings follow the practice of respecting the residential nature of the area. Permanent signage on both owned and rental buildings is small, unlit and discreet. Rental buildings that have vacancies hang out small, discreet and temporary signs advertising the vacancy for only the period needed to fill the vacancy. Even the German Consulate functions well with a small sign while visitors from all over the city, state and overseas find it without difficulty.
- **San Francisco Planning Code in Art. 6, Section 606 Supports Maintenance of Sense of Community by Limiting Size and Type of Signs in Residential Areas:** This section of the code speaks to the importance of maintaining small, discreet and appropriate signs in residential areas. While it provides for signs for local businesses in residential areas, it limits those exceptions to businesses that clearly support the needs of the nearby local community.

Why Does AAU need large, lighted signs on 1990 Jackson? If visitors from overseas can find the nearby German Consulate with its small, unlit sign, it would seem that students staying in student housing while on a multi-year course at for profit AAU could find and remember where they lived without a massive, lighted sign. Is it because the AAU is seeking to churn even more students through their massive profit making enterprise? With less than 1/3 of their students completing degrees in six years, and with AAU's refusal to publish data on how many graduates obtain jobs, it would seem that this "university" is just in it for the owners own profit. The signs seem a convenient form of cheap advertising to attract more hapless people hoping to find housing and obtain a degree. The AAU appears to be taking advantage of the current housing crisis in San Francisco to suggest it is providing a valuable housing resource for students when, in fact, it is likely just taking advantage (and lots of money) from those students who typically get little in return other than a large amount of student debt.

- **Allowing Large, Lighted Signs for AAU opens the door for others to follow the practice:** Once AAU installs large, lighted signs, what will stop others from further commercializing the neighborhood? Will rental buildings now apply for large, lighted, even neon signs. What about ARBNB properties? Other short term rental arrangements?

Is the City of San Francisco prepared to sacrifice our established, well loved neighborhood for the dubious needs of the for profit AAU?

Respectfully submitted by Katherine Pattison

Sent from my iPad

From: [AS Gmail](#)
To: [Breed, Mayor London \(MYR\)](#); [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: asodhani@gmail.com
Subject: Properties of the Academy of Arts University (1900 Jackson St.)
Date: Tuesday, November 05, 2019 3:17:36 AM

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HELLO

My name is Arvind Sodhani and I am owner of 1880 Jackson Unit 502 opposite 1900 Jackson St.

I strongly oppose the request of Academy of Arts University installation of massive lighted signs at 1900 Jackson St San Francisco.

It commercializes our neighborhood. Putting up large lighted signs changes the character of the neighborhood giving it a sense of being a place of business not a residential area.

I request the Planning Commission to deny this application.

Thank you for your time.

Arvind Sodhani

From: DOLORES MURPHY
To: Perry, Andrew (CPC)
Subject: Properties of the Academy of Arts University(1900 Jackson St.), Record Number 2019-012970PRJ
Date: Tuesday, November 05, 2019 2:33:27 PM

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Dear Mr. Perry,

We who live at 1880 Jackson Street, directly across from the Academy of Arts University (1900 Jackson Street) requests your support of our opposition to having the Academy of Arts University (1900 Jackson Street), place large lighted signs on both the Gough and Jackson Street side. We cherish our residential neighborhood. Please help us keep the neighborhood a community.

Thank you!

Sincerely,
Dolores Murphy

From: Janice Tsuchiya
To: Breed, Mayor London (MYR); Stefani, Catherine (BOS); Perry, Andrew (CPC)
Subject: RE: Academy of Arts, 1900 Jackson St., San Francisco, Record # 2019-012970PRJ
Date: Tuesday, November 05, 2019 11:34:42 AM

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Mayor London Breed, Catherine Stefani and Andrew Perry:

I write as a very concerned San Franciscan. I live in a wonderful building at 1880 Jackson St., where our community makes wonderful attempts to maintain not only our building, but respects our neighborhood for a peaceful environment within which to reside. Pacific Heights being a RESIDENTIAL neighborhood, it is indeed surprising that approval was given at all for the FOR PROFIT Academy of Arts to own a student housing building in this neighborhood. Now, they wish to add two large illuminated signs to the building, which is totally out of character for the neighborhood. None of us, who have purchased in Pacific Heights desire to be in a commercial zone, which should be left on Van Ness Avenue. The San Francisco Planning Code, Article 6, Section 606, says any signage must be small and discreet and only for business that supports the needs of the community, which the FOR PROFIT Academy of Arts clearly does not. Even the German Consulate shows respect for the neighborhood with small discreet signage. Therefore, please consider this letter as a plea to maintain the character of Pacific Heights, one of San Francisco's wonderful neighborhoods by NOT ALLOWING the requested signage to be mounted on 1900 Jackson St.

Also, while I am writing, I would like to share an extremely disheartening experience I had on a recent trip. Firstly, let me say that I absolutely LOVE living in San Francisco. It is such a beautiful City and so diverse and open-minded. However, that said - I was on a plane sitting next to a young man from Germany on a world tour for 8 months. He is visiting large cities that he always has dreamed of. He had been in San Francisco for several days and I asked him how he enjoyed it. Without hesitation, he said it was a great disappointment - he found it filthy and actually said the words, scary. I was so saddened to hear his comments and encouraged him to return and stay a bit longer to see what a great City it is. Something must be done soon about all the people out on the streets, disabled by drugs and/or mental illness. They litter the streets, block free passage of sidewalks and give the City an overall "Mad Max" sort of feeling. This is not the San Francisco the majority of people choose to live in and while I understand the concern for civil liberties, the majority should not have their rights of a feeling of safety and peace denied. The opinion of the young German man I am sure is what the majority of tourists must feel and think about our City. Our reputation is at stake and we will suffer the consequences if steps are not taken to immediately start rectifying the situation.

Many thanks to you all for your service to the City and County of San Francisco.

Best regards,

Janice Tsuchiya
1880 Jackson St.
San Francisco, CA

jani.t@comcast.net

From: [Joe Iacocca](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Inappropriate Signage, Record #2019-012970PRJ
Date: Tuesday, November 05, 2019 8:59:41 AM

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

RE: Properties of Academy of Arts University at 1900 Jackson
Record Number 2019-012970PRJ

Andrew Perry
Planner for City SF

Dear Mr. Perry

I am writing to protest the proposed alteration of the character of a strictly residential neighborhood into a commercial signage post for Academy of Arts University.

That this proposed visual pollution is even being considered at the 1900 Jackson Street location is a black mark on our planning department. Aside from street lights there are ZERO illuminated signs within several city blocks of this attempt at commercial encroachment of a strictly residential area.

Please explain, if you support this effort, why college students or anyone else should require any more than a street number to locate their residence.

Placement of such a sign would alter the complexion of an almost 100 year old community to serve the whim of a well-healed entity that is displaying it's lack of concern for it's neighbors and for the general character of not only this area but the overall beauty of our city.

PLEASE DO NOT ALLOW THIS UNNEEDED AND DENIGRATING INCURSION TO OUR COMMUNITY.

Respectfully yours,

Joe Iacocca
1880 Jackson St, #605
SF, CA 94109
707-280-8985

From: [Micki Klearman](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Concern about planned illuminated signage at AAU building 1900 Jackson Record Number 2019-012970PRJ
Date: Tuesday, November 05, 2019 8:42:51 AM

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

Dear Mr Perry,

I am writing as a concerned resident of Pac Heights District 2 regarding the proposed large illuminated signage the Academy of Arts University is planning to hang on both the Gough and Jackson facing sides of their Student Housing building at 1900 Jackson Street (Record Number 2019-012970PRJ). As you are aware, this is a residential area with no large commercial signage on any of the buildings as directed by the San Francisco Planning Code Article 6, Section 606. This proposed signage is a blatant attempt by AAU to commercialize this building and advertise their program. There is no reason that a building used to house students would otherwise require a large illuminated sign on two sides of the building.

Please help the residents of this beautiful neighborhood stop this unnecessary and unsightly addition to what is now a very pretty corner of San Francisco.

Thank you for your help,
Micki Klearman
1880 Jackson St, San Francisco, CA 94109
650-243-7419

From: Louise MacMillan
To: Breed, Mayor London (MYR); Perry, Andrew (CPC); Stefani, Catherine (BOS)
Cc: Louise P MacMillan; John MacMillan; Edward Milestone
Subject: Properties of the Academy of Arts University (1900 Jackson St.)Record Number 2019-012970PRJ
Date: Wednesday, November 06, 2019 7:49:42 AM

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

RE:Properties of the Academy of Arts University (1900 Jackson St.) Record Number 2019-012970PRJ

Dear All,

Please consider the following carefully and urgently:

1. Don't let the Academy of Art University commercialize our neighborhood. We don't want to live on Van Ness Avenue •
2. Putting up large lighted signs changes the character of the neighborhood, giving it a sense of being a place of business, not a community. • We have a real community here, where many of us have lived for a long time. Neighbors know each other, from meeting on the street or at the nearby Lafayette Park, while walking children to school or the park, taking out dogs, getting exercise, meeting at the local neighborhood grocery store. It is a place for all ages, individuals, couples, seniors and families. It is **NOT** a commercial district. •
3. Local practice reflects the nature of this community with residential buildings and even the few local businesses such as the German Consulate having **small discrete signs**. •
4. The San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be **small and discrete**. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. • **Massive lighted signs are not needed for students staying in housing for years while they complete a course of study. Why does the AAU need them?** •
5. Is the city of San Francisco prepared to **sacrifice the quality of our established, well loved neighborhood** to meet the dubious needs of this for-profit institution.

I thank you kindly for your immediate attention to this sensitive issue. We want to keep our neighborhood discreet!

Sincerely,

*Louise Park MacMillan
1880 Jackson St. #601*

From: [Patsy Mangan](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Concerned Neighbor at 1880 Jackson Street - please help STOP the commercialization of our Neighborhood.
Date: Wednesday, November 06, 2019 12:21:43 PM

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

Re: Properties of the Academy of Arts University (1900 Jackson St.) Record Number 2019-012970PRJ

Andrew Perry,

As a resident of 1880 Jackson Street, I am writing to express my extreme concern regarding the proposed signage on the building of 1900 Jackson Street. Large illuminated signs do not belong in a residential neighborhood like Pacific Heights. The proposed large lighted signs will change the character of the neighborhood, giving it a sense of being a place of business, not a community.

Our Neighborhood is NOT a commercial district. The San Francisco Planning Code in Article 6, Section 606 reflects this local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. The local practice of small discrete signage (as displayed at the German Consulate) appropriately reflects the nature of this community filled with residential buildings. There is absolutely NO RELEVANT need to advertise student housing in loud, bright and obtrusive way.

We have a real community here, where many of us have lived for a long time. Neighbors know each other, from meeting on the street or at the nearby Lafayette Park, while walking children to school or the park, taking out dogs, getting exercise, meeting at the local neighborhood grocery store. It is a place for all ages, individuals, couples, seniors and families. Is the city of San Francisco prepared to sacrifice the quality of our established, well loved neighborhood to meet the dubious needs of this for-profit institution?

I'm disappointed that the proposal for these unsightly signs is even being considered. Please help us protect our neighborhood from commercialization and destruct!

Signed by a concerned neighbor at 1880 Jackson Street,

Patricia Mangan

From: [howard james](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Re: Academy of Art University Properties (1900 Jackson); Record Number 3019-012970PRJ
Date: Monday, November 11, 2019 2:02:17 PM

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

Dear Mr. Perry,

Let me try one more time, with ".org" instead of ".com". This should work. I apologize for the confusion.

Howard James

On Sat, Nov 9, 2019 at 10:24 AM howard james <hpj1880@gmail.com> wrote:

Dear Mr. Perry,

On Monday, November 4, I sent an e-mail with my comments on this proposal to you. I was notified of delivery problems with some of the people copied on the message, and I wanted to be sure you had received it. The message is copied below, and I would appreciate a short "got it" confirmation from you. Thank you, and thank you for your consideration of the issues raised.

Sincerely,

Howard James

Dear Mr. Perry,

I am writing in response to the Notice of Public Hearing, currently scheduled for November 7, 2019, involving 34 properties owned or leased by the Academy of Art University ("AAU"). One of them is located at 1900 Jackson Street, directly across from my home at 1880 Jackson Street.

To me and a number of neighbors with whom I have spoken, the most objectionable aspect of the many changes which would be made at this property is the proposed addition of two large outdoor, illuminated signs, one facing Jackson Street and another facing Gough Street. This block and the many blocks surrounding it are almost exclusively residential, with discrete signage showing the address of the building or residence. The one non-residential building on the 1900 block, the German Consulate, has a suitably small sign at its entrance, and local residents and out of town visitors from Germany seeking assistance from the Consulate seem to have no problem finding it. AAU's building at 1900 has been marked in this same manner for years, including all the time it has been used for student housing. Why does AAU suddenly find it crucial to intrude upon the residential character of the neighborhood by erecting large, electrified signs more suited to Van Ness

Avenue or Fillmore Street? Surely, their students, faculty, and administrators can find their way there without them.

Regardless of its adverse impact on its neighbors and character of the neighborhood, AAU argues that it is entitled under the Planning Code to put up two 12 square foot illuminated signs, proclaiming in large letters "STUDENT HOUSING" and in smaller letters below, "ACADEMY of ART UNIVERSITY." In language placed next to the depiction of the signs on both sides of the building, AAU states that it is a business which, as part of that business, provides student housing at 1900 Jackson. Therefore, they say, they are entitled under Section 602 of the Planning Code ("Code") to put up a business sign. I disagree.

Section 602 defines the phrase "Business Sign." It does not, by itself, say anything about the regulation or placement of business signs. But Section 606 of the Code does. Section 606 (b) states, in part, the following:

"(b) Signs for uses Permitted to Residential and Residential Enclave Districts. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in R and RED Districts, except that signs for any commercial establishments shall be subject to the limitations of Paragraph (c) below.

(1) One nonilluminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts... .

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet..."

AAU would like to put up 12 square foot "identifying signs" under (b) (2) as a business with a "commercial establishment" at 1900 Jackson. But the definition of "Identifying Sign" refers to stores and shopping centers, places where the public goes to purchase goods and services and there is a public as well as commercial benefit in signage that tells the public what is available inside. Similarly, Section 186 of the Code, in discussing nonconforming uses of limited commercial character in RH districts, focuses exclusively on the public benefit of providing "convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes...These uses tend to be small in scale, to serve primarily a walk-in trade... ."

Both of these Code provisions demonstrate the City's interest in protecting the residential character of RH zoned neighborhoods such as ours by limiting business signage to exceptional circumstances not present here. Simply put, AAU's project does not satisfy the requirements for the type of signage it would like to put up. There is no expectation that members of the general public will visit the building (and if they do, finding "1900 Jackson Street" should not be difficult for them) nor have any interest in knowing that students are housed inside.

The status quo has worked well for both AAU and its neighbors for many years. It is regrettable that AAU has chosen this time as it settles its numerous serious issues with the City to attempt to "upset the apple cart" by proposing large, unnecessary illuminated signs that will sour relations with its neighbors and degrade the residential character of our neighborhood. I urge the Planning Department to reject this proposal.

Respectfully submitted,

Howard P. James

President

1880 Jackson Association

From: [Adrian Colley](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [info@phra-sf.org](#); [Kpattison@sbcglobal.net](#); [john.1824jacksonhoa@gmail.com](#); [adrianacolley@aol.com](#)
Subject: Re: 1900 Jackson Street, San Francisco - Academy of Art University: Record Number 012970PRJ
Date: Thursday, November 14, 2019 2:00:34 PM

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Dear Mr. Perry.

This is further to my email of yesterday below.

In my email I noted the various conditional use authorizations and building permits that are apparently contemplated/required to accomplish the AAU Project insofar as the 1900 Jackson Street AAU property is concerned, particularly the creation of a "private garage". This, inter alia, will require building permits, which, together with any required conditional use authorizations, the Project documents generally indicate will need to take into account signage obligations.

Clearly, signage issues have characterized AAU buildings. In the 2016 lawsuit by the City against the AAU such signage issues were raised. For example, the complaint cited the AAU building at 1916 Octavia for "never [having] obtained the required building permit for the installation of a canopy and business sign" at the building. There is a similar complaint allegation for 2211 Van Ness with respect to "the addition of a business sign [that] required a building permit."

The Commission's January 24, 2019 conditional use authorization for the Sacred Heart Schools' expansion program included among its conditions one relating expressly to signage which provided that "any signs on the property shall be made to comply with the obligations of Article 6 of the Planning Code".

I would submit that, given the AAU history on the subject, comparable express signage provisions and protections need to be included in the Project documentation for 1900 Jackson Street, including public notice obligations with respect to any building signage matters.

Respectfully submitted,
Adrian Colley
1824 Jackson Street, Unit H
San Francisco CA 94109

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

From: Adrian Colley <adrianacolley@aol.com>
To: [andrew.perry](mailto:andrew.perry@sfgov.org) <andrew.perry@sfgov.org>; [catherine.stefani](mailto:catherine.stefani@sfgov.org) <catherine.stefani@sfgov.org>
Cc: [info](mailto:info@phra-sf.org) <info@phra-sf.org>; [Kpattison](mailto:Kpattison@sbcglobal.net) <Kpattison@sbcglobal.net>; [adrianacolley](mailto:adrianacolley@aol.com) <adrianacolley@aol.com>; [john.1824jacksonhoa](mailto:john.1824jacksonhoa@gmail.com) <john.1824jacksonhoa@gmail.com>

Sent: Wed, Nov 13, 2019 2:53 pm

Subject: 1900 Jackson Street, San Francisco - Academy of Art University: Record Number 012970PRJ

Dear Mr. Perry.

I write to you as the Planning Commission officer in charge of this matter involving 1900 Jackson Street. I have the following comments and questions on it.

My name is Adrian Colley and I have resided at 1824 Jackson Street (3 buildings down from 1900) for about 24 years.

My comments/questions.

1. The ultimate Academy signage to be on the building is of interest and concern to me and my neighbors. You should be aware of the fact that when the Academy acquired the building some years ago the Academy placed an awning over the front door with the Academy's large red logo on it. This drew extensive neighborhood disapproval and after complaints to the City it was taken down because it was commercial in nature and unsuitable to the residential nature of the area. No further commercial signage has been placed on the building indicating that it is Academy student housing. None is needed or called for now.
2. The suggested commercial type, over size signage for the building as shown in photographs in the Project materials stating nothing more than "Student Housing" in large illuminated lettering with nothing more than a reference to the Academy in much smaller lettering is exactly what prompted the City to ban the Academy's not to be replaced awning signage many years ago, except that the proposed new signage is clearly worse than that which was banned.
3. This is particularly true given that there are to be two such unneeded signs on the two street facing sides of the building. Such signs convey an almost boarding house sense that is completely alien to, and not in keeping with, our entirely residential neighborhood's values, ambiance and sense of community. There is no need to identify this building as student housing because its residents are not to be transient, short term, overnight occupants, as has been the case for years with no such signs. Why the sudden need for the signs? For the reasons cited below I doubt that a sign permit would be granted by the City.
4. I note that under the "Project" documentation 1900 Jackson is to be designated a "residential site" "Post-Secondary Educational Institution ("PSEI")" (property no. 21) to house its students in 9 "dwelling units" each for presumably no more tenants than is permitted by City regulation. The building will have "areas proposed for [an (indeterminate) amount of] non-accessory (not defined) private parking uses (not defined) to be used by Academy faculty and staff."
5. The entire Project is to be conditioned on a "Master Conditional Use Authorization" whose timing and substance (including any affected signage issues) are not specified. In addition, the 1900 Jackson private parking garage requires a conditional use authorization within the RH-2 District which is subject to any City "identifying sign"

requirements for that district. It is unclear which, if any, district/City identifying sign requirement would apply to the Master Conditional Authorization.

6. A stated objective of the Project is "to provide a comprehensive signage program including [the...] placement of new code compliant signage..." I would now ask the Commission how and when this objective will be undertaken and carried out and with what degree of public participation and prior notice. One question to address is that set forth above in paragraph 3. The project document states that the "Project Sponsor shall submit additional details [on signage] in the building permit application."

7. As a starting point, it is submitted that, since the building's long time non commercial Academy student housing purpose will continue unchanged, no commercial signage of any sort should be considered for it going forward. If the building's continued use is unchanged why change any signage for it?

8. As a possible alternative, if some more non commercial signage were thought to be necessary, Zoning District RH-2's "identifying sign" sign permit requirements might possibly be drawn upon to come up with one such sign at the building entrance without the need of displaying the Academy logo (as the City has heretofore already mandated) and not putting another such sign somewhere down the hill on Gough street.

Respectfully submitted
Adrian Colley

From: [Susan Schermerhorn](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: AAU – 1900 Jackson
Date: Thursday, November 14, 2019 10:13:20 AM

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

TO: Andrew Perry, Planner for City SF
Catherine Stefani, Supervisor for District 2
London Breed, Mayor of SF

RE: Academy of Art University
Project Involving 34 Properties
No. 2019-012970PRJ
Property at 1900 Jackson

I am writing you regarding the Academy of Art University and their bid to double the occupancy in their building at 1900 Jackson Street and use large, lighted signs to identify and promote said building.

This area is a neighborhood community, NOT a commercial district. West of the Van Ness corridor, there are no obtrusive signs identifying or promoting anything other than local businesses that serve this residential district.

The San Francisco Planning Code in Article 6 Section 606 reflects local practice by stating that signage in residential areas should be small and discreet. It further refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community.

The Academy of Art University is NOT a local business. It does not support the needs of our neighborhood community. It is a privately owned, for-profit commercial endeavor. Installing obtrusive signage and increasing occupancy will not improve the neighborhood ... it will improve the AAU's owner's bottomline.

Please do not commercialize our beloved neighborhood and community.

Thank you,

Susan Schermerhorn
2070 Pacific Ave
Neighborhood Resident Since 1973

From: [alice abbott](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Properties of the Academy of Arts University (1900 Jackson St.) Record#2019-012970 PRJ
Date: Friday, November 15, 2019 2:39:49 PM

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

Dear Mayor Breed, Andrew Perry, Planner, and Catherine Stefani, Supervisor:

I live at 1870 Jackson Street, and I am very concerned about the Academy of Art University at 1900 Jackson and Gough ignoring the fact that we live in a strictly residential neighborhood.

We are not in a commercial zone, for which I feel the Academy erroneously considers that this is also a commercial zone, and it is not. Their attempts to double the occupancy of students at 1900 Jackson, plus installing large, lighted signs on the sides of the building would drastically change the complexion of the neighborhood. Even the low-keyed German Consulate does not have "flashy" signage.

According to the San Francisco Planning Code, Art. 6, Sect. 606, signage should be small and discrete; the Academy certainly does not intend to honor this particular code. The proposed signage certainly does not fulfill the needs of our community.

I would be most grateful if you would strongly object to the Academy's proposal, considering it illegal and detrimental to our Community.

Sincerely,

Alice Abbott

1870 Jackson Street, #502

San Francisco CA 94109

From: [David Lane](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: Academy of Art at 1900 Jackson Street
Date: Friday, November 15, 2019 5:06:31 PM

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

I would like to voice my concern regarding the proposed lighted signage for the Academy of Art building at 1900 Jackson Street. I live at 1870 Jackson Street, Unit 404 and oppose this proposed advertisement. This is a neighborhood and not a commercial building area.

David B. Lane
415 309 4536

From: [Joan Sacks](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Commercial Signage for Art Institute Housing??
Date: Friday, November 15, 2019 7:24:49 PM

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

Dear Andrew,

With the existing craziness of filth, crime and homelessness on the streets of our once lovely city, do we need the addition worry that our Pacific Heights homes will be disrespected further by allowing commercial signage on the corners of Jackson and Gough?

Please immediately dismiss this idea. Our property values have already been negatively impacted by the above stated factors. Seriously, enough is enough!

We desperately need your help.

Respectfully,
Joan Sacks

Joan Sacks
joansacks2@gmail.com

From: [Bob Mackler](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: 1900 Jackson St - Properties of the Academy of Arts University - Record # 2019-012970PRJ
Date: Saturday, November 16, 2019 3:13:01 PM

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

The purpose of this communication is to state my strong objection to the proposals being negotiated by the Academy of Art. What is being proposed violates the terms of their agreement with the neighborhood when they purchased the property. Let us also remind the Planning Department that the City Attorney, Dennis Herrera had to sue The Academy of Art to have them properly abide by City laws.

I object specifically on two proposed changes:

1. Installation of Inappropriate and commercial signage in a residential neighborhood.

When this property was initially purchased, the Academy of Art installed commercial signage on the building. This property is located in a very residential section of San Francisco. After neighborhood complaints to San Francisco city government, the Academy of Art agreed to remove the signs as they were inappropriate for the neighborhood. This proposal violates that agreement.

I suspect that the planning department was not told about the past history. I have been a resident at 1955 Jackson St since 1984 and was part of the neighborhood group that preserved the residential quality of the neighborhood.

I vigorously protest the proposed installation of lighted signage on the building. San Francisco Planning Code Article 6, Section 606 states that signage in residential areas shall be discrete and small.

2. Doubling the occupancy limits

The Academy of Art should not be permitted to increase the density of this building. Before the Academy of Art removed its long-term neighborhood residents so that this could become student housing, it was an appropriate apartment building with rents that were moderate and housing family units. This is the character of the neighborhood.

At the current level of residents at 1900 Jackson, I see three to four students smoking every evening in front of the neighbors' properties at 1902 - 1908 Jackson St in violation of the City's ban on smoking within 30 feet of the property. The Academy of Art does nothing to prevent this violation. As it is, the children, the residents who walk their dogs and those of us who walk in the area are subjected to second-hand smoke. Increasing residency will only exacerbate this problem.

This is a residential area with many neighbors who have lived her for more than 30 years. It is not appropriate to unsafely increase the building's proposed occupancy.

We ask that our elected representatives who have administrative oversight over the Planning Department assure that the Academy of Art abides by their original agreements made after their purchase of 1900 Jackson St.

Thank you.

Robert O. Mackler
CA License 0B08698
1955 Jackson St
San Francisco, CA 94109
415 531-2481

From: [Jenna Livingston](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: 1870 Jackson resident
Date: Saturday, November 16, 2019 10:29:49 AM

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

Hi Andrew,

Happy Saturday.

I am writing to insist we do not need any commercial lighting in our neighborhood.

We moved here for quiet, not flashy. Having a cheap sign will greatly impact our community and quality of life.

Thank you,
Jenna Livingston

From: Antoinette Mailliard
To: Perry, Andrew (CPC); Stefani, Catherine (BOS); Breed, Mayor London (MYR)
Subject: Regarding Academy of Art University sign
Date: Sunday, November 17, 2019 4:21:43 PM

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

Dear Mayor Breed, Supervisor Stefani and Planner Perry,

The Academy of Art University has a history of pushing limits. It is a for-profit company. It should abide by the same processes,, regulations, norms and limits as any other business.

I am a long time resident in the 1800 block of Jackson Street. It is a quiet block with some elegant, classic buildings. It is not a commercial zone. It is a real community, where real people make their homes. Many of us have raised or are raising families here. The idea of such a commercial sign in our neighborhood for any reason is shocking. It is not only out character for the neighborhood, it is disrespectful. Home ownership is challenging enough in San Francisco. Do those who represent us really think it appropriate to deprive us of our sense of home and community? I hope you will not allow this irregular, improper change to happen.

Sincerely,
Antoinette Mailliard
1870 Jackson St. #704
San Francisco, CA 94109

From: [Ambar Bhattacharyya](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#)
Subject: Commercial sign being put in our residential neighborhood?
Date: Monday, November 18, 2019 9:02:10 AM

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

Andrew, Catherine (with a cc: to Mayor Breed) -

First of all, thank you for your service to the city and our community. Most of what you do to help our city does not receive the fanfare it should. We deeply appreciate it.

I am a Bay Area native, and I moved to Pacific Heights 4 years ago. My wife, son, and I love this neighborhood.

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am of course in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) in the era of Betsy Devos is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Happy to discuss more at any point. Thank you again.

Ambar

From: Annie Ng
To: Breed, Mayor London (MYR)
Cc: Stefani, Catherine (BOS); Perry, Andrew (CPC)
Subject: 1900 Jackson street building Record No. 2019-012970PRJ
Date: Monday, November 18, 2019 8:25:42 PM

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

Dear Mayor London Breed,

This email message is about a proposal to have lighted signs installed on a residential building owned by the Academy of Art University located at 1900 Jackson Street Building (Record No. 2019-012970PRJ). As an immediate neighbor of the subject property, I categorically object to this proposal. The lighted signs will unquestionably change the character of the neighborhood and will give it a feel and taste of a commercial area instead of a residential one. The San Francisco Planning Code in Article 6, Section 606, reflects local practice by stating that signage in residential areas should be small and discrete. None of the buildings in the residential neighborhood have lighted signs. A German Consulate, located on the same block, has few minor signs. There is no legitimate reason why large and lighted signs are a necessity for students staying in housing for years while they complete their course of study. The Academy Of Art has used the specific building for many years without the need for lighted signs.

I reside directly across the street at 1901 Jackson, and the lighting from the large signs will permeate into our home and is equally a nuisance as a noise disturbance which will infringe on our peaceful enjoyment of our own home.

Thank you in advance for your prompt consideration and attentiveness to this concern.

Thanks,
Annie Ng
1901 Jackson st #2
San Francisco, CA, 94109

From: [Barbara Berk](#)
To: [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#); [Perry, Andrew \(CPC\)](#)
Subject: ART INSTITUTE SIGN ON CORNER OF GOUGH AND JACKSON
Date: Monday, November 18, 2019 2:13:50 PM

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

I am a resident of San Francisco and have lived in Pacific Heights for 5 years. I love my neighborhood and am opposed to the Academy of Arts University to put a lighted sign in our neighborhood at 1900 Jackson Street.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in San Francisco.

Thank you for your consideration,
Barbara Berk
1870 Jackson St. Apt. 602
SF, CA 94109
Barbara.berk@gmail.com

From: [Christy Artz](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Concern re Academy of Arts University proposal for 1900 Jackson St.
Date: Monday, November 18, 2019 8:36:21 PM

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

RE: Properties of the Academy of Arts University (1900 Jackson St.)
Record Number 2019-012970PRJ

Dear Mr. Perry,

We live at 1930 Jackson Street. We are writing to express our strong opposition to the Academy of Arts University's (AAU) plan to install large, lighted signs on two sides of a small apartment building that the AAU owns at 1900 Jackson Street and uses for student housing. We are not opposed to the increased occupancy of the building, but are very opposed to the commercialization of the exterior. All of the buildings surrounding the AAU's Jackson Street property are completely residential, as is the immediate neighborhood.

According to information we have received, San Francisco Planning Code states that signage in residential areas should be small and discrete. The signage proposed by AAU is neither. It is, moreover, completely out of character with the immediate neighborhood.

There appears to be no need for these lighted signs other than for marketing or promotional purposes for the benefit of AAU. The proposed signs would serve no public safety purpose, nor are they needed to direct public traffic to this building. (Again, 1900 Jackson St. is a small apartment building used for student housing. Clearly, those who live there know how to find the building. There are no administrative offices or classrooms in the building that others need to find.) The proposed signs, however, would clearly detract from the residential character of the neighborhood. Importantly, the neighborhood derives no benefit from AAU's 1900 Jackson St. property.

We respectfully request that the City reject AAU's request for the proposed lighted signage on 1900 Jackson Street, and require any exterior signage to be small and discreet, in keeping with SF Planning Code and with the residential character of the neighborhood.

Thank you.

Sincerely,

Harold Erdman & Christy Artz

From: Drew Wilkerson
To: Perry, Andrew (CPC); Stefani, Catherine (BOS); Breed, Mayor London (MYR)
Subject: Opposing - Record Number 2019-012970PRJ
Date: Monday, November 18, 2019 9:15:32 AM

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

Regarding: Properties of the Academy of Arts University (1900 Jackson St.)
Record Number 2019-012970PRJ

Hello all,

I am a property owner and resident at 1870 Jackson St., where I live with my wife and two children. Two doors down from my building, at 1900 Jackson St., in the middle of a residential neighborhood, the Academy of Arts University is proposing installing two large lighted signs on their property which is used solely for student housing.

I see no reason why it is necessary for the university to install lighted, commercial signs in a residential neighborhood. This would not only change the character of our beautiful neighborhood, but also compromise the value all neighboring properties. In addition, the students know where they live...they don't need a lighted sign to show them the way. This would simply change the feel of our neighborhood in a negative way.

Please oppose this installation, and urge the AAU to consider a more reasonable means to designate their building.

Thank you,

Drew Wilkerson
415.802.9591

From: [Manager Milestone](#)
To: [Breed, Mayor London \(MYR\)](#); [Stefani, Catherine \(BOS\)](#); [Perry, Andrew \(CPC\)](#)
Subject: Please help stop large commercial sign being put on Art Institute Apartment building at 1900 Jackson St. S.F.
Date: Monday, November 18, 2019 9:45:53 AM

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

Dear Mr. Perry, Supervisor Stefani and Mayor Breed,

I am a 18 year resident of Pacific Heights and currently live in and manage 1880 Jackson Street and wish to express my strong objection to the plan by the Academy of Art University to post two lighted signs on their building at 1900 Jackson Street on behalf of myself and the residents at the property. The proposed sign is an unnecessary non-conforming to the neighborhood. There are no other such signs in the area and students have been staying there have not needed a sign to find their way home. They all seem to use their cell phones to get around anyway and the Academy, could put a single discreet sign in the entry way of their building on Jackson Street, rather than the signs they are contemplating which only purpose seems to be advertise in a residential area. The sign proposed on Gough Street would face our building across the street and is unnecessary except to advertise passing cars. They would be operating as a commercial business with such signs and this is residential area.

On behalf of the community at 1880 Jackson Street we strongly implore you to reject their proposal.

With much appreciation,

Ed Milestone,
Property Manager,
1880 Jackson St.
(415) 215-0078
1880jackson.manager@gmail.com

From: [Eric Neplokh](#)
To: [Perry, Andrew \(CPC\)](#)
Cc: [Eric Neplokh](#)
Subject: RE: 1900 Jackson Street Building (Record No. 2019-012970PRJ).
Date: Monday, November 18, 2019 12:40:14 PM

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

Dear Andrew Perry,

This email message is about a proposal to have lighted signs installed on a residential building owned by the Academy of Art University located at 1900 Jackson Street Building (Record No. 2019-012970PRJ). As an immediate neighbor of the subject property, I categorically object to this proposal. The lighted signs will unquestionably change the character of the neighborhood and will give it a feel and taste of a commercial area instead of a residential one. The San Francisco Planning Code in Article 6, Section 606, reflects local practice by stating that signage in residential areas should be small and discrete. None of the buildings in the residential neighborhood have lighted signs. A German Consulate, located on the same block, has few minor signs. There is no legitimate reason why large and lighted signs are a necessity for students staying in housing for years while they complete their course of study. The Academy Of Art has used the specific building for many years without the need for lighted signs.

I reside directly across the street at 1901 Jackson, and the lighting from the large signs will permeate into our home and is equally a nuisance as a noise disturbance which will infringe on our peaceful enjoyment of our own home.

Thank you in advance for your prompt consideration and attentiveness to this concern.

Eric Neplokh
1901 Jackson Unit #2
San Francisco CA 94109

From: [Heather Wilkerson](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#)
Subject: Opposing - Record Number 2019-012970PRJ
Date: Monday, November 18, 2019 9:16:29 AM

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

Regarding: Properties of the Academy of Arts University (1900 Jackson St.)
Record Number 2019-012970PRJ

Hello all,

I am a property owner and resident at 1870 Jackson St., where I live with my husband and two children. Two doors down from my building, at 1900 Jackson St., in the middle of a residential neighborhood, the Academy of Arts University is proposing installing two large lighted signs on their property which is used solely for student housing.

I see no reason why it is necessary for the university to install lighted, commercial signs in a residential neighborhood. This would not only change the character of our beautiful neighborhood, but also compromise the value all neighboring properties. In addition, the students know where they live...they don't need a lighted sign to show them the way. This would simply change the feel of our neighborhood in a negative way.

Please oppose this installation, and urge the AAU to consider a more reasonable means to designate their building.

Thank you,

Heather Wilkerson
415.802.9584

From: [Jason Hoff](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Jenna Livingston](#); [Breed, Mayor London \(MYR\)](#)
Subject: Please stop large commercial sign on corner of Gough and Jackson
Date: Monday, November 18, 2019 11:08:27 AM

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

Andrew, Catherine (and cc: Mayor Breed) -

Your tireless service to our city is very much appreciated. No matter how large or small the issue, we're grateful we have someone to reach out to when attention requires it.

Today, we're writing you about an issue that's very important to us and our neighborhood.

The Academy of Art University has planned to put a lighted sign in our residential neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

This sign will likely not meet San Francisco Planning Code in Article 6, Section 606, which reflects local practice by stating that signage in residential areas should be small and discrete. (Which even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community.) Clearly, this sign does not meet the standards. In this digital age, the AAU absolutely does not need to that sign to get their students to live there -- their occupancy will fill without it.

Please do not allow the AAU the ability to have this sign. We deeply love this neighborhood and this city, and taking a wider view, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

More than happy to discuss further.
Thank you again.

Jason Hoff and Jenna Livingston
(917) 523-1787



From: Jo Gentry
To: Perry, Andrew (CPC)
Subject: Academy of Art signage
Date: Monday, November 18, 2019 9:23:18 AM

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

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our neighborhood. This is under "Properties of the Academy of Arts University ([1900 Jackson St.](#)), Record Number 2019-012970PRJ.

This is an affront to our beautiful residential neighborhood. I'm sure you can understand having a commercial sign in a residential neighborhood is not something that any of the residents of this area want or support. I feel this is just an opportunity for the Academy of arts to advertise their business. As I'm sure you're aware, the Academy of arts is one of the largest real estate holders in San Francisco. I sincerely hope no decisions will be influenced by that factor.

Upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

Please do not permit the AAU the right to have this sign. Thiis sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Jo gentry

From: [Joshua Cohen](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: Properties of the Academy of Arts University (1900 Jackson St.) Record Number 2019-012970PRJ
Date: Monday, November 18, 2019 10:18:20 AM

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

I have been made aware that the Academy of Art University (AAU) is seeking to make more money by doubling the occupancy of their building at 1900 Jackson Street on the northwest corner of Jackson and Gough Streets. To drive occupancy they want to display lighted signs or billboards on the sides of the building on both Jackson and Gough Streets. I object to both the commercial signage and the increase in occupancy.

Signage

As a homeowner on Jackson Street, I know I purchased my property in this neighborhood due to the colorful character and history of the various properties that line this street. This neighborhood, made up of homeowners and renters, is a neighborhood, one without large lighted commercial signage or billboards. Such a display is more appropriate to the Van Ness commercial district; it does not belong in the center of a neighborhood with 100 year old properties and a mix of buildings and architecture with historical reference. I myself have restrictions on what I can do to the exterior of my property and I am just a few houses up from 1900 Jackson Street.

I certainly understand the need for the Academy of Art University (AAU) to make visible its housing opportunities to those looking to rent from them. There are plenty of examples, in and around our neighborhood, of how to notify renters of occupancy that do not involve lighted signs and billboards and reflect the neighborly feel I have known and expect from those living near me. The German Consulate, that sits just a few 100 feet from this property, is a great example of discrete and neighborly signage for a whole range of activities that are conducted on the property.

I've been told by a fellow neighbor that when this property was initially purchased, the Academy of Art installed commercial signage on the building. After neighborhood complaints to the San Francisco city government, the Academy of Art agreed to remove the signs as they were inappropriate for the neighborhood. This proposal violates that agreement. I suspect that the planning department was not told about the past history.

It's my understanding that San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. I fail to see how a large lighted sign or billboard would be required here when so many other neighborhood rentals fill up regularly using more discrete and neighborhood appropriate vacancy signs.

Doubling the occupancy limits

The Academy of Art should not be permitted to increase the density of this building. Before the

Academy of Art removed its long-term neighborhood residents so that this could become student housing, it was an appropriate apartment building with rents that were moderate and housing family units. This is the character of the neighborhood.

At the current level of residents at 1900 Jackson, I see students congregating and smoking each evening in front of the neighbors' properties at 1902 - 1908 Jackson St in violation of the City's ban on smoking within 30 feet of the property. The Academy of Art does nothing to prevent this violation. As it is, the children, the residents who walk their dogs and those of us who walk in the area are subjected to second-hand smoke. Increasing residency will only increase this issue for the neighborhood and we have many residents who have been living here for decades.

We ask that our elected representatives who have administrative oversight over the Planning Department assure that the Academy of Art abides by their original agreements made after their purchase of 1900 Jackson St.

Thank you.

Joshua L. Cohen

Homeowner – 1929 Jackson Street

jcohen@frankirerman.com

415.439.1176 p

From: [Judith Glickman](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#); [Bud Glickman](#)
Subject: Concern about the possibility of Academy of Art University lighted sign
Date: Monday, November 18, 2019 2:27:07 PM

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

Dear Mr. Perry and Supervisor Stefani

First of all, thank you for your service to the city and our community. Most of what you do to help our city does not receive the fanfare it should. We deeply appreciate it.

We have lived in the beautiful Pacific Heights neighborhood for many years, and we are proud San Franciscans.

We were recently informed us that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am of course in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) in the era of Betsy Devos is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on.

Separately, upon researching this issue, we learned that AAU is reaching a settlement of more than \$55M with the city of San Francisco due to violation of the City's Administrative Code, Planning Code, and Building Code, and the State Unfair Competition Law, Business and Professions Code. The City should under no circumstances afford AAU the privilege of this signage, as they have not shown themselves to be good neighbors or fellow citizens in our

community.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Sincerely, Judith and David (Bud) Glickman

Judith R. Glickman, Organizational Consultant
1870 Jackson St., #202
San Francisco, CA 94109
glickman.judith@gmail.com
(415) 606-8184
Skype: judithglickman

From: [Judy Dyer](#)
To: [Perry, Andrew \(CPC\)](#); catherine.stephanie@sfgov.org; [Breed, Mayor London \(MYR\)](#)
Subject: 1900 Jackson St, record 2019-012970PRJ
Date: Monday, November 18, 2019 3:31:38 PM

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

Dear City Representatives,

I am adding my voice to that of my neighbors to state that I vehemently object to the request of the Academy of Arts University to put commercial signage on the above building and to increase the occupancy of that building. This is a strictly residential neighborhood and has been so since my husband and I bought our property here in 1982. It should remain so. Once before we had to fight to maintain the character of this neighborhood in the face of the Academy. We believe that the owner of 1900 Jackson should follow the current city regulations which call for discrete signage and maintain a low profile. I can't understand what could possibly cause them to feel they should get a variance. Please do not permit it.

Sincerely,
Judith Dyer 1931 Jackson St.
Sent from my iPad

From: [Kevin C. McCann](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Please Reject Lighted Signage at 1900 Jackson Street (corner of Jackson & Gough)
Date: Monday, November 18, 2019 12:14:49 PM

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

Dear Mr. Perry,

My wife (Celeste Lee), my son, and I own our condominium and live at 1870 Jackson Street in San Francisco. We were recently told that the Academy of Art University ("AAU") is planning to put a large, lighted sign on a building across Gough street from our building in this quiet residential neighborhood. The building is apparently owned by AAU and is located at 1900 Jackson Street, at the corner of Jackson and Gough. I am writing to voice our vehement opposition to the installation of such a sign on that building, or on any residential building in this neighborhood.

There are many rental buildings in our neighborhood, and none of them have lighted signs. The San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that any signage in a residential area should be small and discrete. The Code does mention permitting limited commercial signage, but only for local businesses that clearly support the needs of the immediate, local community. The sign proposed for installation at 1900 Jackson Street does not meet either standard. AAU certainly does not need that sign to have its students live there, and it would dramatically alter the nature and perception of this neighborhood. And AAU is certainly not a local business that supports the needs of the immediate, local community. Indeed, AAU does nothing at all to support the needs of this neighborhood and community, but rather is a for-profit college from which only 7% of its students complete the degrees in 4 years, and only 31% in 6 years. AAU has refused to publish data on how many students are successfully placed in jobs after completing AAU courses, despite the high level of debt incurred by many of these students who enroll and pay tuition and fees to AAU.

Please do not grant AAU permission to install any lighted signage anywhere near this neighborhood. We love this neighborhood and this City, and appreciate look, feel, and character of the Pacific Heights neighborhood. The sign proposed by AAU is not only unnecessary, but does not meet the legal or moral codes that the City should enforce in this neighborhood.

Thank you for your service to the City and our community. Please take whatever measures may be necessary to prevent AAU from altering the character of our lovely, quiet residential neighborhood by installing its proposed gaudy, lighted signage at 1900 Jackson Street, or any similar building or location.

Regards,

Kevin C. McCann

Kevin C. McCann & Celeste Lee | 1870 Jackson St., #504 | San Francisco, CA 94109 | (415) 250-3983
| k.c.mccann@comcast.net

From: Kevin Plamondon
To: Sara Anderson (SAC); Stefani Catherine (SOS); Russel Marc Loefson (HYE)
Subject: 1900 Jackson St - Properties of the Academy of Arts University - Record # 2019-012976P81
Date: Monday, November 18, 2019 10:12:12 AM

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

Good morning,

The purpose of this communication is to share my feedback on the proposals being negotiated for 1900 Jackson St by the Academy of Art. I live at 1925 Jackson St across from the 1900 Jackson St building. I object to the Installation of lighted, commercial signage on the building. It is a residential street in a residential neighborhood. The signage is not appropriate for the community. San Francisco Planning Code Article 6, Section 606 states that signage in residential areas shall be discrete and small.

I am also concerned about doubling the occupancy limits of the building. That is a significant increase in a confined space. I have concerns for how this many new residents will affect the neighborhood including parking, traffic, and noise.

Thank you,
Kevin Plamondon
1925 Jackson St
San Francisco, CA 94109
650-636-6794

From: Margot Hirsch
To: Breed, Mayor London (MYR); Stefani, Catherine (BOS); Perry, Andrew (CPC)
Subject: Public Hearing Regarding 1900 Jackson Street - Proposed Illuminated Signs - Please DO NOT approve
Date: Monday, November 18, 2019 9:36:48 AM

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

Catherine, Mayor Breed, Andrew,

First of all, thank you for your service San Francisco and our community. We deeply appreciate your time, passion and commitment to our wonderful city.

I have lived at 1870 Jackson Street in Pacific Heights for the past 20 years. I love this neighborhood.

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on. Although they have the right to put housing in our neighborhood, this is not a place where commercial signage is needed or wanted. I am confident that their students will be able to find their way home without a sign.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city. We need to continue to preserve the beauty of our city.

Thank you again.

Margot Hirsch
President, 1870 Jackson Street Homeowners Association

From: [Milt Reeder](#)
To: [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#); [Perry, Andrew \(CPC\)](#)
Subject: 1900 Jackson Street - Proposed Illuminated Signs - Please DO NOT approve
Date: Monday, November 18, 2019 1:34:04 PM

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

Catherine,

First of all, thank you for your service San Francisco and our community. We deeply appreciate your time, passion and commitment to our wonderful city.

I live at 1870 Jackson Street in Pacific Heights and we all love this neighborhood.

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on. Although they have the right to put housing in our neighborhood, this is not a place where commercial signage is needed or wanted. I am confident that their students will be able to find their way home without a sign.

Please do not permit the AAU the ability to have this sign.

We love this neighborhood and this city, and on balance, this sign is not only unnecessary. We need to continue to preserve the beauty of our city.

Thank you again.

Milton Reeder

From: [Nancy Carlson](#)
To: [Perry, Andrew \(CPC\)](#); mayorlondonbreed@sfgov.org
Cc: [Stefani, Catherine \(BOS\)](#)
Subject: Properties of the Academy of Arts University (1900 Jackson St.)
Date: Monday, November 18, 2019 10:27:01 AM

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

Record Number 2019-012970PRJ

Please reject the for-profit Academy's desire to increase occupancy and place large commercial signage on this property. Planning Code Article 6, Section 606 states signage in residential areas should be small and discreet. We have a real, well established, community around this property. This proposal would place the desires of the Academy over the need to maintain the neighborhood feeling and practice of the long time residency.

Thank you for considering and maintaining our neighborhood quality.

Nancy and Andrew Carlson

Sent from my iPad

Nancy Carlson

1953 Jackson, SF 94109

Ndcso@sbcglobal.net

Cell 415-244-6597

From: [Minnie Setty](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#)
Subject: Signage at 1900 Jackson Street
Date: Monday, November 18, 2019 12:28:19 PM

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

Mr. Perry, Supervisor Stefani (with a cc: to Mayor Breed) -

First of all, thank you for your service to the city and our community. Most of what you do to help our city does not receive the fanfare it should. We deeply appreciate it.

I am a Bay Area native, and I moved to Pacific Heights 10 years ago. My husband, son, and I love this neighborhood.

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am of course in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) in the era of Betsy Devos is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on.

Separately, upon researching this issue, I learned that AAU is reaching a settlement of more than \$55M with the city of San Francisco due to violation of the City's Administrative Code, Planning Code, and Building Code, and the State Unfair Competition Law, Business and Professions Code. The City should under no circumstances afford AAU the privilege of this signage, as they have not shown themselves to be good neighbors or fellow citizens in our community.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Padmini Bhattacharyya
1870 Jackson Street Unit 604
San Francisco, CA 94109

From: potstott@aol.com
To: Perry, Andrew (CPC)
Subject: Academy of Art overbuild
Date: Monday, November 18, 2019 3:39:53 PM

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

Dear Sir,

I have an extremely strong objection

to the proposals being negotiated by the Academy of Art. What is being proposed violates the terms of their agreement with the neighborhood when they purchased the property. Let us also remind the Planning Department that the City Attorney, Dennis Herrera had to sue The Academy of Art to have them properly abide by City laws.

1. The neighborhood is already densely populated. The Academy is known for cramming more and more students into smaller and smaller living quarters.

2. The pollution in our area has already increased. We have a city bus on our street that accelerates up the hill to Octavia leaving pollution on our cars and buildings. The students stand outside and smoke with no governance from the Academy. The traffic and car pollution and noise has increased due to traffic attempting to elude Van Ness Ave. The street parking in our area is already a total nightmare.

3. Installation of Inappropriate and commercial signage in a residential neighborhood.

When this property was initially purchased, the Academy of Art installed commercial signage on the building. This property is located in a very residential section of San Francisco After neighborhood complaints to San Francisco city government, the Academy of Art agreed to remove the signs as they were inappropriate for the neighborhood. This proposal violates that agreement.

Obviously the planning department was not told about the past history. I have been a resident at 1937 Jackson St since 1979 and was part of the neighborhood group that preserved the residential quality of the neighborhood. I vigorously protest the proposed installation of lighted

signage on the building. San Francisco Planning Code Article 6, Section 606 states that signage in residential areas shall be discrete and small.

4. Doubling the occupancy limits

The Academy of Art should not be permitted to increase the density of this building. Before the Academy of Art removed its long-term neighborhood residents so that this could become student housing, it was an appropriate apartment building with rents that were moderate and housing family units. This is the character of the neighborhood. I am a disabled citizen of SF and the thought of dozens of students littering and hanging out on the sidewalks is extremely disturbing. I resent Big Money coming into our neighborhood and changing the culture, pollution and safety.

At the current level of residents at 1900 Jackson, I see three to four students smoking every evening in front of the neighbors' properties at 1902 - 1908 Jackson St in violation of the City's ban on smoking within 30 feet of the property. The Academy of Art does nothing to prevent this violation. As it is, the children, the residents who walk their dogs and those of us who walk in the area are subjected to second-hand smoke. Increasing residency will only acerbate this problem.

This is a residential area with many neighbors who have lived her for more than 30 years, some with disabilities. It is not appropriate to unsafely increase the building's proposed occupancy.

We ask that our elected representatives who have administrative oversight over the Planning Department assure that the Academy of Art abides by their original agreements made after their purchase of 1900 Jackson St.

Thank you.
Patricia Otstott

From: [Bennett, Samuel \(BOS\)](#)
To: [Peter Amico](#)
Cc: [Stefani, Catherine \(BOS\)](#); [Herzstein, Daniel \(BOS\)](#); [Perry, Andrew \(CPC\)](#)
Subject: RE: Academy of Art University sign
Date: Monday, November 18, 2019 1:20:14 PM

Hi Pete,

Thank you for reaching out to our office with your concerns for the proposed signage change at 1900 Jackson Street – I'll make sure Supervisor Stefani sees your message. We understand the concerns and are tracking this issue closely, particularly as many neighbors have been in touch. The Supervisor's chief of staff, Daniel Herzstein, copied here, handles land-use issues in our office and can help out with any additional specific questions or concerns.

Best,

Samuel Bennett

Legislative Aide to District 2 Supervisor Catherine Stefani
City and County of San Francisco
415-554-7752

From: Peter Amico <peter.amico10@gmail.com>
Sent: Monday, November 18, 2019 11:41 AM
To: Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: Academy of Art University sign

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

Hi Catherine,

My family and I have lived in Pacific Heights for over 12 years.

We were informed that the Academy of Art University is planning to put a lighted sign in our commercial neighborhood. This is under "Properties of the Academy of Arts University ([1900 Jackson St.](#)), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am of course in support of education for our youth, the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) in the era of Betsy Devos is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Happy to discuss more at any point. Thank you again.

Thanks, Pete

From: [Frances Aubert](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Breed, Mayor London \(MYR\)](#)
Subject: Academy of Arts, Commercial Sign
Date: Monday, November 18, 2019 11:11:51 AM

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

To Whom It My Concern:

I own a condo at 1870 Jackson Street in which I have lived for almost thirty (30) years. Recently I learned that the Academy of Art intends to install a large illuminated sign on their building at 1900 Jackson Street. The 1800 block is part of a residential neighborhood, and my neighbors and I strongly protest this action on the part of the Academy of Art.

Sarah Frances Aubert
1870 Jackson Street, Apt. 402
San Francisco, California 94109

From: [Heather Field](#)
To: [Perry, Andrew \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#)
Subject: Objection to AAU proposal to install lighted signage at 1900 Jackson St.
Date: Tuesday, November 19, 2019 9:25:39 AM

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

Mr. Perry, Supervisor Stefani (with a cc: to Mayor Breed),

First of all, thank you for your service to the city and our community. Most of what you do to help our city does not receive the fanfare it should. We deeply appreciate it.

I have lived in the beautiful Pacific Heights neighborhood since 2006. I am a proud San Franciscan citizen, and I love this neighborhood.

I was recently informed us that the Academy of Art University is planning to put a lighted sign in our neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ."

I am very concerned about this proposal. The neighborhood is a quiet residential neighborhood, and allowing the installation of large lighted commercial signs is incompatible with the neighborhood and will change the nature of the neighborhood. This is not Van Ness; although it is only a few blocks from Van Ness, Jackson & Gough feels like a world away. Please do not change that by allowing this lighted commercial signage.

Moreover, there are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need to that sign to get their students to live there. While I am of course in support of education for our youth (and I, in fact, work at an institution of higher education in the here in the city), the merits of the SF supporting a for-profit university with subpar graduation rates (7% over 4 years) in the era of Betsy Devos is perhaps for a different conversation. But certainly it requires some thought of what side of history we want to be on.

Separately, upon researching this issue, I learned that AAU is reaching a settlement of more than \$55M with the city of San Francisco due to violation of the City's Administrative Code, Planning Code, and Building Code, and the State Unfair Competition Law, Business and Professions Code. The City should under no circumstances afford AAU the privilege of this signage, as they have not shown themselves to be good neighbors or fellow citizens in our community.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral

code that we should have in this city.

Please let me know if you would like to discuss this further. Thank you very much for your consideration for the concerns of the community.

Heather Field
1870 Jackson St. #601
San Francisco, CA 94109

From: donahuest@stunningstemssf.com
To: [Perry, Andrew \(CPC\)](#); mayorlondonbreed@sfgov.org; [Stefani, Catherine \(BOS\)](#)
Subject: Properties of the Academy of Arts University (1900 Jackson St.)
Date: Tuesday, November 19, 2019 8:46:24 AM

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

Record #: 2019-012970PRJ

As a homeowner at 1935 Jackson St for over 30 years, I ask the board to reject the request by the Academy of Art to increase occupancy and add large commercial signage to the building. This is a well established residential neighborhood and should continue to be treated as such. Planning Code Article 6, Section 606 states signage in residential areas be small and discreet. With limited street parking, increasing occupancy will put a greater strain on property owners who don't have garages as well as change the dynamics of the community.

I thank you for your time and consideration in helping our community maintain our neighborhood quality.

Stacey Donahue
1935 Jackson Street
San Francisco, CA 94109
415-420-3929

From: Deborah Cohen
To: Perry, Andrew (CPC); Stefani, Catherine (BOS); Breed, Mayor London (MYR)
Subject: Properties of the Academy of Arts University (1900 Jackson St.) Record Number 2019-012970PRJ
Date: Tuesday, November 19, 2019 12:21:45 PM

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

I have been made aware that the Academy of Art University (AAU) is seeking to make more money by doubling the occupancy of their building at 1900 Jackson Street on the northwest corner of Jackson and Gough Streets. To drive occupancy they want to display lighted signs or billboards on the sides of the building on both Jackson and Gough Streets. I object to both the commercial signage and the increase in occupancy.

Signage

As a homeowner on Jackson Street, I purchased my home in this neighborhood due to the historic character and legacy of the properties that line this street. This neighborhood is made up of homeowners and renters. Our neighborhood is one without large lighted commercial signage or billboards. Such a display is more appropriate to the Van Ness commercial district; it does not belong in the center of a neighborhood with 100-year old properties and a mix of buildings and architecture with historical reference. I myself have restrictions on what I can do to the exterior of my property, which is just a few houses up from 1900 Jackson Street.

I certainly understand the need for the Academy of Art University (AAU) to make visible its housing opportunities to those looking to rent from them. There are plenty of examples, in and around our neighborhood, of how to notify renters of occupancy that do not involve lighted signs and billboards and reflect the neighborly feel I expect from those living near me. The German Consulate, that sits just a few 100 feet from this property, is a great example of discrete and neighborly signage for a whole range of activities that are conducted on the property. AAU provides housing in numerous locations around the city of San Francisco. Like most others seeking to rent properties, advertisement via social medial outlets such as Next Door and Craigs List are the most vibrant and efficient way to advertise rental opportunities; a quick and easy internet search took me directly to the AAU student housing website where all AAU properties are listed. For reference please check out <https://my.academyart.edu/students/housing>. Students are not driving around looking for billboards. They use social media marketing to search for housing, not flashy billboards. These are savvy students. I am confident they would be able to identify the building by simple signage and a clearly visible address. Just like the rest of us do.

I've been told by a fellow neighbor that when this property was initially purchased, the Academy of Art installed commercial signage on the building. After neighborhood complaints to the San Francisco city government, the Academy of Art agreed to remove the signs as they were inappropriate for the neighborhood. This proposal violates that agreement. I suspect that the planning department may be unaware of this past history.

It's my understanding that San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. I fail to see how a large lighted sign or billboard would be required here when so many other neighborhood rentals fill up regularly using more discrete and neighborhood appropriate vacancy signs and social medial marketing.

Doubling the occupancy limits

The Academy of Art should not be permitted to increase the density of this building. Before the Academy of Art removed its long-term neighborhood residents so that this could become student housing, it was an appropriate apartment building with rents that were moderate and housing family units. This is the character of the neighborhood.

Doubling the occupant limits has an impact on parking, which is increasingly in short supply. Responsible urban planning requires City Planners to consider both density of housing, and also the availability of amenities to support that density. Doubling the occupant limits of 1900 Jackson Street beyond its original limits without consideration for the impact additional cars on the street will do to parking for those of us living in the neighborhood, is a step towards driving long-term, tax paying San Franciscans away from our beloved neighborhoods. You took steps to protect our city from AirBnBs, I hold your responsibility to us with regards to the over populating neighborhood buildings in the same regard.

This is a densely populated neighborhood and our activities impact one another. Students are transient in our neighborhood and demonstrate a lack of community consideration that other tend to show. One such example are the student residents at 1900 Jackson congregate and smoke each morning and evening in front of the neighbors' properties at 1902 - 1908 Jackson St, which is in violation of the City's ban on smoking within 30 feet of a property. I am unaware that The Academy of Art does anything to prevent this violation. Smoking submits our children and all residents who walk in the area to second-hand smoke, not to mention the filth that discarded smoking debris creates on our streets. Increased occupancy will only accerbate this issue.

I ask that our elected representatives who have administrative oversight of the Planning Department assure that the Academy of Art abides by their original agreements made after their purchase of 1900 Jackson St.

Thank you.

Debbie Cohen
Homeowner/Taxpayer
1929 Jackson Street, San Francisco, CA

From: [Jacob Neplokh](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: 1900 Jackson Street Building (Record No. 2019-012970PRJ).
Date: Tuesday, November 19, 2019 12:42:47 PM

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

Dear Andrew Perry,

This email message is about a proposal to have lighted signs installed on a residential building owned by the Academy of Art University located at [1900 Jackson Street Building](#) (Record No. 2019-012970PRJ). As an immediate neighbor of the subject property, I categorically object to this proposal. The lighted signs will unquestionably change the character of the neighborhood and will give it a feel and taste of a commercial area instead of a residential one. The San Francisco Planning Code in Article 6, Section 606, reflects local practice by stating that signage in residential areas should be small and discrete. None of the buildings in the residential neighborhood have lighted signs. A German Consulate, located on the same block, has few minor signs. There is no legitimate reason why large and lighted signs are a necessity for students staying in housing for years while they complete their course of study. The Academy Of Art has used the specific building for many years without the need for lighted signs.

I reside directly across the street at 1901 Jackson, and the lighting from the large signs will permeate into our home and is equally a nuisance as a noise disturbance which will infringe on our peaceful enjoyment of our own home.

Thank you in advance for your prompt consideration and attentiveness to this concern.

Eric Neplokh
1901 Jackson Unit #2
[San Francisco CA 94109](#)

—
Jacob Neplokh

From: [Perry, Andrew \(CPC\)](#)
To: khynes@msn.com
Subject: RE: Proposed illuminated sign at Ca Academy of Art at 1900 Jackson St.
Date: Tuesday, November 19, 2019 5:31:00 PM

Thank you, Kathleen. The Department is in receipt of your email and it will be added to the public record.

Andrew Perry, Senior Planner
Northeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 San Francisco, CA 94103
Direct: 415.575.9017 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Kathleen Hynes <khynes@msn.com>
Sent: Tuesday, November 19, 2019 11:36 AM
To: PIC, PLN (CPC) <pic@sfgov.org>; Elizabeth.jordan-Jonkheer@sfgov.org <Elizabeth.jordan-Jonkheer@sfgov.org>
Subject: Proposed illuminated sign at Ca Academy of Art at 1900 Jackson St.

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

To Whom It May Concern:

The neighborhood of 1900 Jackson Street is a residential neighborhood and an illuminated sign has no place here. I live across the street at 1880 Jackson Street. Putting up this sign would be a further blight and deterioration of a neighborhood which is doing it's best to keep up despite the other problems of homelessness and car break ins.

My understanding is that the hearing is on Thursday, the 21st, and that the wording allowing the sign is buried deep in the paperwork. The German consulate is right up the street and has a very informative and attractive sign that has no such lighting. Don't send the city further downhill by allowing this sign.

Sincerely yours,

Kathleen Hynes
1880 Jackson St., Apt.602
San Francisco, CA
94109-2827

Sent from my Samsung Galaxy Tab®4

From: [Rachel Neplokh](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: RE: 1900 Jackson Street Building (Record No. 2019-012970PRJ)
Date: Tuesday, November 19, 2019 2:09:12 PM

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

Dear Andrew Perry,

This email message is about a proposal to have lighted signs installed on a residential building owned by the Academy of Art University located at 1900 Jackson Street Building (Record No. 2019-012970PRJ). As an immediate neighbor of the subject property, I categorically object to this proposal. The lighted signs will unquestionably change the character of the neighborhood and will give it a feel and taste of a commercial area instead of a residential one. The San Francisco Planning Code in Article 6, Section 606, reflects local practice by stating that signage in residential areas should be small and discrete. None of the buildings in the residential neighborhood have lighted signs. A German Consulate, located on the same block, has few minor signs. There is no legitimate reason why large and lighted signs are a necessity for students staying in housing for years while they complete their course of study. The Academy Of Art has used the specific building for many years without the need for lighted signs.

I reside directly across the street at 1901 Jackson, and the lighting from the large signs will permeate into our home and is equally a nuisance as a noise disturbance which will infringe on our peaceful enjoyment of our own home.

Thank you in advance for your prompt consideration and attentiveness to this concern.

Best,
Rachel Neplokh

From: [Celeste Lee](#)
To: [Perry, Andrew \(CPC\)](#)
Subject: Rejection of Lighted Signage at 1900 Jackson Street (corner of Jackson & Gough)
Date: Wednesday, November 20, 2019 1:02:01 PM

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

Dear Mr. Perry,

I live at 1870 Jackson Street in San Francisco, a quiet street in Pacific Heights. Our building residents were recently told that the Academy of Art University ("AAU") is planning to put a large, lighted sign on a building across Gough street from our building in this quiet residential neighborhood. The building is apparently owned by AAU and is located at 1900 Jackson Street, at the corner of Jackson and Gough. I am vehemently opposed to the installation of such a sign on that building, or on any residential building in this neighborhood.

There are many rental buildings in our neighborhood, and none of them have lighted signs. The San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that any signage in a residential area should be small and discrete. The Code does mention permitting limited commercial signage, but only for local businesses that clearly support the needs of the immediate, local community. The sign proposed for installation at 1900 Jackson Street does not meet either standard. AAU certainly does not need to that sign to have its students live there, and it would dramatically alter the nature and perception of this neighborhood.

AAU is certainly not a local business that supports the needs of the immediate, local community. Indeed, AAU does nothing at all to support the needs of this neighborhood and community, but rather is a for-profit college from which only 7% of its students complete the degrees in 4 years, and only 31% in 6 years, which is a deplorable rate by any measurement. AAU has refused to publish data on how many students are successfully placed in jobs after completing AAU courses, despite the high level of debt incurred by many of these students who enroll and pay tuition and fees to AAU.

Please do not grant AAU permission to install any lighted signage anywhere near this neighborhood. We love this neighborhood and this City, and appreciate look, feel, and character of the Pacific Heights neighborhood. The sign proposed by AAU is not only unnecessary, but does not meet the legal or moral codes that the City should enforce in this neighborhood.

Thank you for your service to the City and our community. Please take whatever measures may be necessary to prevent AAU from altering the character of our lovely, quiet residential neighborhood by installing its proposed gaudy, lighted signage at 1900 Jackson Street, or any similar building or location.

Sincerely,
Celeste Lee

Celeste Lee | 1870 Jackson St., #504 | San Francisco, CA 94109 | (415) 516-5895 |
celesteklee@yahoo.com

From: Donna Gergurich
To: Perry, Andrew (CPC); Stefani, Catherine (BOS); Breed, Mayor London (MYR)
Subject: Academy of Art Signage (1900 Jackson St.), Record Number 2019-012970PRJ
Date: Tuesday, November 19, 2019 6:01:20 PM

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

As a native San Franciscan who has been living in this city for over 65 years, I would like to express my opinion regarding the signage the Academy of Art would like displayed in my neighborhood, and that is that I am against this idea. I live a block away from the proposed area and would not like to see this kind of information/advertising for any entity. This would be distracting to the neighborhood and would certainly take away some of the charm we have been known for in San Francisco.

This is a residential neighborhood and a sign of this type would be out of place. Our city has gone through many changes and disruptions and there seems to be no end in sight. Everyone I know agrees San Francisco has changed and some of that has not been in a positive way. We would like to hold on to what we have before it disappears completely.

Please do not allow this to happen!

*Thank you for your time and consideration—
Donna M. Gergurich*

Donna M. Gergurich
on behalf of
Calera Capital
580 California Street, Suite 2200
San Francisco, CA 94104-1016
(415) 632-5200
creception@caleracapital.com

From: [Shiela Robertson](#)
To: [Stefani, Catherine \(BOS\)](#); [Perry, Andrew \(CPC\)](#)
Cc: [Breed, Mayor London \(MYR\)](#)
Subject: Please help stop large commercial sign being put on art institute house on corner of Gough and Jackson
Date: Wednesday, November 20, 2019 11:11:42 AM

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

Mr. Perry, Supervisor Stefani (with a cc: to Mayor Breed) -

First of all, thank you for your service to the city and our community. Most of what you do to help our city does not receive the fanfare it should. We deeply appreciate it.

We have lived in the beautiful Pacific Heights neighborhood for many years, and we are proud San Franciscan citizens and faithful voters.

We were recently informed that the Academy of Art University is planning to put a lighted sign in our residential neighborhood. This is under "Properties of the Academy of Arts University (1900 Jackson St.), Record Number 2019-012970PRJ.

There are many rental units in our neighborhood, and none of them have lighted signs. Further, upon research, the San Francisco Planning Code in Article 6, Section 606 reflects local practice by stating that signage in residential areas should be small and discrete. It even refers to permitting limited commercial signage only for local businesses that clearly support the needs of the immediate, local community. This sign does not meet that standard.

The AAU certainly does not need that sign to get their students to live there.

Separately, upon researching this issue, we learned that AAU is reaching a settlement of more than \$55M with the city of San Francisco due to violation of the City's Administrative Code, Planning Code, and Building Code, and the State Unfair Competition Law, Business and

Professions Code. The City should under no circumstances afford AAU the privilege of this signage, as they have not shown themselves to be good neighbors or fellow citizens in our community.

Please do not permit the AAU the ability to have this sign. We love this neighborhood and this city, and on balance, this sign is not only unnecessary, but does not meet the city or moral code that we should have in this city.

Shiela and Larry Robertson

1870 Jackson #403
San Francisco, CA 94109

From: Shu-min Wee
To: Perry, Andrew (CPC); Stefani, Catherine (BOS); Breed, Mayor London (MYR); Melgar, Myrna (CPC); Koppel, Joel (CPC); planning@rodneymfong.com; richhillissf@gmail.com; Johnson, Milicent (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Subject: Concerns Regarding Illuminated AAU Student Housing Signage
Date: Wednesday, November 20, 2019 1:13:38 PM

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

Dear Planning Commission members,

As a homeowner at 1880 Jackson Street, I am writing to express my strong concern regarding the plans for the Academy of Art University to put up illuminated signage at their student housing building at 1900 Jackson Street (Properties of the Academy of Arts University (1900 Jackson St.) Record Number 2019-012970PRJ).

The construction of the two proposed large illuminated signs on 1900 Jackson facing both Jackson and Gough Streets would unnecessarily commercialize our very residential neighborhood, giving it a feel akin to Van Ness Avenue as a place of business. While I am a more recent addition to the community, having only moved in 3 years ago, one of the things I value most about it is that it is not remotely commercial and in fact feels very much like a community. The thought of garish signs disrupting the peace of the neighborhood is very concerning.

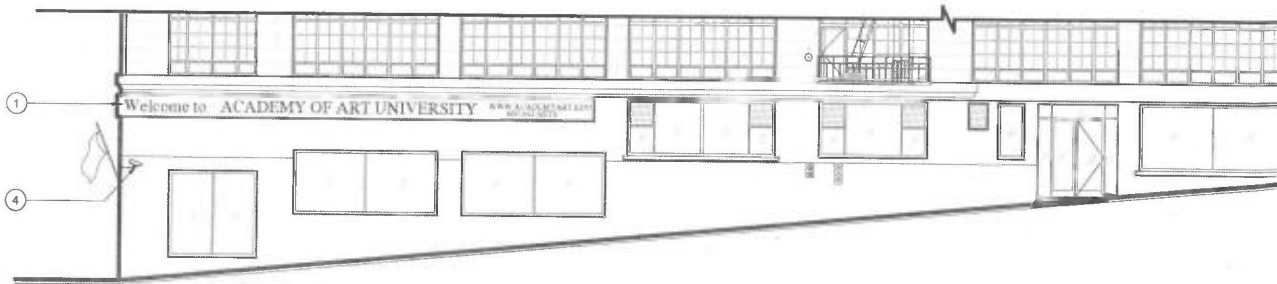
Indeed, the few local businesses in the immediate vicinity (e.g. the German Consulate) have respected the stateliness of the neighborhood, not to mention pursuant to the San Francisco Planning Code Article 6 Section 606, by having small, discreet and tasteful signage. It would be a worrying indication of the direction the city is headed if the sanctity of a well-loved, quiet neighborhood were to be destroyed by the questionable motivations of a for-profit organization such as the AAU.

I urge you to consider this letter and the concerns of the neighborhood's residents collectively. Thank you for your time and consideration.

Best,
Shu-min Wee

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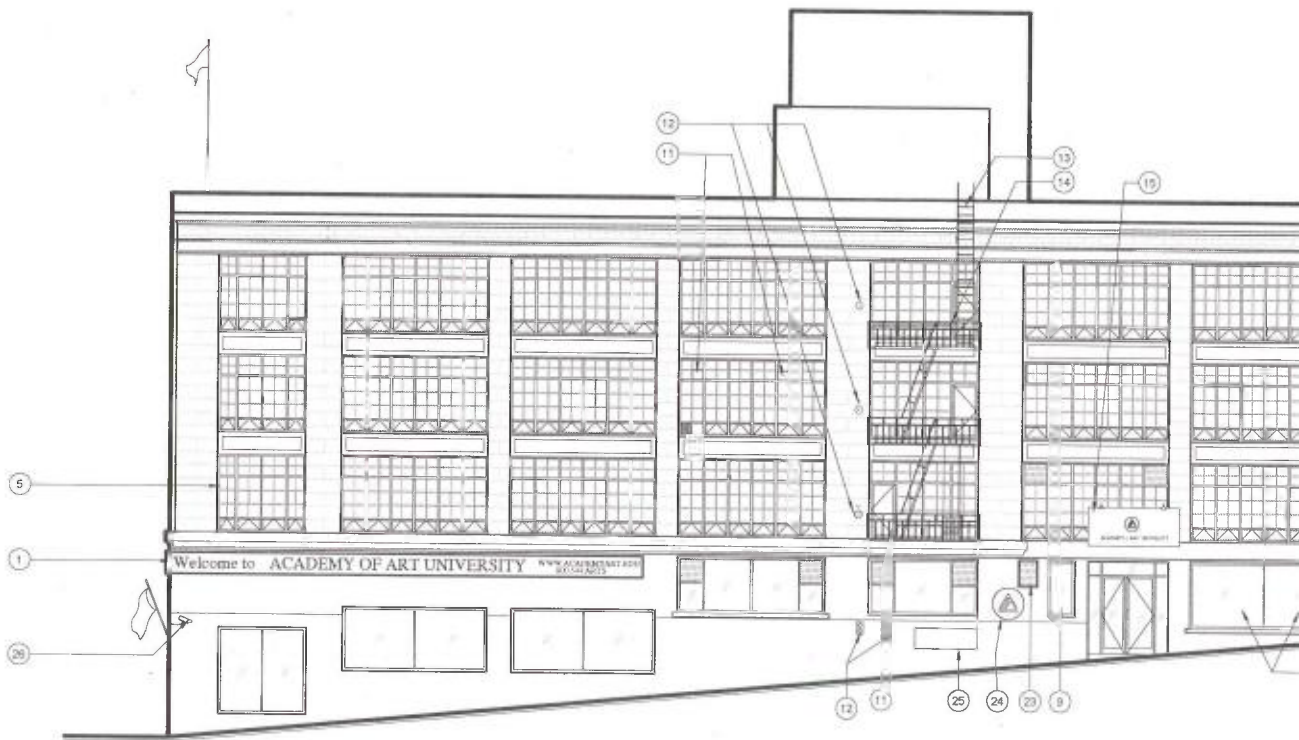
Shu-min Wee
267.243.6939 | shumin@alumni.gsb.stanford.edu



③ NORTH ELEVATION - WASHINGTON AVE. (PROPOSED)
 3/32" = 1'-0"



② NORTH ELEVATION - WASHINGTON AVE. (DEMO)
 3/32" = 1'-0"



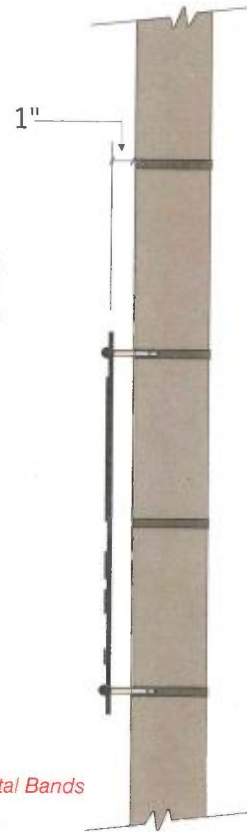
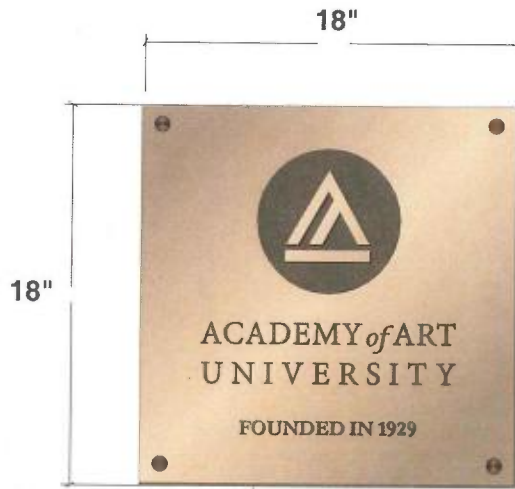
① NORTH ELEVATION - WASHINGTON AVE. (EXISTING)
 3/32" = 1'-0"



Brushed Bronze



Dark Bronze



NOTE:
No Higher than (2) Horizontal Bands
(Survey Required)

Dark Bronze Di-Bond Laser-Cut
Graphics 3mm Thick

Brushed Bronze Di-Bond
Panels 3mm thick

Note: Bolt into Grout Lines Only



A

S/F Non-Illuminated Wall Plaques QTY 2

Scale: 3" = 1' - 0"

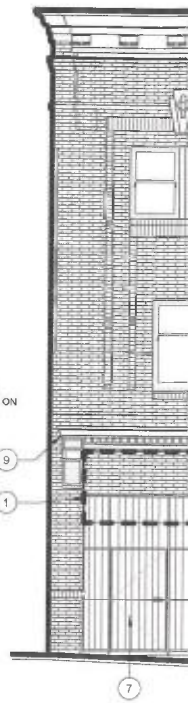


4 NORTH ELEVATION - BUSH STREET
(PROPOSED)

3/16" = 1'-0"

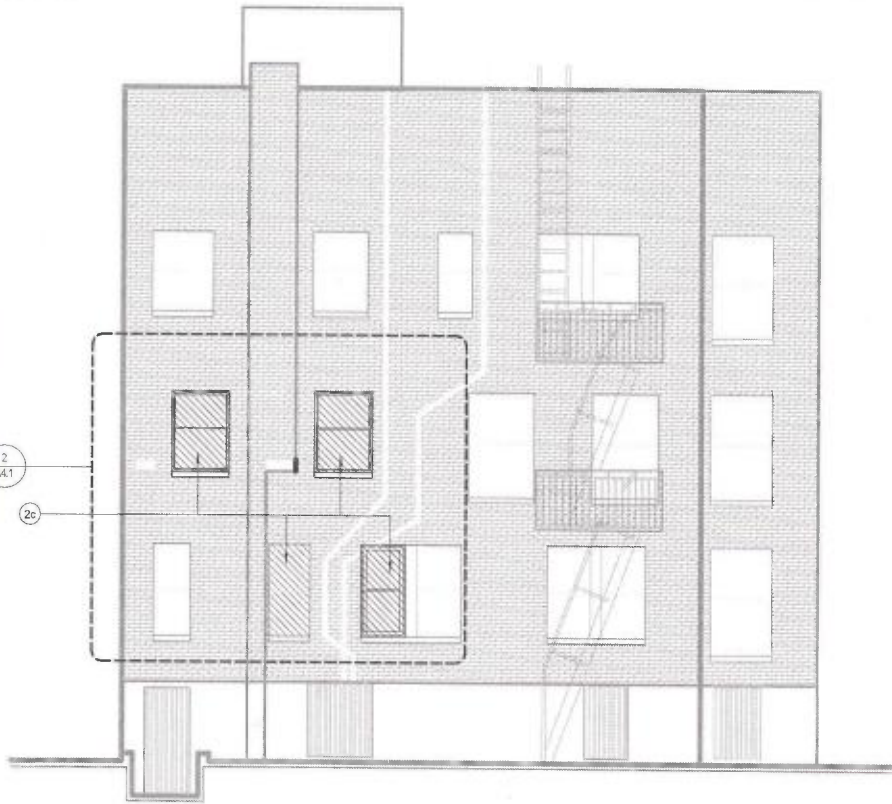
ALLOWABLE BUSINESS WALL SIGN: (per SEC. 607.1.2.a)
 • **SIZE:** LOWEST OF THE FOLLOWING:
 • 100 SF MAX PER STREET FRONTAGE OR
 • 2 SF / FOOT OF STREET FRONTAGE
 • **MOUNTING HEIGHT:** LOWEST OF THE FOLLOWING:
 • 24 FEET MAX; OR
 • HEIGHT OF THE WALL TO WHICH IT IS ATTACHED; OR
 • HEIGHT OF THE LOWEST RESIDENTIAL WINDOW SILL ON THE WALL

CALCULATIONS:
 STREET FRONTAGE = 42.5 FT
 (2 SF / LF) X 42.5 LF = 85 SF
 TOTAL ALLOWABLE BUSINESS WALL SIGNAGE = 85 SF



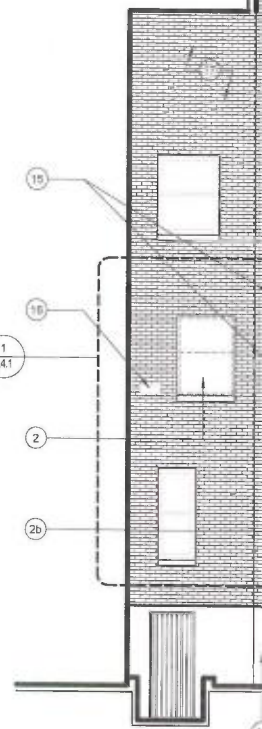
3 NORTH ELEVATION - (EXISTING/DEMO)

3/16" = 1'-0"



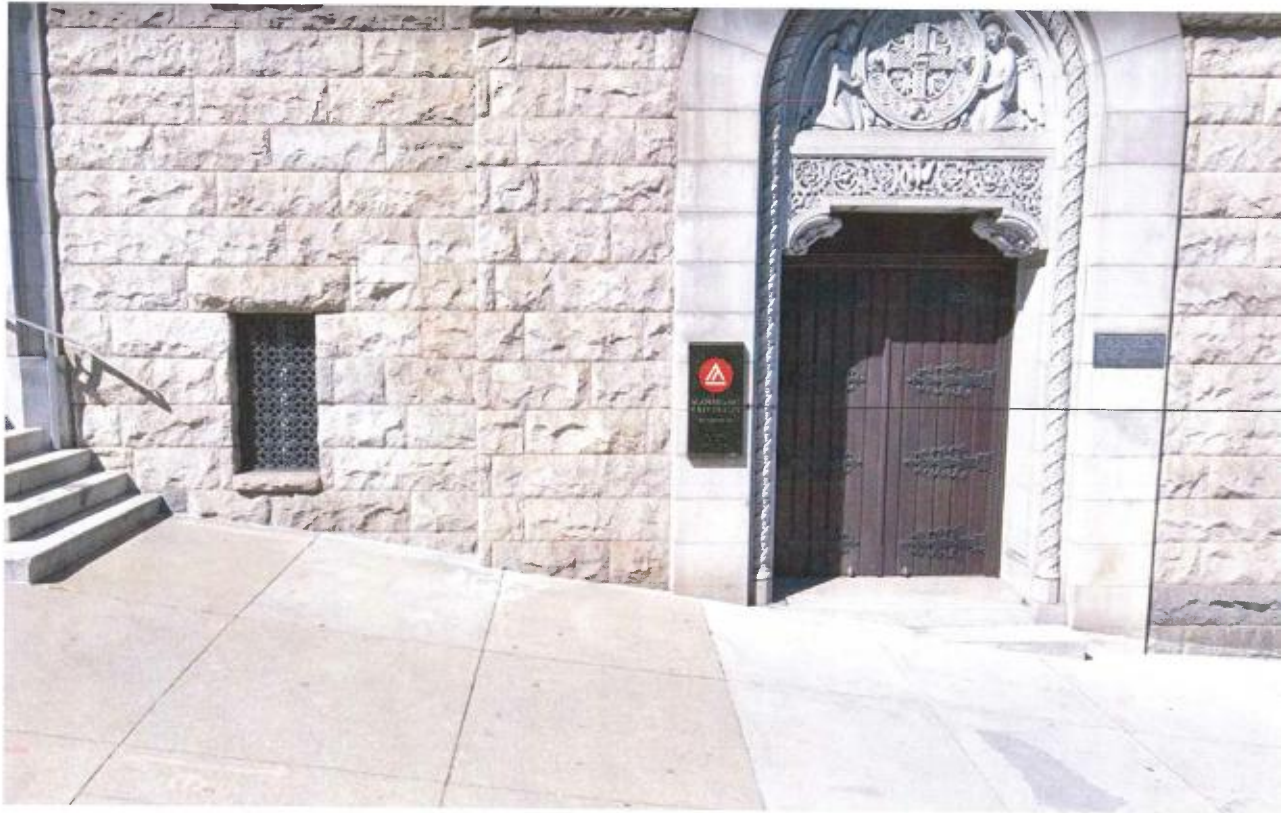
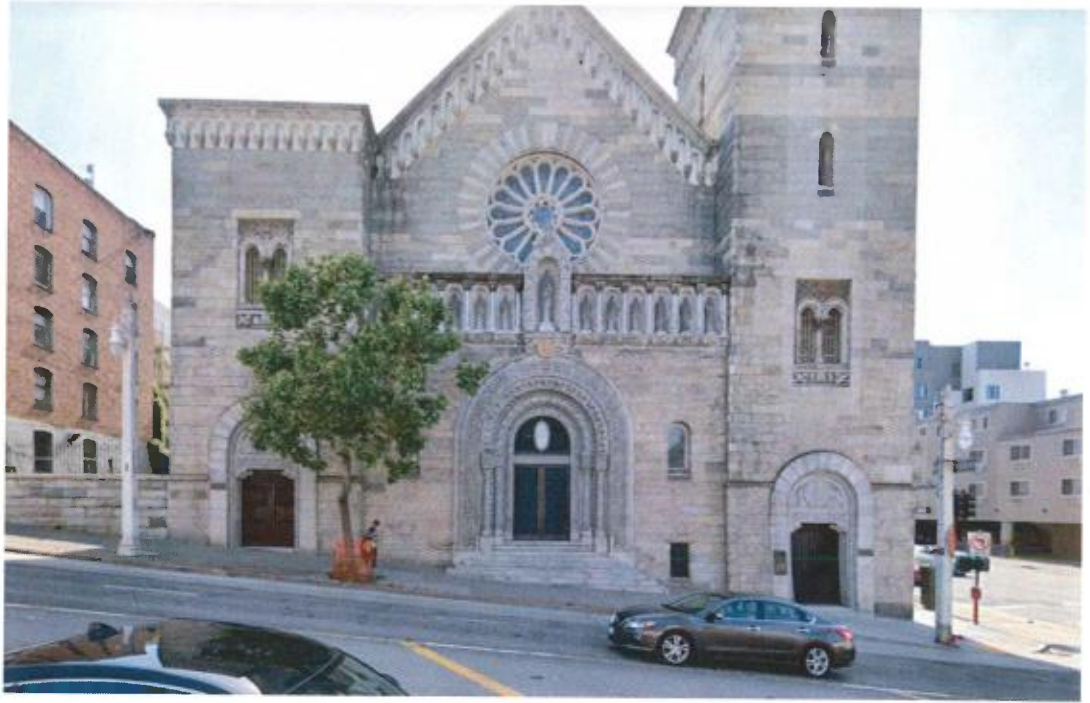
2 SOUTH ELEVATION - PROPERTY LINE
(PROPOSED)

3/16" = 1'-0"



1 SOUTH ELEVATION - (EXISTING/DEMO)

3/16" = 1'-0"



Proposed New Signage



DESIGN GUIDELINES

SPECIAL AREAS & TOPICS

San Francisco
Planning



Planning Commission Informational
November 21, 2019

S WHAT ARE DESIGN GUIDELINES ?



Design Guidelines are implementation documents for city design policies and objectives. They partner with planning code to shape new development.

They consist of general principles of design excellence and neighborhood compatibility to improve the way new projects will look and work.

They do not change heights, zoning, uses, tenants, parking or affordable housing requirements.

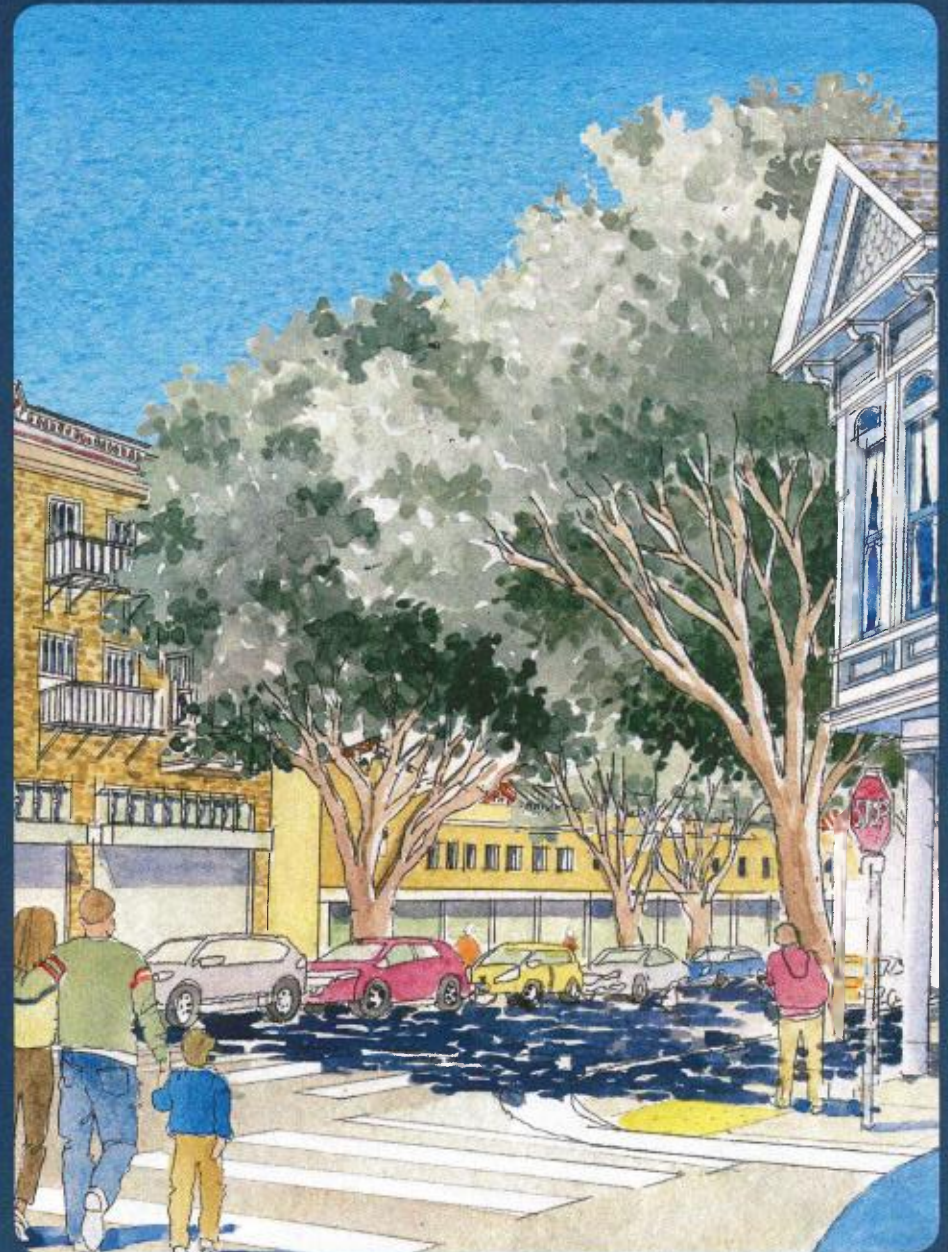
S WHAT ARE SPECIAL AREA OR TOPIC DESIGN GUIDELINES ?

Special Area or Topic Design Guidelines are additional, more detailed and specific, guidance by project place or type.

They work on top of one of the city's base design guidelines: the Residential Design Guidelines or Urban Design Guidelines.

These more honed guidelines help articulate a neighborhood's design values.

Polk/Pacific SADG was the first, adopted in 2018.



U WHAT IS COMING UP ?



Calle 24 Special Area Design Guidelines

Recommendation from Calle 24 SUD process / MAP2020
Adoption November 21



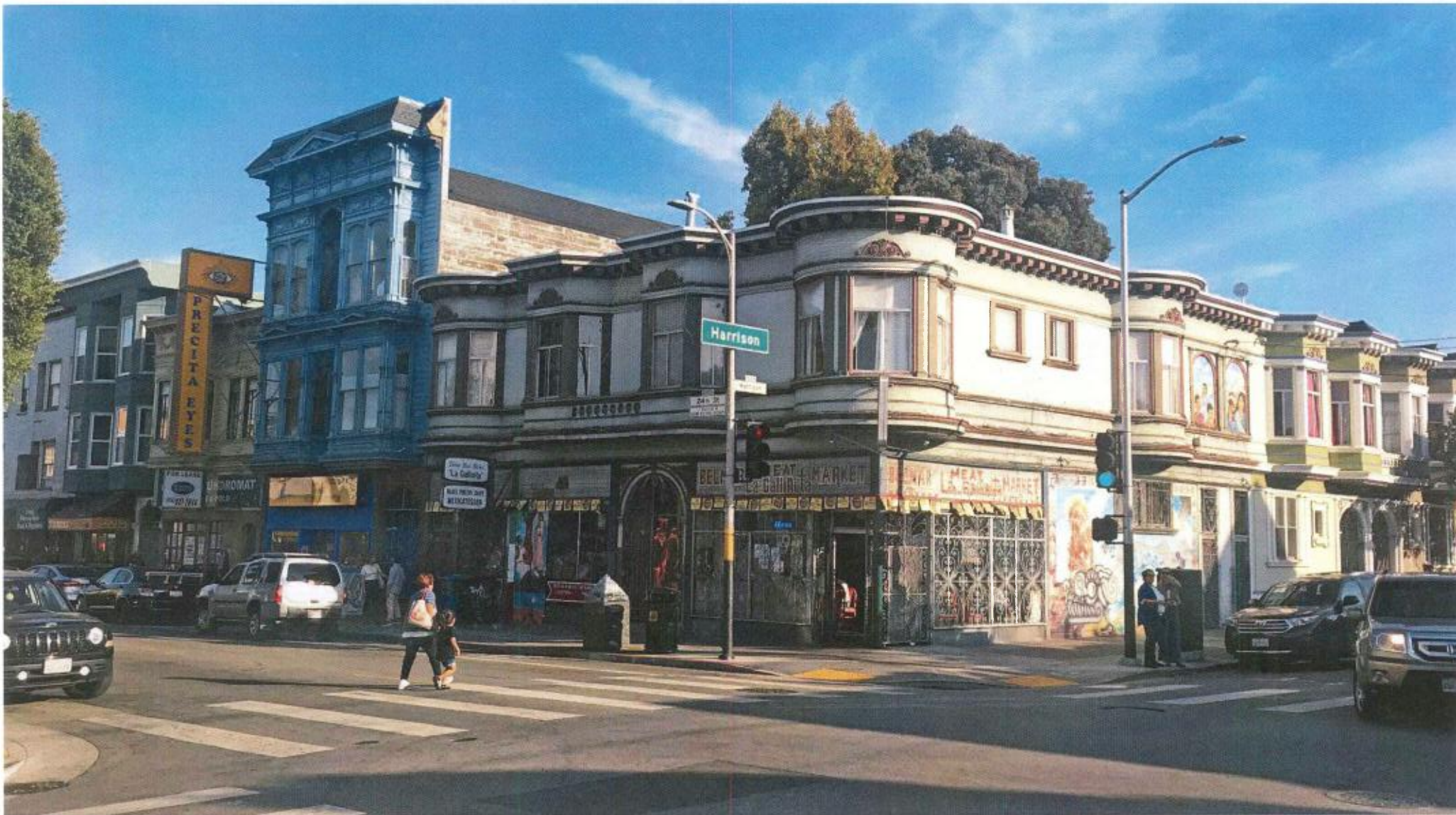
Retained Elements Special Topic Design Guidelines

Recommendation from HPC
Adoption December 5



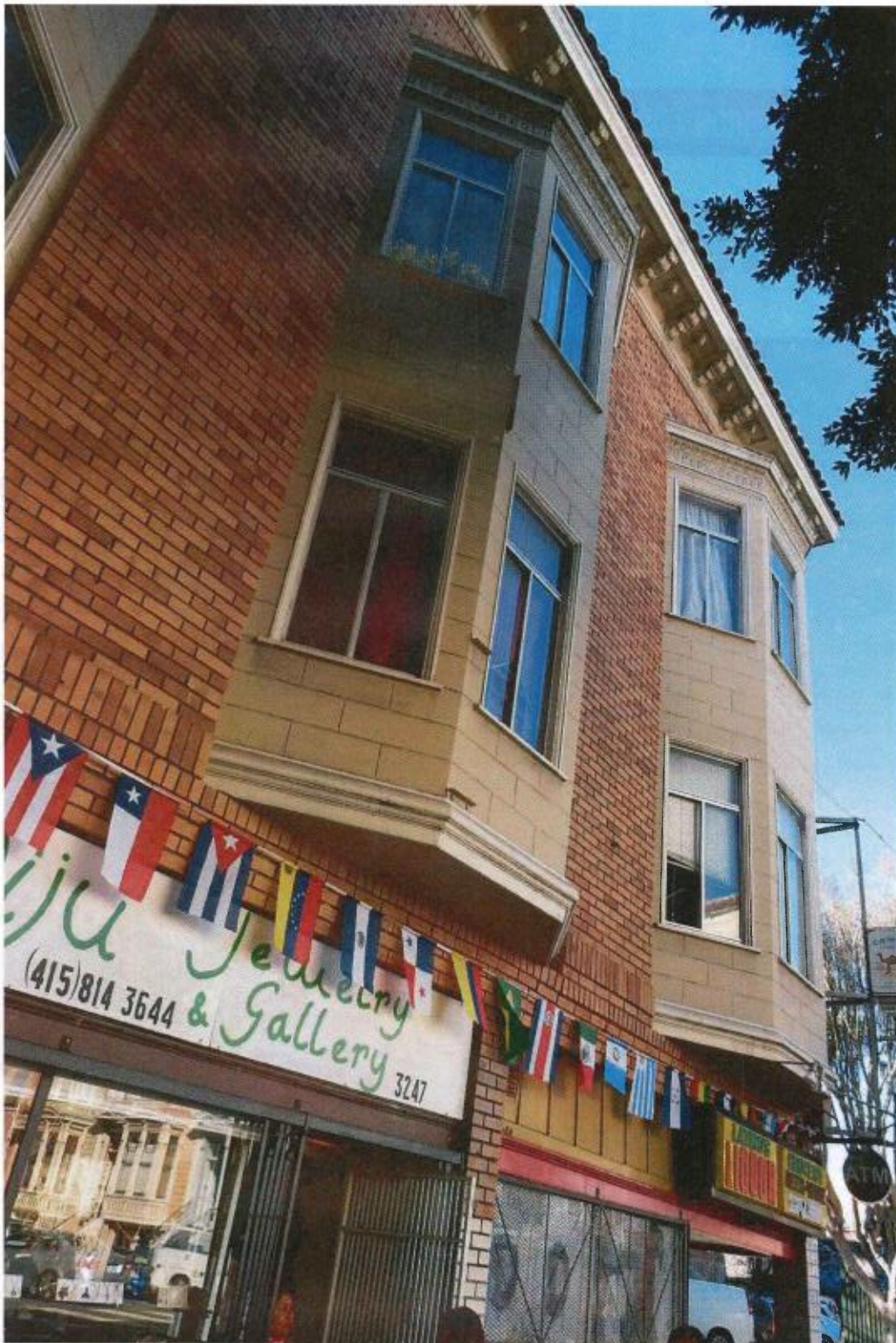
Japantown Special Area Design Guidelines

Recommendation from JCHESS
Adoption December 19



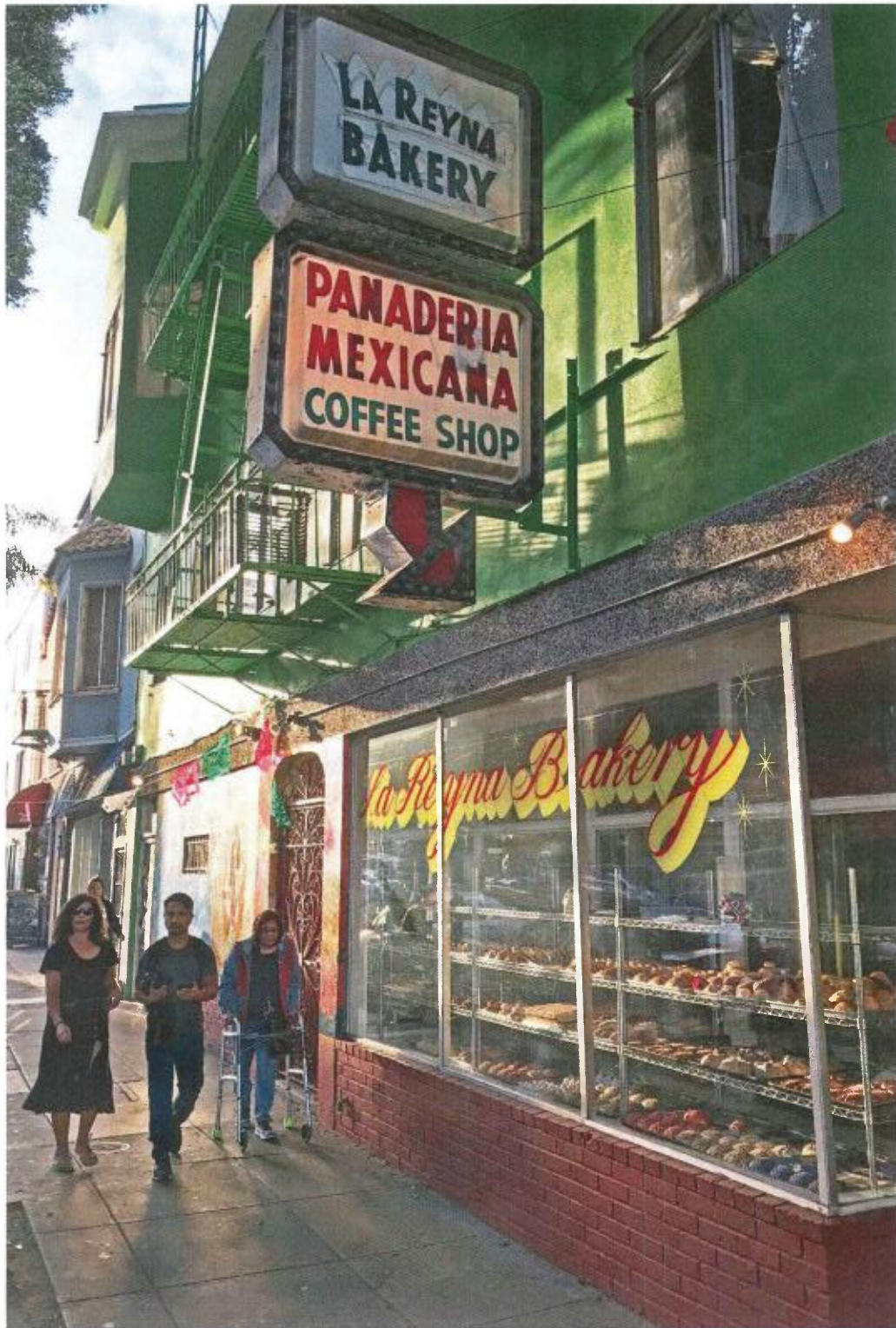
CALLE 24 SPECIAL AREA DESIGN GUIDELINES

PLANNING COMMISSION ADOPTION HEARING | NOVEMBER 21, 2019



AGENDA

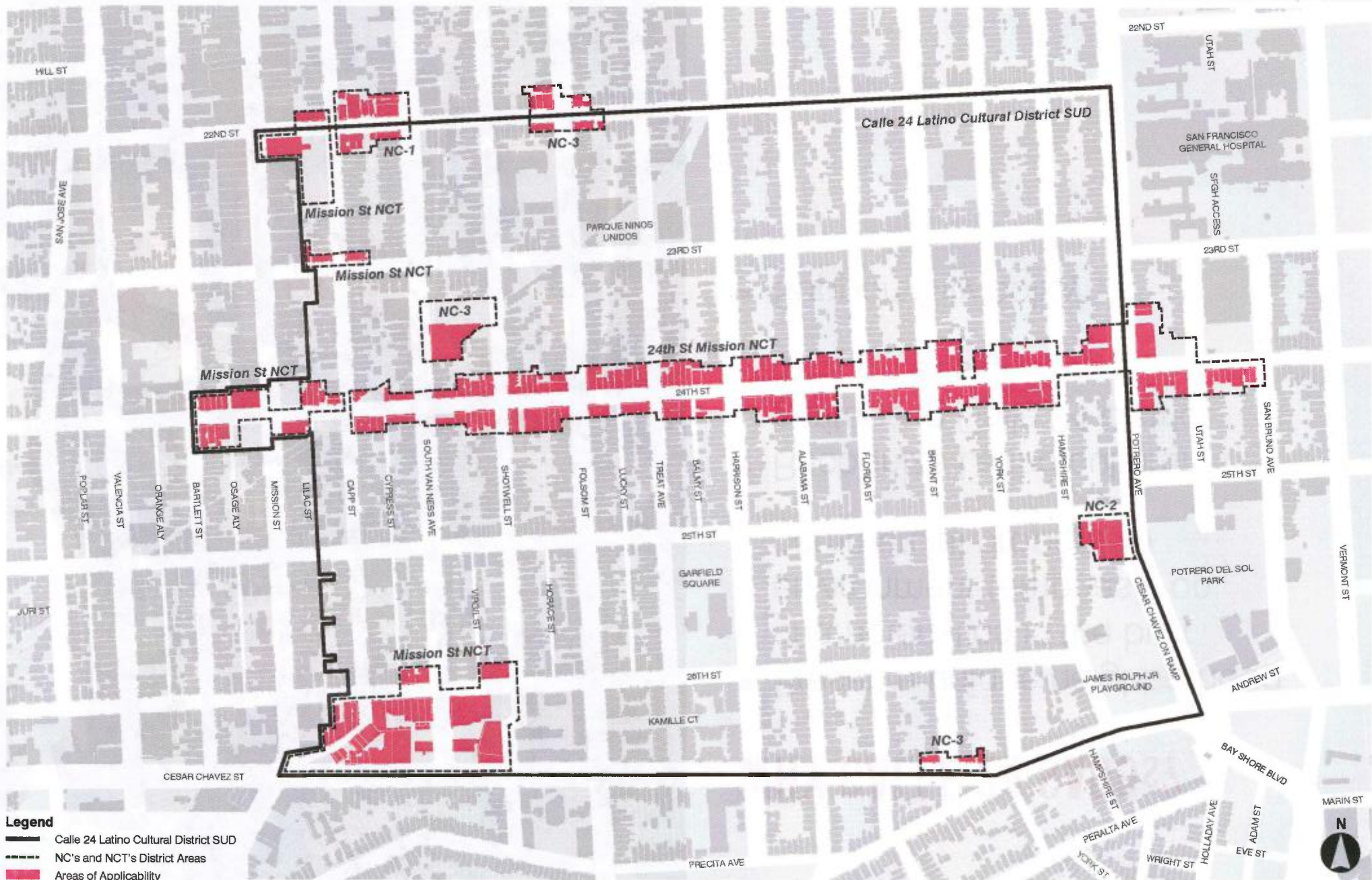
- Why Special Area Design Guidelines (SADGs)?
- Community Engagement
- Guideline highlights
- Equity assessment
- Questions



WHY CALLE 24 SADGs?

- Preserve unique neighborhood characteristics in the built environment (emphasis on commercial properties)
- Recognize Latino cultural heritage in Calle 24 district through design
- Support City policy

WHERE WILL THEY APPLY?



- Legend**
- Calle 24 Latino Cultural District SUD
 - - - NC's and NCT's District Areas
 - Areas of Applicability



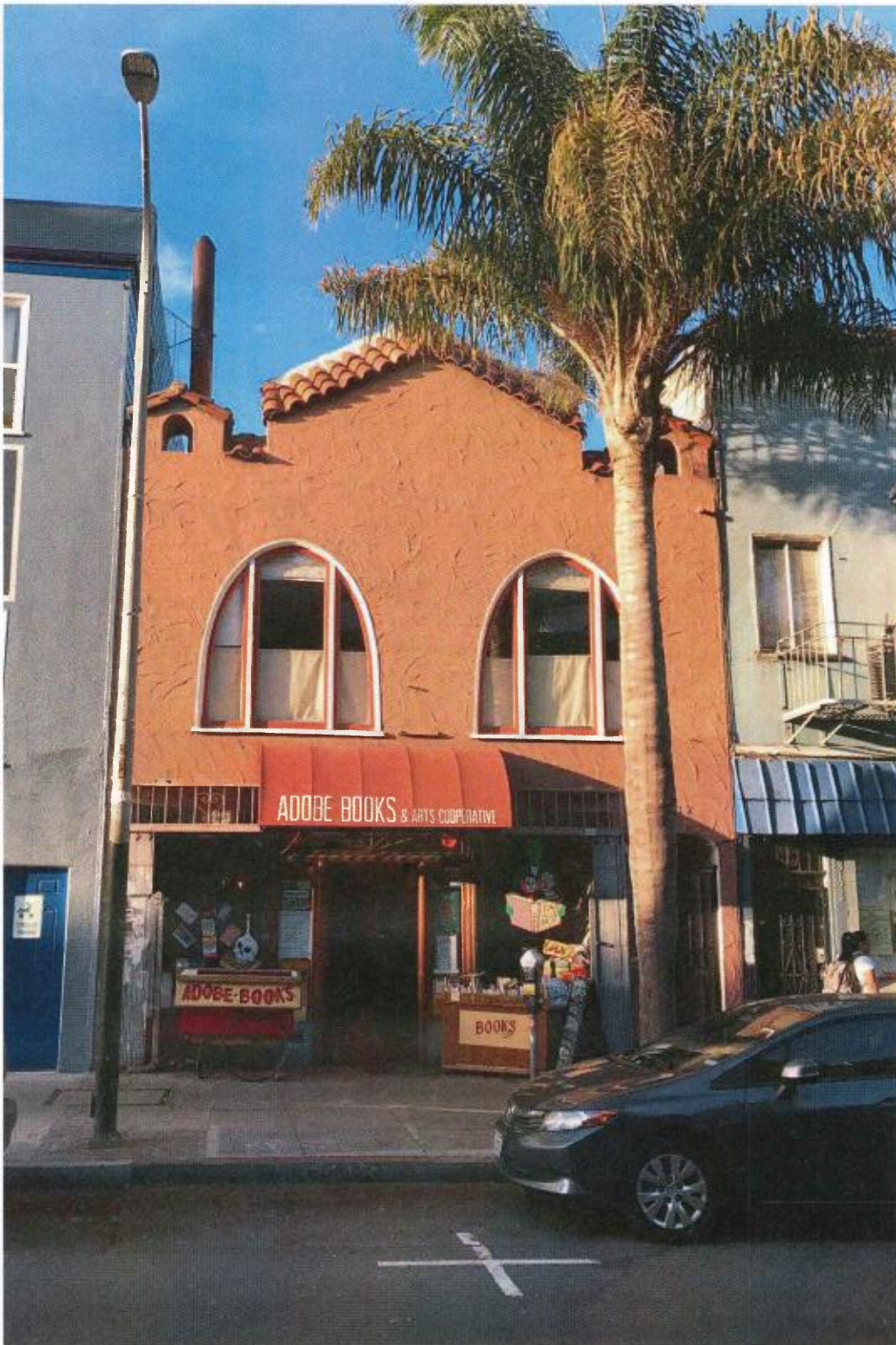
WHAT WILL THEY DO?

Guidelines will address...

- New construction
- Exterior building renovations (e.g. changes to building facades, including storefronts)
- Site design (i.e. relationship between neighboring buildings, transition between buildings and sidewalk)
- Signage
- Public art

Guidelines do **NOT** change...

- Height limits
- Zoned land use (or impact commercial/residential tenancy)
- Traffic/circulation/parking



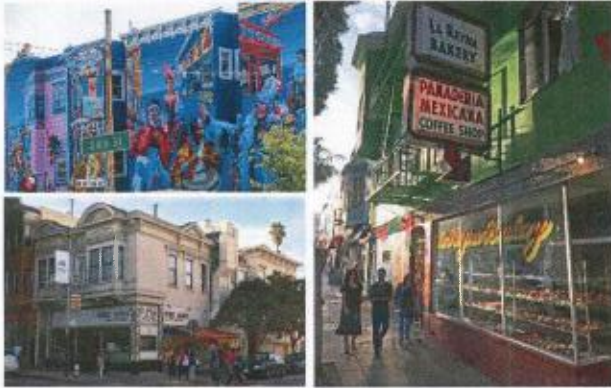
CALLE 24 SADGs IN CONTEXT

- Calle 24 Latino Cultural District (Board of Supervisors Resolution 168-14, 2014)
- Calle 24 Special Use District (Planning Code Section 249.59, 2017)
- Mission Action Plan 2020 (endorsed by Planning Commission, 2017)
- Urban Design Guidelines (adopted by Planning Commission, 2018)
- Economic Development Strategies (OEWD: small business strengthening, organizational capacity, etc.)

Taller #2 de las Guías de Diseño del Área Especial Calle 24

Martes, 29 de Octubre,
6:15-8:15pm

Acompañe a sus vecinos de Calle 24 en el segundo taller comunitario para ver un adelanto del borrador de las Guías de Diseño del Área Especial Calle 24. Las Guías serán utilizadas por el Departamento de Planificación de San Francisco para ayudar a informar el diseño de todo desarrollo urbano que se proponga en un futuro en el área. ¡Comparta sus ideas para preservar el carácter único del corredor!



Taller Comunitario #2 de Guías de Diseño del Área Especial Calle 24
Martes, 29 de Octubre, 6:15-8:15pm
Brava Theater, 2781 24th Street (esquina con York St)

¡Interpretación en español, refrigerios y actividades para niños!



¿Preguntas? Contacte a John M. Francis
en SF Planning a john.francis@sf.gov.

Spanish Language Community Workshop Flyer



Community Workshop #2 at Brava Theater

COMMUNITY ENGAGEMENT

- Community Working Group Meetings
 - October 30, 2018
 - January 29, 2019
 - October 16, 2019
- Community Workshops
 - June 11, 2019
(Cesar Chavez Elementary)
 - October 29, 2019 (Brava Theater)
- Planning Commission
 - Informational, July 18, 2019
 - Adoption, November 19, 2019



CALLE 24

SPECIAL AREA DESIGN GUIDELINES

San Francisco
Planning



What makes Calle 24 unique?



Color



Sense of spontaneity



Small storefronts



Outdoor vending



Fine-grain texture



Human scale



Art integrated into buildings



Street life
(art, music, families, etc.)



Victorian architecture



Layering of cultural fabric



Mom & pop retail serving locals



Vintage/multi-lingual signage

What are your concerns for the future of Calle 24?



Loss of locally-produced, Latino art



Loss of small, locally-serving, and affordable Latino businesses



Uniform/homogenous architecture



"Exclusive" aesthetic
(e.g. glassy, muted colors, straight lines, etc.)



Loss of trees



Loss of community gathering spaces



Loss of vintage signage

S SITE DESIGN

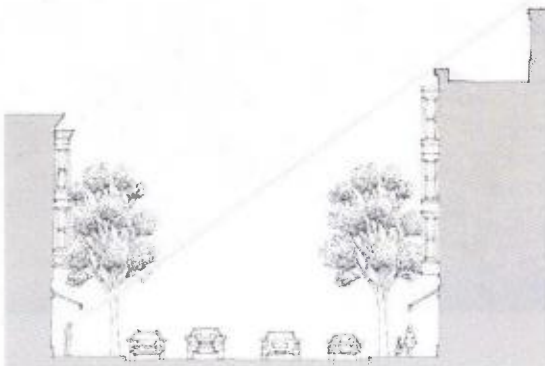


S2.1

SCULPT THE MASSING OF NEW BUILDINGS TO RELATE TO THE SCALE OF ADJACENT BUILDINGS

Calle 24 has a variety of building heights and widths. While some difference in height of adjacent buildings reflects different periods of development, a change of multiple floors that creates an abrupt transition should be avoided. Existing historic 3 story buildings on the corridor are approximately 40-45' in height.

"Stepping back taller buildings is good"



Stepping back upper floors of taller buildings maintains a predominant streetwall height and helps conceal building mass at the street level.

- » Provide adequate transitions between high and low buildings on a street of varied building heights.
- » New buildings that exceed adjacent ones by more than two stories should be set back from the streetwall at upper floors.

- » Upper story(s) should be set back to maintain the character of the corridor. New buildings should be set back 15' after 45' of height to maintain the predominant streetwall scale.



Different building heights add to the street character while keeping a consistent streetwall.



ARCHITECTURE



A3.1

PRESERVE AND ADAPTIVELY REUSE ARCHITECTURALLY SIGNIFICANT BUILDINGS

Calle 24 is home to several iconic buildings that are visual and cultural anchors in the neighborhood, some of which are historic resources. They include mixed-use buildings, theaters, and churches that punctuate the streetscape and contribute to the character of the corridor.

"Sense of history, Victorian details"



The arched, pedimented bays of this building give it a unique presence on the corridor.

» Reuse existing structures of worthwhile architectural character to give them new life and preserve the unique qualities of Calle 24. Recognize and preserve the craft and detail inherent to older buildings, which have a value that is difficult to replicate in new construction.

» Use significant buildings to inspire the quality of new development through their materiality, texture, and articulation.

» New buildings adjacent to significant structures should defer to the older structure in expression while also highlighting and complementing them.



Prominent volumes, rich detailing, and textured materials can provide an inspiration for new buildings.

A3.4**INCORPORATE ART, TEXTURES, COLORS, AND MATERIALS THAT HAVE A STRONG PRECEDENT ON THE CORRIDOR**

Most buildings in the Calle 24 district maintain their original materials and provide guidance for integrating new buildings. Combined with vibrant colors, the result is a festive, lively environment unique within the city.

"Bright colors"
"Stucco, wood, fine-grain texture"



Victorian buildings provide an opportunity for vibrant facade expressions.

- » Use common façade cladding materials such as wood siding, brick, and durable, smooth stucco. Cast stone and terra cotta may also be appropriate. Avoid modern materials with little precedent such as sprayed-on textured stucco, metal siding, cement panels, or faux patinas.
- » Minimize the number of cladding materials on new buildings. Facades should generally be limited to two primary materials, excepting the ground floor. A change of material should be made at projections or recesses instead of on the same plane.
- » In taller buildings, cladding materials that are perceived to be lighter such as wood should be used above heavier materials such as stone or brick.
- » Consider incorporating decorative metalwork into architecture.
- » Simulated materials should be avoided. For example, vinyl siding should not be used to simulate wood siding.
- » Use vibrant colors that highlight architectural details. Muted and stark colors including grey, black, and white are discouraged.
- » The texture, scale, and pattern of side walls should be consistent with that of the primary building façade.
- » Architecture provides numerous opportunities to incorporate artwork in the tradition of Calle 24. Consider custom balcony railings, gates at residential entries, lighting fixtures, custom tiles, mosaics, etc.



Art is found throughout Calle 24 in a variety of ways.



Locally crafted glyphs are incorporated into this new storefront.

A7.1

USE A VARIETY OF SIGNAGE TO MAINTAIN DIVERSITY OF CHARACTER

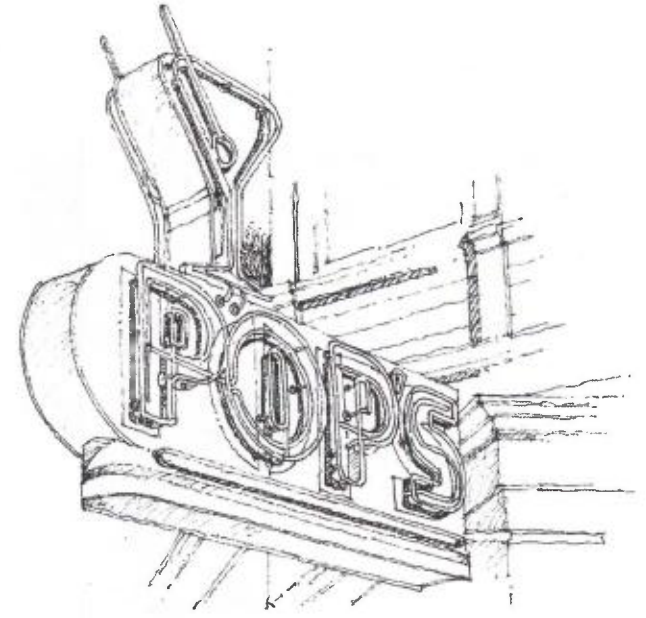
Signage is integral to the unique character of Calle 24. With a diversity of types and expressions that recall different eras of development, including neon, cabinet signs, and painted blade signs, they contribute to a layering of elements that distinguishes Calle 24 from other commercial corridors. The district has a history of re-using existing signage to suit new businesses while acknowledging the quality and cultural impact of previous signs and businesses that are part of the community's collective memory. Signs that feel authentic to the street's character have a high level of craft and personalization. These guidelines are intended to encourage a diversity of well-crafted signage types while celebrating the informal, spontaneous character of signage currently found on Calle 24.

*"Large, colorful signs"
"Layering of signs and architecture preserves culture and history"*

- » Consider a wide range of sign types including wall mounted letters, blade signs, neon, window signs, sandwich boards, and wall painted signage.
- » Consider re-using and/or repairing existing signage including cabinet signs with new or updated business graphics to maintain the overall character of the street.
- » Cabinet signs should project perpendicular to façade to avoid covering architectural details, windows, etc.
- » Consider seeking a vintage sign designation for original, architecturally or culturally significant signage per Planning Code Section 608.14. New signage should not compete with the old signage.
- » Orient and size signs to the pedestrian scale so as not to overwhelm the building facade.
- » Use simple, bold graphics that minimize the amount of information for primary signs.
- » Use signs to demonstrate craft and uniqueness of the business. Artist hand-painted and three-dimensional sculpted signs are highly recommended.
- » For wall-mounted signage, individual metal letters are recommended. Channel letters may be lit from behind with an opaque face to create a halo effect at night. Internally illuminated channel letters with translucent faces should not be used.
- » Signage should not include brands or logos that are not associated with the business.
- » Consider using signage types that are different from adjacent storefronts to maintain diversity and variety.
- » Stencils or spray paint should not be used for painted signage.
- » All conduit for illuminated signs must be concealed. Raceways should not be used.
- » Signage printed on paper or vinyl should not be used.



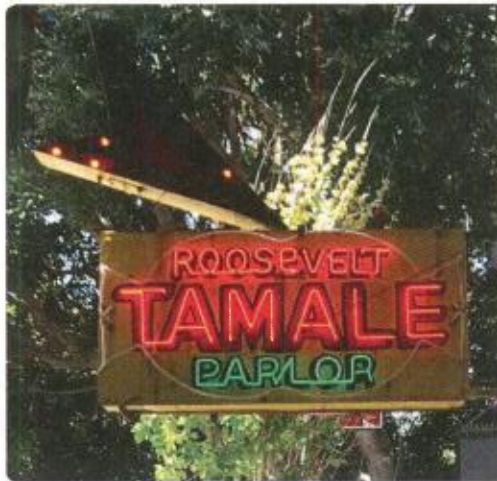
Of course the building signage is more significant than the architecture itself.



Hand painted signage continues the cultural and artistic traditions of Calle 24.



Older signage captures the style and spirit of a past era.



Neon signage plays an important role in the character of Calle 24.



Exterior lit blade signs create a subtle, welcoming nighttime presence.

A8.1

COMPOSE STOREFRONTS TO MAINTAIN THE PATTERN OF PEDESTRIAN-SCALED FACADE ELEMENTS

Despite the variety of storefront expressions in the Calle 24 District, most buildings display common historic elements that address the pedestrian and enliven the public realm. They range from a single bay on narrow buildings to a rhythm of bays on wider facades, but the overall effect is of a fine-grain pattern of varying expressions, creating a continually changing pedestrian experience. Diversity of expression is celebrated over uniformity.

"Mom & pop locally-serving businesses"
"Small storefronts"



French doors in place of storefront windows creates an easy transition from the business to the sidewalk.



Maintaining transparency provides space for displays while welcoming pedestrians inside.



Merchandise placed on the sidewalk is essential to the character of Calle 24.

- » Clearly articulate the ground floor base distinctly from upper floors but align architectural elements vertically where possible.
- » Relate the height of the ground floor to the scale of the building and adjacent structures. Ground floors are commonly 10-12 feet.
- » At corners, building storefront treatment should wrap the corner.
- » Consider a durable, contrasting material for ground floor facades. Natural materials are recommended.
- » Articulate storefronts with clearly defined bays. Repeat bays on wider storefronts.
- » Compose openings with storefront and clerestory windows.
- » Use pilasters to frame storefront bays and create a rhythm of openings that organize individual elements.
- » Compositionally integrate signage, canopies, lighting, and other fine-grained architectural elements to impart human scale and enhance the public realm.



Elements of a common storefront.

A8.2

USE WINDOWS AND DOORS THAT PROMOTE TRANSPARENCY AND ENCOURAGE A STRONG CONNECTION BETWEEN PUBLIC AND PRIVATE REALM

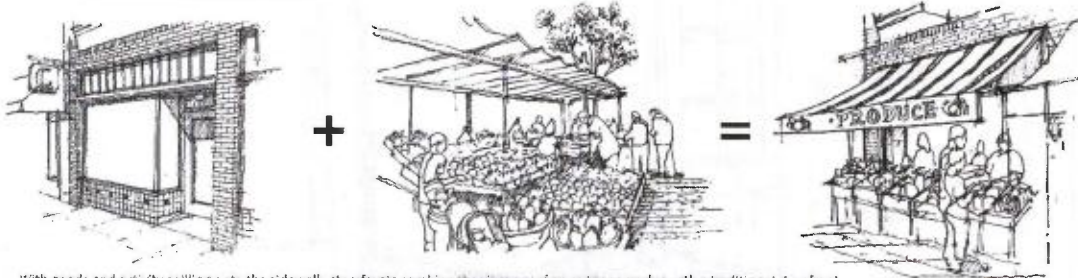
To support the market atmosphere of the corridor, storefront designs that encourage visual access to interiors and easy movement of pedestrians in and out of the business are recommended.

- » Where appropriate to the business, consider full glass French doors or retractable windows instead of traditional storefront windows to encourage a free flow between the public and private realm.
- » Maintain, restore, and build clerestory windows on existing and new storefronts. Clerestory windows are a fundamental element of a

- traditional storefront that exist on most older buildings, however, many have been covered up over the years and used for signage space. Uncovering and restoring clerestory improves transparency, architectural expression, interior access to light, and appropriate scale to the ground floor.
- » Clerestory windows should be separated from storefront windows with a horizontal band. Modulation of the panels should align with other architectural elements of the façade.
- » Maintain existing recessed alcoves and build them in new construction to support the pattern on the street and to provide additional

- transparency and display areas. Alcoves should be angled to provide a natural transition from the sidewalk to business. For wider buildings, two storefronts may share a combined alcove.
- » Consider walk-up counters to enliven the sidewalk where appropriate to the business. Counters must maintain transparency requirements when closed.
- » Wood and steel storefront windows are common original materials and are recommended for new windows. When aluminum is used, a butt joint system at angled alcoves is recommended to avoid the prominent thick sections of the material.

"Provide space for street vendors"



With goods and activity spilling onto the sidewalk, storefronts combine the vibrancy of an outdoor market with a traditional storefront.



P PUBLIC REALM



P3.1

PROMOTE MURALS TO CELEBRATE LATINO CULTURAL HERITAGE, HIGHLIGHT ARCHITECTURE, AND ACCENT BLANK WALLS THAT FACE THE PUBLIC RIGHT-OF-WAY

Murals are the primary artistic expression on the Calle 24 corridor and have been part of the history of the neighborhood for decades. The installation of new murals and preservation of existing murals help to continue the layering of the community's cultural fabric.

"Social activism"
"Buildings completely covered in art"
"Neighborhood pride"

- » When murals are painted on primary facades, relate the composition to the architectural detailing of the façade.
- » Take advantage of blank side walls between buildings of different heights to introduce murals.
- » Mural designs inspired by and relating to the history, culture, and character of Calle 24 and of Latino heritage in San Francisco are strongly encouraged.
- » Architecture should not be altered to accommodate a mural.

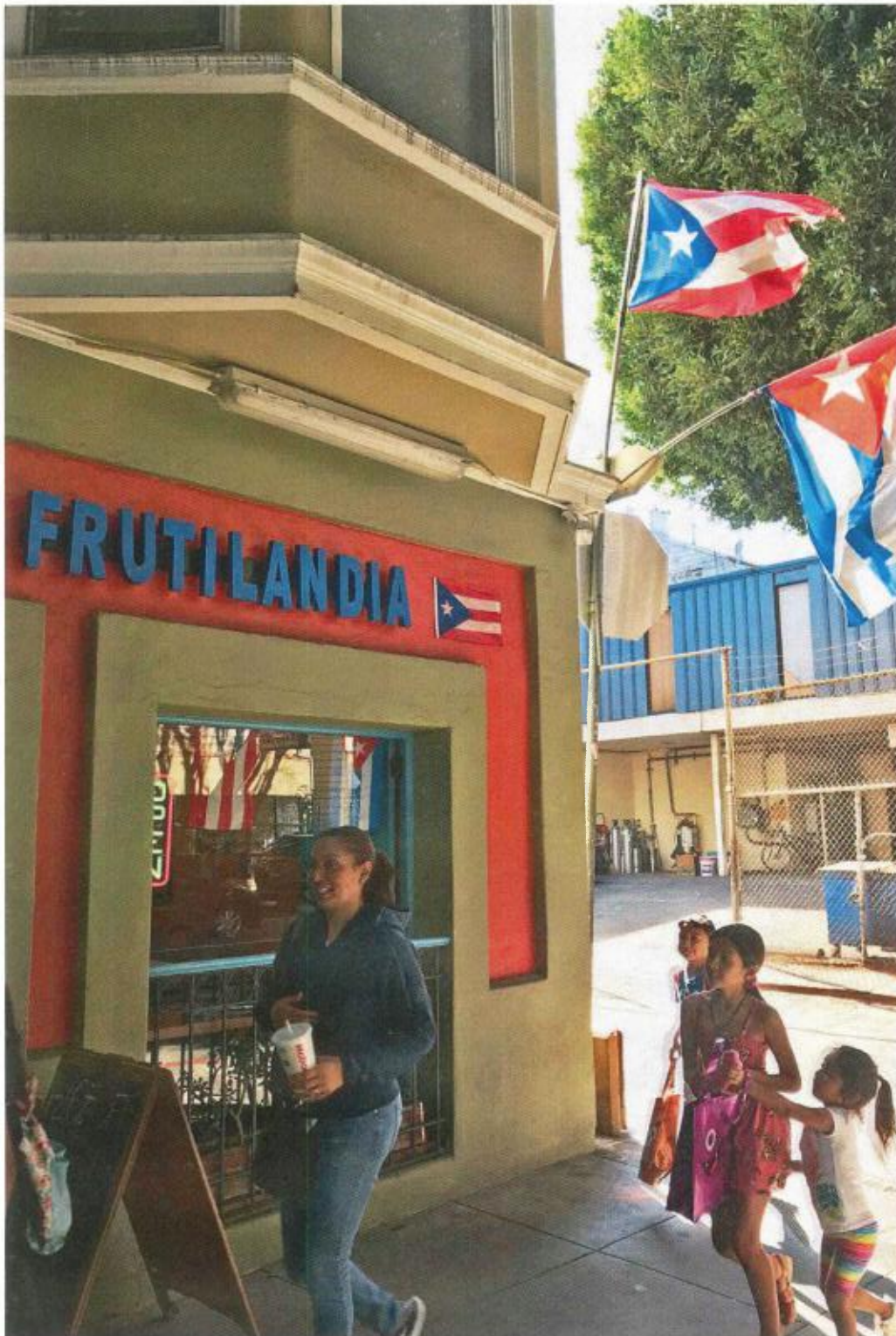
- » Locate murals on side walls, alleys, and primary building facades. Murals may be located on public and private property. Those on public property require approval by the San Francisco Arts Commission.
- » Murals should not cover existing windows or affect transparency requirements.
- » Murals should not include brands or logos.
- » Where feasible, preservation of and continued visual access to existing murals is encouraged. If preservation is infeasible, consider providing space for new murals.
- » Work with local artists and organizations to commission murals.



Latino cultural expression is encouraged for new murals.



This mural successfully integrates the artwork with the facade features.



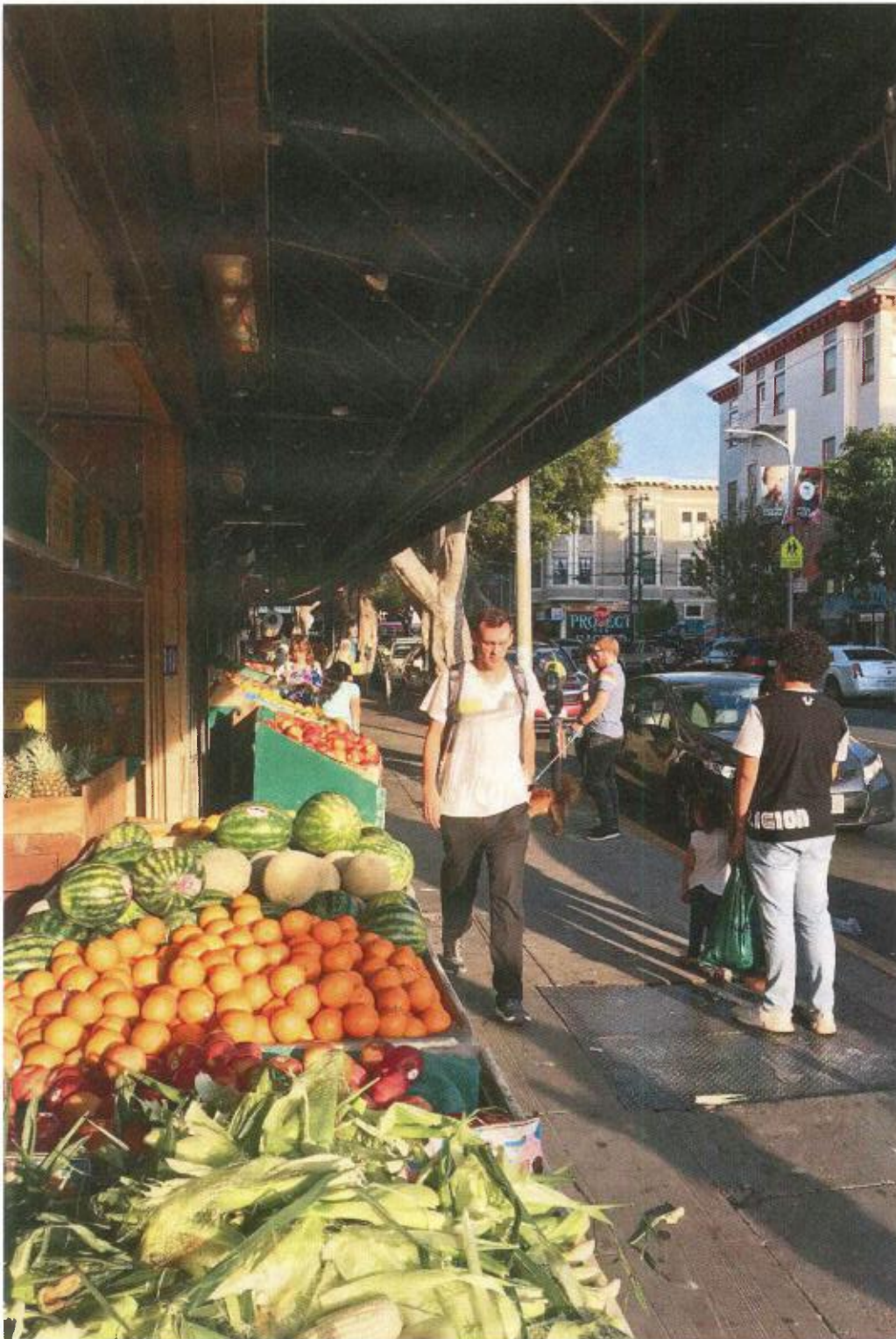
EQUITY ASSESSMENT

- Equity Goals
- Anticipated Benefits and Potential Burdens
- Potential Unintended Consequences
- Strategies to Mitigate Burdens
- Monitoring



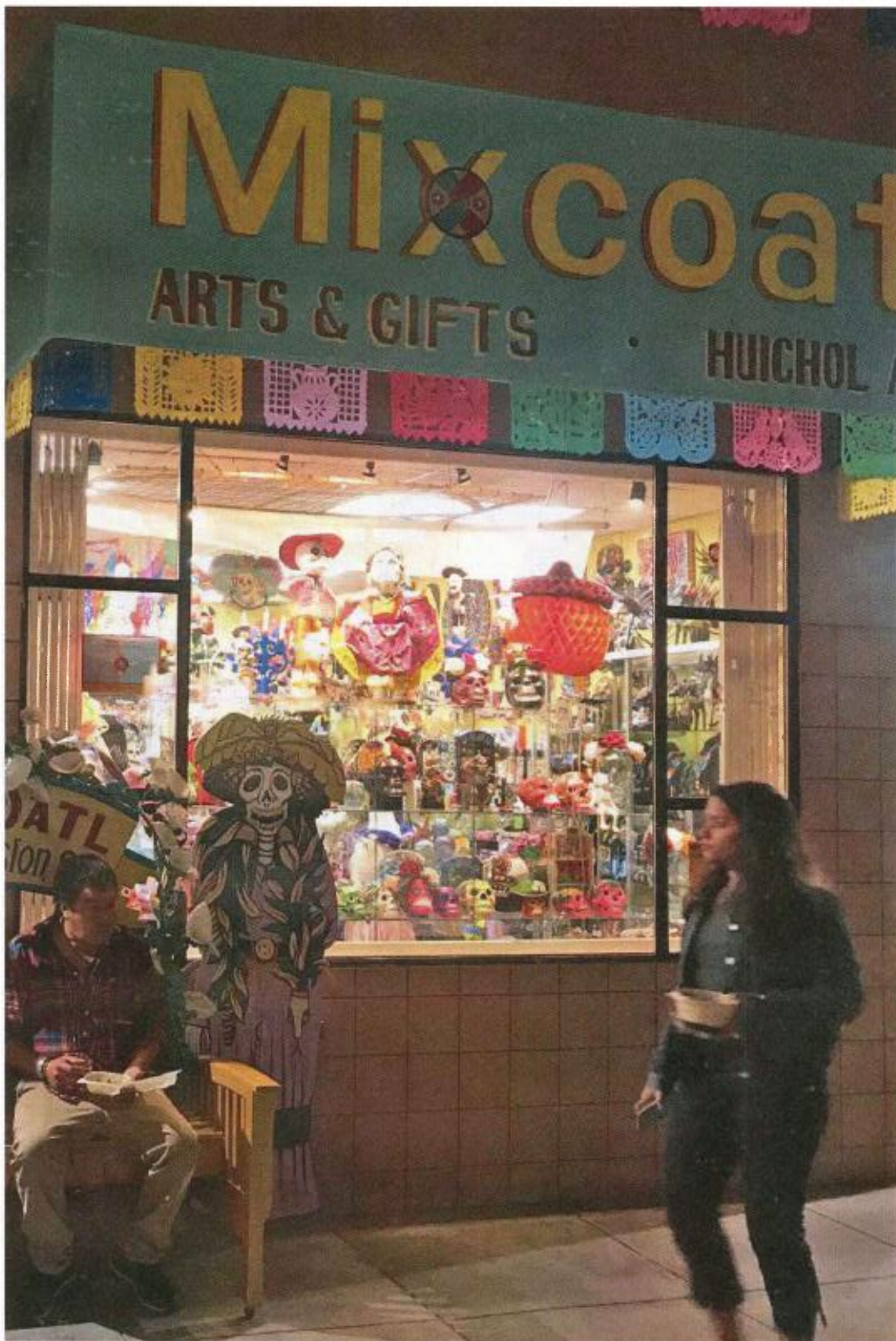
EQUITY ASSESSMENT

- Equity Goals
 - Increase cultural and aesthetic representation of Latino community in built environment
 - Guidelines are attainable for low-income and immigrant property and business owners and do not contribute to displacement
 - Decrease community, project applicant, and staff resources for design review



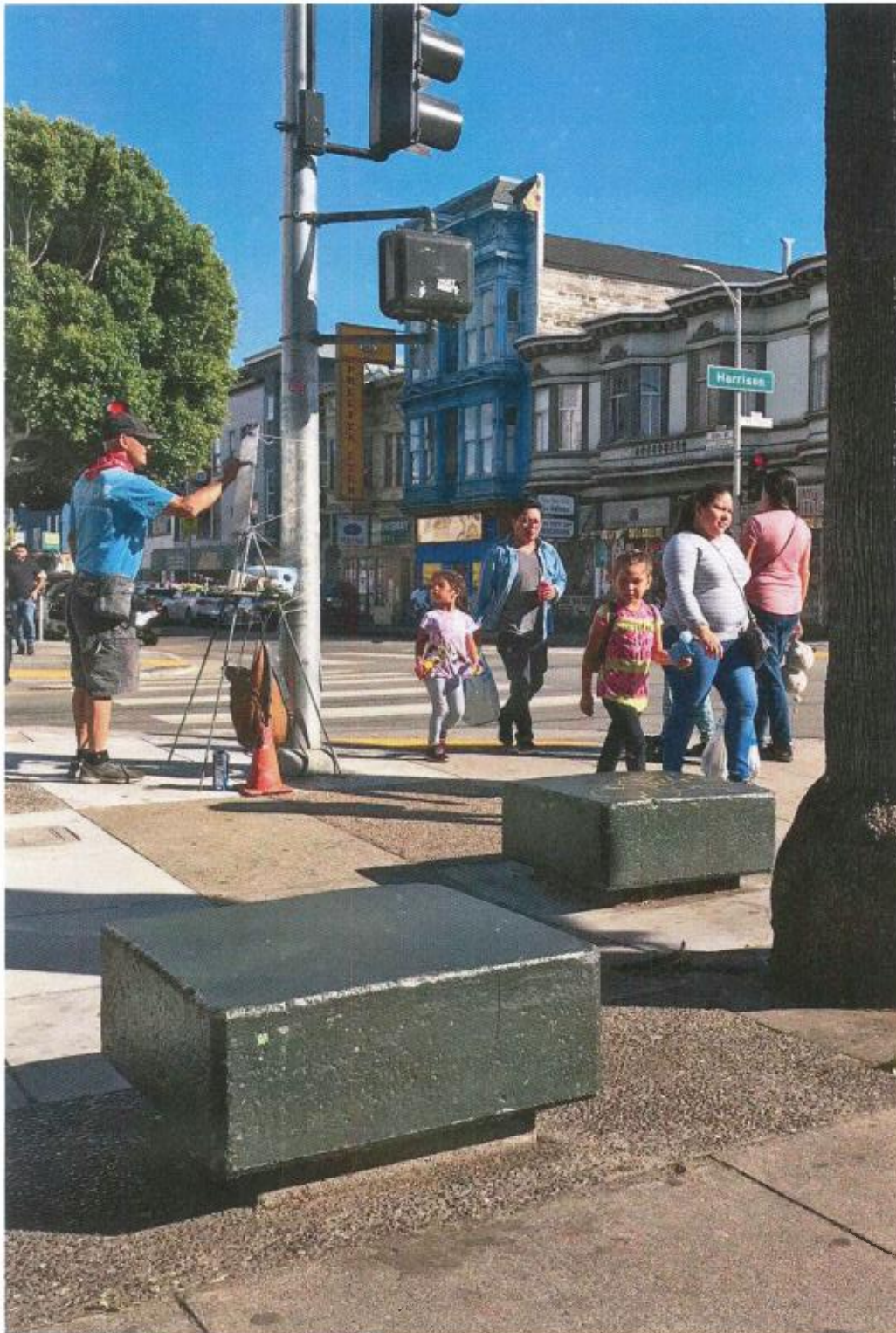
EQUITY ASSESSMENT

- Anticipated Benefits
 - Community, project applicants, City staff*
 - Mitigated cultural and community displacement pressures, in coordination with and support of other City policies and strategies
 - Clearer design expectations reduce time and costs
- Potential Burdens
 - Project applicants, community*
 - Higher material/construction costs
 - Loss of developable area
 - Minor limitations on design flexibility



EQUITY ASSESSMENT

- Potential Unintended Consequences
 - Community, project applicants, City staff*
 - Higher material/construction costs for businesses/property owners already facing displacement pressures
 - Costs of burdens passed through to consumer
- Strategies to Mitigate Burdens
 - Design flexibility
 - Improve and ensure access to existing City small business assistance programs
 - Continue to implement existing and explore new anti-displacement strategies in coordination with community and City partners



EQUITY ASSESSMENT

- Monitoring
 - SADG compliance
 - Displacement trends
 - Community receptivity to projects and guideline efficacy/benefits/burdens
 - Length of design review process
 - Utilize existing monitoring processes to evaluate (e.g. MAP2020 annual reports, Calle 24 SUD Monitoring Report)
 - Use information gathered to identify opportunities for additional community support



THANK YOU!

Questions?

John M. Francis

Planner/Urban Designer, Calle 24 SADG Project Manager

john.francis@sfgov.org

(415) 575-9147

Received at CPC Hearing 11/21/19
J. Switzky

PLAN BAY AREA: WHAT IS IT?

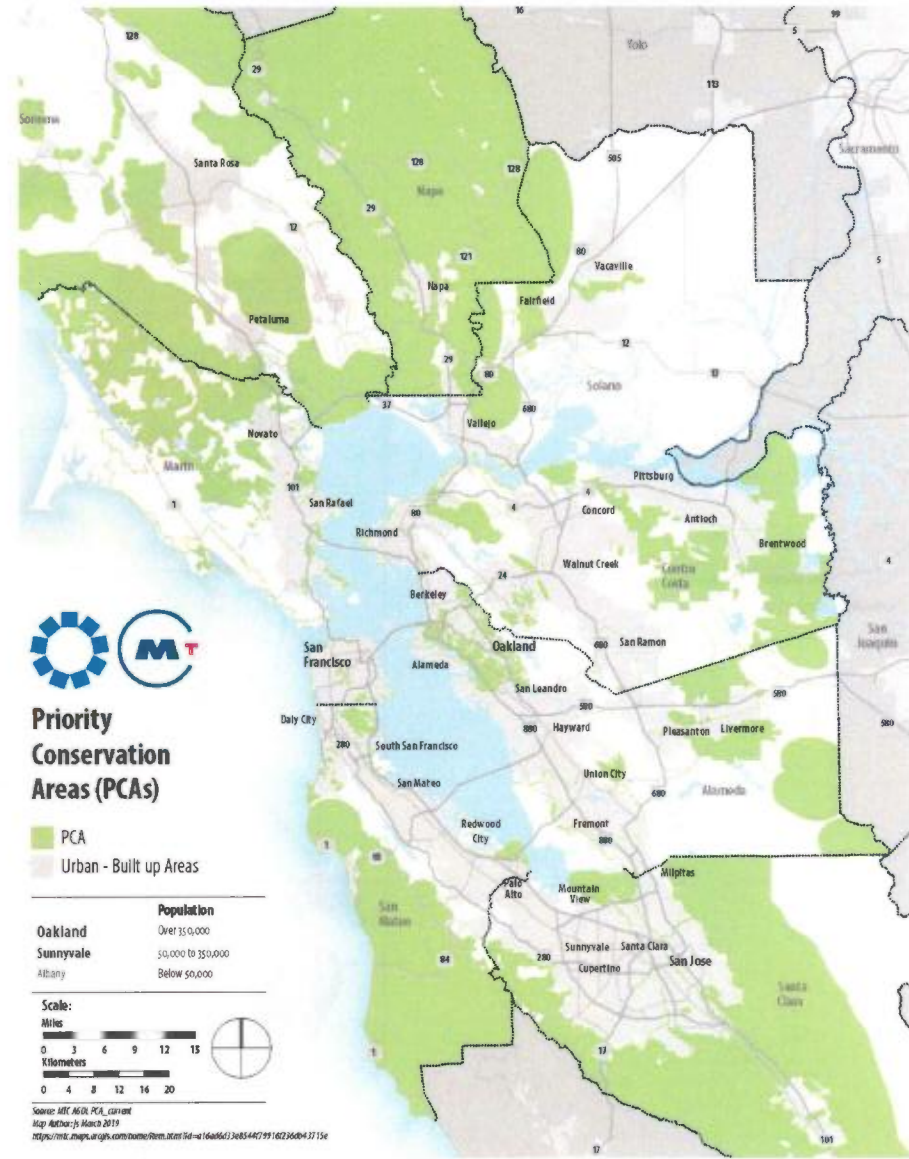
- **Long-range (30-year) regional plan for the 9-county Bay Area**
- **Conducted and adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC)**
- **Required to meet state and federal law**
 - SB 375 requires a Sustainable Communities Strategy to achieve state-mandated greenhouse gas emissions reductions thru linking land use and transportation
 - Must accommodate all projected housing demand from population and job growth within the region
- **Must be updated every 4 years**
 - Last adopted in 2013 and updated 2017 (horizon 2040), next one in 2021 (horizon 2050)

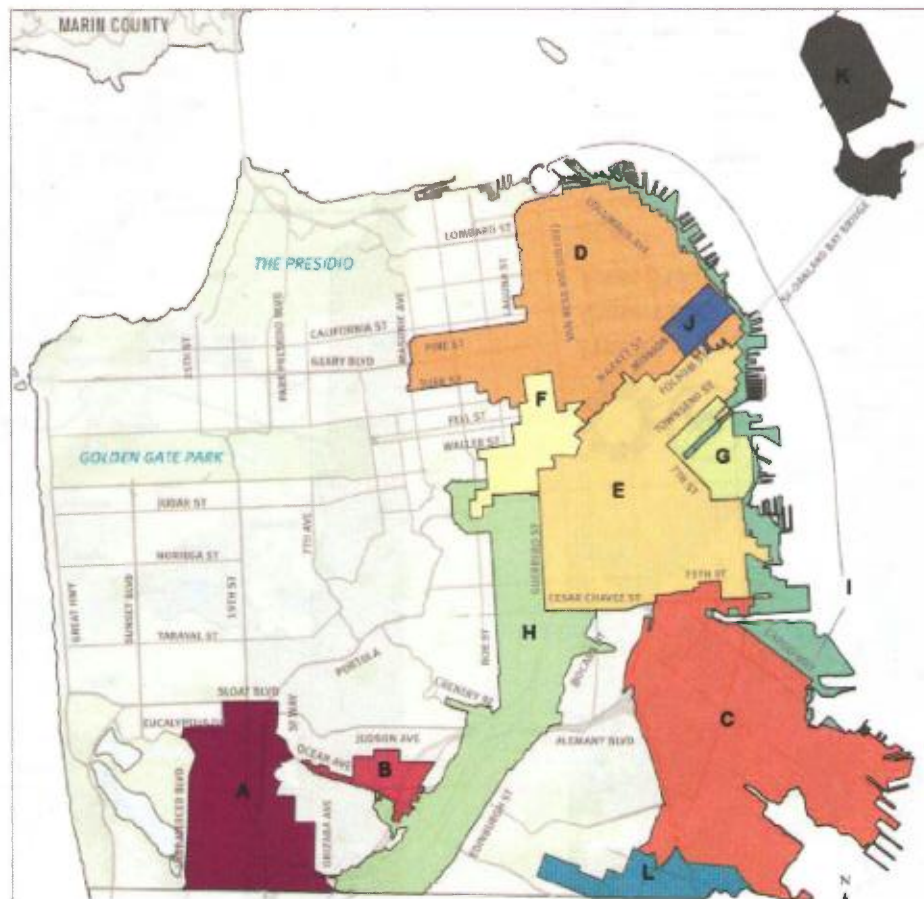


PLAN BAY AREA: **GROWTH FRAMEWORK**

- **Premise of the land use growth framework is to accommodate population growth in urbanized areas without sprawling further outward or developing on greenfield open space and agricultural lands**
- **Three primary designations:**
 - **Priority Development Area (PDA)**
 - Urban infill areas well served by transit or with proximity to jobs, good schools and other resources
 - **Priority Conservation Area (PCA)**
 - Regionally significant areas for protection and investment for agricultural, environmental, and recreational purposes
 - **Priority Production Area (PPA) – new for PBA 2021**
 - Regionally significant areas for industrial uses to support middle-wage jobs, economic diversity, and regional economic resiliency


12/20/21





— SFMTA Rapid Network
 — Regional Rail

Existing San Francisco PDAs

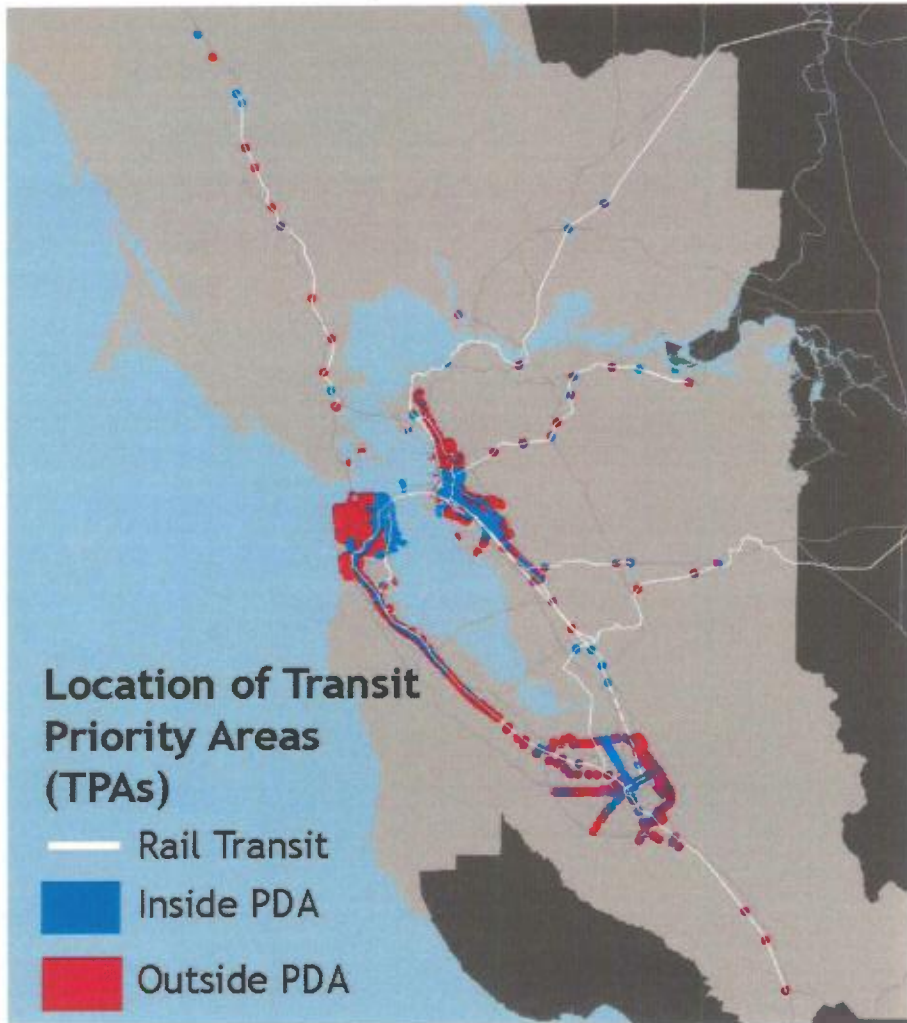
PLAN BAY AREA: WHAT IS A PDA?

- **Urbanized area that is served by public transit or has proximity to jobs, good schools, and other urban resources.**
 - **Transit Rich PDA**
 - **Connected Community/High Resource Area**
 - *All of San Francisco qualifies under these criteria!*
- **A signal to regional agencies from a local government that it has planned or is considering planning for housing growth in the area.**
- **A sub-area of a city that defines a reasonably discrete plan area or adjacent areas**
- **Designation is a *voluntary* and *incentive-based* program that makes the area eligible for grants and infrastructure support.**

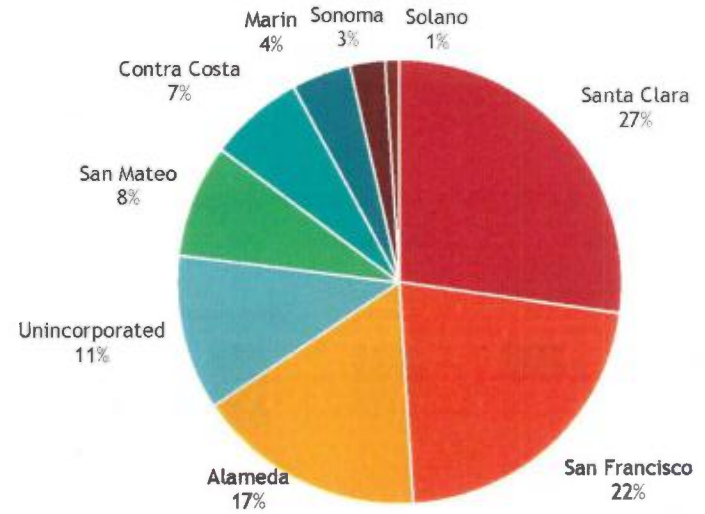
PLAN BAY AREA: **WHAT IS A PDA *NOT*?**

PDA designation...

- Does **NOT** override any local land use control, zoning or plans, or mandate any particular land use outcome
- Does **NOT** bind the City to adopt any particular zoning controls or growth projections by area
- Does **NOT** require similar treatment of all areas or parcels within a PDA or across PDAs
 - All parts of PDAs do not need to be covered by plans, and plans do not need to follow PDA boundaries.



Breakdown of Non-PDA TPA Lands - by county



Top 7 Cities for Transit-Rich Non-PDA Lands

San Francisco	13,500 acres
San Jose	8,200 acres
Berkeley	2,800 acres
Sunnyvale	2,400 acres
Oakland	2,100 acres
Santa Clara	1,600 acres
Campbell	1,400 acres

These seven cities account for over half of all transit-rich non-PDA land in the region.

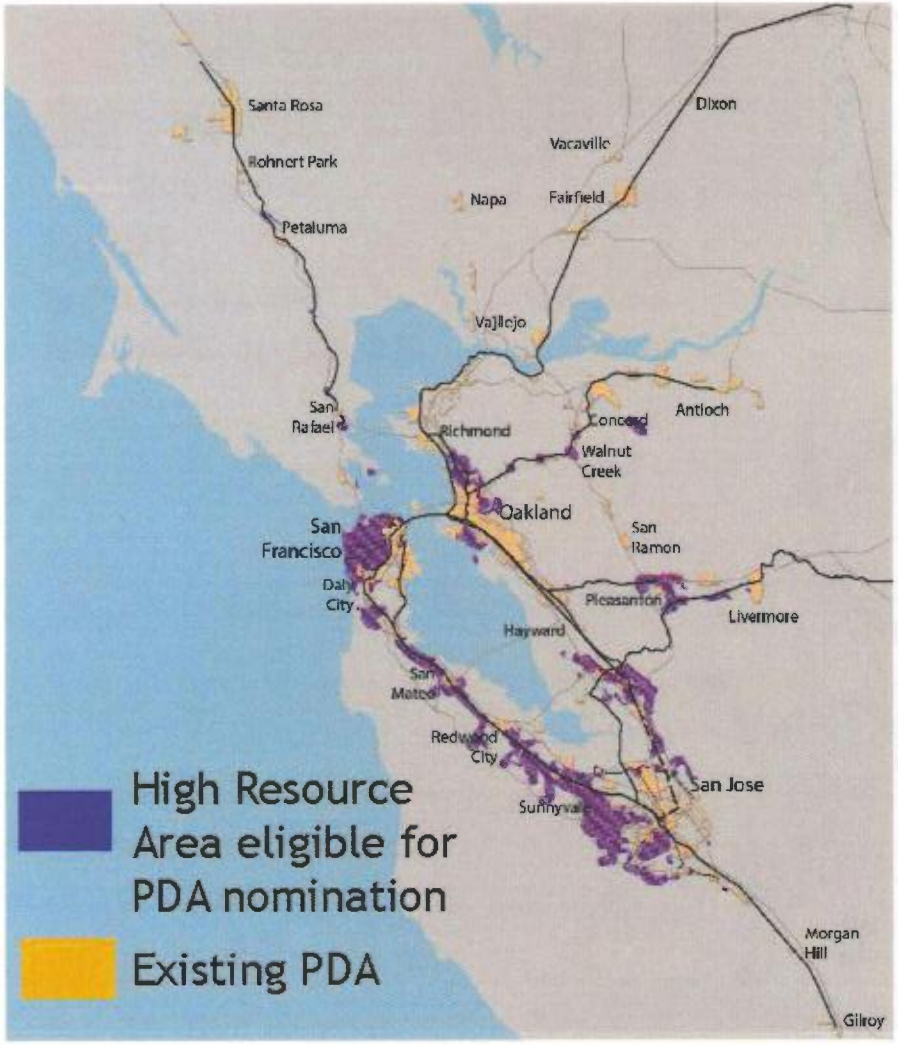


Figure 10. Location of Highest-Ranking* Census Blocks



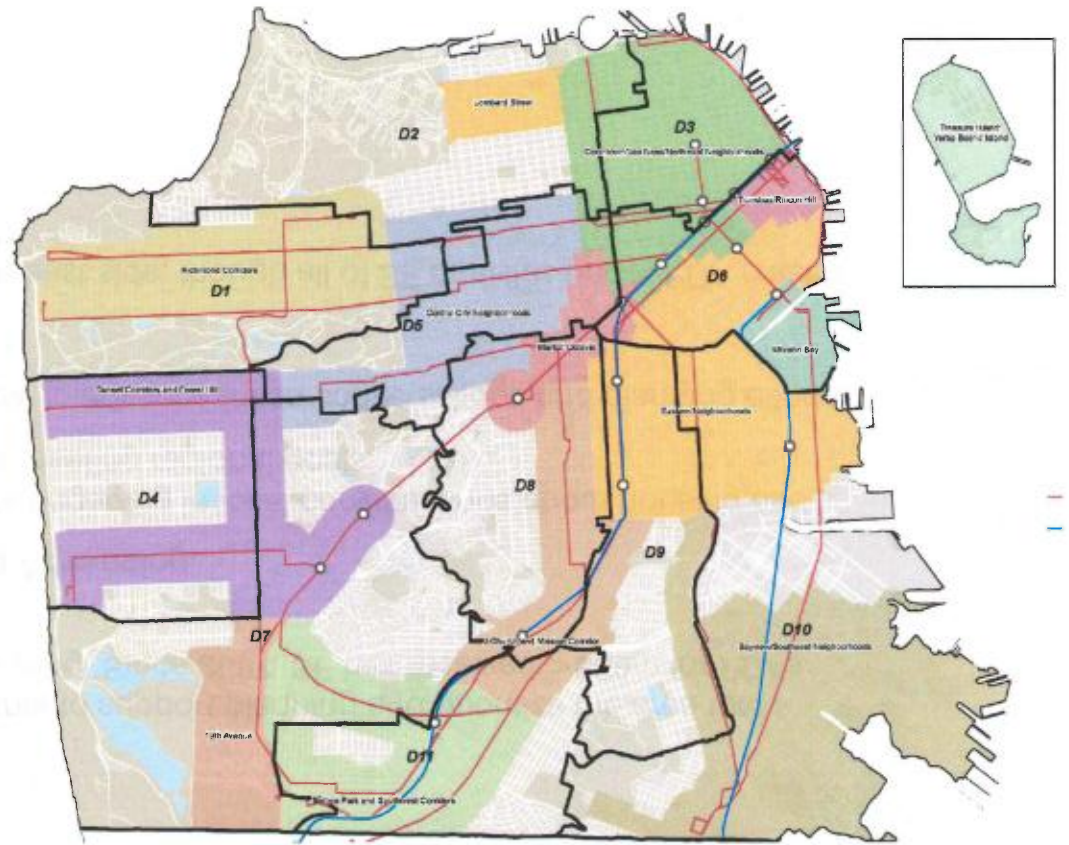
* Top 20% of Census Blocks in the Bay Area by indicator

PLAN BAY AREA: WHY EXPAND SAN FRANCISCO'S PDAS?

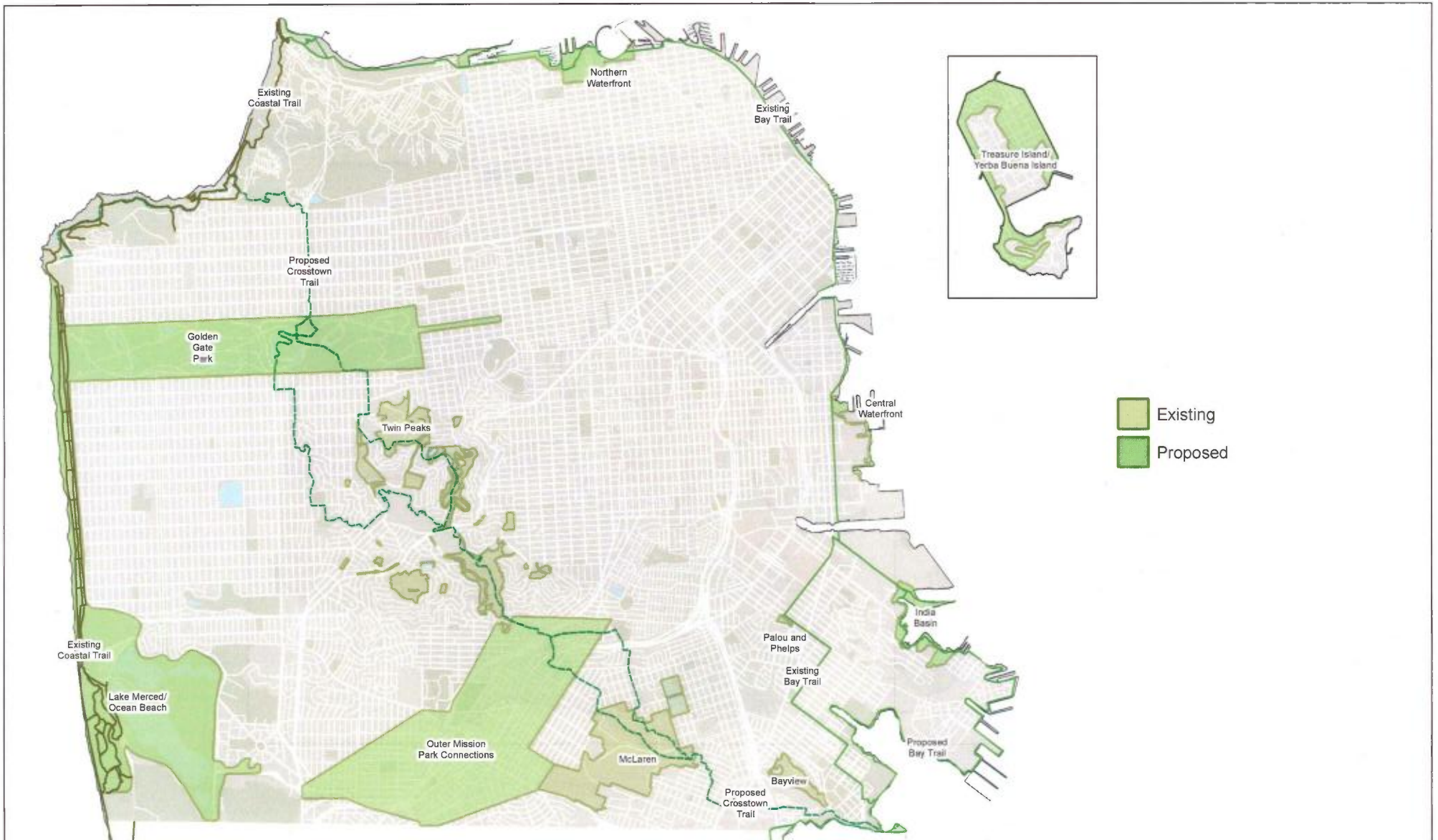
- **Funding for Planning and Infrastructure.**
 - PDA status makes that area eligible to receive grants to support planning and prioritize the area for infrastructure investment in regional and state planning. Since 2007, SF has received >\$60m for PDAs from MTC.
- **Signal that Local Planning for Housing is Active and Advancing.**
 - Designation signals to region and state that we are engaging in local conversations about housing and will undertake planning that is crafted locally while meeting regional goals.
 - Ongoing conversations with Supervisors about how to advance these conversations and planning efforts.
- **Equity.**
 - SF's current PDAs are heavily concentrated on the east side, though all of SF qualifies under PDA criteria. All of SF shares responsibility to plan for housing.



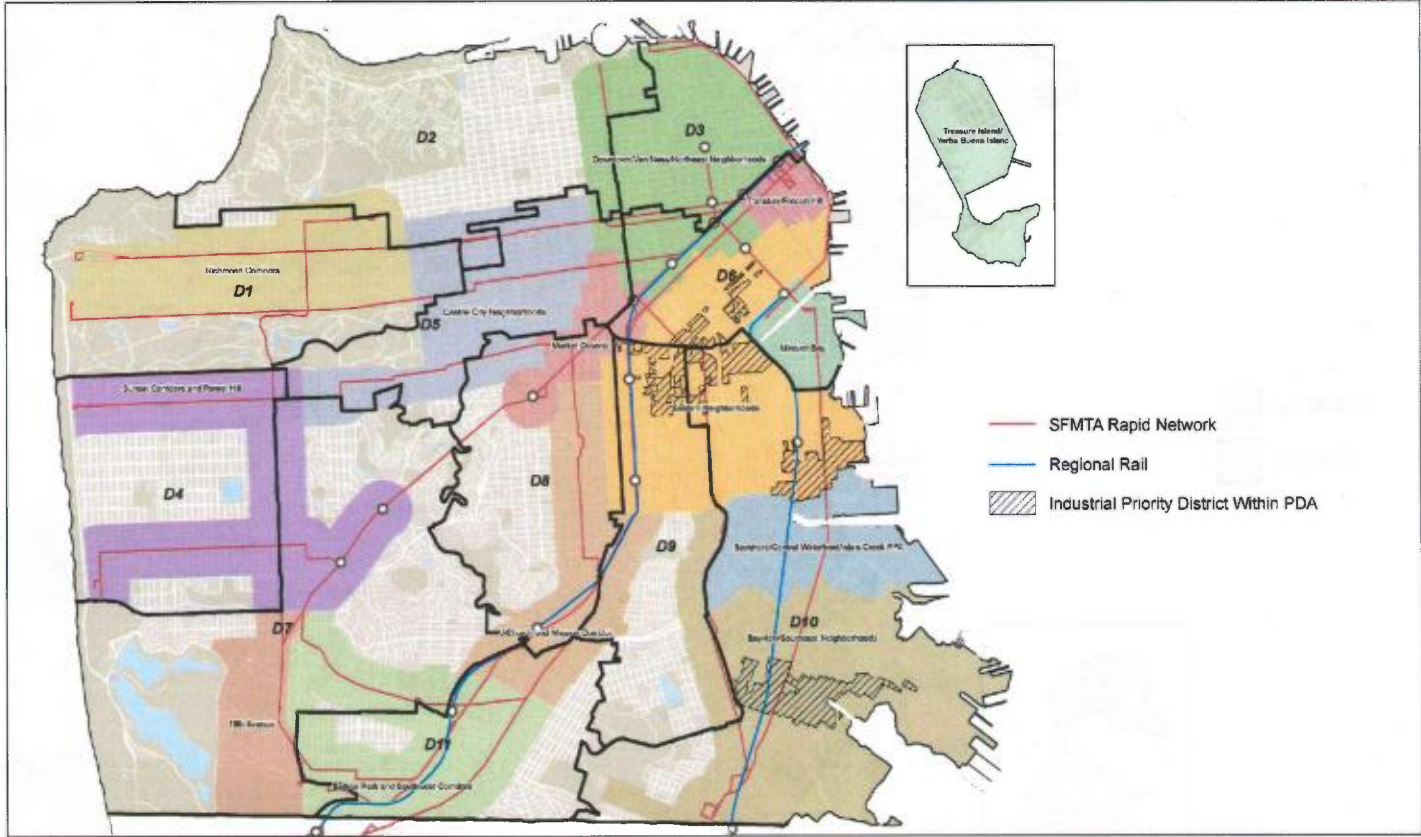
Existing PDAs (2017)



Draft Concept Revised PDAs (Sep 2019)



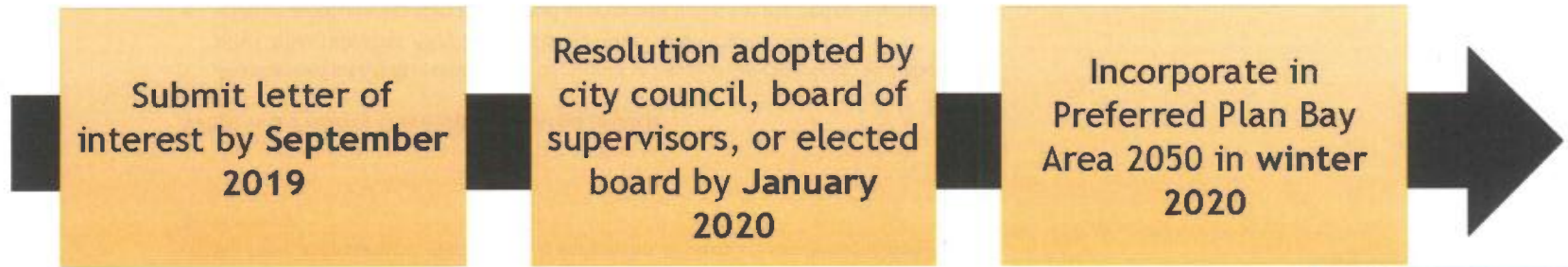
Proposed and Existing Priority Conservation Areas (PCAs)
 October 2019



Draft Concept Priority Development Areas with Priority Production Areas
 September 2019
 SAN FRANCISCO

Growth Framework Designation Process

- 1b New PDAs
- 2 New PCAs
- 3a PPAs



Next Steps



SAN FRANCISCO PLANNING DEPARTMENT

Plan Bay Area/Priority Development Area Fact Sheet October 2019

1650 Mission St.
Suite 400
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CA 94103-2479

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415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

What is Plan Bay Area?

It is a **long-range (30-year) regional plan for the 9-county Bay Area** adopted by the Association of Bay Area Governments and the Metropolitan Transportation Commission that is required to meet state and federal laws and must be **updated every four years**. The plan must comply with SB 375, which mandates a Sustainable Communities Strategy (SCS) that achieves **state mandated greenhouse gas reduction targets by linking land use to transportation**. The Plan must accommodate all of the projected housing growth in the region for the population and jobs projected. The basic premise of the Plan is generally to **accommodate population growth in existing urbanized areas without sprawling further** outward or developing on greenfield open spaces and agricultural lands, while meeting objectives for equity, environmental resiliency, and mobility.

The Plan uses a land use growth framework that has three primary designations: Priority Development Areas (PDAs), Priority Conservation Areas (PCAs), and Priority Production Areas (PPAs). There are minimum criteria for each designation, but they are locally nominated by local governments.

What is a Priority Development Area (PDA)?

- An urbanized area that is served by public transit or has proximity to jobs, good schools, and other urban resources. All of San Francisco qualifies under these standards.
- A signal to regional agencies from a **local government** that it has planned or is considering **planning for housing growth** in that area.
- The geography of a PDA generally is a **sub-area of a city** that defines a reasonably discrete plan area or adjacent areas (i.e. not the whole city as a single PDA).
- PDA designation is **voluntary** and is an **incentive-based** program that makes the area eligible for grants and infrastructure support.

Designation as a PDA *does not override local control*:

- Does **not override any local land use control, zoning or plans**, or mandate any particular land use outcome.
- Does **not bind the City to adopt any particular zoning controls** or growth projections by area

www.sfplanning.org

- Does not require similar treatment of all areas within a PDA or across PDAs– we can define our plans, zoning based on the geography and controls that make sense to us. Every part of a PDA does not need to be zoned or treated the same. All parts of PDAs do not need to be covered by plans, and plans do not need to follow PDA boundaries.

Why Expand San Francisco’s PDAs:

Funding for Planning and Infrastructure. PDA status makes that area eligible to receive grants to support planning and prioritizes the area for infrastructure investment in regional and state planning. Since 2007, SF has received >\$60 million for PDAs from MTC.¹ The state is also increasingly using PDAs to target infrastructure and grant programs, like the new program for parks on Caltrans property and scoring for community planning grants.

Signal that Local Planning is Advancing. PDA designation signals to regional and state agencies that we are engaging in local ongoing conversations about housing growth in these areas and will undertake planning on our own terms that support broader regional goals. This dovetails with ongoing conversations with Supervisors about how best to consider housing growth and what kind of planning activities to advance.

Equity. SF’s current PDAs are heavily concentrated on the east side of the City, though all of San Francisco qualifies under the PDA criteria. All of SF shares responsibility for planning for housing. Including more of SF and substantial parts of all Supervisory districts, is a more equitable path forward.

Contact: Joshua Switzky, Land Use & Community Planning Program Manager,
joshua.switzky@sfgov.org, (415)575-6815

¹ Examples of funding through the One Bay Area Grant (OBAG) program have included: *Planning Grants*: Market & Octavia Area Plan; Treasure Island Mobility Study; Bi-County (SF-Brisbane) Transportation Study; Mission-San Jose Ave Housing Feasibility Study. *Capital Grants*: Safe Routes to School (Chinatown), Geary Bus Rapid Transit Phase 1, Central Subway, McLaren Park Street Improvements.

C. Flores



Planning Commission Adoption Hearing

November 21, 2019

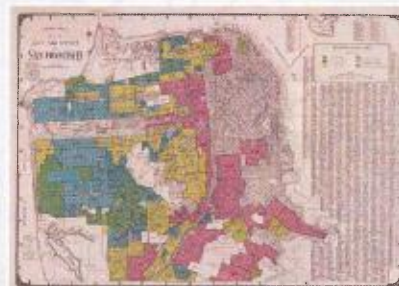
San Francisco
Planning

Presentation Overview

- I. Background
- II. Initiative Components
 - a. Implementation
- III. Next Steps

Why Racial & Social Equity?

- Disparities across measures (income, health, education, housing, etc.) are either stagnant or increasing
- City staff could be more diverse and better represent our communities, particularly in management
- Government and the Planning field historically played a significant role in racial and social inequity
- Government has a responsibility to advance racial and social equity



Red Lining Map

What is Racial Equity?

The systematic fair treatment of people of all races resulting in equal outcomes, while recognizing the historical context and systemic harm done to specific racial groups.

Outcome:

“Racial Equity is the condition that would be achieved if racial identity no longer predicted, in a statistical sense, how one fares...This includes elimination of policies, practices, attitudes and cultural messages that reinforce differential outcomes by race or fail to eliminate them.”

– Center for Assessment and Policy Development

Process:

“Racial Justice [is defined] as the proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment, impacts and outcomes for all.”

– Catalytic Change: Lessons Learned from the Racial Justice Grantmaking Assessment Report

San Francisco's Vision

A safe, vibrant and inclusive City of shared prosperity



Residents and families that thrive

Clean, safe and livable communities

A diverse, equitable and inclusive city

Excellent city services

A city and region prepared for the future

Office of Racial Equity (Human Rights Commission Division)

- Develop the City's Racial Equity framework and policy priorities
- Publish a biennial Racial Equity Report Card
- Analyze pending Board of Supervisor Ordinances for potential disparities
- Develop a racial reconciliation process
- Create Budget Equity Assessment Tool
- Oversee and assist departmental Action Plan development

Office of Racial Equity (continued)

- City Departments must:
 - Complete Action Plan with metrics by December 2020
 - Present publicly
 - Update every three years
 - Prepare annual progress reports
 - Designate departmental racial equity leaders

San Francisco Planning's Equity Work

- Eastern Neighborhoods
- Green Connections
- Health Care Services Master Plan
- Sustainable Chinatown
- Mission Action Plan 2020 and Calie 24 Special Use District
- Cultural Districts
 - Japantown Cultural Heritage and Economic Sustainability Strategy
 - SoMa Pilipinas Cultural Heritage District
 - LGBTQ+ Cultural Heritage Strategy
 - African American Arts and Cultural District



Components

Initiative Components

- Phase I Action Plan (internal operations)
 - Racial & Social Equity Vision
 - Staff training and baseline survey
 - Interim Racial & Social Equity Assessment Tool
 - Implementation roadmap
- Phase II Action Plan (external operations)
 - Community engagement
 - Tailored Racial & Social Equity Assessment Tools
- Ongoing
 - Implementation and integration
 - Monitoring and tracking
 - Plan updates every three years, annual reporting



Accountability: Draft Implementation Matrix

SF Planning's Racial & Social Equity Action Plan Phase I (Internal) – DRAFT Indicators/Outcomes Dashboard	
Goals	DRAFT Key Indicators (is anyone better off?)
Hiring, Promotions and Retention goal	<ul style="list-style-type: none"> • People of color and other marginalized populations are hired, retained and can equally advance their careers within the Department (Demographics/diversity across job classification levels disaggregated by race/ethnicity, sex and gender) • A representative pool of applicants from diverse backgrounds for all positions • Tenure by race/ethnicity and other demographics
Department Culture, Staff Capacity-Building and Core Competencies goal	<ul style="list-style-type: none"> • % of staff who understand and support racial and social equity best practices as measured by the bi-annual staff survey • # of policies/processes/programs that used the Racial & Social Equity Assessment tool • Racial and Social Equity Plan is well supported by managers and Commissioners measured by adoption of action plan and implementation status
Resource Allocation goal	<ul style="list-style-type: none"> • Final resource allocation for projects (where there is discretion) prioritizes equity - funding areas with disparities (low-income communities of colors and other vulnerable populations) - and reflects relative neighborhood need. • Commissions retain proposed and expand resource allocation recommendations towards racial and social equity
Procurement and Consultants goal	<ul style="list-style-type: none"> • LBEs are well represented in consultant pools/applications and can easily access information

Accountability: Draft Implementation Matrix

1. Hiring, Promotions and Retention Goal

ASSOCIATED ACTIONS	PERFORMANCE MEASURES & ACCOUNTABILITY - RESULTS AND OUTCOMES		IMPLEMENTATION TIMELINE (COMPLETION)				DUE DATE / STATUS	LEAD / PARTNERS
			0-6 MONTHS (first half of 2019)	6-12 MONTHS (second half of 2019)	1-2 YEARS (2020-2021)	3-5 YEARS (2022-2024)		

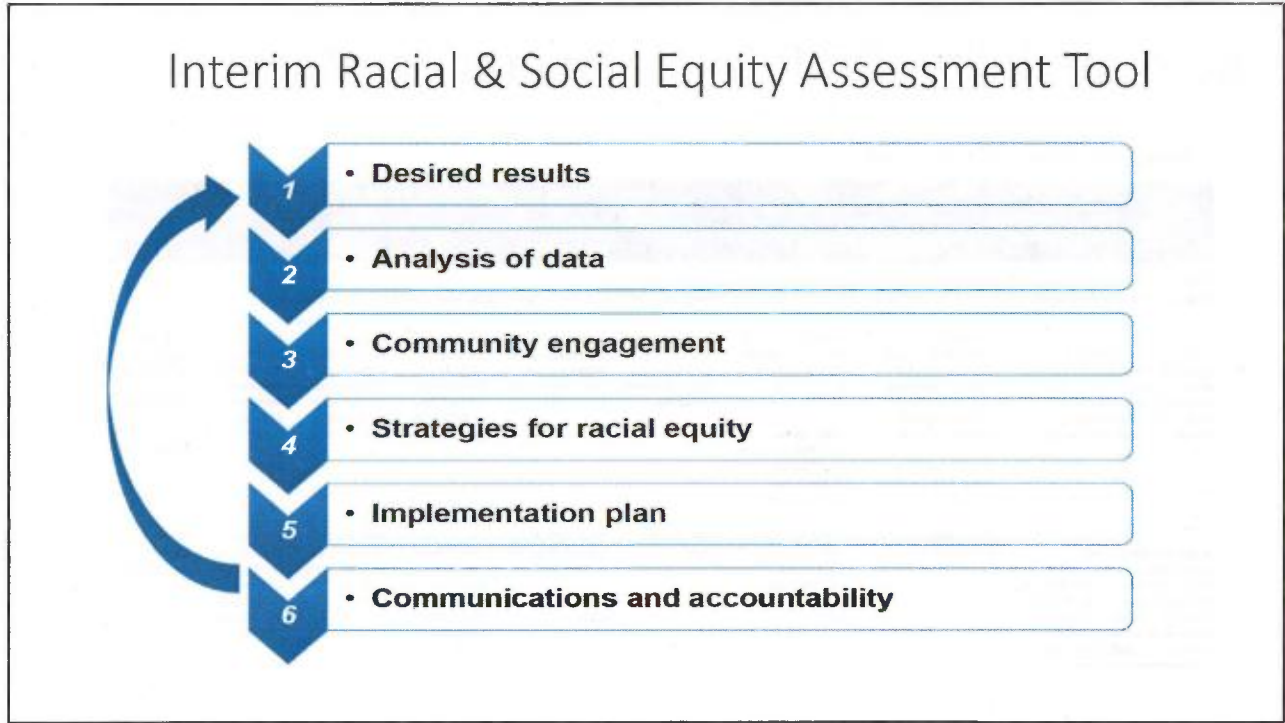
OBJECTIVE 1.1

Staff recruitment strategies are consistent, inclusive, easy to understand, transparent and work to advance racial and social equity and diversity.

<p>1.1.1 Analyze current outreach and recruitment strategies to determine whether practices are consistent across divisions and include strategies to advance equity and broaden job posting distribution.</p>	<p>Annual update of outreach and recruitment list with # of identified locations (e.g. Historic Black Colleges) that reach diverse audiences</p> <p># of conversations / events with targeted contacts.</p>	<p>% increase in applicants from diverse backgrounds by job class and division</p> <p>Consistent use by all hiring managers of enhanced outreach and recruitment list</p>	<p>Update outreach / recruitment list and identify key targeted contacts to prioritize.</p>	<p>Increase outreach by contacting key targeted contacts (e.g. career center point staff)</p>	<p>Increase outreach by contacting key targeted contacts (e.g. career center point staff)</p>	<p>Increase outreach by contacting key targeted contacts (e.g. career center point staff)</p>	<p>Dec 1 2019 to update list, identify and implement year 1 targets. Ongoing after / Started</p>	<p>HR & Core team for updating list.</p> <p>HR & Hiring managers for making targeted calls</p>
<p>1.1.2 Work with DHR to more prominently post their FAQs on Employment with each job posting; and create a page on our website ("Work for Us") with additional information on the process to improve accessibility to a wider candidate pool.</p>	<p># of postings that include this link.</p>	<p>% job postings with the FAQ</p> <p># of hits to our own "work for us" page</p>	<p>Look at DHR's FAQs</p>	<p>Work with DHR to enhance their info and its prominence</p> <p>Create our own page</p>	<p>Include our "work for us" page in our job postings</p> <p>Measure traffic to this page</p>	<p>Include our "work for us" page in our job postings</p>	<p>Dec 1 2019 to create our own page and begin including in our postings / started</p>	<p>Core team member and HR manager</p>

Implementation: Proposed Priorities

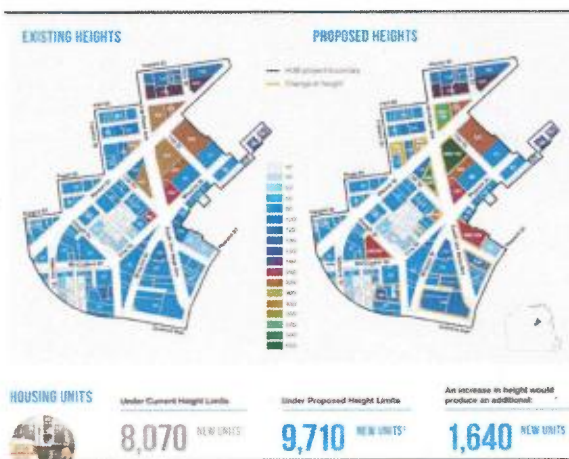
- Training
 - Advanced training for managers
 - Fairness in hiring training
 - Implicit bias training
- Enhanced outreach and recruitment
 - Hiring strategies
 - Contracting and grants
- Guidelines and/or criteria
 - Hiring managers, resume reviewers and interview panelists
 - Contractor expectations and reviewer scoring criteria
 - Budget Assessment Tool



ConnectSF Racial Equity Work Plan

Major Task	Sub Task	Potential REIC Tasks	Racial Equity Tool Step
<i>Grant</i>			
Public Participation Plan	Public Participation Plan Consultant Contract		
Public Outreach	Develop Online Engagement Tools Citywide Outreach Corridor-Specific Outreach Implementation Strategy Outreach		
Transit Corridor Concept Evaluation	Evaluate Potential Transit Alignments	Identify concepts that advance racial equity, Outreach Engagement	4
	BART Alignment Evaluation	CoC overlays of proposed alignments	4
	BART Alignment Land Use Considerations	Study potential benefits and burdens	4
	Recommend Concepts for Project Development		
Transit Corridor Project Descriptor	BART Alignment Recommendations		
	Evaluate relocation options for 22nd Street station and local transit corridor concept alignments		
Storage and Maintenance Facilities	Define Projects descriptions and benefits	Outreach Engagement	3
	Estimate Project Benefits	How can racial equity and inclusion be included in "benefits"	4
Storage and Maintenance Facilities	Assess Storage and Maintenance Facilities Needs	These will be quantitative costs. Have other studies or projects factored in racial equity and inclusion quantitatively?	4
Preliminary Cost Estimation	Preliminary Cost Estimation		

Market Octavia Area Plan (The Hub) Amendments



PUBLIC BENEFITS RECOMMENDATIONS

PUBLIC BENEFITS SUMMARY

The Plan would create up to...



Calle 24 Special Area Design Guidelines

Equity Goals

- Increase cultural and aesthetic representation of Latino community in built environment
- Guidelines are attainable for low-income and immigrant property and business owners and do not contribute to displacement
- Decrease community, project applicant, and staff resources for design review



Next Steps

Phase II: Department Operation Areas

- Community Outreach, Engagement and Communications
- Community Plan Development
- Data Analysis
- Regulatory (CEQA, Planning Code) and Design Review
- Policy and Legislation Development (includes community planning)
- Historic Preservation
- Planning Code Enforcement and Monitoring

Summary of Commissions' Direction

- Align the Department's work priorities
- Prioritize implementation resources
- Implement hiring, recruitment, retention and staff cultural competency strategies
- Develop a policy statement, standards and criteria to guide work
- Investigate what are the constraints for Commissioners
- Provide direction and information to project sponsors
- Develop Racial & Social Equity Tool to guide Commission decisions
- Continue Commissioner education and collaboration spaces

Timeline



Planning Commission Action

- Adopt Racial & Social Equity Action Plan Phase I, inclusive of the Vision
- Direct Department staff to:
 - Implement Phase I Action Plan and finalize implementation matrix and performance metrics
 - Develop Phase II with community members, Office of Racial Equity and City agencies
 - Ensure historically underserved communities have equitable access to funding, regulatory relief and services
 - Propose General Plan amendments to incorporate racial and social equity

ZACKS, FREEDMAN & PATTERSON
A PROFESSIONAL CORPORATION

Received at CPC Hearing 11/21/19
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San Francisco, California 94104
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Facsimile (415) 288-9755
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November 20, 2019

VIA FIRST CLASS MAIL AND EMAIL

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

Re: Objection to Rescheduling
2417 Green Street – File No. 2017-002545DRP-03 and 2017-002545ENV

Dear President Melgar and Commissioners:

Our office is litigation counsel for Christopher Durkin, the Project Sponsor in the above-captioned DR Request and CEQA appeal (the “Appeals”). We write to object to the recent rescheduling of the Appeals, which were scheduled for November 14, 2019. We request that the Appeals be heard at the next Planning Commission hearing.

The November 14 meeting was cancelled with less than 72 hours’ notice, despite § 4 of the Planning Commission Rules and Regulations (“Rules”) requiring otherwise. We understand that this meeting was cancelled due to a difficulty meeting quorum. In these circumstances, the Brown Act requires the meeting to be adjourned to a new time rather than cancelled entirely. (Gov. Code § 54955.) If a meeting is cancelled, nothing in the Rules or the Brown Act authorizes the Planning Commission secretary to reschedule items on a piecemeal basis.

Any continuance should be voted on by the Planning Commission. (Rules, § 6(b), Gov. Code § 54955.1). However, the Cancellation Notice purported to reschedule all the matters on the agenda for the cancelled meeting. The majority of the agenda items were continued to November 21, December 12, or December 19. However, the Appeals were continued to January 9, 2020. This further delay of eight weeks is unjustifiable and an abuse of discretion.

The project at issue involves proposed renovations to the single-family home at 2417 Green Street (the “Project”). Planning staff found that the Project complies with all applicable planning and zoning regulations. Staff also conducted extensive environmental review of the Project and issued a Preliminary Mitigated Negative Declaration (“PMND”) on June 26, 2019. Despite being supported by Planning Staff at every step of the process, the final approval of the Project has been repeatedly delayed by the Planning Commission’s refusal to hold a hearing of the Appeals.

The Discretionary Review requests for the Projects were first filed two years ago – in November 2017. The DR Requests have been scheduled for hearing – and then not heard – on at least *seven* separate occasions, including on: February 8, 2018; July 12, 2018; October 4, 2018; November 29, 2018; January 17, 2019; July 11, 2019; and September 19, 2019. Similarly, the PMND Appeal was filed in July 2019 – four months ago – and has not yet been heard. We understand that several of these continuances occurred at the urging of Supervisor Stefani’s office. Prior to the hearing scheduled for the Appeals on November 14, the Project Sponsor was advised that another continuance was proposed, with no reason given.

The Planning Department is required to “set a time for hearing requests for discretionary review by the Planning Commission within a reasonable period.” (San Francisco Planning Code, § 311(e)(1).) A delay of two years in getting to a hearing is manifestly unreasonable and raises significant due process concerns. This pattern of delay is unjustified and violates the Project Sponsor’s right to a timely hearing. As you may be aware, our office has recently filed a lawsuit to compel the Planning Commission to hold a hearing of the Appeals.

Our client simply seeks a hearing of the Appeals so that the Project can move forward to the next stage of the permitting process. We request that the Appeals be scheduled for hearing at the next Planning Commission meeting.

Very truly yours,



Ryan J. Patterson

CC: Kate Stacy, Deputy City Attorney
Office of the City Attorney
1 Dr Carlton B Goodlett Pl, Ste 234
San Francisco, CA 94102

November 21, 2019 Public Comment – Planning Commission

My name is Jerry Dratler with SFLUC, this summer four illegal demolition cases came before the Planning Commission in a single day.

- Commission members were frustrated to see DBI compliance problems before the Commission.
- Some Commission members asked for an investigation. I very much support this recommendation.

I believe the root cause of the problem is low financial penalties for unpermitted work.

- I reviewed 1,571 building permit penalties issued by DBI over the last four years. You have a summary of my analysis.
- The average financial penalty issued over the four years was \$1,171. Not much of a deterrent when the average S. F. home cost \$1.3 million.
- 39% of the financial penalties issued are below \$295.

I reviewed penalties DBI issued on some of the more egregious projects that have come before the Commission and was shocked to see low or no penalties.

- DBI assessed a penalty of \$718 for the illegal demolition of 49 Hopkins St. a home designed by world renown modern architect Richard Neutra .

- DBI did not assess a penalty for the demolition of a 900 square ft. home at 655 Alvarado Street that was to be replaced with a five-story 5,100 square foot home. The unpermitted demolition damaged both homes on either side of 655 Alvarado.

San Francisco is experiencing an epidemic of unpermitted work and the Department of Building Inspection is not solely responsible for the problem.

- The Planning Department did not issue a Notice of Enforcement for either 49 Hopkins or 655 Alvarado and the code enforcement program at the Planning Department does not assess financial penalties.

The only example where Planning Department issued a NOE is 25 17th Avenue where the developer received a penalty of \$253 for the unpermitted demolition of a 3-story bay and deck/parking structure.

- \$253 is less than the cost of a ticket for parking in a bus stop.

Can the Planning Commission justify a code enforcement process that lacks financial penalties?

I hope the Planning Commission will take steps to ensure that Building and Planning Code enforcement will be half as effective as the City's parking ordinance enforcement. You are responsible for land use in San Francisco.

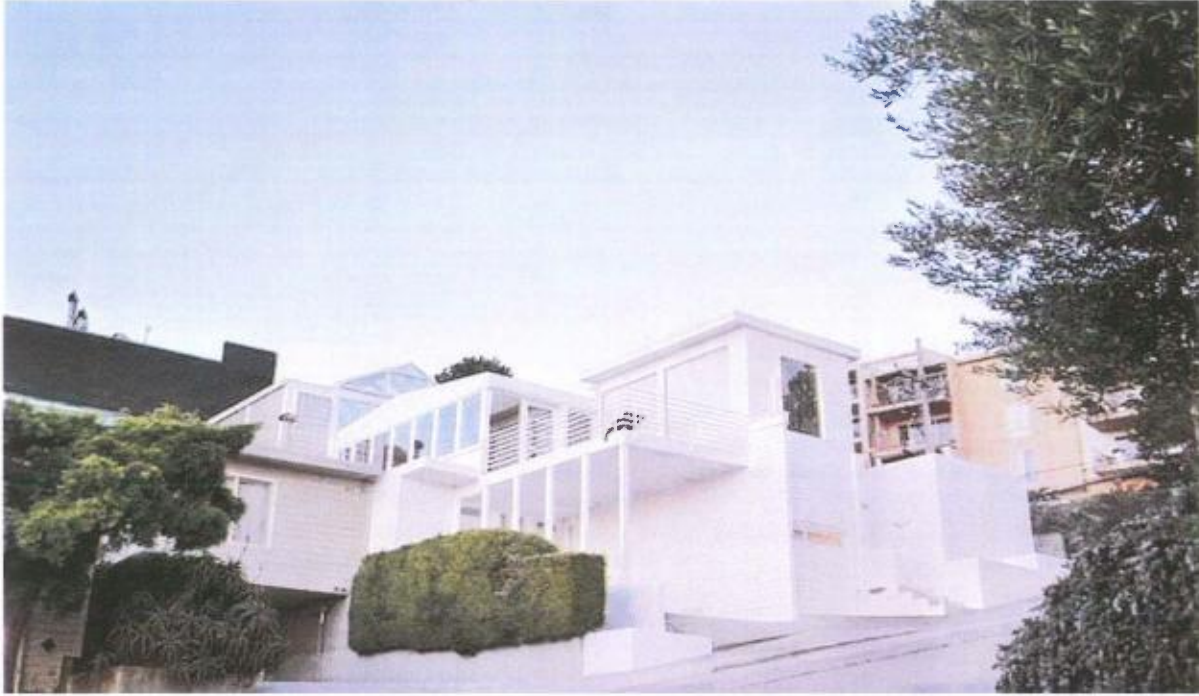
4 Years of building permit penalty fees - 1,517 instances
2015,2016,2017,2018

J. Dratler November 20,2019	4 Yr.		2015		2016		2017		2017		
	Average	% of Total	Count	count % total	dollars	Count	count % total	Dollars	Count	count % total	dollars
Range of Permit penalty fees											
below \$500	\$294	38.8%	150	35.6%	45,770	119	39.9%	33,674	158	42.8%	46,960
\$500-\$1,000	\$713	21.2%	103	24.5%	71,025	72	24.2%	51,232	81	22.0%	59,668
\$1,000-\$1,500	\$1,293	19.7%	92	21.9%	114,308	54	18.1%	68,916	55	14.9%	71,274
Subtotal- group one	\$652	79.8%	345	81.9%	231,103	245	82.2%	153,822	294	79.7%	177,902
Average					\$670			\$628			\$605
\$1,500-\$2,500	\$1,934	12.1%	47	11.2%	96,565	33	11.1%	62,749	43	11.7%	80,971
\$2,500-\$5,000	\$3,490	6.2%	22	5.2%	81,076	19	6.4%	66,078	28	7.6%	96,058
Subtotal - group two	\$2,460	18.3%	69	16.4%	177,641	52	17.4%	128,827	71	19.2%	177,029
Sum of groups one +two	\$990	98.1%	414	98.3%	408,744	297	99.7%	282,649	365	98.9%	354,931
Average					\$987			\$952			\$972
\$5,000-\$10,000	\$6,424	1.2%	5	1.2%	33,187	0	0.0%	0	2	0.5%	13,139
over \$10,000	\$17,073	0.7%	2	0.5%	32,853	1	0.3%	24,374	2	0.5%	37,463
Subtotal -group three	\$10,463	1.9%	7	1.7%	66,040	1	0.3%	24,374	4	1.1%	50,602
Average					\$9,434			\$24,374			\$12,651
Total	\$1,171	100.0%	421	100.0%	474,784	298	100.0%	307,023	369	100.0%	405,533
Average					\$1,128			1,030			1,099
Total count	1,517	0.0%									

4 Years of building permit penalty fees - 1,517 instances
2015,2016,2017,2018

J. Dratler November 20,2019				4 Yr.			
Range of Permit penalty fees	2018 Count	count % total	2018 Dollars	Average		Count	Dollars
below \$500	162	37.8%	46,501	\$294	38.8%	589	172,904
\$500-\$1,000	66	15.4%	47,625	\$713	21.2%	322	229,550
\$1,000-\$1,500	98	22.8%	132,059	\$1,293	19.7%	299	386,557
Subtotal- group one	326	76.0%	226,185	\$652	79.8%	1210	789,011
Average			\$694				
\$1,500-\$2,500	61	14.2%	115,502	\$1,934	12.1%	184	355,787
\$2,500-\$5,000	<u>25</u>	<u>5.8%</u>	<u>84,853</u>	\$3,490	6.2%	<u>94</u>	<u>328,066</u>
Subtotal - group two	86	20.0%	200,355	\$2,460	18.3%	278	683,853
Sum of groups one +two	412	96.0%	426,540	\$990	98.1%	1488	1,472,864
Average			\$1,035				
\$5,000-\$10,000	11	2.6%	69,300	\$6,424	1.2%	18	115,626
over \$10,000	6	1.4%	93,111	\$17,073	0.7%	<u>11</u>	<u>187,801</u>
Subtotal -group three	17	4.0%	162,411	\$10,463	1.9%	29	303,427
Average			\$9,554				
Total	429	100.0%	588,951	\$1,171	100.0%	1517	1,776,291
Average			1,373				
Total count				1,517		1517	1,776,291

Largent House - \$718



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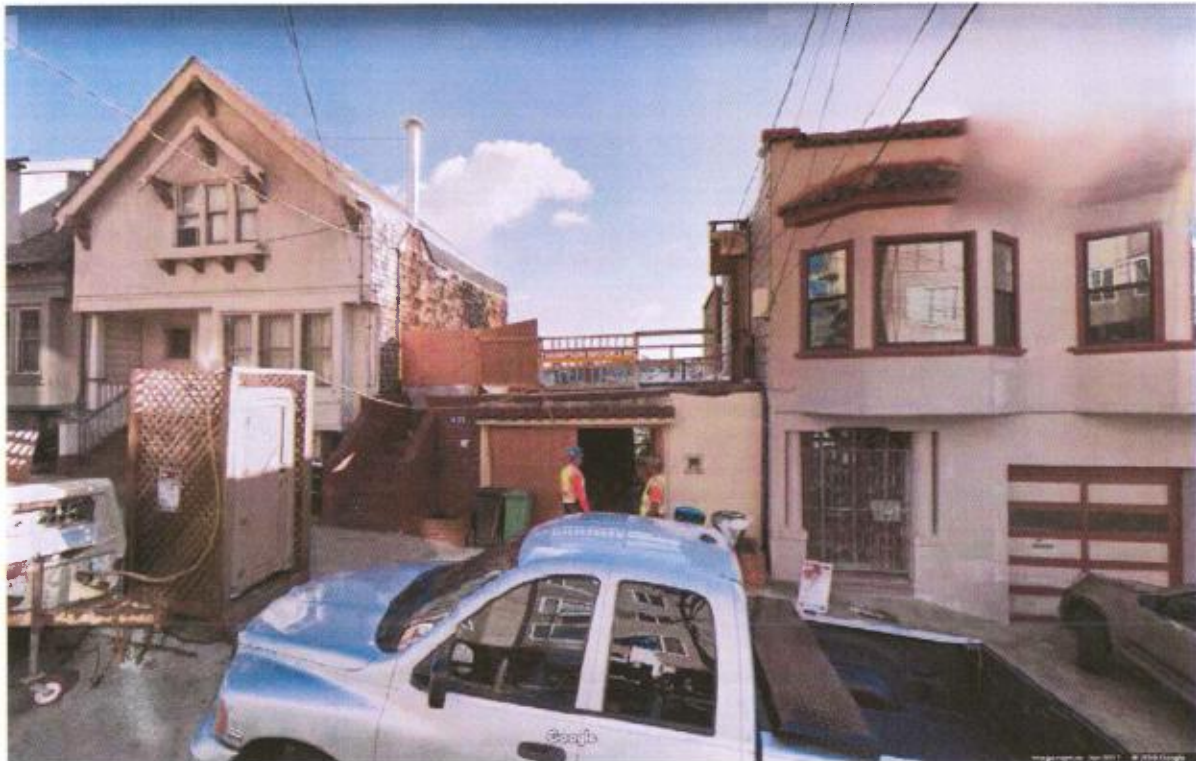
1 of 3



The Largent House at 49 Hopkins Ave., left, designed by Richard Neutra, was torn down, above, to make way for a larger home.

Photo Courtesy: Photo: The Chronicle

655 Alvarado St. – No penalty



25 17th Avenue.- \$254

