

Sample of Illegal Unit Mergers

Project Address	Violation Date	Complaint Description	Purchase	Sale	Outcome
310 Duncan Street (RH-2 Zoning)	June 2017	<ul style="list-style-type: none"> Illegal Unit Merger Misrepresentations on Plans as Single Family Residence 	\$1,675,000	\$4,250,000 Sold to One Buyer After Violation Abated	<ul style="list-style-type: none"> No Hearing Held Determined to Require New Building Permit Unit Count Verification Required Notice of Special Restrictions Required
2060-2062 Divisadero Street (NC-2 Zoning)	February 2018 <i>Determined "Built According to Plans"</i>	<ul style="list-style-type: none"> Illegal Unit Merger Illegal Change of Use of Commercial Space from Retail to Office No Historic Preservation Review: "Lion's Pub" 	\$3,400,000	\$6,500,000 Listed	<ul style="list-style-type: none"> No Hearing Held Determined to Require New Building Permit No Change in Unit Count Requested (Changing from Two Rental Units to Essentially Single Family Residence)
1163-1165 Shotwell Street (RH-3 Zoning)	May 2018	<ul style="list-style-type: none"> Illegal Unit Merger Not Conforming to Permits 	\$1,530,000 Tenant Occupied at \$1750 per month for 7 Room Flat	\$4,015,000 Sold to One Buyer After Violation Abated	<ul style="list-style-type: none"> No Hearing Held Determined to Require New Building Permit No Change in Unit Count Requested (Changing from Two Rental Units to Essentially Single Family Residence)
935-937 North Point (NC-1 Zoning)	June 2018	<ul style="list-style-type: none"> Illegal Unit Merger 	\$1,886,000	\$8,000,000 Sold to One Buyer Before Violation Abated	<ul style="list-style-type: none"> No Hearing Held Determined to Require New Building Permit No Change in Unit Count Requested (Changing from Two Rental Units to Essentially Single Family Residence)
2028-2030 Leavenworth Street (RM-1 Zoning)	June 2018 <i>Determined "No Violation Existed" on April 2018 After Initial Four Month Investigation</i>	<ul style="list-style-type: none"> Illegal Unit Merger Illegal Construction to Hide Extent of Violation Illegal Expansion into Rear Yard without Variance Illegal Excavation Possible Tantomount to Demolition Serial Permitting to Disguise Scope of Work 	\$2,930,000 Two Equal Sized Flats with Studio In-Law	\$8,500,000 Sold to One Buyer Before Violation Abated	<ul style="list-style-type: none"> No Hearing Required Originally Originally Determined Conditional Use Authorized Required if Not Returned to Three Units Then Determined to Require Variance and New Building Permit to Correct Violations with No Change in Unit Count Requested



STANDARD ENVIRONMENTAL CONDITIONS OF APPROVAL

INITIATION HEARING

January 16, 2020
San Francisco Planning Commission



San Francisco
Planning

Background

2017

Mayor's Executive Directive 17-02: Keeping up the Pace of Housing Production

- Planning Department Process Improvement Plan: Codify Effective Mitigation Measures

2020

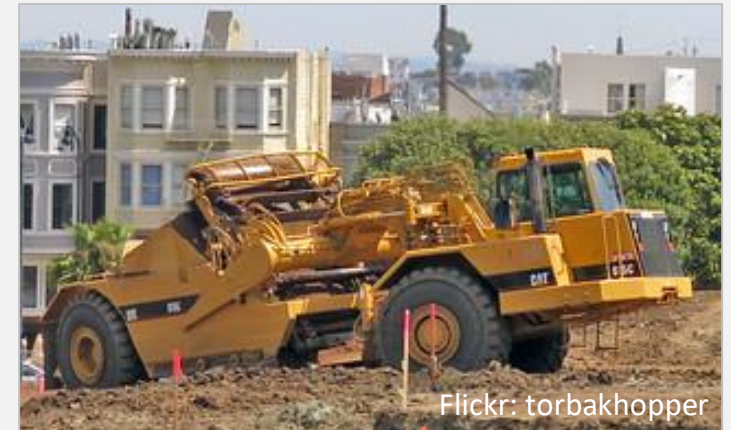
Standard Environmental Conditions of Approval

- Designed to achieve the same, or higher, level of environmental protection currently achieved through the mitigation process
- Improved consistency, streamlining, and transparency in environmental review



Precedents

- 2013** **Maher Ordinance**
hazardous soils remediation
- 2015** **Clean Construction Ordinance**
construction emissions for public projects
- 2015** **Dust Control Ordinance**
dust mitigation plans during construction
- 2017** **Transportation Demand Management Program**
menu of mitigation options to reduce VMT



Goals

- Continued environmental protection
achieve same, or higher, level of protection
- Streamlined review
conduct CEQA review, in less time
- Consistent standards
apply best practices to all applicable projects
- Transparent requirements
standards known in advance to public, applicants



Process for Adoption

Enabling Ordinance:

- Planning Commission initiation:
 - Administrative Code Chapter 31A: Standard Environmental Conditions of Approval Program
 - Planning Code Sec. 174: Enforceability of Standard Conditions program
- Board of Supervisors review and approval

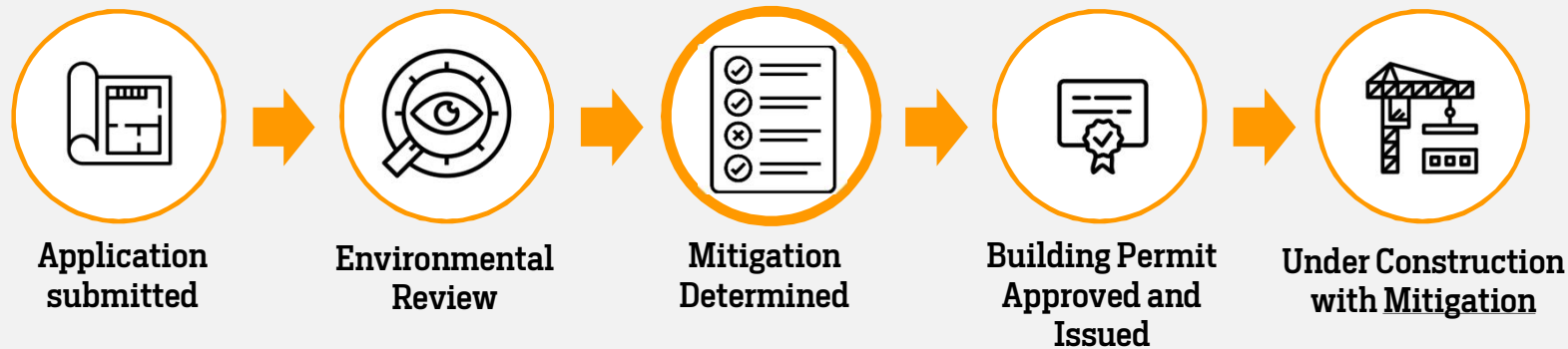
Adopt Standard Environmental Conditions by Topic

- Planning Commission must adopt each Standard Condition and applicability criteria at a public hearing
- Planning Department must report to Commission and Board of Supervisors at least every 5 years
- Planning Commission may revise Conditions more frequently

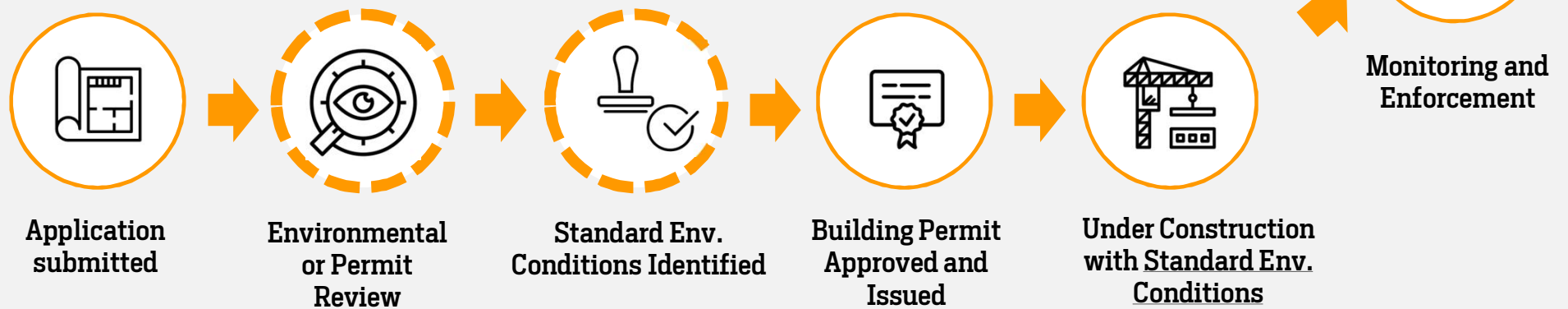


Proposal

THE WAY IT IS NOW

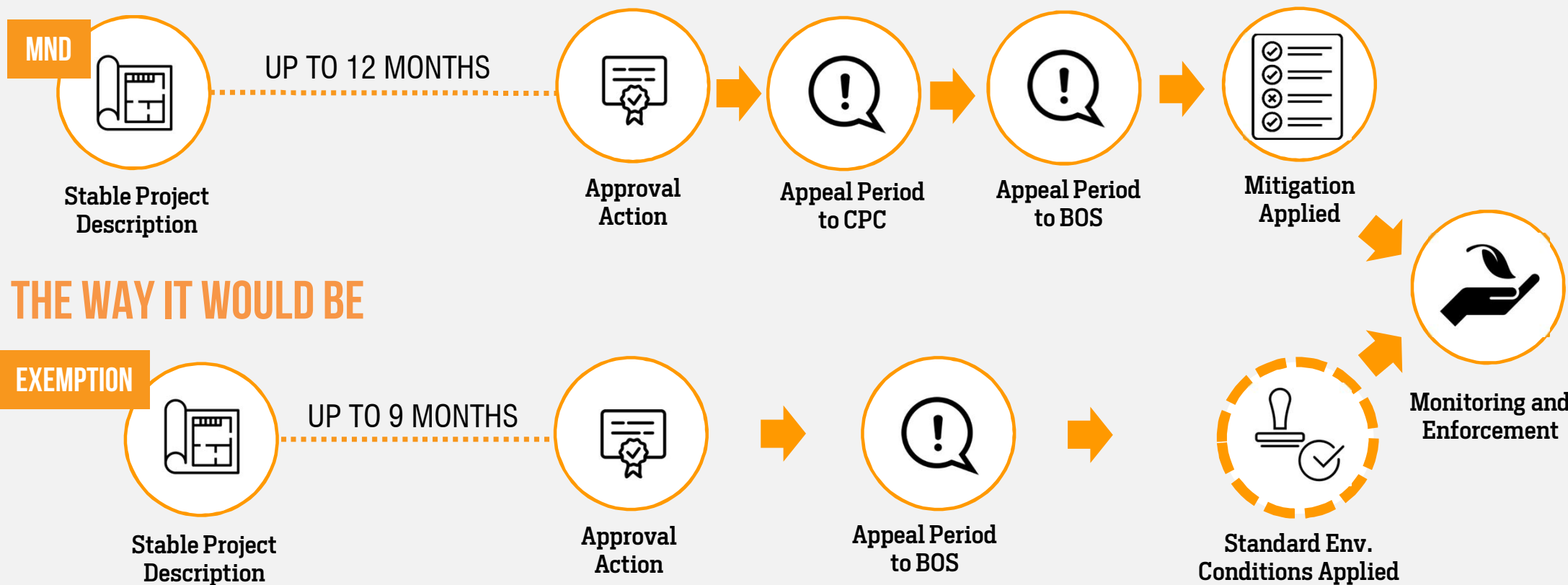


THE WAY IT WOULD BE



Process

THE WAY IT IS NOW



Enabling Ordinance Applicability

Standard Conditions may apply to:

- Small or large development projects that currently require a Mitigated Negative Declaration (MND)
- Some ministerial projects

Typical CEQA review applies:

- Projects with potential for significant impacts (EIR)
- Projects currently eligible for CEQA Exemptions

Potential Standard Condition Applicability:

- Example – Air Quality clean construction equipment standard condition (excludes small projects)



159 & 161 CHARTER OAK AVE

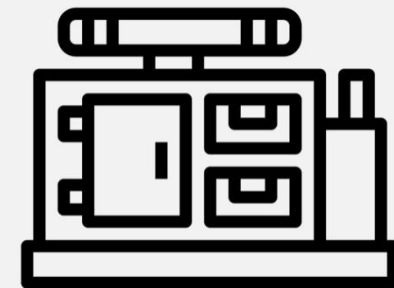
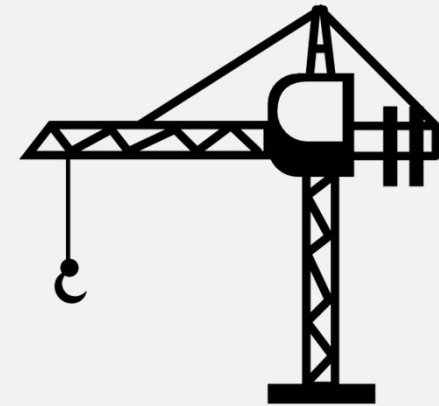


1001 VAN NESS AVE

Standard Environmental Condition: **Air Quality**

Mitigation → Standard Condition

- Requires construction equipment and diesel generators meet the most stringent emission standards
 - Small projects would be exempt due to low overall emissions
- Application would result in approximately **90 percent** reduction of harmful diesel exhaust from uncontrolled sources
- Protects public health and welfare, especially areas with high levels of air pollution



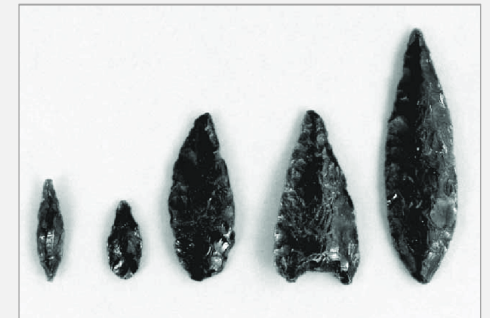
Standard Environmental Condition: Archeological and Tribal Cultural Resources

Mitigation → Standard Condition

- Require projects with soil disturbance to implement measures to avoid or lessen potential impacts to cultural resources, when they are present

Condition Effects

- Consistency & certainty for sponsors
- Streamline CEQA review



Archeological resources discovered at development sites

Standard Conditions **Monitoring + Enforcement**

Monitoring + Enforcement

Current mitigation monitoring applies:

- Building Permit review
- Required documentation
- Site inspection, as needed
- Periodic reporting, as needed

Standard Conditions reviewed at least every 5 years, or as needed



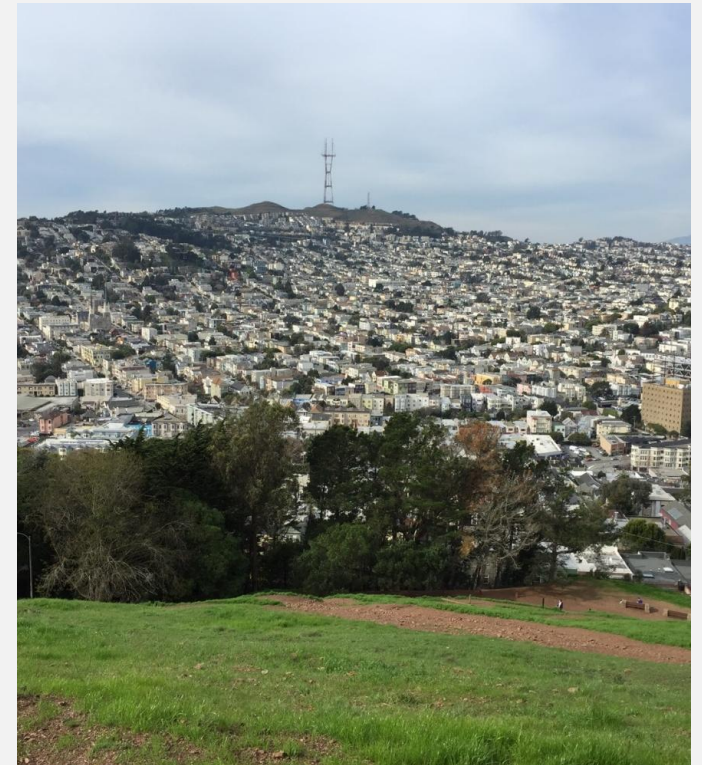
Summary

Goals

- Same or higher level of **environmental protection**
- Greater **consistency and certainty** in permitting process
- **Streamlined** environmental review process
- **Transparency** to public and sponsor

Action Items

- Initiate enabling ordinance
- Schedule adoption hearing



Standard Environmental Conditions Outreach



TECHNICAL WORKSHOP

FEBRUARY 12, 2020 5:30 — 7:30 PM

SF PLANNING, 1650 MISSION ST, 4TH FLR

OPEN TO THE PUBLIC

RSVP: [CEQAStandardsSF.eventbrite.com](https://ceqastandardsSF.eventbrite.com)

Next steps

2/12 TECHNICAL WORKSHOP **5:30 PM** @ SF PLANNING DEPARTMENT

2/27 ORDINANCE ADOPTION HEARING **1:00 PM** @ PLANNING COMMISSION

TBD CONDITIONS INFORMATIONAL HEARING @ PLANNING COMMISSION

TBD CONDITIONS ADOPTION HEARING @ PLANNING COMMISSION

ALL MEETINGS OPEN TO THE PUBLIC

THANK YOU

QUESTIONS?



San Francisco
Planning

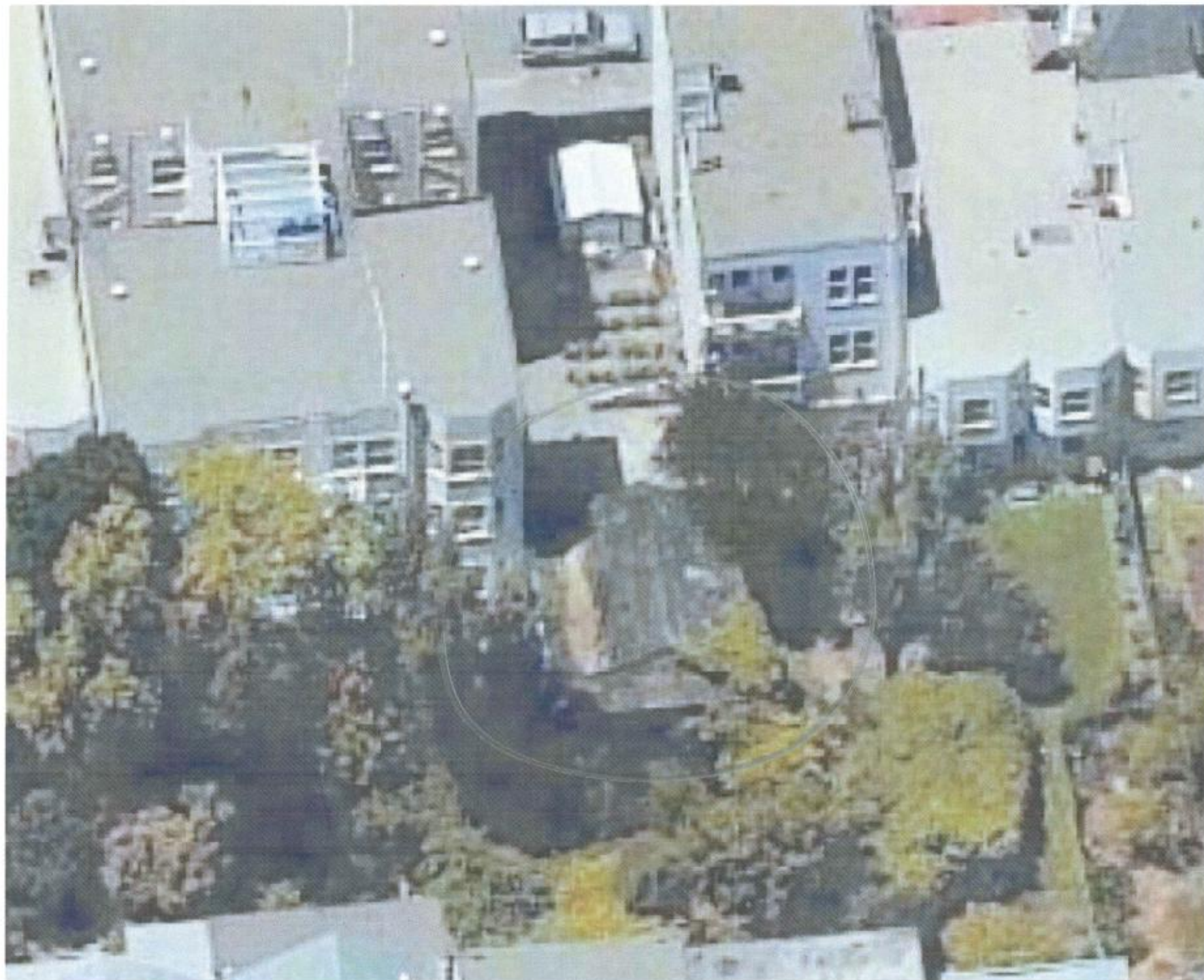
www.sfplanning.org

166 Parker Cottage

CAT "B"
to
CAT "C"

Received at CPC Hearing 1/16/20 /
D. Winkler
Demolished via
900 \$ COMPLAINT





166 PARKER COTTAGE 2002

REAR



166 PARKER COTTAGE 2002 FRONT ^W

**ODD FELLOWS CEMETERY
PUMPING STATION.**



BOYCE

COTTAGES

166





NORTH

7



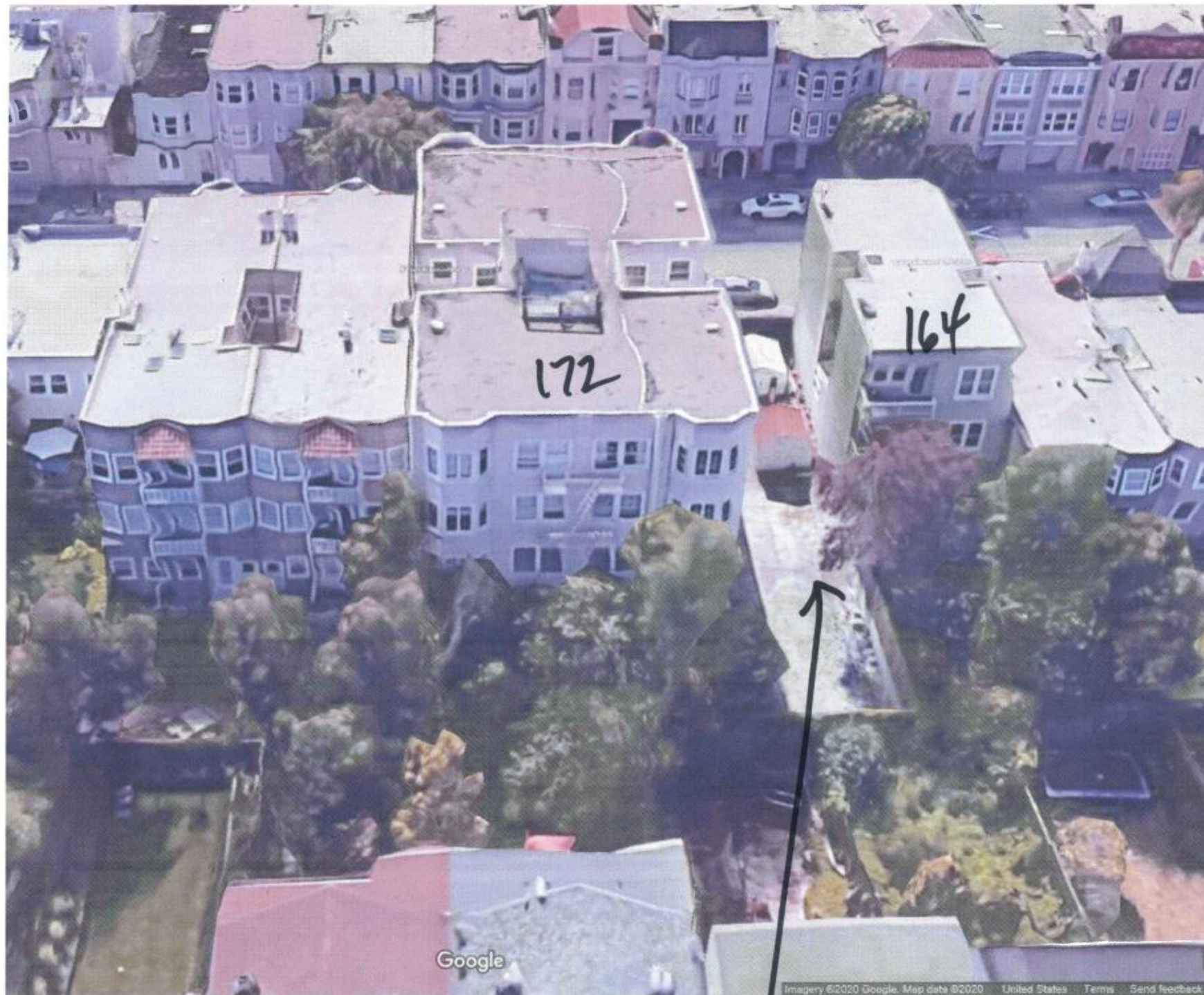
SOUTH

8



TOWARDS WEST

9



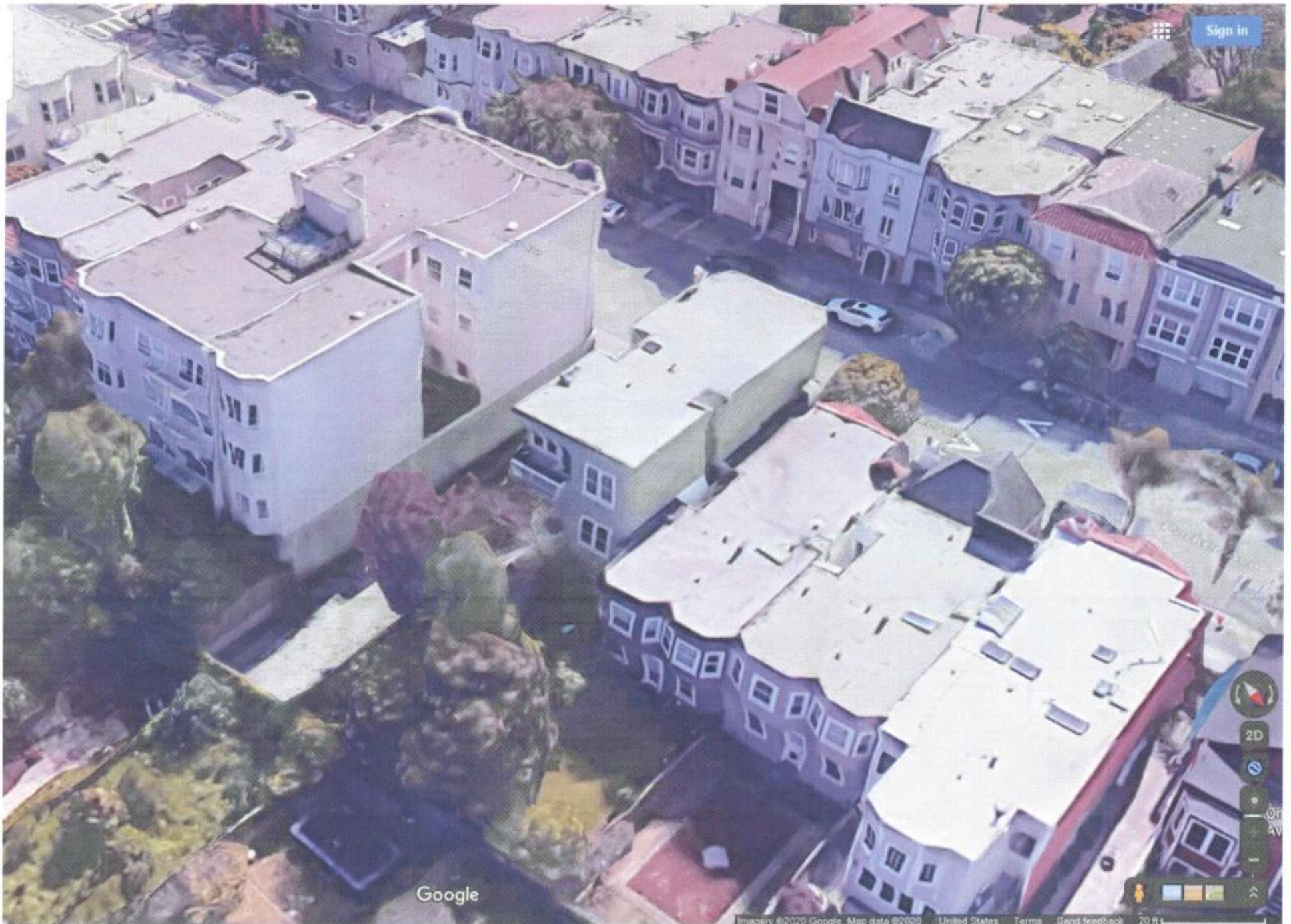
172

164

Google

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166



REAR YARDS



ACROSS ST.



ACROSS ST.



ACROSS ST.

14
LAST RH-2

172



← EUCLID

GEARY →



18TH AVE. LIKE 166



18TH AVE. LIKE JP

PRINT + SIGN



PETITION AGAINST 166 PARKER PROJECT

	<u>NAME</u>	<u>ADDRESS</u>
01	<i>[Signature]</i>	145 PARKER Ave SF 94118
02	<i>[Signature]</i>	142 PARKER SF 94118
03	John Lam	132 Parker Ave. SF 94118
04	J. S. Green	133 Parker Ave SF 94118
05	<i>[Signature]</i>	120 JORDAN SF, CA
06	John J. [Signature]	48 Parker Ave. SR CA 94118
07	Andrew [Signature]	121 Commonwealth
08	Margaret [Signature]	179 Commonwealth 94118
09	Susan Tom	169 Commonwealth Ave.
10	MARY JANE TOM	169 Commonwealth Ave SF 94118
11	BARBARA WEINBERG	167 Commonwealth Ave 94118
12	Jeff Klein	132 Jordan Avenue 94118
13	Allison Goodson	132 Jordan Avenue 94118
14	Walter H. Goodson	160 Commonwealth
15	Gabriel M. Kind	182 Commonwealth
16	Liz Kind	182 Commonwealth
17	Irina Mirkina	151 Commonwealth
18	Olga [Signature]	151 Commonwealth
19	Fred Suen	157 Commonwealth
20	STACEY ZALON	35 PARKER AVE.
21	Gabie Berliner	120 Commonwealth Ave.
22	Legie Gleser	156 Commonwealth Ave
23	Al [Signature]	156 Commonwealth Ave.
24	Pat Goya	137 COMMONWEALTH AVE
25	John TRACY	54 COMMONWEALTH AVE

PETITION AGAINST 166 PARKER PROJECT

	<u>NAME</u>	<u>ADDRESS</u>
26	Robyn Chow	54 Commonwealth
27	Natori Davis	93 Parker
28	Don George	121 Commonwealth
29	Nikki Grier	121 Commonwealth
30	Sara Byrne	72 Commonwealth Ave
31	Tom Byrne	72 Commonwealth Ave
32	Linda Mathews	142 Parker Ave
33	Pete Mathews	142 Parker Avenue
34	Virginia Gable	129 Commonwealth Ave
35	John Gable	129 Commonwealth Ave
36	Nasser Jalali	3340 - 3342 Geary Blvd.
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<u>ADDRESS</u>	<u>ZONING</u>	<u>YR BLT</u>	<u>SF BLDG</u>	<u>SF LOT</u>	<u>UNITS</u>
100 Parker	RM-2	1929	?	?	14 units
120 Parker	RM-2	1932	11850	6067	12 units
122-124 Parker	RH-2	1925	4350	2650	2 units
128 Parker	RH-2	1966	3336	2648	3 units
130-132 Parker	RH-2	1900	2840	2650	2 units
134 Parker	RH-2	1900	2840	2650	1 unit
136 Parker	RH-2	1900	1515	?	1 unit
138 Parker	RH-2	1914	3118	2650	1 unit
142 Parker	RH-2	1915	2280	2650	1 unit
144-146 Parker	RH-2	1900	3100	2756	2 units
148 Parker	RH-2	1900	750	2648	1 unit
150 Parker	RH-2	1900	2736	5296	
156 Parker	RH-2	1932	2154	2665	1 unit
160 Parker	RH-2	1932	1500	2696	1 unit
162 Parker	RH-2	1932	1900	2722	1 unit
164A-B Parker	RH-2	1917	?	?	2 units
166 Parker	RH-2	1900	?	2775	1 unit
172 Parker	RH-2	1933	11850	5675	12 units
176-178 Parker	RH-2	1935	4382	2848	2 units
180-182 Parker	RH-2	1935	4351	2874	2 units
184 Parker	RH-2	1923	910	2900	1 unit

- 166 PARKER (PRES. HTS PLNG AREA) – (HANDOUT: MAP/SF DATA/PETITION)
 - **BREAKS THIS ARCHITECTURAL FABRIC w/ A MODERN URBAN-DESIGN- GUIDELINES- THEMED COMMERCIAL STYLE w/ LITTLE SENSITIVITY TO BLOCK DESIGN HISTORY (PRE-RDGs & PRE-PCode)**
 - ZONED RH-2, IT'S EXEMPTED FROM UDGs
 - PARKER AVE IS NAMED AFTER **SAMUEL HALE PARKER, 1ST GRANDMASTER OF THE INDEPENDENT ORDER OF ODD FELLOWS (IOOF)**
 - **THIS IS THE CULTURAL HISTORY OF THIS UNIQUE HOMESTEAD BLOCK of the JRDN PARK IMPV ASSN (JPIA) -- IOOF, ITS CEMETERY & LAUREL HILL CEMETERY ASSOCIATION (1854-1941) – INEXTRICABLY LINKED TO JORDAN PARK & LAUREL HEIGHTS DEVELOPMENT**
 - **BUILDINGS & PRIOR RESIDENTS ON THIS BLOCK LINKED TO THIS IMPORTANT CULTURAL HISTORY & ARCHITECTURAL DESIGNS AS THE BLOCK DEVELOPED PRE-RDGs & PCode**
 - **THE 1,000-FT. LONG BLOCK DISPLAYS THE ARCHITECTURAL DESIGNS LATE 19THc. – EARLY 20THc. DESIGN HISTORY:**
 - VICTORIAN (e.g. 1880's/1890's) cottages
 - EDWARDIAN
 - ART DECO
 - ANY NEWER BUILDS INCORPORATED THESE FEATURES RESTRAINTFULLY PER RDGs.
 - MERE USE OF BAY WINDOWS & SOME STUCCO AS "MODERN INTERPRETATION" DO ***NOT*** MAKE IT FIT INTO THE BLOCK OF PREDOMINANTLY CAT "B" BUILDS
 - 166 TEARS THE FABRIC OF THIS **CONSISTENT EXCEPTIONAL BLOCK w/ LONG-STANDING HISTORY OF EARLY DEVELOPMENT ARCHITECTURAL DESIGNS** -- pre-RDGs/PCode -- ALL LATER BUILDS/ALTERATIONS APPLIED RDGs TO CONTINUE TO RESPECT THIS EXISTING CULTURALLY HISTORIC BLOCK TO EMPHASIZE "PREVAILING DESIGN CHARACTER" ** & RETAIN THIS SENSE OF PLACE – SO BLOCK MIRACULOUSLY SPARED FROM DISRUPTIVE DISHARMONIOUS PROJECTS & MISTAKES SHOULD NOT BE REPEATED LIKE "RICHMOND SPECIALS" (**GENERAL PLAN, URBAN DESIGN ELEMENT, KEY CONSERVATION OBJECTIVE) (RDGs, P.5: "COMPATIBLE WITH SURROUNDING BUILDINGS")
 - **BUILD DATES + SQ FT DATA DEMONSTRATES 166 PARKER GROSSLY OVER-SIZED FOR SHORT LOT w/ HISTORICALLY SMALLER SFDs & 2-UNIT BUILDINGS REFLECTING DEVELOPMENT PERIOD OF THE BLOCK**
(166 Parker's SF totals differ on Pre-App (6,200 SF) / Proj Appln 07-29-2019 plans – **6,709 SF on 2,775 SF LOT**)
- **PRECEDENT WAS ALREADY SET AT PC ON THIS BLOCK:** DR UPHELD -- NEW MODERN PROJECT THAT DIDN'T CONFORM TO EXISTING ADJACENT & NEARBY BUILDINGS OF THE EARLIEST FORMS OF DEVELOPMENT – **PROJECT FAÇADE COMPLETELY MODIFIED & BLDG MADE SHORTER & SHALLOWER – APPLY RDGs CONSISTENTLY ON BLOCK**
- **NO VARIANCES** ISSUED FOR THIS BLOCK SINCE RDGs & PCODE IN PLACE
 - REAR YARD O/S UNCHANGED SINCE INCEPTION OF RDGs & PCODE – NO REAR YARD VARIANCE SHOULD OCCUR TO END UP w/ PRE-CODE & PRE-RDG YARD
- **ROOFTOP STAIR PENTHOUSE NOT FOUND ON BLOCK** -- VISIBLE FROM STREET AT 47'-8" HIGH -- EYESORE -- **USE ROOF HATCH AS PC HAS DONE ON OTHER DR'D PROJECTS** (RDGs P.38: "STAIR PENTHOUSES MAY ALSO BE ENTIRELY ELIMINATED THROUGH THE USE OF ROOF HATCHES, COURTS WITH STAIRS, OR EXTERIOR REAR STAIRS TO THE ROOF")

- **NO 4TH (TOP) FLOOR ROOF DECK ON THE BLOCK**
 - ROOF DECK (30'-6" x 14') SH/B REMOVED TO NOT SET A PRECEDENT FOR A 4TH/TOP-FLOOR DECK WHERE NONE EXIST ON THIS CULTURALLY HISTORIC BLOCK -- ROOF DECK ON 3RD SET BACK
 - CREATES PRIVACY ISSUES FOR TENANTS IN 164 & 172 PARKER
 - **DECKS ON LOWER (3RD FLOOR & BELOW) "ROOFS" → ADJUST TO SHALLOWER BUILDING DEPTH W/ TRANSPARENT WINDSCREENS THAT CONTAIN NOISE** (RDGs P.40 "TRANSPARENT WINDSCREENS ARE ENCOURAGED.")
 - **OVERSIZED 30'x21' ROOMS → REDUCE TO ACCOMMODATE REMOVAL OF TOP FLOOR ROOF DECK & DECREASE SIZES / REARRANGE REAR DECKS SINCE 125 SF PRIVATE O/S FOR EACH UNIT ALREADY MET**
- **166's = 4 STORIES w/ 4TH FLR TOO VISIBLE FROM STREETFRONT:**
 - CREATES CANYON WALL w/ ADJACENT OUTSIZED APARTMENT BUILDINGS
 - **NO RELIEF FOR PEDESTRIANS AT STREET LEVEL**
 - **DISRUPTS EXISTING HISTORIC DUPLEX RHYTHM/CADENCE OF BLOCK**
 - **4TH (TOP) LEVEL NEAR MAX 40 FT SH/B SETBACK 10-15FT / 45% ANGLE FOR RELIEF AS DUPLEXES ON BLOCK NOT 4 FULL STORIES SEEN AS 2-3 STORIES FROM SIDEWALKS TO KEEP THIS DUPLEX RHYTHM** (RDGs Pp. 23+ "BUILDING SCALE AND FORM"; P.24)
 - **HEIGHTS:**
 - 164 PARKER (EDWARDIAN) = 35'-6"
 - 172 PARKER (ART DECO) 43'-8" (PRE-RDGs/ZONING 40-X)
 - **166 PARKER → 40'-1/4" (W/O PARAPET)** via USE OF APARTMENT BUILDING; REAR SPRUCE ST FOLKS TO SEE 43'-11" STRUCTURE W/ PARAPET due to lower land on that side
- **166 PARKER MAXIMIZES MASS & BULK VIA REAR-YARD AVERAGING TO BREAK THE BLOCK AESTHETICS VIA:**
 - **NONCOMPLYING APARTMENT BUILDING WITH SMALL REAR YARD O/S vs. ENCROACH w/ VARIANCE INTO REQUIRED 45% REAR YARD O/S**
 - **LOT IS SHORTER THAN AVERAGE SO NOT A LOT OF O/S TO START**
- **166 PARKER DESIGN GRABS ATTENTION TO ITSELF WITHOUT REGARD TO ESTABLISHED NEIGHBORS' DESIGN ELEMENTS & MATERIALS UTILIZED HERE & IS AN AFFRONT TO THE PUBLIC WELFARE WHICH IN A BROAD SENSE INCLUDES AESTHETICS FOR WHICH NEIGHBORS FOUGHT FOR IN RDGs IN CODE.** (UDE OF GENERAL PLAN, POLICY 1.3, OBJ. 2 CONSERVATION)
- **166 IS AN "ANYWHERE" INSENSITIVE UDG-ish BUILDING IMPOSED UPON THIS CULTURALLY IMPORTANT BLOCK TO JPIA BEING AN ANOMOLY, LACKING-IN-DETAIL FOR THIS ARCHITECTURALLY SENSITIVE CULTURAL BLOCK** (RDGs P.10: "UNIFY & CONTRIBUTE POSITIVELY TO THE *EXISTING* VISUAL CONTEXT") (PCODE ARTICLE 1, SEC. 101 ...PROTECT THE CHARACTER & STABILITY OF RESIDENTIAL AREAS)
- **PARAPET NOT DETAILED NOR ADDITIVE TO BLOCK – FUNCTIONS MERELY TO ACCENTUATE VERTICALITY – REMOVE – USE "FIRE RATED ROOF"** (RDGs P.16: "ELIMINATE THE NEED FOR PARAPET WALLS BY USING A FIRE-RATED ROOF"; P.39: "DESIGN PARAPETS TO BE COMPATIBLE WITH OVERALL BUILDING PROPORTIONS AND OTHER BUILDING ELEMENTS")
- **LARGE FRONT GRAY FAÇADE ELEMENTS HIDE WINDOWS + BAY WINDOW OVER-HANGS ~15' SIDEWALK BY OVER 2 FEET; GRAY FAÇADE EXPANSES SHOULD BE REMOVED & REDESIGN FAÇADE TO MELD WITH HISTORIC ARCHITECTURAL FABRIC OF BLOCK BUILDINGS**

- (RDGs P.43: "DESIGN THE PLACEMENT AND SCALE OF ARCHITECTURAL DETAILS TO BE COMPATIBLE WITH THE BUILDING AND THE SURROUNDING AREA")
- **ENTRANCES: 2-UNIT BUT 1 DOOR LIKE APT. BLDG – PLANS ONLY SHOW “166” – SHOULD SEPARATE OUT 166 & 168 AS DUPLEX & SHOW ON PLANS**
(RDGs P.31: BUILDING ENTRANCES)
 - **BAY WINDOWS STOP SHORT OF ROOF = ODD & DISCONNECTS WITH SURROUNDING BUILDINGS – NEED BETTER TRANSITION & TOP FLOOR SHOWN DOES NOT DO IT**
(RDGs P.34: WIDTH, HEIGHT AND TYPE OF BAY WINDOWS TO BE COMPATIBLE WITH THOSE ON SURROUNDING BUILDINGS)
 - **164 PARKER HAS CARRIAGE ENTRANCE STYLE DOOR; 172 PARKER HAS PANELED; 166 PARKER = SINGLE SMOOTH “MODERN” GARAGE DOOR NOT TAKING IN ADJACENT PANELLED GARAGE DOOR DESIGNS**
(RDGs P.35: GARAGE DOOR DESIGN)
 - **166 EXTERIOR (“SMOOTH FINISH STUCCO”) LARGE EXPOSED WALLS; UTILIZE QUALITY MATERIALS – NOT METAL, HARDIE PLANK SMALL CHANNEL FIBER CEMENT SIDING NOT IN ADJACENT BUILDINGS NOR OF FRONT FACADES OF ADJ & NEARBY**
(RDGs P.48: “VISIBLE FACADES...WALLS WITHIN LIGHTWELLS,” “MATERIALS OF ADJACENT BUILDINGS,” “ALL EXPOSED WALLS **MUST BE COVERED AND FINISHED WITH QUALITY MATERIALS THAT ARE COMPATIBLE WITH THE FRONT FAÇADE AND ADJACENT BUILDINGS**”)
(RDGs P.47: “LOOK AT TYPES OF MATERIALS USED IN THE NEIGHBORHOOD.”)
 - **“CANOPY” NON-EXISTENT ON FRONT FAÇADE OF OTHER BUILDINGS -- CANOPY DEFINED IN PCODE = ON ENTRANCES USUALLY SUPPORTED ON COLUMNS SUCH AS IN FRONT OF BUSINESSES OR AS A TRIM FEATURE. NON-CONTRIBUTORY TO POSITIVE HARMONIOUS DESIGN OF ADJACENT BUILDINGS & REST OF BLOCK – REMOVE**
 - **LOWER HEIGHT OF BUILDING VIA REDUCTION OF TOP FLOOR HEIGHT → 10’5” (9’4”) = TALLER THAN LOWER FLOORS – DISTRACTS WITH ADJACENT OLDER BUILD FLOOR LEVELS; SMALLER DUPLEX BUILDINGS ON BLOCK = 2-3 STORIES FROM SIDEWALK SEEN**
 - **43’-8.25” THING ?? IS OVER 40 FT. AT RIGHT SIDE OF BUILDING**
 - **32’ VERTICAL WHITE ELEMENT (??) FURTHER ACCENTUATES OVERALL HEIGHT & DISRUPTS CLASSIC GROUNDING & PROPORTION OF NEIGHBORING BUILDINGS – REMOVE**
 - **OUTLIER STEEL CORNICE (??) ROOF LANDING PLATFORM (??) ROOFTOP LEVEL – CONFORM TO BUILDINGS THAT MAKE UP THIS STREET’S ARCHITECTURAL FABRIC**
 - **UNKNOWN BOX ON ROOF – NO RESPONSE FROM PLNG & DEVELOPER**
 - **900 SF GABLED COTTAGE (CAT “B”) DEMOLISHED BY COMPLAINT – NO HRER, NO IDEA WHAT HAPPENED TO THIS SO MR. WINSLOW’S REPORT SHOWS CAT “C” (WHICH SR. PLANNER APPROVED “B” TO “C” AS REQUIRED?)**
 - **AGREED TO MR. WINSLOW’S REQUEST TO DISCUSS FURTHER w/ SPONSOR – WAS TOLD PARTIES NOT AVAILABLE TO THUS NO DISCUSSION OF ALTERNATIVES.**

PLEASE UPHOLD DR TO MAKE IT FIT MORE TO FABRIC OF ARCHITECTURE EXHIBITED ON THIS CULTURALLY IMPORTANT HISTORIC & EXCEPTIONAL BLOCK OF JPIA.

- a. Upon staff research, the Zoning Administrator determined that the 2014.10.14.8857 building permit plans show three units on the property (at levels 1-3) with misleading information in the project data/features table noting only two existing units. The drawings show each unit with independent access, kitchen bedroom(s), and bath(s). Information from the Assessor's office also indicates three units on site.
- b. The permit was erroneously approved without Mandatory Discretionary Review for dwelling unit removal as required per Planning Code §317 in 2015. If the property is not returned to three units, Conditional Use Authorization is required.

OFFICIAL COPY



Department of Building Inspection

City & County of San Francisco
 1660 Mission Street, San Francisco, CA 94103-2414

Building Inspection History



Application Number **201410148857** Block/Lot **0098 / 010** Address **2028 LEAVENWORTH ST**

Description **LWR LIVING AREA:RELOC UNIT 1.CREATE ADDTL SQ FT FR GARAGE AREA.INFILL LITWELL.1/FLR:NEW LAYOUT,NEW WNDWS EXCEPT FRT FACADE.2/FL:NEW INT LAYOUT,NEW WNDWS EXCEPT FRT FACADE,PARTIALLY RAISE FL LEVE.GENERAL:NEW ELEVATOR, REMOVE STAIRS ON DECK, NEW SPRINKLER SYS.NEW ROOF DECK,REPLACE FRT WNDWS IN KIND**

Owner Name	Form #	Job Cost	Disposition	Disposition Date
75 INVESTMENTS LLC	3	\$400,000.00	COMPLETE	09/25/2017

OFFICIAL COPY



APPROVED
 Capacity: 10/14/15
 Date: 10/14/15
 Building Inspection

BUILDING ENLARGEMENT
 DESCRIPTION
☐ VERTICAL
☒ HORIZONTAL

OCT 19 2015
 APPROVED FOR ISSUANCE

BLDB 3/8
 FORM 3/8

APPLICATION NUMBER
201410148857

OSHA APPROVAL REQUIRED
☐

**APPLICATION FOR BUILDING PERMIT
 ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

**CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF BUILDING INSPECTION**

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

DATE FILED <u>10/14/14</u>	FILED FEE RECEIPT <u>15036286</u>	(1) STREET ADDRESS OF JOB <u>2028-2030 LEAVENWORTH ST</u>	BLOCK & LOT <u>0098/610</u>
PERMIT NO. <u>1372764</u>	ISSUED <u>OCT 19 2015</u>	(2) ESTIMATED COST OF JOB <u>\$250,000</u>	(2B) REVISED COST <u>400,000</u>
		BY: <u>MA</u>	DATE <u>9/8/15</u>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. <u>V</u>	(5A) NO. OF STORIES OF OCCUPANCY <u>3</u>	(6A) NO. OF BASEMENTS AND CELLARS <u>0</u>	(7A) PRESENT USE <u>MULTI FAMILY RESIDENTIAL</u>	(8A) OCCUP. CLASS <u>R3</u>	(9A) NO. OF DWELLING UNITS <u>2</u>
----------------------------------	--	---	---	--------------------------------	--

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. <u>V</u>	(5) NO. OF STORIES OF OCCUPANCY <u>3</u>	(6) NO. OF BASEMENTS AND CELLARS <u>0</u>	(7) PROPOSED USE (LEGAL USE) <u>MULTI FAMILY RESIDENTIAL</u>	(8) OCCUP. CLASS <u>R3</u>	(9) NO. OF DWELLING UNITS <u>2</u>
---------------------------------	---	--	---	-------------------------------	---------------------------------------

(10) IS AUTO HIGHWAY TO BE CONSTRUCTED OR ALTERED? <u>NO</u>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? <u>NO</u>	(12) ELECTRICAL WORK TO BE PERFORMED? <u>YES</u>	(13) PLUMBER'S WORK TO BE PERFORMED? <u>YES</u>
---	--	---	--

(14) GENERAL CONTRACTOR <u>LIBIN ZHANG</u>	ADDRESS <u>7984 Washington Blvd #171 Fremont</u>	PHONE <u>415-987-9114</u>	EXPIRATION DATE <u>10/31/15</u>
---	---	------------------------------	------------------------------------

(15) OWNER - LESSEE (CHECK ONE) <u>OWNER</u>	ADDRESS <u>2028-2030 LEAVENWORTH, SAN FRANCISCO, CA 94133</u>	PHONE (FOR CONTACT BY DEPT.) <u>415-300-0585</u>
---	--	---

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
REMODEL LIVING AREA: RELOCATION OF UNIT 1, CREATE ADDITIONAL 300 SQ FT FROM GARAGE AREA.

INFILL OF EXISTING DRIVE, INFILL OF LEAVENWORTH, FIRST FLOOR: NEW LAYOUT, NEW WINDOWS

EXCEPT REARDECK. SECOND FLOOR: NEW INTERIOR LAYOUT, NEW WINDOWS EXCEPT ON FRONT FANDED

PARTIALLY RAISE FLOOR LEVEL. GENERAL: NEW ELEVATOR, REMOVE STAIRS ON DECK

NEW SPRINKLER SYSTEM, NEW DECK, NEW LOOF DECK, REPLACE WINDOWS IN KITCHEN AT FRONT

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? <u>NO</u>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT <u>NO</u>	(19) DOES THIS ALTERATION CREATE DECK OR PORCH, EXTENSION TO BUILDING? <u>NO</u>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA <u>NO</u>
---	--	---	---

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? <u>NO</u>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? <u>NO</u>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLAT PLAN) <u>NO</u>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? <u>NO</u>
---	--	--	--

(25) ARCHITECT OR ENGINEER (DESIGN BY CONSTRUCTION) <u>REAR STUDIO</u>	ADDRESS <u>2443 ELLIOTT ST #215, SAN FRANCISCO CA 94115</u>	CALIF. CERTIFICATE NO. <u>UNKNOWN</u>
---	--	--

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")
UNKNOWN

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire carrying more than 750 volts. See San SPS, Outdoor Power Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, correct drawings showing correct grade lines, cuts and fills, and complete details of existing walls and wall footings must be submitted to this department for approval.

ANY SUBSTITUTION REQUIRED HEREON OR BY CODE MAY BE APPEALED.

BUILDINGS NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FULL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY OBTAINED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WORKING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WORKING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (20) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In drawings, all building materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPLICANT'S BOX

<input checked="" type="checkbox"/> OWNER	<input type="checkbox"/> ARCHITECT
<input type="checkbox"/> LESSEE	<input type="checkbox"/> AGENT
<input type="checkbox"/> CONTRACTOR	<input type="checkbox"/> ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREIN WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

WELD HARMLESS CLAUSES. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (b) or (c) designated below, or shall indicate item (b), (c), or (d), whichever is applicable. If however item (b) is checked, item (c) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

(1) I have and will maintain a certificate of contract to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(2) I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:

Carrier: _____
 Policy Number: _____

(3) The cost of the work to be done is \$100 or less.

(4) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 2800 of the Labor Code, that the permit herein applied for shall be deemed null and void.

(5) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the original Permit Documents.

OFFICE COPY

OFFICIAL COPY

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

CONDITIONS AND STIPULATIONS

REFER TO: APPROVED:

EMILY LIN DBI

SEP 18 2015

BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

APPROVED: Relocate unit #1 to basement level w/ reduced sqm footage. Less than 25% change in size of unit. Relocate garage and kitchen windows at front facade. New roof deck. Replace mechanicals: hot water heaters, window air units, & neighborhood blind walls. Address lights. ENVIRONMENTAL REVIEW. FERTILIZATION AND OR LIGATION 12/26/14. 10/13/15 approve R-2 plans. (MPL)



CATEGORICALLY EXEMPT

DEPARTMENT OF CITY PLANNING & DEVELOPMENT

APPROVED:



BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED:

By JAMES ZHAN, DBI

OCT 05 2015

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

EMILY LIN DBI

SEP 18 2015

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

BUREAU OF ENGINEERING

APPROVED:

DEPARTMENT OF PUBLIC HEALTH

APPROVED:

REDEVELOPMENT AGENCY

APPROVED:

9/15/15, 10/8/15
MPL

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

OFFICIAL COPY



Department of Building Inspection

City & County of San Francisco
1660 Mission Street, San Francisco, CA 94103-2414



Building Inspection History

DEPARTMENT OF
BUILDING INSPECTION

Application Number **201410148857** Block/Lot **0098 / 010** Address **2028 LEAVENWORTH ST**

Description **LWR LIVING AREA:RELOC UNIT 1.CREATE ADDTL SQ FT FR GARAGE AREA.INFILL LITEWELL.1/FLR:NEW LAYOUT,NEW WNDWS EXCEPT FRT FACADE.2/FL:NEW INT LAYOUT,NEW WNDWS EXCEPT FRT FACADE,PARTIALLY RAISE FL LEVE.GENERAL:NEW ELEVATOR, REMOVE STAIRS ON DECK, NEW SPRINKLER SYS.NEW ROOF DECK,REPLACE FRT WNDWS IN KIND**

Owner Name	Form #	Job Cost	Disposition	Disposition Date
75 INVESTMENTS LLC	3	\$400,000.00	COMPLETE	09/25/2017

Owner Phone	# of Plans	# of Units	# of Stories	Occupancy	Bldg Use	Expiration Date	Penalty
(415) 300-0585	2	2	3	R-3	28	11/18/2017	0

Inspector Name	Activity Date	Status Code	Status Description	Comments
Birmingham, Sean	09/25/2017	107	CFC ISSUED	107
Birmingham, Sean	09/22/2017	103	REINSPECT REQUIRED	103
Hernandez, Hector	09/05/2017	142	PRE-FINAL	142 = ok pending si
Birmingham, Sean	08/25/2017	142	PRE-FINAL	need all required signatures
Birmingham, Sean	10/03/2016	135	SHEETROCK NAILING	135
Birmingham, Sean	09/27/2016	133	LATH, EXTERIOR	lath ok
Birmingham, Sean	09/02/2016	129	SHEAR WALL	129
Birmingham, Sean	08/22/2016	127	INSULATION	127
Birmingham, Sean	08/10/2016	146	MECHANICAL	Bathroom fans
Birmingham, Sean	08/09/2016	126	ROUGH FRAME	Except at deck. Need lags
Birmingham, Sean	08/01/2016	125	ROUGH FRAME, PARTIAL	exterior shear, hold downs at face facade
McCarthy, Liam	05/11/2016	125	ROUGH FRAME, PARTIAL	Bolts ok n. Side basement and s. Side first floor. Ok to shear these 2 walls only
Birmingham, Sean	02/26/2016	125	ROUGH FRAME, PARTIAL	roof nailing
Birmingham, Sean	02/18/2016	103	REINSPECT REQUIRED	



City and County of San Francisco
Department of Building Inspection

CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY

LOCATION: 2028 - 2030 Leavenworth 0098/010
(number) (street) (block and lot)

Permit Application No: 201410148857 Type of Construction: 5 Stories: 2 Dwelling Units: 2

Basements: 0 Occupancy Classification: R-3 No. of Guestrooms: 0 with cooking facilities: 0

Description of Construction: Lower Living Area, Relocation of Unit
Infill create addition sq ft for Garage Area
1st floor new layout
New roof Deck

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109A of the *San Francisco Building Code*.

Any change in the use or occupancy of these premises—or any change to the building or premises—could cause the property to be in violation of the *Municipal Codes* of the City and County of San Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy*. A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

This certificate issued on: 7/25/12

Tom C. Hui

Tom C. Hui, S.E., C.B.O., Director

Copies: White (original to microfilm); Blue (to property owner); Yellow (to Building Inspector); Pink (to Housing Inspector)

by: [Signature]
(Signature) Building Inspector

SEAN PIERMENA
Printed Name

166 Parker Ave. SF 941181/16/20

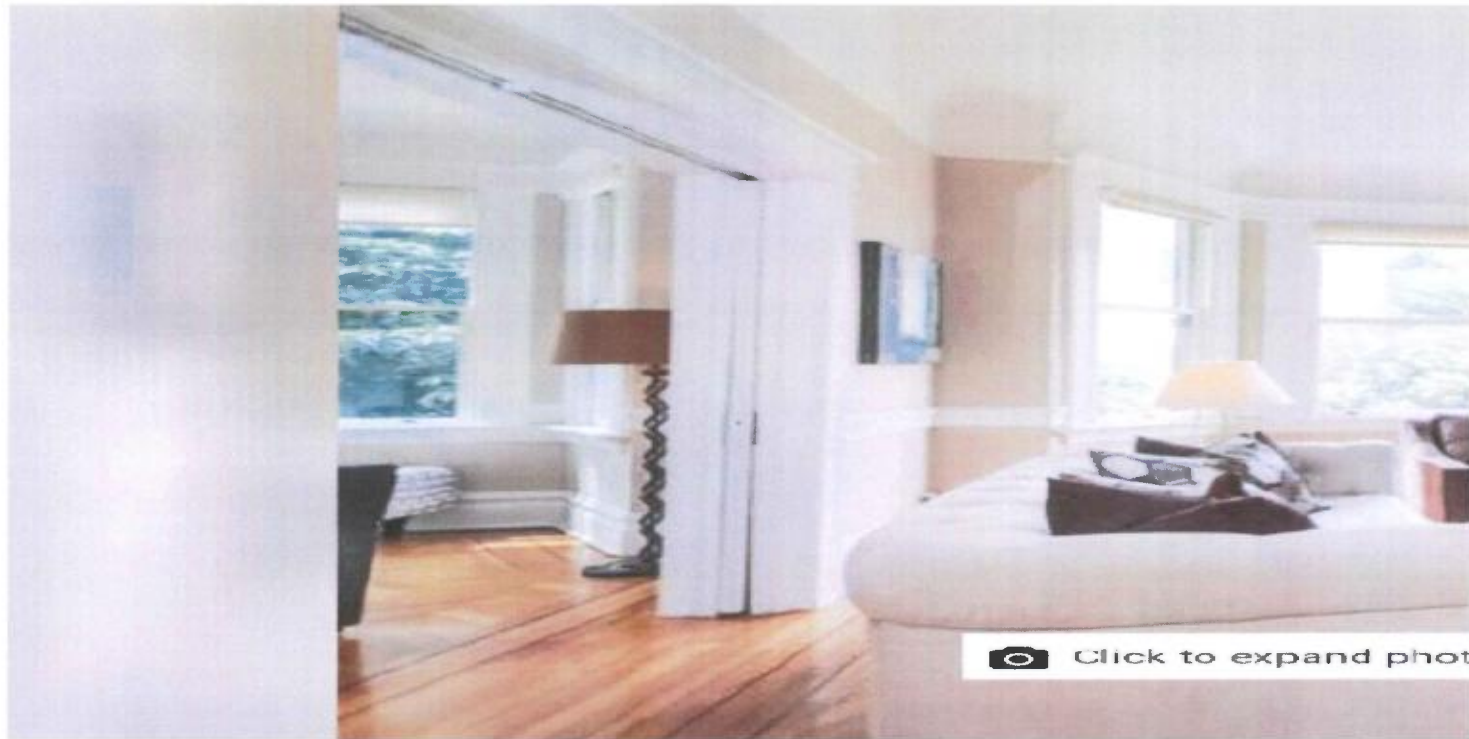
I'm Opposing To Project due To
having a Commercial Box Type of
building in Parker Ave. where
historically has Unique Character. Specifically
one building call Red Parker Dayton (150 Parker)
where my children grew above 30 years
ago. This building will remove
the character of whole neighborhood
Owner has representation on
3330 Geary Blvd. couple hundred feet
from stated property. exact same
Design (Commercial Box).

Thank you.

Nasser Jalali
3342 Geary Blvd
SF, CA. 94118



2028-2030 Leavenworth sold \$2.930 million sept. 21,2014



Click to expand photos

2030 Leavenworth St. San Francisco, CA 94133 - realtor.com®

<https://www.realtor.com>



Map

2 beds **2** baths

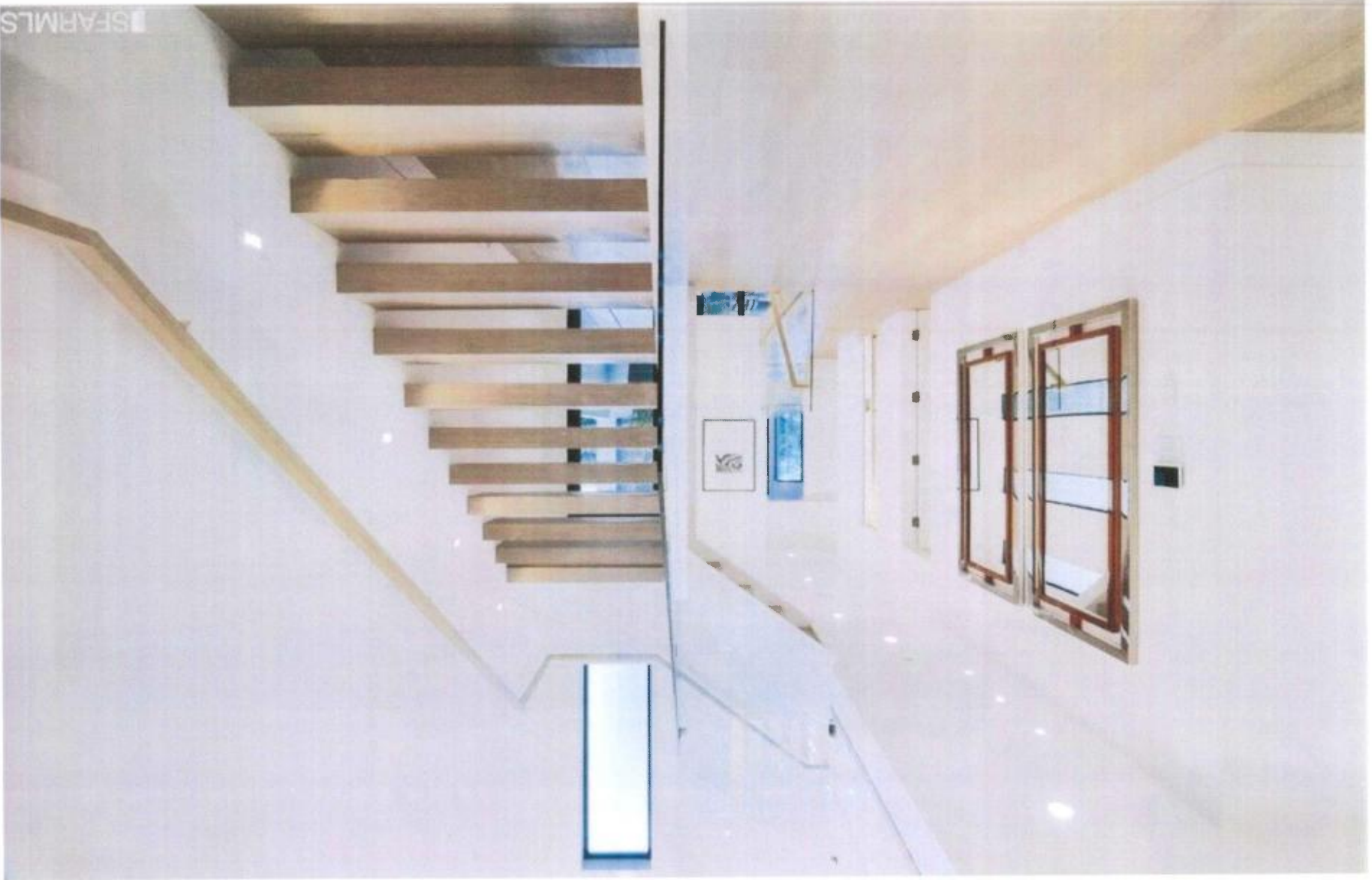
Commute Time 2030 Leavenworth St, San Francisco, CA

2028 Leavenworth sold \$8.5million April 30,2018









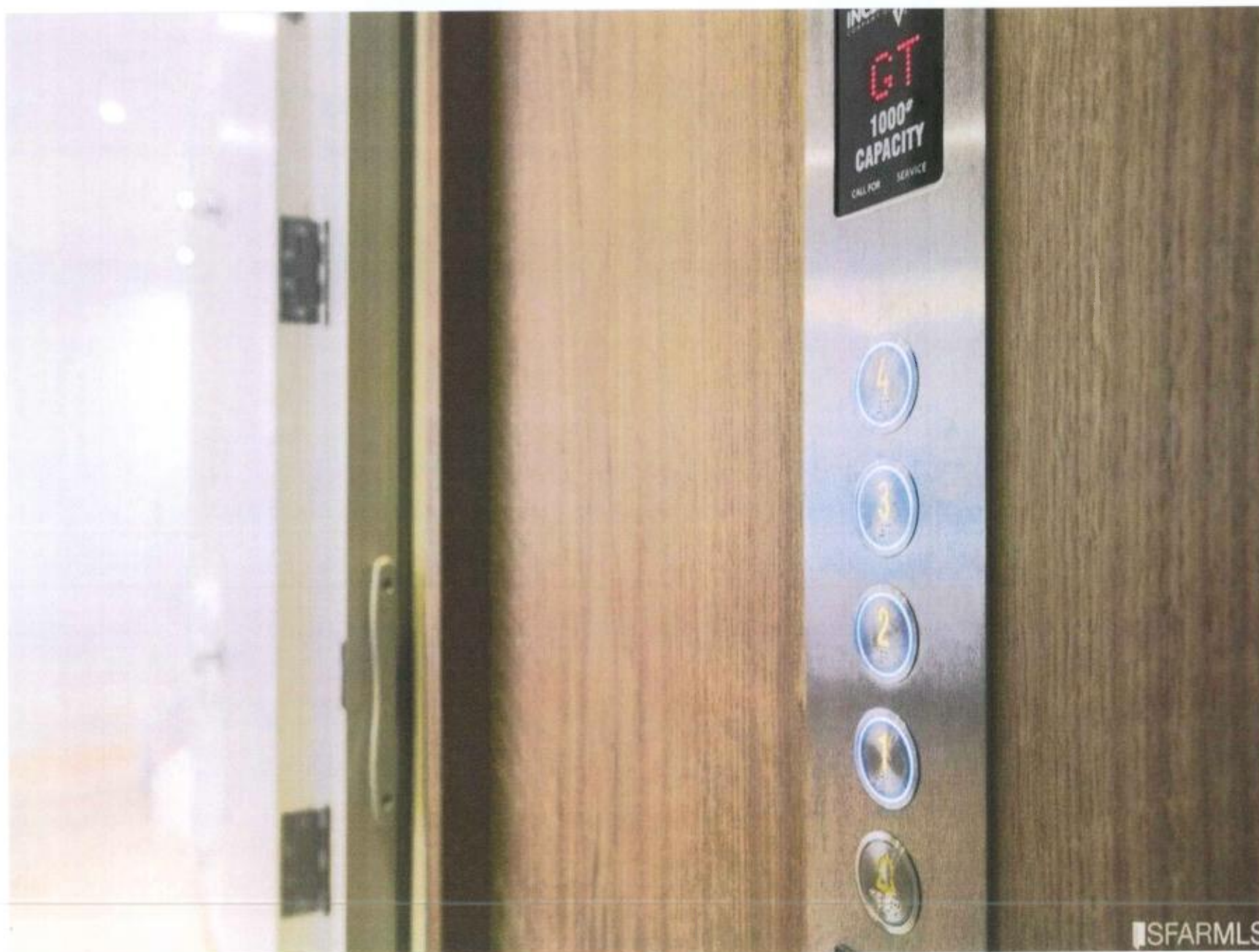
















01 021 000



Received at CPC Hearing

1/16/20

D. Wengler

January 16, 2020

President Myrna Melgar and Planning Commissioners
#1 Dr. Carlton B. Goodlett Place, Room 400
San Francisco, CA 94102

Re: Case No. 2019-001694CUA 1500 Mission Street

Dear President and Members of the Planning Commission:

My name is MARIA CRISTINA ^{LOTIKHAER} and I am writing on behalf of my organization COMPANEROS ^{DE BARILLO} to express our support for United to Save the Mission in denying the Equinox approval to add massage use at 1500 Mission St.

Equinox is a "luxury gym" seeking a permit in an area which serves as the fulcrum and connection point for the Mission, SOMA, and Tenderloin communities; multi-ethnic neighborhoods devastated by gentrification and displacement. Vulnerable communities depend on businesses to be strong of spirit, uplift their needs, and create opportunity for them to thrive. This proposed project and its additional massage use approval will only further contribute to the continued hardships that residents face by making their neighborhood less hospitable and more unwelcoming. After representatives from our surrounding communities spoke to the Equinox team, it has become clear that there is no meaningful offer of health or other benefits to surrounding working-class neighborhood residents that would merit the City of San Francisco granting a discretionary approval of a massage use at this location.

When asked about the potential to collaborate with our local communities to assure working-class individuals and families would have the opportunity for access to the gym, they declined to even explore the option. The Equinox team has offered no meaningful equitable ideas for how to be a good neighbor, and instead appear principally interested in building their gym in a way that would maximize profits.

Equinox is the same company whose owner hosted a fundraiser for Trump. Exclusivity and marginalization is business as usual to them. Their attempt to wall themselves off from any genuine talks with predominantly communities of color further exemplifies their contribution to the Trumpian agenda of diminishing these communities.

Our communities deserve businesses that truly uphold the ideals of diversity for its residents. Businesses who genuinely desire to build bridges toward positive solutions and equitable access for communities of color. Deny Equinox' approval request and reinforce this Commission's expectation that businesses such as these collaborate with our local communities in a meaningful and sincere way. Thank you.

Sincerely,



January 16, 2020

President Myrna Melgar and Planning Commissioners
#1 Dr. Carlton B. Goodlett Place, Room 400
San Francisco, CA 94102

Re: Case No. 2019-001694CUA 1500 Mission Street

Dear President and Members of the Planning Commission:

My name is Carlos Bocanegra and I am writing on behalf of my organization Cultural Action Network to express our support for United to Save the Mission in denying the Equinox approval to add massage use at 1500 Mission St.


Equinox is a "luxury gym" seeking a permit in an area which serves as the fulcrum and connection point for the Mission, SOMA, and Tenderloin communities; multi-ethnic neighborhoods devastated by gentrification and displacement. Vulnerable communities depend on businesses to be strong of spirit, uplift their needs, and create opportunity for them to thrive. This proposed project and its additional massage use approval will only further contribute to the continued hardships that residents face by making their neighborhood less hospitable and more unwelcoming. After representatives from our surrounding communities spoke to the Equinox team, it has become clear that there is no meaningful offer of health or other benefits to surrounding working-class neighborhood residents that would merit the City of San Francisco granting a discretionary approval of a massage use at this location.

When asked about the potential to collaborate with our local communities to assure working-class individuals and families would have the opportunity for access to the gym, they declined to even explore the option. The Equinox team has offered no meaningful equitable ideas for how to be a good neighbor, and instead appear principally interested in building their gym in a way that would maximize profits.

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Sincerely,


Carlos Bocanegra
Cultural Action Network

January 16, 2020

President Myrna Melgar and Planning Commissioners
#1 Dr. Carlton B. Goodlett Place, Room 400
San Francisco, CA 94102

Re: Case No. 2019-001694CUA 1500 Mission Street

Dear President and Members of the Planning Commission:

We are writing on behalf of Dolores Street Community Services to express our support for United to Save the Mission motion to denying the Equinox approval to add massage use at 1500 Mission St.

Equinox is a "luxury gym" seeking a permit in an area, which serves as the fulcrum and connection point for the Mission, SOMA, and Tenderloin communities; multi-ethnic neighborhoods devastated by gentrification and displacement. Vulnerable communities depend on businesses to be strong of spirit, uplift their needs, and create opportunity for them to thrive. This proposed project and its additional massage use approval will only further contribute to the continued hardships that residents face by making their neighborhood less hospitable and more unwelcoming. After representatives the surrounding communities spoke to the Equinox team, it has become clear that there is no meaningful offer of health or other benefits to surrounding working-class neighborhood residents that would merit the City of San Francisco granting a discretionary approval of a massage use at this location.

When asked about the potential to collaborate with local communities groups to assure working-class individuals and families would have the opportunity for access to the gym, they declined to explore the option. The Equinox team has offered no meaningful equitable ideas for how to be a good neighbor.

Deny Equinox' approval request and reinforce this Commission's expectation that businesses such as these collaborate with our local communities in a meaningful and sincere way. Thank you.

Sincerely,



Diana R. Flores
Director of Community Engagement and Organizing Programs
Dolores Street Community Services
938 Valencia Street, San Francisco, CA 94110
T: (415)282-6209 ext 154 | F: (415)282-2826

Letter to Planning Commissioners January 16, 2020

2 messages

Siu Cheung <mamashome@gmail.com>

Thu, Jan 16, 2020 at 11:44 AM

To: myrna.melgar@sfgov.org, joel.koppel@sfgov.org, sue.diamond@sfgov.org, frank.fung@sfgov.org, milicent.johnson@sfgov.org, kathrin.moore@sfgov.org, dennis.richards@sfgov.org, jonas.ionin@sfgov.org

Cc: cebocanegra@usfca.edu, gmuse3412@gmail.com

President Myrna Melgar and Planning Commissioners

#1 Dr. Carlton B. Goodlett Place, Room 400

[San Francisco, CA 94102](#)

January 16, 2020

Re: Case No. 2019-001694CUA [1500 Mission Street](#)

Dear President and Members of the Planning Commission:

My name is Siu Cheung and I am writing on behalf of our organization Tenderloin Chinese Rights Association (TCRA) to express our support for United to Save the Mission in denying the Equinox approval to add massage use at [1500 Mission St.](#)

Equinox is a "luxury gym" seeking a permit in an area which serves as the fulcrum and connection point for the Mission, SOMA, and Tenderloin communities; multi-ethnic neighborhoods devastated by gentrification and displacement. Vulnerable communities depend on businesses to be strong of spirit, uplift their needs, and create opportunity for them to thrive. This proposed project and its additional massage use approval will only further contribute to the continued hardships that residents face by making their neighborhood less hospitable and more unwelcoming. After representatives from our surrounding communities spoke to the Equinox team, it has become clear that there is no meaningful offer of health or other benefits to surrounding working-class neighborhood residents that would merit the City of San Francisco granting a discretionary approval of a massage use at this location.

When asked about the potential to collaborate with our local communities to assure working-class individuals and families would have the opportunity for access to the gym, they declined to even explore the option. The Equinox team has offered no meaningful equitable ideas for how to be a good neighbor, and instead appear principally interested in building their gym in a way that would maximize profits.

Equinox is the same company whose owner hosted a fundraiser for Trump. Exclusivity and marginalization is business as usual to them. Their attempt to wall themselves off from any genuine talks with predominantly communities of color further exemplifies their contribution to the Trumpian agenda of diminishing these communities.

Our communities deserve businesses that truly uphold the ideals of diversity for its residents. Businesses who genuinely desire to build bridges toward positive solutions and equitable access for communities of color. Deny Equinox' approval request and reinforce this Commission's expectation that businesses such as these collaborate with our local communities in a meaningful and sincere way.

Thank you.

Sincerely,

Siu Cheung

(Honorary Advisor)

Tenderloin Chinese Rights Association (TCRA)

1 [Planning, Administrative Codes - Residential Occupancy]

2
3 **Ordinance amending the Planning Code to create the Intermediate Length Occupancy**
4 **residential use characteristic; amending the Administrative Code to clarify existing law**
5 **regarding the enforceability of fixed-term leases in rental units covered by the just**
6 **cause protections of the Residential Rent Stabilization and Arbitration Ordinance (the**
7 **"Rent Ordinance"), prohibit the use of rental units for temporary occupancies by non-**
8 **tenants, require landlords to disclose in advertisements for such units that the units**
9 **are subject to the Rent Ordinance, and authorize enforcement through administrative**
10 **and/or civil penalties; requiring the Controller to conduct a study to analyze the**
11 **impacts of new Intermediate Length Occupancy units in the City; affirming the**
12 **Planning Department's determination under the California Environmental Quality Act;**
13 **and making findings of consistency with the General Plan, and the eight priority**
14 **policies of Planning Code, Section 101.1, and findings of public necessity,**
15 **convenience, and welfare under Planning Code, Section 302.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.
18 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
19 **Board amendment additions** are in double-underlined Arial font.
20 **Board amendment deletions** are in ~~Arial font~~.
21 **Asterisks (* * * *)** indicate the omission of unchanged Code
22 subsections or parts of tables.

23 Be it ordained by the People of the City and County of San Francisco:

24 Section 1. CEQA, General Plan, and Planning Code Findings.

25 (a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 191075 and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____, and incorporates such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 102 (including placing a new defined term in alphabetical sequence), adding Section 202.10, and revising Sections 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3, 210.4, and 710, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Intermediate Length Occupancy. *A Residential Use characteristic that applies to a Dwelling Unit offered for occupancy by a natural person for an initial stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30 consecutive days but less than one year. This use characteristic is subject to the requirements of Section 202.10.*

* * * *

1 **Residential Use.** A Use Category consisting of uses that provide housing for San
2 Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential
3 Hotels, and Senior Housing, Homeless Shelters, and for the purposes of Article 4 only any
4 residential components of Institutional Uses. Single Room Occupancy, Intermediate Length
5 Occupancy, and Student Housing designations are considered ed characteristics of certain
6 Residential Uses.

7 * * * *

8 **Use Characteristic.** A feature of a Use, related to its physical layout, location, design,
9 access, or other characteristics. Use Characteristics may be regulated independently of a
10 Use itself. Residential Use Characteristics include Single Room Occupancy, Intermediate
11 Length Occupancy, and Student Housing. Commercial Use Characteristics include Drive-up
12 Facility, Formula Retail, Hours of Operation, Maritime Use, Open Air Sales, Outdoor Activity,
13 and Walk-Up Facility.

14 * * * *

15 **SEC. 202.10. LIMITATION ON INTERMEDIATE LENGTH OCCUPANCIES.**

16 (a) Purpose. To encourage the use of Dwelling Units for long-term occupancy by
17 permanent San Francisco residents with initial terms of occupancy of at least one year, the following
18 provisions shall apply to Intermediate Length Occupancy units.

19 (b) Controls.

20 (1) Permitting. Intermediate Length Occupancy units shall be permitted as follows:

21 (A) For buildings with nine or fewer Dwelling Units, requests to authorize
22 the establishment of an Intermediate Length Occupancy Use Characteristic shall be principally
23 permitted, provided that:

24 (i) No more than 25% of the Dwelling Units in the building may be
25 permitted as Intermediate Length Occupancy units.

1 (ii) Each unit proposed to be permitted as an Intermediate Length
2 Occupancy unit is specifically identified.

3 (B) For buildings with 10 or more Dwelling Units, Intermediate Length
4 Occupancy units shall be prohibited, unless authorized pursuant to a conditional use authorization
5 under Section 303, provided that:

6 (i) No more than 20% of the Dwelling Units in the building may be
7 permitted as Intermediate Length Occupancy units.

8 (ii) Each unit proposed to be permitted as an Intermediate Length
9 Occupancy unit is specifically identified.

10 (2) **Maximum Amount.** No more than 1,000 Intermediate Length Occupancy units
11 shall be permitted in the City.

12 (3) **Exceptions.** The requirements of this Section 202.10 shall not apply to:

13 (A) Any Dwelling Unit that is defined as Student Housing in Section 102; or

14 (B) A Residential Hotel unit subject to the provisions of Administrative Code
15 Chapter 41.

16 (4) **Ineligible units.** Dwelling Units that are subject to the City's Inclusionary
17 Affordable Housing Program set forth in Sections 415.1. et seq., or otherwise designated as below
18 market rate or income-restricted under City, state, or federal law, and Dwelling Units that are subject
19 to the rent increase limitations in Administrative Code Section 37.3 shall not be eligible to be
20 Intermediate Length Occupancy units.

21 (c) **Compliance.**

22 (1) **Abandonment.** Any Dwelling Unit permitted as an Intermediate Length
23 Occupancy unit pursuant to this subsection (b) may be offered for an initial term of occupancy of one
24 year or greater without losing the Use Characteristic, provided that the Use Characteristic shall be
25

1 considered abandoned if discontinued or otherwise abandoned for the time periods specified in Article
2 1.7.

3 (2) **Compliance Schedule.** Within six months of the Effective Date of this ordinance
4 in Board File No. _____, the Department shall develop and publish procedures for evaluating
5 requests to establish Intermediate Length Occupancy units. The owner or operator of each
6 Intermediate Length Occupancy unit must submit a complete application within 24 months of the
7 Effective Date of this ordinance in Board File No. _____.

8 (d) **Annual Reports.** No later than March 1 of each year, the owner or operator of each
9 Intermediate Length Occupancy unit shall submit to the Department an Annual Unit Usage Report for
10 the prior calendar year containing the following information:

11 (1) The address and location of the Intermediate Length Occupancy unit.

12 (2) The number of times the unit was occupied by a natural person for an initial
13 stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30
14 consecutive days but less than one year, including the duration and dates of each of those stays.

15 (3) The average duration of each stay.

16 (4) The average vacancy between each stay.

17 (5) The nature of the services, if any, that are provided to occupants of the
18 Intermediate Length Occupancy units, including furnishings, or other amenities, and whether there has
19 been an increase or decrease in the services since the last report.

20 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

21 * * * *

22 **Table 209.1**

23 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
Category						

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate</u>	<u>§§ 102,</u>	<u>P(9)</u>	<u>P(9)</u>	<u>P(9)</u>	<u>P(9)</u>	<u>P(9)</u>
<u>Length</u>	<u>202.10</u>					
<u>Occupancy</u>						
Single Room	§ 102	P	P	P	P	P
Occupancy						

* * * *

(9) C for buildings with 10 or more Dwelling Units.

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

* * * *

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning	§ References	RM-1	RM-2	RM-3	RM-4
Category					

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length Occupancy</u>	<u>§§ 102, 202.10</u>	<u>P(10)</u>	<u>P(10)</u>	<u>P(10)</u>	<u>P(10)</u>
Single Room Occupancy	§ 102	P	P	P	P

* * * *

(10) C for buildings with 10 or more Dwelling Units.

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
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* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length Occupancy</u>	<u>§§ 102, 202.10</u>	<u>P(11)</u>	<u>P(11)</u>
Single Room Occupancy	§ 102	P	P

* * * *

(11) C for buildings with 10 or more Dwelling Units.

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

* * * *

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
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* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<i>Intermediate Length Occupancy</i>	<u>§§ 102, 202.10</u>	<i>P(10)</i>	<i>P(10)</i>
Single Room Occupancy	§ 102	P	P

* * * *

(10) C for buildings with 10 or more Dwelling Units.

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.

* * * *

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
-----------------	--------------	-----

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length</u>	<u>§§ 102, 202.10</u>	<u>P(6)</u>
<u>Occupancy</u>		
Single Room Occupancy	§ 102	P

* * * *

(6) C for buildings with 10 or more Dwelling Units.

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
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* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length Occupancy</u>	<u>§§ 102, 202.10</u>	<u>P(8)</u>	<u>P(8)</u>	<u>P(8)</u>	<u>P(8)</u>	<u>P(8)</u>
Single Room Occupancy	§ 102	P	P	P	P	P

* * * *

(8) C for buildings with 10 or more Dwelling Units.

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
-----------------	--------------	---------	---------	---------	-------

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length Occupancy</u>	<u>§§ 102, 202.10</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Single Room Occupancy	§ 102	NP	NP	NP	NP

* * * *

SEC. 210.4. M DISTRICTS: INDUSTRIAL.

* * * *

Table 210.4

ZONING CONTROL TABLE FOR M DISTRICTS

Zoning Category	§ References	M-1	M-2
-----------------	--------------	-----	-----

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length</u>	<u>§§ 102, 202.10</u>	<u>P(4)</u>	<u>P(4)</u>
<u>Occupancy</u>			
Single Room	§ 102	P	P
Occupancy			

* * * *

(4) C for buildings with 10 or more Dwelling Units.

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

* * * *

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	NC-1 Controls
-----------------	--------------	------------------

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *

Use Characteristics

<u>Intermediate Length</u>	<u>§§ 102; 202.10</u>	<u>P(10)</u>
<u>Occupancy</u>		
Single Room Occupancy	§ 102	P

* * * *

(10) C for buildings with 10 or more Dwelling Units.

Section 3. Amendment of Specific Zoning Control Tables.

Zoning Control Tables 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 729, 730, 731, 732, 733, 734, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, and 764 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 2 of this ordinance, to create "Intermediate Length Occupancy" as a new Residential Use Characteristic, citing Planning Code Sections 102 and 202.10 as references, identifying "P" as the zoning control, and including the note ("C for buildings with 10 or more Dwelling Units"), provided that the note shall be numbered as appropriate for each table, as follows.

Zoning Control Table	Note #
711	12
712	11
713	8
714	8
715	6
716	7
717	6
718	7
719	9
720	5
721	5
722	13
723	8
724	6
725	5

1	726	7
2	728	7
3	729	5
4	730	5
5	731	6
6	732	6
7	733	6
8	734	6
9	750	9
10	751	7
11	752	7
12	753	5
13	754	8
14	755	6
15	756	6
16	757	10
17	758	9
18	759	8
19	760	4
20	761	6
21	762	7
22	763	6
23	764	9
24		
25		

1 Section 4. The Administrative Code is hereby amended by adding Section 37.9F, to
2 read as follows:

3 **SEC. 37.9F. CIRCUMVENTION OF TENANT PROTECTIONS.**

4 **(a) Findings.** *As market rents continue to increase in San Francisco, landlords of rent-*
5 *controlled units have a greater incentive to prevent long-term tenancies. Complementing the just cause*
6 *protections in Section 37.9, this Section 37.9F addresses the growing efforts among some landlords to*
7 *induce their tenants into believing that they are required to vacate their units at a specific time*
8 *designated in the lease or agreement, despite existing law to the contrary, or to try to avoid certain*
9 *landlord-tenant obligations altogether. This trend is especially common with respect to corporate*
10 *rentals, though it is not limited to corporate rentals. Such tactics by landlords undermine rent control*
11 *and frustrate the purpose of ensuring that rent-controlled units in the City remain available as a long-*
12 *term housing option for the City's renters.*

13 **(b) Prohibition of Fixed-Term Agreements.** *Consistent with Section 37.9(a)(2) and Section*
14 *37.9(e), any provision of any lease or rental agreement that purports to require a tenant to vacate a*
15 *rental unit at the expiration of a stated term, or that purports to characterize a tenant's failure to*
16 *vacate the rental unit at the end of the stated term as a just cause for eviction (either of them, a "Fixed-*
17 *Term Agreement"), shall be void as contrary to public policy, and a landlord may not attempt to*
18 *recover possession of the unit without just cause. This prohibition shall not apply where this Chapter*
19 *37 expressly authorizes a fixed-term tenancy (e.g., Section 37.2(a)(D)), or where it expressly authorizes*
20 *a tenant to be evicted without just cause (e.g., Section 37.9(b)).*

21 **(c) Restrictions on Non-Tenant Uses.**

22 **(1)** *A rental unit is being used for a "Non-Tenant Use" when the landlord is*
23 *allowing the unit to be occupied by a person or entity who is not a "tenant" as defined in Section*
24 *37.2(t). Renting a unit to a corporate entity or other non-natural person, or using a unit as housing for*
25 *one's employees, licensees, or independent contractors rather than one's tenants, are nonexclusive*

1 examples of Non-Tenant Uses. This subsection (c) is not intended to narrow the definition of “tenant”
2 under Section 37.2(t) or to limit the just cause protections in Section 37.9; the sole intent is to prevent
3 landlords from circumventing or undermining the tenant protections of this Chapter 37, by restricting
4 when a landlord may provide a rental unit to a person or entity to the extent that person or entity does
5 not otherwise qualify as a “tenant.”

6 (2) Commencing April 1, 2020, it shall be unlawful to use a rental unit or allow a
7 rental unit to be used for a Non-Tenant Use, subject to the exemptions listed in subsection (c)(3). Any
8 provision of any agreement entered into on or after April 1, 2020 that purports to allow a unit to be
9 used for an unauthorized Non-Tenant Use shall be void as contrary to public policy, and the occupants
10 shall instead be deemed tenants under Section 37.2(t).

11 (3) This subsection (c) does not apply to any of the following:

12 (A) where the rental unit is subject to an agreement authorizing a Non-Tenant
13 Use that was entered into before April 1, 2020, for the existing duration of that agreement.

14 (B) the use of a rental unit as a lawful short-term rental as set forth in
15 Administrative Code Chapter 41A.

16 (C) where the landlord is providing the rental unit to its employees as a
17 condition of their employment to assist in the maintenance or management of a building owned or
18 managed by the landlord (e.g., resident managers).

19 (D) where an organization with tax-exempt status under 26 United States Code
20 Sections 501(c)(3) or 501(c)(4) is providing access to the unit in furtherance of its primary mission to
21 provide housing.

22 (d) **Required Disclosures.** Commencing April 1, 2020, every online listing for a
23 rental unit, excluding listings by landlords or master tenants who will reside in the same rental unit as
24 their tenants or subtenants, must contain a legible disclosure in at least 12-point font that includes the
25 following text: “This unit is a rental unit subject to the San Francisco Rent Ordinance, which limits

1 evictions without just cause, and which states that any waiver by a tenant of their rights under the Rent
2 Ordinance is void as contrary to public policy.” The foregoing text should also be included in print
3 advertisements, if practicable.

4 (e) **Monitoring and Enforcement.**

5 (1) The Board shall receive referrals regarding online listings that do not comply
6 with subsection (d). Upon receipt of a referral, if the Board determines that the listing does not
7 substantially comply with subsection (d) and that the defects have not been cured, the Board shall
8 inform the landlord in writing. The landlord shall be required to correct the violation within three
9 business days after receiving the notice. If the landlord has not corrected the violation within three
10 business days, the Board may impose a reasonable administrative penalty of up to \$100 per day, not
11 counting the three-day correction period, provided that in no event shall the total administrative
12 penalty for a single listing exceed \$1,000. The procedure for the imposition, enforcement, collection,
13 and administrative review of the administrative penalty shall be governed by Administrative Code
14 Chapter 100, “Procedures Governing the Imposition of Administrative Fines,” which is hereby
15 incorporated in its entirety. Any administrative penalties collected under this subsection (e)(1) shall be
16 deposited in the General Fund of the City and County of San Francisco to be used for enforcement of
17 this Section 37.9F.

18 (2) The City Attorney may bring a civil action in San Francisco Superior Court
19 against a party who has failed to comply with this Section 37.9F. A nonprofit organization with tax
20 exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission
21 of protecting the rights of tenants in San Francisco may also bring such a civil action, provided that the
22 organization shall first provide 30 days’ written notice of its intent to initiate civil proceedings by
23 serving a draft complaint on the City Attorney’s Office and on any known address(es) of the affected
24 tenant(s), and may not initiate civil proceedings until the end of this 30 day period. A party who
25 violates this Section 37.9F may be liable for civil penalties of not more than two times the amount paid

1 or received for use of the rental unit during the period of the unlawful activity, and each rental unit
2 used in violation of this Section 37.9F shall constitute a separate violation. Any monetary award
3 obtained in such a civil action shall be deposited in the General Fund of the City and County of San
4 Francisco to be used for enforcement of this Section 37.9F. The court shall also award reasonable
5 attorney's fees and costs to the City Attorney or a nonprofit organization that is the prevailing party in
6 such a civil action.

7 (3) The remedies available under this subsection (e) shall be in addition to any other
8 existing remedies that may be available.

9
10 Section 5. Additional Findings. Section 5 of this ordinance is intended to clarify
11 existing law regarding fixed-term agreements, and prevent landlords from circumventing
12 eviction controls by allowing residential occupancy through non-tenant uses. Accordingly, the
13 Board finds that the City's Residential Rent Stabilization and Arbitration Ordinance (the "Rent
14 Ordinance"), as amended by this ordinance, is consistent with the Tenant Protection Act of
15 2019 (Assembly Bill No. 26 (Chiu), hereafter "AB 1482"); and that it further limits the reasons
16 for termination of a residential tenancy, results in higher relocation assistance amounts, and
17 provides additional tenant protections, and is therefore more protective than AB 1482; and the
18 Board intends that the Rent Ordinance (as hereby amended) shall apply rather than AB 1482.

19
20 Section 6. Controller's Study. No later than January 1, 2021, the Controller, with the
21 support of consultants as necessary and consistent with the civil service provisions of the
22 Charter, and in consultation with the Planning Department and other City agencies as
23 necessary, shall conduct a study to analyze the impacts created by the development of new
24 Intermediate Length Occupancy units on the City and relevant City services. The Controller's
25 study shall be submitted to the Board of Supervisors.

1 Section 7. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 8. Scope of Ordinance. Except as stated in Section 3 of this ordinance, in
7 enacting this ordinance, the Board of Supervisors intends to amend only those words,
8 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,
9 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this
10 ordinance as additions, deletions, Board amendment additions, and Board amendment
11 deletions in accordance with the "Note" that appears under the official title of the ordinance.

12
13 Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word
14 of this ordinance, or any application thereof to any person or circumstance, is held to be
15 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
16 shall not affect the validity of the remaining portions or applications of the ordinance. The
17 Board of Supervisors hereby declares that it would have passed this ordinance and each and
18 every section, subsection, sentence, clause, phrase, and word not declared invalid or
19 unconstitutional without regard to whether any other portion of this ordinance or application
20 thereof would be subsequently declared invalid or unconstitutional.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:

25 AUSTIN M. YANG
Deputy City Attorney

n:\egana\as2020\1800552\01419050.docx



SAFE CONSUMPTION OF CANNABIS PRODUCTS: FACTS & YOUR HEALTH

LAST UPDATED 1/4/18 AND MAY BE REVISED PERIODICALLY.

Cannabis is a plant with three sub-varieties known as cannabis sativa, cannabis indica, and cannabis ruderalis. Cannabis can be consumed in many ways such as smoking, edibles, drinks, tinctures, oils or butter.

WHAT IS THE DIFFERENCE BETWEEN MEDICAL CANNABIS & ADULT USE CANNABIS?

Medical cannabis is cannabis used to treat the symptoms of serious medical conditions such as cancer, epilepsy, glaucoma, HIV/AIDS and severe pain. Adult use cannabis is for personal use unrelated to the treatment of medical conditions. The laws for cannabis use in California differ based on the type of use.

SHOULD I DRIVE IF I CONSUME CANNABIS PRODUCTS?

Cannabis use impairs driving skills, putting drivers and passengers at risk for an accident.

WILL SMOKING CANNABIS HAVE A DIFFERENT EFFECT THAN CONSUMING AN EDIBLE PRODUCT?

The effects from smoking cannabis can often be felt right away. The effects from eating or drinking cannabis, however, can take thirty minutes to hours to develop, and then last longer. The effects for both edibles and smoking can depend on how much THC you consumed, the amount and type of other foods consumed, and if you also drank alcohol or used other drugs.



CANNABIS EDIBLES are food or drink items made with cannabis or cannabis oils.



START LOW. When using cannabis edibles, you may want to start with a small serving of the product.



GO SLOW. You may feel fine for several hours after consuming a cannabis edible, and then suddenly feel very high. Don't eat or drink more of a cannabis product until you have waited at least 2-4 hours.



DO NOT GIVE CANNABIS TO ANYONE UNDER 21 YEARS OLD WITHOUT A PHYSICIAN RECOMMENDATION.



STORE AWAY SAFELY. Lock it up and out of reach from children and pets.



AVOID IF YOU ARE PREGNANT OR BREASTFEEDING. Consuming cannabis can harm the health of your baby and is not recommended for women who are pregnant or breastfeeding, or who plan to become pregnant soon.



1ST TIME USING? BE CAUTIOUS!

Consuming too much cannabis product at once may lead to unwanted physical and/or mental effects:

- extreme confusion
- anxiety
- panic
- paranoia
- hallucinations
- delusions
- increased blood pressure
- fast heart rate
- severe nausea
- vomiting

If you or someone you know has any of the symptoms above, call the **Poison Control Hotline at 1 (800) 222-1222** for free, fast, expert help anytime. If the symptoms are severe, call 911 or go to an emergency room.

Executive Summary

In 2016, California voters passed Proposition 64, allowing for the production and sale of adult-use cannabis; in San Francisco, 74% of voters approved this measure. In late 2017, the San Francisco Board of Supervisors passed ordinances governing the legal cannabis industry in San Francisco and establishing an Equity Program for cannabis businesses. The Board also instructed the Controller's Office to "track the number of permits awarded" and issue "a report that makes recommendations as to whether the issuance of Cannabis Business Permits should be subject to any numerical, geographical, or other limits."¹ In response to this legislative directive, this report: 1) identifies the number and type of cannabis businesses currently permitted and applications for cannabis business permits currently in queue; and 2) analyzes key indicators within the topic areas of Regulation, Equity, Economy, Public Safety and Public Health to recommend whether there should be any limits on cannabis permits. In consultation with the City Administrator's Office, the Controller's Office will provide a brief update in Fiscal Year 2020-21 to these findings and recommendations.

Below is a summary of key findings and recommendations by topic area.

Regulation

During the first year of legalization, the Office of Cannabis has undertaken: regulating the existing and previously unregulated cannabis industry, implementing the Equity Program, and developing a new cannabis business permit application system and associated multi-departmental approval process. This complex permitting process, combined with a lack of staff resources, has led to a significant permit queue.

The following table shows the number of active cannabis business permits by activity type in San Francisco and the number of cannabis business permit applications in queue with the Office of Cannabis.²

Business Activity	Currently Permitted	Equity Permit Applications in Queue
Storefront Retail	37	133
Delivery-only Retail	41	46
Cultivation	45	17
Manufacturing	42	31
Distribution	46	50
Testing Laboratory	1	0
Total	212	277

- There are 212 cannabis businesses authorized to operate, but the actual number currently operating is likely closer to 118. There are 37 authorized cannabis retail storefront operators, all of which were medical dispensaries or were in the process to become medical dispensaries before adult-use legalization. The Office of Cannabis has issued temporary permits to business activities other than storefront retail, which include delivery-only retailers and supply-chain business activities.
- There are 277 Equity Program permit applications, which are the only application type currently eligible for processing by the Office of Cannabis. No equity applications have been granted a permanent permit yet.
- There is such a high number of storefront retail applications (133) that this activity may not be viable for many of these equity applicants, who may be expending resources to reach a market that may already be saturated. (Page 24)

¹ San Francisco Ordinance 230-17, §1613

² As of August 15, 2019. At the time of publication of this report, there were 39 permitted storefront retail businesses.

Recommendation: The Board of Supervisors and Mayor should consider a moratorium on new storefront retail applications. In addition, they should consider methods of reducing the number of current storefront retail applications in queue, such as offering incentives to change pending storefront retail applications to other business activities.

- The average equity applicant currently in queue can likely expect to wait 18-24 months before being permitted due to the intensive process of a multi-departmental application review and the current backlog of applications. (Page 30)

Recommendation: The Board of Supervisors, Mayor, and departments should consider creating a priority permitting lane or expedited processing for equity applicants in departments other than the Office of Cannabis, including but not limited to: Planning, Police, and Building Inspection.

Equity

- Equity Program applicants—who were specifically chosen because of their existing disadvantage—face a lengthy permitting timeline during which they may be expending resources. These individuals may be further disadvantaged by the city’s inability to provide timely permit processing. (Page 42)
- To cover costs while waiting for application approval, many equity applicants are incurring debt and/or selling ownership shares in their business to investors who can provide capital (Page 42). This is currently the primary mechanism by which large investors/companies are entering the cannabis market. (Page 42)
- Equity applicants who do not receive external financial backing are the least likely to be able to float their business location costs through the lengthy application process. Applicants that have financial backing from investors or other cannabis companies will be more likely to survive to market. (Page 42)
- Limits to cannabis business permits based on numeric caps or geography would disproportionately impact equity applicants in queue who have already expended resources while waiting for their permit.

Recommendation: No numeric or geographic limits to existing or in-process cannabis business permits are recommended at this time; however, any potential future limits should apply to new applicants rather than to the existing applicant pipeline.

Recommendation: The Board of Supervisors, Mayor, and City Attorney’s Office should consider utilizing the Community Reinvestment Fund to provide technical and capital assistance to equity applicants, including no-interest loan funding, grants, and/or banking options.

Economy

- San Francisco cannabis taxable sales decreased from \$61 million in Q2 2018 to \$51 million in Q1 2019, a reduction of 16% in nine months. (Page 56)
- In 2015, the average cannabis retail operator had sales of \$6.3 million, but by 2018, given the 44 new retail operators in the market, those sales decreased by 45% to an average of \$3.4 million (Page 57). Assuming consistent demand to 2018, the average annual revenue will decrease notably as new equity cannabis retailers become permitted. (Page 57)

Recommendation: The existing legal cannabis market will become increasingly competitive with the entry of equity applicants. The illicit cannabis market, by some estimates, is much larger than the legal market. The Board of Supervisors, Mayor, and departments should adopt strategies and investments, where required, to halt the illicit cannabis market.

Public Safety

- In 2018, cannabis-related crimes accounted for only one-tenth of one percent of all crimes in San Francisco. Since 2013, cannabis-related crimes have decreased by 78%, down to only 186 incidents in 2018. (Page 64)

- In 2018, cannabis business locations saw a 6% decrease in violent crime compared to a less than 1% increase citywide. (Page 71) In 2018, cannabis business locations saw a 1% decrease in property crime compared to a 9% increase citywide. (Page 72)


Recommendation: Based on the decreasing amount of property and violent crime around legal cannabis locations in 2018, the Controller's Office does not recommend any limits to the number of cannabis operator permits to address public safety concerns at this time.

Public Health

- Locally, use of cannabis among high school students has decreased along with national trends since the 1990s. Notably, San Francisco use rates are lower than national averages. (Page 79)
- ZSFG admissions that indicate cannabis as a diagnosis slightly increased following legalization, but are relatively rare compared to overall admissions, making up less than one-third of one percent. (Page 83)
- It is difficult to separate trends related to increasing cannabis use from the impact of increased comfortability discussing and recognizing cannabis use, leading to increased reporting. (Page 82)

Recommendation: Cannabis-related health indicators are mixed. It is too early to determine any recommendations regarding legalization and its public health impacts at this time.

San Francisco Office of Cannabis



Presented by:

Marisa Rodriguez, Director
Eugene Hillsman, Deputy Director
Jeremy Schwartz, Permit Analyst


Road Map

- Historical Perspective
- OOO Overview
- Equity Program
- Permit Process
- Permitting Snapshot
- Final Thoughts

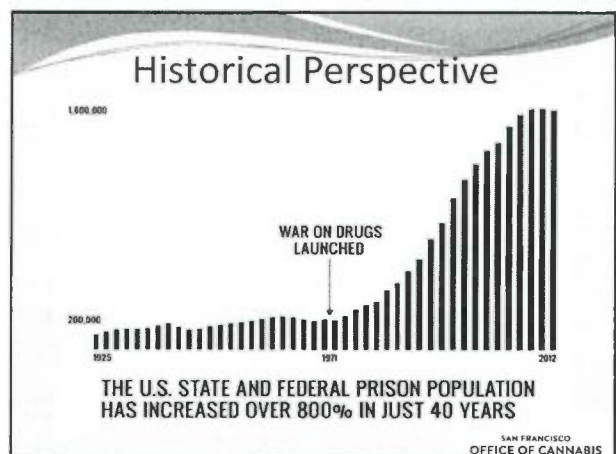
SAN FRANCISCO
OFFICE OF CANNABIS

Historical Perspective

- Controlled Substances Act (1971)
 - Schedule 1 = No Accepted Medical Treatment
 - Heroin, LSD, and Cannabis
 - Schedule 2 = Accepted Medical Use + Potential for Abuse
 - Fentanyl, Morphine, Opium
 - Schedule 3 = Less potential for Abuse
 - Ketamine, Codeine, Anabolic Steroids
 - Schedule 4 = Low Potential for Abuse
 - Valium, Klonopin, Xanax
 - Schedule 5 = Lower Potential for Abuse
 - Rohitussin, Epidiolex*



SAN FRANCISCO
OFFICE OF CANNABIS



SF Office of Cannabis

- Established on July 27, 2017
- Initially Referred to as:
 - Department of Marijuana
 - Office of Cannabis
 - Office of Cannabis Regulation
 - Coming soon!
- Opened Applications:
 - Equity Applications in May 2018
 - Existing Industry in September 2018
 - Overwhelming interest!
- Staffing:
 - Initially, Three Staff
 - Currently, Six Staff
 - More to come!



SAN FRANCISCO
OFFICE OF CANNABIS

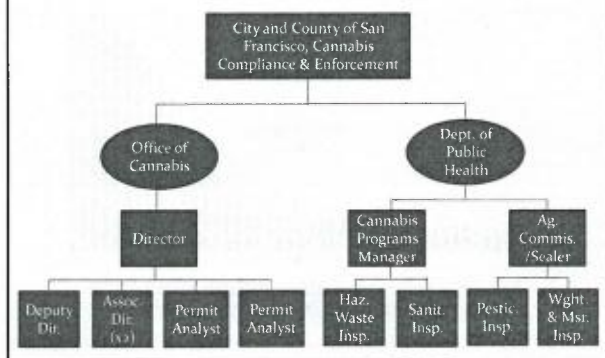
Marisa Rodriguez, Director

- San Francisco Native
- Former Prosecutor for the San Francisco District Attorney's Office
- Co-founded the San Quentin News Forum



SAN FRANCISCO
OFFICE OF CANNABIS

Organization Chart



Office of Cannabis: Core Functions

1. Permitting: Businesses & Events
2. Equity Verification & Program Admin.
3. Rulemaking
4. Enforcement
5. Community Outreach
6. Collaborate with City Partners
7. Limit Youth Access & Exposure
8. Oversight Committee

State Licensing Authorities

- **Bureau of Cannabis Control (DCA)**
 - Retailers, Distributors, Laboratories, Micro Biz
- **CalCannabis (CDFA)**
 - Cultivators
- **Manufactured Cannabis Safety Branch (CDPH)**
 - Manufacturing

Regulatory Authority (General)

- California Business & Professions Code
- California Health & Safety Code
- California Code of Regulations









Priority Processing


1. **Equity Applicants:** Prioritized, Waived Fees, Interagency Support
2. **Equity Incubators:** Providing Rent Free Commercial Space or Technical Assistance in Exchange for their Own Permit
3. **Federally Enforced Against & PENCOS** (Pre-Existing Non-Conforming Operators): Ceased Operations in Return for the Third Priority Processing
4. **Existing Industry:** MCDs and Temp. Permit Holders
5. **Community Commitments**
6. **General Applicants**



Equity Program & Existing Industry

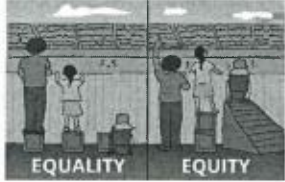
- **Verified Equity Applicants**
 - Over 300 Verified
 - Top 3 criteria: SFUSD, Census Tract, Income
 - Additional criteria: CJI, Family CJI, Housing Insecurity
- **Equity Incubators**
 - Rent free commercial space; or
 - Technical assistance
- **Medical Cannabis Dispensaries**
 - Must implement Equity Plans that further the City's equity goals:
 - Adult-Use authorization renewed every 120 days
- **Temporary Permits**
 - Coordinated with SFFD, DBI and DPH to conduct 80 life safety inspections.
 - Contemplating Equity overlay for temporary permit holders.
 - Renewed every 120 days depending on corrective actions




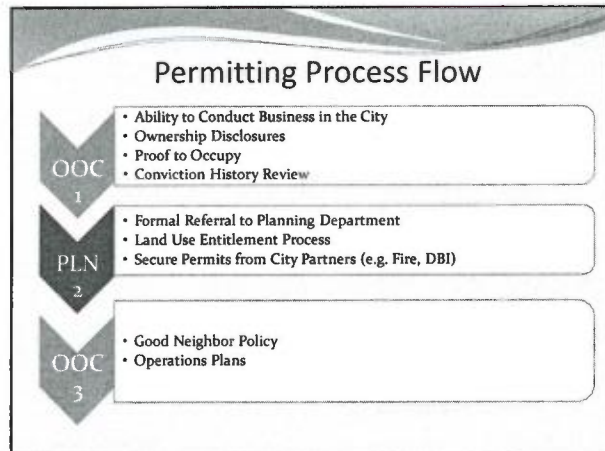


The Equity Program

- **Equity: Restoring Opportunities**
 - Commercial Space
 - Reduced Application Fees
 - Interagency Advocacy
 - Technical Assistance
- **Equity Programs:**
 - Los Angeles
 - Long Beach
 - Oakland
 - Sacramento
 - San Jose
 - San Francisco
 - Santa Cruz
 - Palm Springs
 - Coachella
 - Humboldt

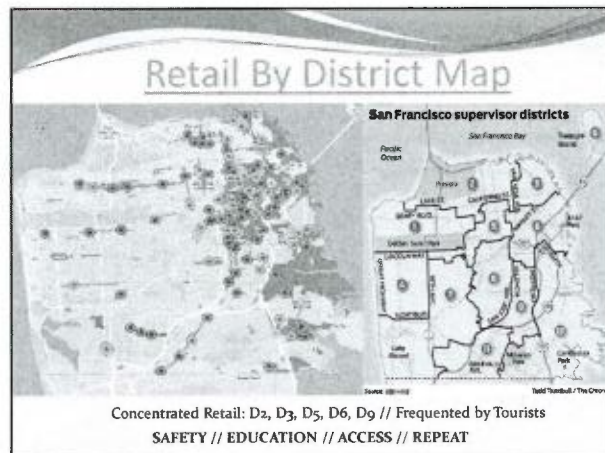






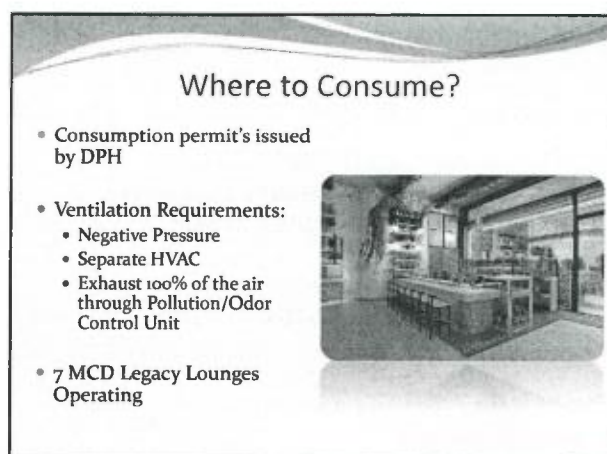
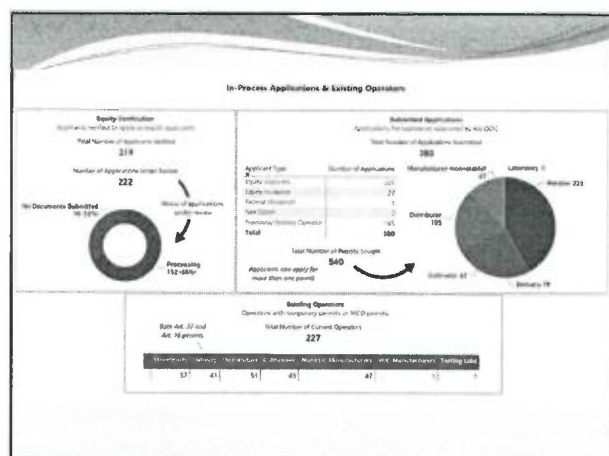
Requirements For All Applicants

- **Community Outreach**
 - Notice to landlords and tenants within 300 feet of proposed business
 - Notice to OOC and District Supervisor
 - Minimum of one meeting
 - Meeting held at a site within a one-mile radius (generally)
- **Good Neighbor Policy**
 - Development of Policy shall be reasonably informed by outreach
 - Examples: Better lighting, limiting loitering, clean storefront
 - Must convey copies of written input by neighbors to OOC



Existing Retail By District

Supervisor District	Storefront	Delivery Only	Total
1 - Fewer	1	0	1
2 - Stefani	1	0	1
3 - Peskin	2	17	19
4 - Mar	1	0	0
5 - Preston	3	0	3
6 - Haney	15	11	24
7 - Yee	2	0	2
8 - Mandelman	3	0	3
9 - Ronen	8	0	6
10 - Walton	2	13	15
11 - Safai	3	0	3
Total	41	41	82



Cannabis Consumption Safety

SAFE CONSUMPTION OF CANNABIS PRODUCTS: FACTS & YOUR HEALTH

Cannabis is a plant with three sub-varieties known as cannabis sativa, cannabis indica, and cannabis ruderalis. Cannabis can be consumed in many ways such as smoking, edibles, drinks, tinctures, oils or butter.

WHAT IS THE DIFFERENCE BETWEEN MEDICAL CANNABIS & ADULT USE CANNABIS?

Medical cannabis is cannabis used to treat the symptoms of various medical conditions such as cancer, epilepsy, glaucoma, HIV/AIDS and chronic pain. Adult use cannabis is for personal use unrelated to the treatment of medical conditions. The laws for cannabis use in California differ based on the type of use.

SHOULD I DRIVE IF I CONSUME CANNABIS PRODUCTS?

Cannabis use impairs driving skills, putting drivers and passengers at risk for an accident.

WILL SMOKING CANNABIS HAVE A DIFFERENT EFFECT THAN CONSUMING AN EDIBLE PRODUCT?

The effects from smoking cannabis can often be felt right away. The effects from eating or drinking cannabis, however, can take thirty minutes to hours to develop and may last longer. The effects for both edibles and smoking can be more intense than you expect. The amount and time of when you should consume, and if you also drink alcohol or use other drugs.

CANNABIS EMBLES are here to show people what is healthy or cannabis safe.

START LOW. When using cannabis edibles, you may start as low as a small serving of the product.

GO SLOW. Edibles have a long time to absorb into your system. Wait at least 30 minutes before eating more. Don't eat or drink more of a cannabis product until you feel the effects of your first dose.

DO NOT GIVE CANNABIS TO ANYONE UNDER 21 YEARS OLD WITHOUT A PHYSICIAN RECOMMENDATION.

STORE AWAY SAFELY. Lock it up and out of reach from children and pets.

Avoid if you are pregnant or breastfeeding. Consuming cannabis can cause the health of your baby, and is not recommended for pregnant and breastfeeding women.

IF TIME USING? BE CAUTIOUS!

Consuming too much cannabis or using it in a way that is not intended for you may lead to unwanted physical and/or mental effects.

- Increased heart rate
- Anxiety
- Dry mouth
- Increased blood pressure
- Red blood cells
- Increased heart rate
- Increased blood pressure
- Increased heart rate
- Increased blood pressure

When you consume cannabis, be aware of the symptoms above. If you experience any of the symptoms above, stop using cannabis immediately. If you experience any of the symptoms above, stop using cannabis immediately. If you experience any of the symptoms above, stop using cannabis immediately.

Cannabis Events

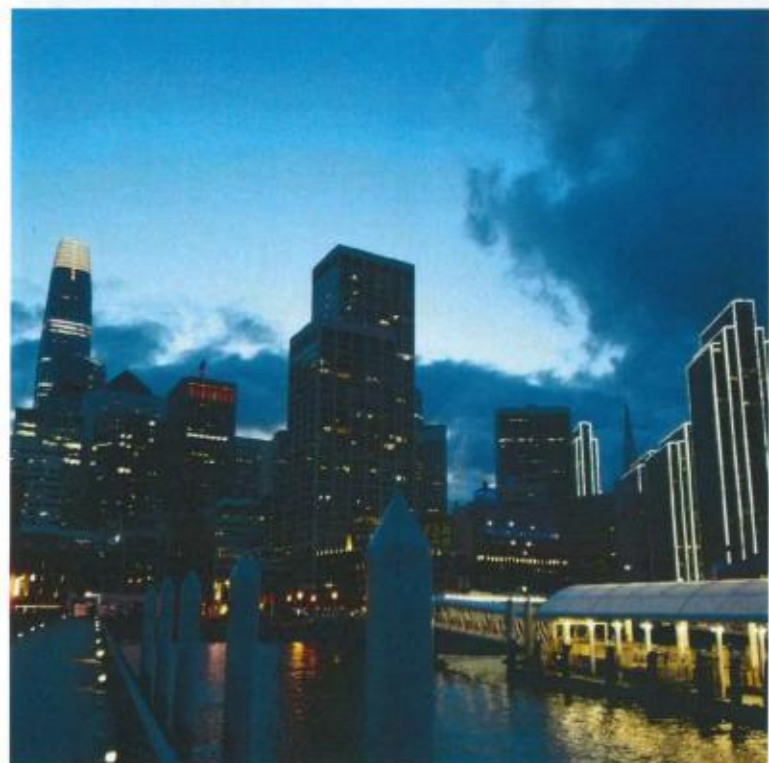
Thank You

San Francisco Office of Cannabis
1 Dr. Carlton B Goodlett Place, Room 018
San Francisco, California 94102

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415-554-4420

SAN FRANCISCO
OFFICE OF CANNABIS

OFFICE OF THE
CITY ADMINISTRATOR



San Francisco
Planning

ABOUT THE COMMERCE & INDUSTRY INVENTORY

Produced annually

25th edition

Data through calendar year 2018

Covers a range of economic information:

Population

Labor force

Employment

Establishments

Wages

Taxes and revenue

Building activity

Transportation

ABOUT THE COMMERCE & INDUSTRY INVENTORY

The goals of the C&I Inventory are:

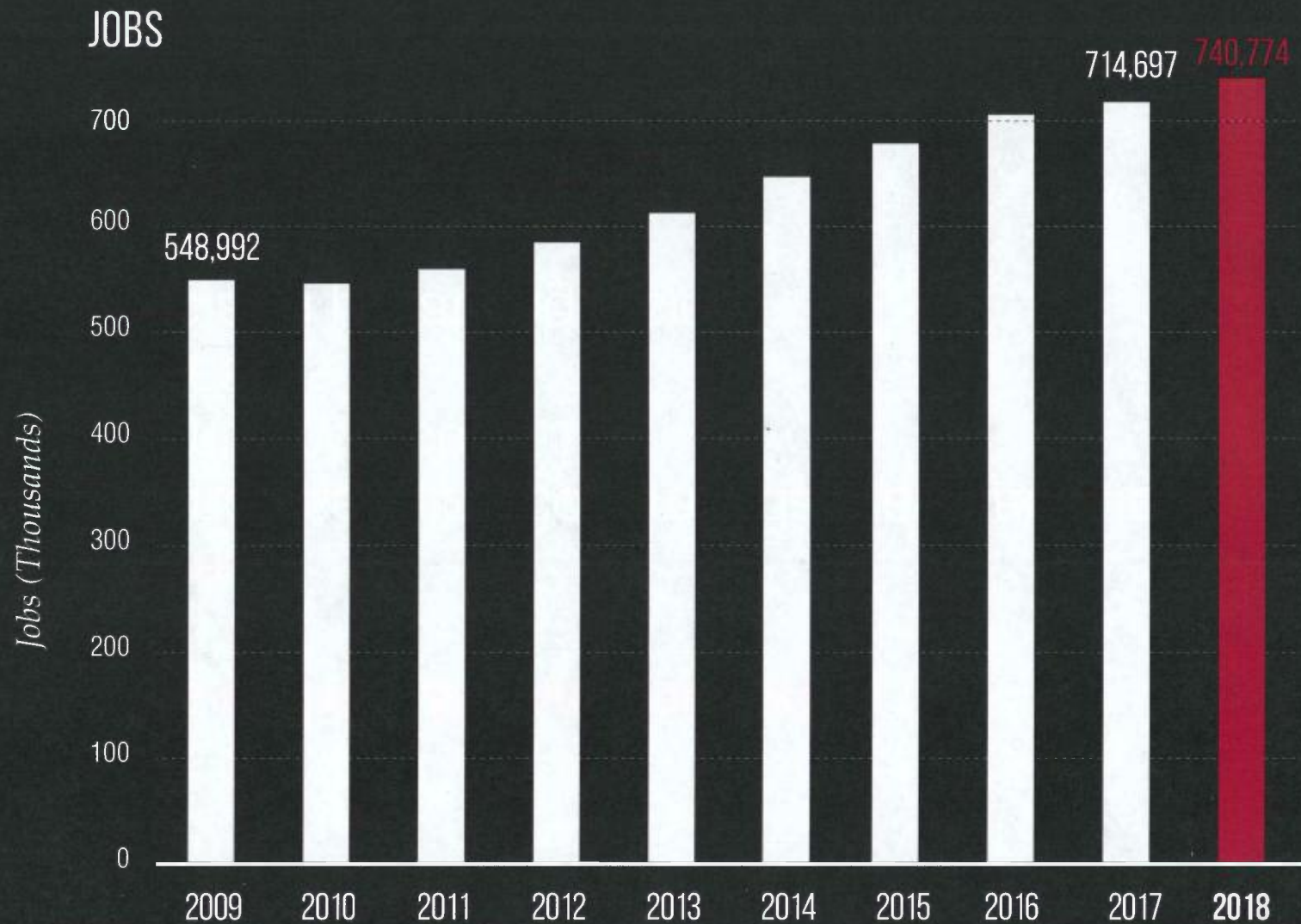
Short term

- Make land use and economic data available to:
 - Community groups
 - Businesses
 - Public and private agencies

Long Term

- Establish a consistent time series
- Compile background information
- Use for updating the C&I Element of the General Plan

2018 HIGHLIGHTS – EMPLOYMENT



2018 HIGHLIGHTS – EMPLOYMENT

JOB

Change from 2017

740,800

▲ 3.6%

Over 26,000 jobs
added since 2017.

192,000 jobs added
in past decade

UNEMPLOYMENT RATE

Change from 2017

2.3%

▼ FROM 2.9%

VS.

2.8%

Bay Area

▼ FROM 3.4%

4.2%

California

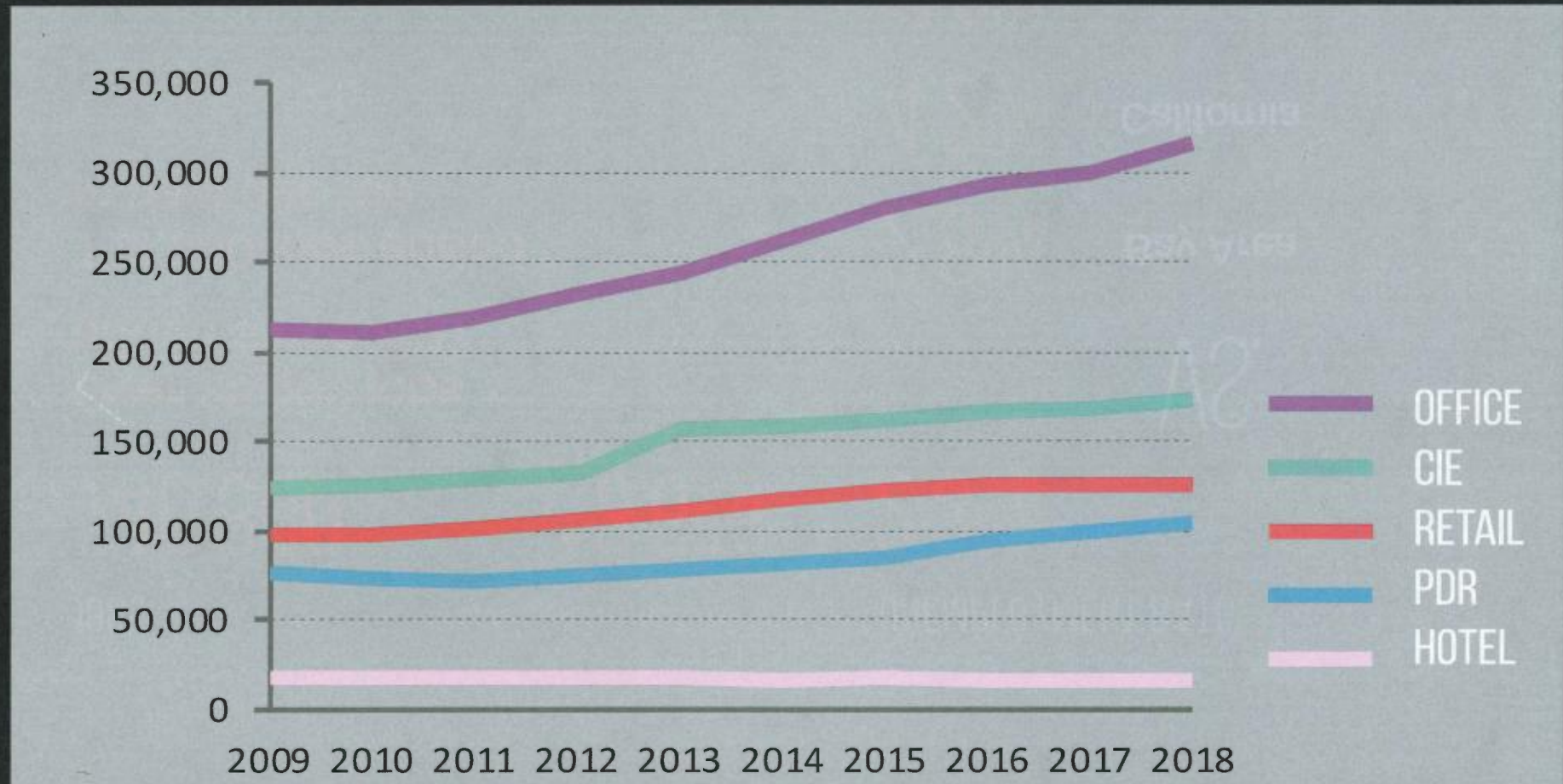
▼ FROM 4.8%

3.9%

US

▼ FROM 4.1%

2018 HIGHLIGHTS – EMPLOYMENT



2018 HIGHLIGHTS – WAGES

AVERAGE WAGE

Change from 2017

\$118,000

▲ 3.0%

AVG OFFICE WAGE

Change from 2017

\$178,400

▲ 3.7%

AVG PDR WAGE

\$120,300

▼ 0.1%

AVG CIE WAGE

\$70,800

▼ 2.2%

AVG RETAIL WAGE

\$42,700

▼ 0.2%

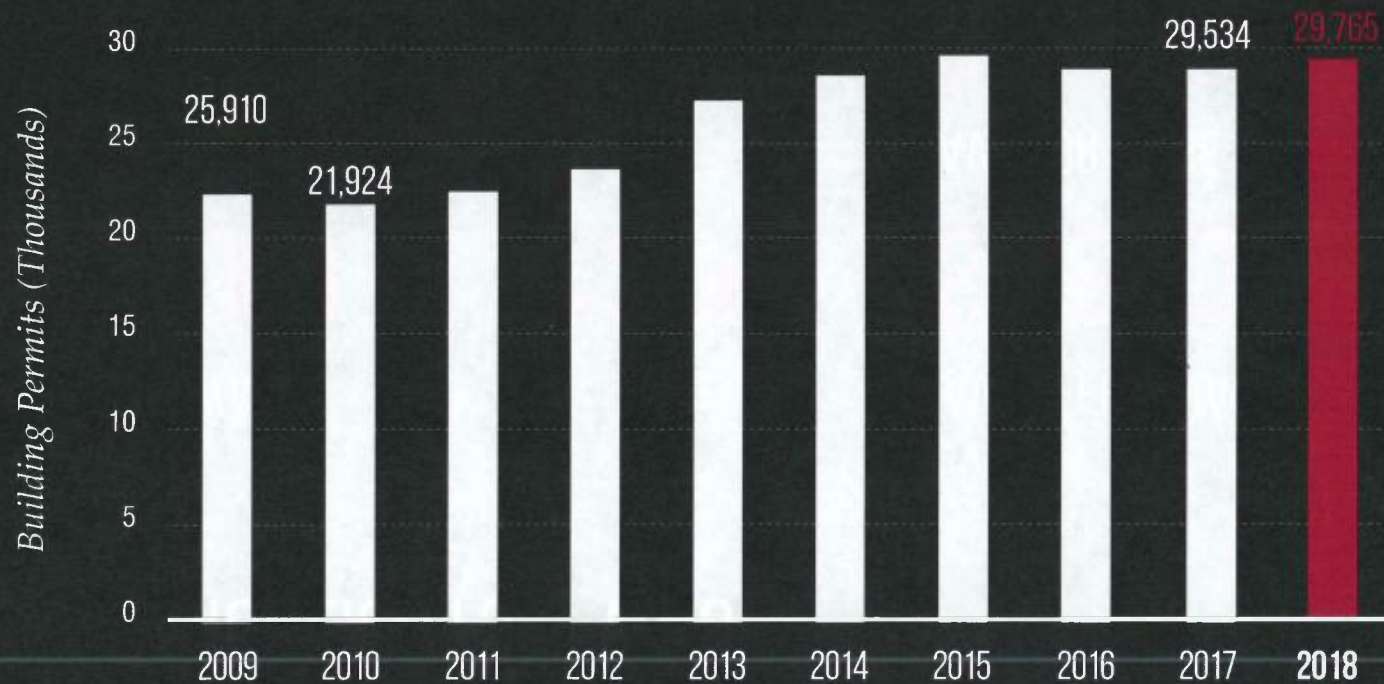
2018 HIGHLIGHTS – BUILDING AND LAND USE

BUILDING PERMITS

Change from 2017

29,765

▲ 0.8%



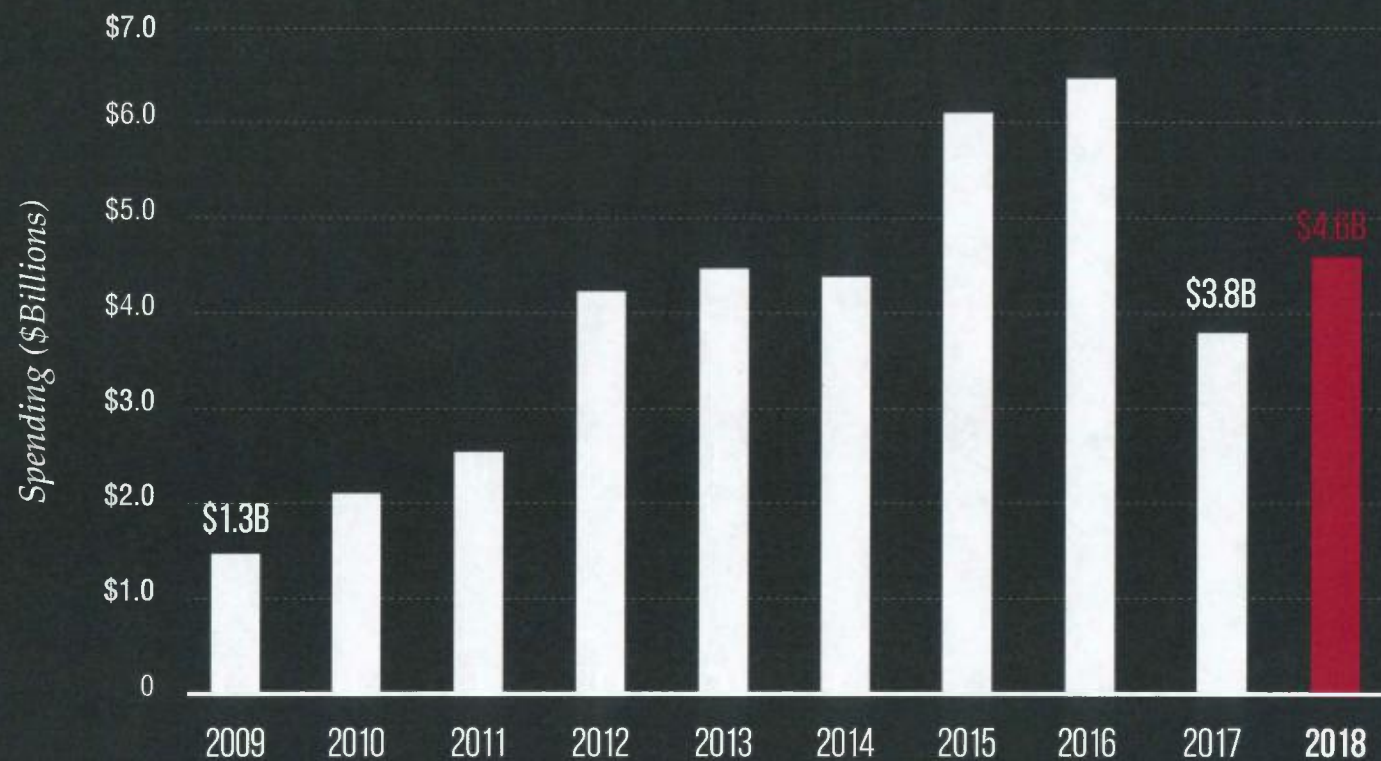
2018 HIGHLIGHTS — BUILDING AND LAND USE

CONSTRUCTION SPENDING

Change from 2017

\$4.6 BILLION

▲ 15%



LATEST EMPLOYMENT DATA

UNEMPLOYMENT (NOV 2019 ESTIMATE)

1.9% ▼ FROM **2.3%**

Source: California EDD

REPORT AND DATA AVAILABLE

PLANNING DEPARTMENT WEBSITE

SFPLANNING.ORG

DATA SF

DATASF.ORG



COMMENTS AND QUESTIONS

KEN.QI@SFGOV.ORG

415-575-9029



2018 SAN FRANCISCO COMMERCE & INDUSTRY INVENTORY



San Francisco
Planning