

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Haight Ashbury Neighborhood Council urges a rejection of proposed plans for Delmar Street
Date: Thursday, September 30, 2021 9:38:59 AM
Attachments: [HANC DelmarSt 2021-09-25.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Lisa Awbrey <weegreenmea@gmail.com>
Date: Thursday, September 30, 2021 at 9:36 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>
Cc: "archerovi@hotmail.com" <archerovi@hotmail.com>
Subject: Haight Ashbury Neighborhood Council urges a rejection of proposed plans for Delmar Street

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Dear Mr. Ionin:
Please review the Haight Ashbury Neighborhood Council's letter regarding the proposed project at 136 Delmar Street.
Thank you.
Lisa Awbrey
President
HANC

HAIGHT ASHBURY NEIGHBORHOOD COUNCIL

~ DRAFT ~ DRAFT ~ DRAFT ~ DRAFT ~

Lisa Awbrey
President

September 30, 2021

David Woo
Vice-President

Bruce Wolfe
Recording Secretary

To: San Francisco Planning Commission

Jim Rhoads
Corresponding Secretary

RE:136 Delmar Street, 94117

Christin Evans
Treasurer

The Board of the Haight Ashbury Neighborhood Council unanimously voted to oppose the proposed demolition and new construction of a 3,947 s/f proposed building at 136 Delmar currently scheduled to be heard by the Commission on November 4th.

Tes Welborn
Nominating Chair

Richard Ivanhoe
Membership Chair

Objective 2 of the Housing Element calls for the retention of "existing housing units" and the discouragement of the "demolition of sound housing, unless the demolition results in the net increase in affordable housing". Adding a single additional unit, one half the size of the current unit and intended to be used by a family member as proposed, cannot be considered a "net" increase in affordability.

Calvin Welch
Housing and Land Use Chair

Karen Fishkin
Recycling Chair

The proposed project will not address our neighborhood primary housing need: the provision of housing affordable to lower and fixed income residents who face displacement and homelessness.

MEMBERS-AT-LARGE

Alex Aquino
Christian Vaisse
Jaime Michael
James Sword
Shira Noel

We urge the project's rejection.

Sincerely,

Lisa Awbrey
President

Cc: HANC Membership

Info from neighbors

*From: **Ken Archer** <archerovi@hotmail.com>
 Date: Thu, Sep 16, 2021 at 9:02 PM
 Subject: Re: Info on Delmar Project
 To: David Woo <davidgwoo@gmail.com>
 Cc: Calvin Welch <welchsf@pacbell.net>*

Hi David and Calvin,

Absolutely. Thanks for the message. So, last month, many residents received notices about the proposed demolition and expansion of 136 Delmar. Several neighbors have emailed the planning commission in opposition. I'm the head of the HOA in our condo building and all 4 homeowners in our building emailed in opposition.

The hearing was supposed to be August 26 but was postponed to Nov 4. The owners of 136 Delmar are saying that the postponement is so that they can make required "edits" to the plans, and they have committed to circulating their updated plans to all neighbors in advance of the Nov 4 hearing. The current plan on the SF Planning Commission site is attached.

Below are the concerns neighbors have expressed:

- *The proposal is to expand 136 Delmar from 1,030 to 3,947 sq ft, making it the largest house on the block, right next to the historic Jefferson Airplane House at 130 Delmar. The new house would be taller than 142/144 Delmar despite being 2 homes downhill from 142/144 (see 130, 136, 138 and 142/144 Delmar in drawing below from the attached plan).*
-
- *This expansion will eliminate views and/or sun from about 10 homes, in favor of views for one home - 136 Delmar. Were the expansion to be 3 stories instead of 4, it would respect the home-by-home ascent up hills in San Francisco that permits everyone to share our city's beautiful views and sun.*
- *An expansion of a single-family home from 1,030 to 3,947 sq ft is not in line with the city's goals. If every 1,000 sq ft home were expanded this much, the city's affordable housing goals would be set back decades if not more.*
- *For this reason, this expansion is discouraged by [proposed legislation](#) from our Supervisor Rafael Mandelman. This legislation requires that any expansion of 50% or beyond 2,500 sq ft must include a 2nd unit that is at least 1/3 the total square footage.*
- *The owners are adding a small 521 sq ft second unit. However, our neighborhood is full of second units that owners use for themselves, and the owners of 136 Delmar too intend to use their second unit for a family member. There are several true multi-unit buildings on this block, in which the 2nd unit is 1/3-1/2 of the total square footage. Realistically, the plan for 136 adds no density, and is being added because the Planning Commission requires it.*

Let me know if you have any other questions. I'll notify you when we receive updated plans.

Ken Archer
150 Delmar St, #4
c. 202-277-4570

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Hillis, Rich \(CPC\)](#)
Subject: FW: For Review: Memo regarding public meetings
Date: Thursday, September 30, 2021 9:28:55 AM

HPC and CPC Commissioners,

FYI, the below mentioned resolution will be added to your Oct. 6th and Oct. 7th hearing Agendas, respectively.

Quite honestly, I would be surprised to hold in-person hearings in November this year.

Jonas P Ionin
Director of Commission Affairs
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From: "Fennell, Tyra (MYR)" <tyra.fennell@sfgov.org>
Date: Wednesday, September 29, 2021 at 4:00 PM
To: "Peacock, Rebecca (MYR)" <rebecca.peacock@sfgov.org>
Cc: "Johnston, Jennifer (ADM)" <jennifer.johnston@sfgov.org>
Subject: For Review: Memo regarding public meetings

Dear Colleagues:

This is to advise you that the City Attorney's Office has updated its advice on public meeting requirements in light of recently enacted State legislation and other developments. The City Attorney's memorandum (dated September 28, 2021) can be accessed on the City Attorney's website at [this link](#).

Of particular relevance and importance to you all, the memorandum outlines new requirements under State law (AB 361, signed by the Governor on September 16th) in order for boards, commissions and advisory bodies to continue holding remote meetings. Specifically, **all public policy bodies must regularly adopt certain findings at least once every 30 days in order to continue holding remote meetings, beginning with the first public meeting convened on or after on October 1, 2021.**

You may refer to Section B beginning on page 4 of the City Attorney's memorandum for additional guidance on what is required under AB 361. A sample motion adopting

findings is also attached at the end of the memorandum.

Please note that this is a *permissive* State law (that is, it allows public bodies in California the *discretion* to continue virtual meetings without otherwise complying with provisions under the Brown Act, provided that these certain requirements and criteria are met); however, as noted in previous emails, City boards and commissions (except Members of the Board of Supervisors, or in cases of personnel-related matters) continue to be *prohibited* from meeting in person under the Mayor's Emergency Order. Once the Mayor and/or Board of Supervisors take action to lift those provisions of the Emergency Order, City boards and commissions will once again be required to meet in person as provided under local laws.

The Mayor's Office has not provided an update on the timing of when the Emergency Order will be lifted, but we know that it will be no sooner than November 1st. The City Attorney will issue a follow-up memorandum to address the applicable rules and requirements once commissions are obligated to return to in-person meetings on or after November 1st.

I will continue to update you as I receive further information from the Mayor's Office. In the meantime, you are required to comply with the requirements under AB 361 while your board or commission continues to convene meetings remotely as required under the Emergency Order.

We thank you for your patience and continued compliance with these complex legal requirements. Please consult with your Deputy City Attorney should you have any questions or wish to modify the template motion included in the advice memorandum.

Warmest Regards,

Tyra Fennell

Director of Commissions and Community Initiatives

Office of Mayor London N. Breed

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Thursday, September 30, 2021 8:31:28 AM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Katharine Grant <info@email.actionnetwork.org>
Sent: Wednesday, September 29, 2021 9:06 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation

options by providing 13 bicycle parking spaces.

4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.

5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Katharine Grant

katharinelovellgrant@gmail.com

San Francisco, California 94131

From: [Feliciano, Josephine \(CPC\)](#)
Cc: [CTYPLN - COMMISSION SECRETARY](#)
Subject: FW: 1324 Powell - Motion w/ Tracked changes
Date: Wednesday, September 29, 2021 4:59:41 PM
Attachments: [Planning Commission Draft Motion - 1324-1326 Powell Street cma ce.docx](#)

Commissioners,

Please find the attached motion with tracked changes.

Josephine O. Feliciano
Commission Affairs

San Francisco Planning
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From: Grob, Carly (CPC) <carly.grob@sfgov.org>
Sent: Wednesday, September 29, 2021 3:52 PM
To: CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Cc: Enchill, Charles (CPC) <charles.enchill@sfgov.org>
Subject: 1324 Powell - Motion w/ Tracked changes

Hello!

See attached Motion w/ tracked changes for 1324 Powell. These changes update the findings and conditions of approval related to Inclusionary.

Let me know if you all have any questions. Thanks!

Carly Grob, Senior Planner
Office of Executive Programs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
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PLANNING COMMISSION DRAFT MOTION

HEARING DATE: SEPTEMBER 30, 2021

Record No.: 2019-014461CUA
Project Address: 1324-1326 Powell Street
Zoning: Chinatown Residential-Neighborhood Commercial (CRNC)
65-N Height and Bulk District
Block/Lot: 0160/014A
Project Sponsor: Cory Creath
1000 Brannan Street
San Francisco, CA 94103
Property Owner: Mahmoud Larizadeh Living Trust
243 Diamond Street
San Francisco, CA 94114
Staff Contact: Charles Enchill – (628) 652-7551
Charles.Enchill@sfgov.org

ADOPTING FINDINGS: 1) TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 134.1, 140, 260, and 270, TO CONSTRUCT A BUILDING THAT EXCEEDS 35 FEET IN HEIGHT, LOCATED AT 1324-1326 POWELL STREET, LOT 014A IN ASSESSOR'S BLOCK 0160; 2) OF ELIGIBILITY FOR THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS; AND 3) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE PROJECT WOULD DEMOLISH A TWO-STORY COMMERCIAL BUILDING AND CONSTRUCT AN EIGHT-STORY, 84-FT 5-IN TALL, MIXED-USE BUILDING (APPROXIMATELY 27,160 SQUARE FEET) WITH 24 DWELLING UNITS. THE PROJECT WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) AND RECEIVE WAIVERS FROM THE PLANNING CODE REQUIREMENTS FOR: MAXIMUM HEIGHT LIMIT (SECTION 260), BULK LIMITS (SECTION 270) SITE COVERAGE (SECTION 134.1), AND DWELLING UNIT EXPOSURE (SECTION 140).

PREAMBLE

On November 5, 2019, Cory Creath of Axis GFA (hereinafter "Project Sponsor") filed Application No. 2019-014461CUA (hereinafter "Application") with the Planning Department ("Department") for a Conditional Use Authorization to construct a new six-story building with a ground-floor Institutional Community Use and 17 dwelling units ("Project") at 1324-1326 Powell Street, Block 0160, Lot 014A ("Project Site").

On January 7, 2021, the San Francisco Planning Commission ("Commission") continued the project to the March 11, 2021 scheduled meeting. On March 11, 2021, the Planning Commission continued the Project indefinitely.

On March 5, 2021, Matt Soisson of Axis GFA ("Project Sponsor") filed a revised application for Conditional Use Authorization and Individually-Requested State Density Bonus Project to construct a new eight-story, 84-foot 5-inch tall, mixed-use building with ground floor commercial and 24 dwelling units at 1324-1326 Powell Street, Block 0160, Lot 014A ("Project Site").

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65400 and 65915 et seq ("the State Law"), as amended under AB-2345. Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. The Project Sponsor is providing ~~14.3%~~ of base project units of housing affordable to very low income households (50% AMI) and is therefore eligible for a density bonus of ~~46.752-5%~~. [The Project Sponsor is seeking an approximately 42% density bonus](#) and waivers of the following development standards: 1) Site Coverage (Planning Code Section 134.1); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Section 260); and 4) Bulk (Planning Code Sections 270).

On September 30, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-014461CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2019-014461CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-014461CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

- 2. Project Description.** The Project would demolish the existing two-story 5,650 square foot commercial building (restaurant and office uses) and construct an eight-story, 84-ft 5-in tall, mixed-use building (approximately 27,160 gross square feet) with 3,400 square feet of commercial space at the ground floor, 24 dwelling units, and 24 Class 1 bicycle spaces. The Project includes 627 square feet of common open space via roof deck and 656 square feet of private open space through the use of balconies and a deck. The Project is providing ~~three~~ two dwelling units at 50% of AMI to garner a 42.5% density bonus (7 bonus units).

Pursuant to California Government Code Sections 65400, and 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and has requested four waivers from the Planning Code for: Site Coverage (Planning Code Section 134.1), Dwelling Unit Exposure (Planning Code Section 140), Height Limits (Planning Code Section 260), and Bulk Limits (Planning Code Section 270).

- 3. Site Description and Present Use.** The Project is located on a slightly irregular-shaped lot that is approximately 39 feet wide by 87 feet deep with an additional 3-foot by 20-foot jog at the rear of the site and has a lot area of 3,463 square feet. The lot has frontage on Powell Street to the west and is adjacent to Fisher Alley on the north. The alley, which is 11-feet, 6-inches wide, comes to a dead end at the rear lot line. The Project Site is developed with a two-story commercial building that contains the Happy Chinese Restaurant on the ground floor and offices on the second floor.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the CRNC Zoning District and the Chinatown Planning Area. This block of Powell Street between Broadway and Pacific Avenues is characterized by two to four-story mixed-use buildings constructed between 1900 – 1925 with ground-level retail, restaurants, and personal services. Fire Station No. 2 is located immediately across the alley to the north. San Francisco Housing Authority's (SFHA) Ping Yuen North apartments are located directly behind and the west of the site. It's a 200-unit, 12-story u-shaped high rise, built in 1962, with open space adjacent to the Project Site. Fisher Alley does not connect to the SFHA property. Other zoning districts in the vicinity of the project site include: CCB (Chinatown Community Business), RM4 (Residential-Mixed High Density), RC-3 (Residential-Commercial High Density), RH-3 (Residential Housing, Three-Family), and P (Public).
- 5. Public Outreach and Comments.** Prior to submittal of the listed Conditional Use Authorization Application, the Project Sponsors conducted a Pre-Application Meeting on October 22, 2019 at the site. No members of the public attended. On October 1, 2020, the owner sent a letter to the groups and individuals registered as Neighborhood Organizations with the Department. On January 5, 2021, the Department received one letter in opposition to the Project from the Chinatown Community Development Center (CCDC). The letter expressed concerns about language accessibility for the January 7, 2021, public hearing notices as well as concerns over the loss of multiple banquet halls (restaurant use) in Chinatown, which provide space to host holiday events, birthdays, and weddings. At the request of staff,

the project was continued to March 11, 2021, to allow for project revisions and further public outreach. At the March 11, 2021 hearing, the project was continued without discussion to indefinite date.

To date, the Project has been revised to meet the Dwelling Unit Mix requirements (207.7). Furthermore, the Project Sponsor elected to increase the scope to include State Density Bonus under California Government Code Sections 65400, and 65915-65918

On, August 17, 2021, the Project Sponsor team hosted a community meeting at the subject property to discuss the revised project. Notices for the meeting were mailed in both English and Chinese with 13 community members in attendance. Issues raised included but were not limited to: lack of parking and increased project height.

On September 17, 2021, the Project Sponsor team met with neighborhood organization CCDC to discuss the project. Both parties remain in conversation at the time of this report.

6. Planning Code Compliance. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. Commercial Use. The Project will provide a ground floor commercial use permitted by the zoning district. While the district does not require ground floors to be commercial, when provided, will also meet the requirements for Active Use under Planning Code Section 145.1(c)(3).

B. Residential Use. Within the CRNC Zoning District allows a dwelling unit density of 1 unit per 200 square feet of lot area. The Project Site is 3,463 square feet and has a maximum density of 17 units. Per the State Density Bonus law, if 13% of the Base Density Units are provided at 50% AMI, then a Bonus Density of 42.5% is permitted.

The subject lot has an area of 3,868 square feet, allowing for a base density of 17 dwelling units. The proposal includes 13% of the Base Density Units at 50% AMI, allowing for a bonus of seven (42.5% of the Base project) units for a total of 24 dwelling units.

C. Lot Coverage and Dwelling Unit Exposure. Within the CRNC, no more than 75% lot coverage is allowed at the lowest level occupied by a dwelling unit. To meet the Dwelling Unit Exposure requirements, each unit must include one room with windows that face a public street, or a conforming rear yard.

The proposed lot coverage for the Project is 91.6%, with the open area located at the rear of lot and measuring approximately 6 feet by 41 feet 10 inches. The CRNC Zoning District does not require a rear yard, however, the lowest level occupied by a dwelling unit contain no more than 75% lot coverage. Compliance with lot coverage and exposure requirements would preclude the construction of the 42.5% increase in unit density, therefore the project is requesting a waiver of these Planning Code requirements per State Density Bonus Law.

D. Usable Open Space. Within the CRNC Zoning District, Planning Code Section 135 requires 48 square feet of usable open space per dwelling unit.

The Planning Code requires a total of 1,152 square feet of usable open space. The project proposes 627

square feet of common open space via roof deck and 656 square feet of private open space through the use of balconies and a deck, resulting in 1,283 square feet of open space. Therefore, the Project meets the Open Space requirement.

- E. Street Frontage in Residential-Commercial and Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the requirements of Planning Code Section 145.1. The Project features an active common space use at a depth of the entire ground floor or 81 feet 6 inches with a height of approximately 15 feet that is more than 60% glazed.

- F. Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for every dwelling unit. It additionally requires one Class 2 space for every 20 units.

The Project, which includes 24 dwelling units, meets the requirements of Planning Code Section 155.2. The basement level will contain 24 Class 1 bicycle parking spaces and three Class 2 spaces are proposed at the front of the property, although only one is required.

- G. Height and Bulk.** The project is located in an 65-N Height and Bulk District, which allows for a maximum height of 65 feet. For buildings in the "N" Bulk District, bulk controls apply beginning at 40 feet, and the maximum length dimension is 50 feet, while the maximum diagonal dimension is 100 feet. Per Section 254 of the Planning Code, buildings within the Chinatown Mixed Use zoning districts that exceed a height of 35 feet are subject to Conditional Use Authorization.

The height of the Base Project exceeds the 35-foot height limit by 30 feet, thereby requiring Conditional Use Authorization before the Planning Commission. The specific findings related to the Conditional Use Authorization are analyzed in item 7 below. The State Density Bonus Height of 84 feet 5 inches exceeds the zoning district limit by 19 feet 4 inches therefore does not comply with bulk limits.

Beginning at the height of the bulk controls (40 feet) for the Project Site, the proposed Project would have a maximum length dimension of 81 feet 6 inches and a maximum diagonal dimension of 88 feet 2 inches. The project exceeds the maximum length dimension therefore does not comply with the bulk limits.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and requests a waiver from the 65-foot height limit, which the project exceeds by 19 feet 4 inches. In addition, a waiver is requested from the maximum length dimension which the project exceeds by 31 feet 6 inches. These waivers in height limit and bulk limits are necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).

- H. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 10 points.

The Project submitted a completed Environmental Evaluation Application on March 5, 2021. Therefore, the Project must only achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will achieve a total of 14 points through the following TDM measures:

- Bicycle Parking (Option BA)
- On-Site Affordable Housing (Option B)
- Parking Supply (Option K)

- I. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

The Project includes approximately 23,760 gross square feet of new residential use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A.

- J. **Residential Child-Care Impact fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

The project includes approximately 23,760 gross square feet of new residential use associated with the new construction of 24 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.

~~K. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On site Affordable Housing Alternative is to provide 14% of the proposed dwelling units as affordable.~~

~~On February 10, 2021, the Project Sponsor submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' stating the requirements will be satisfied by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee and that any affordable units designated as on-site units shall be rental units and will remain as such for the life of the project. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. A revised Project Application was accepted on March 5, 2021 and revised Affidavit of Compliance on September 23, 2021. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 14%. Three units (one studio, one one-bedroom, and one two-bedroom) of the 24 total units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. (See Condition 19).~~

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L.K. Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Sections 415.3 and 419.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on March 5, 2021; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-Site Affordable Housing Alternative is to provide 14% of the proposed base density units as affordable.

Pursuant to Planning Code Section 415.5, the Project may pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. ~~Alternatively, the Project can designate a certain number of dwelling units as part of the inclusionary affordable housing program.~~ The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete ~~Environmental Evaluation Project Application~~ Project Application. ~~The applicable fee rate is 20%.~~

In addition, under the State Density Bonus Law, Government Code section 65915 et seq, a project is entitled to a density bonus, concessions and incentives, and waivers of development standards only if it provides on-site affordable units. Projects that include on-site units to qualify for a density bonus under the State Law may also be able to satisfy all or part of the Affordable Housing Fee requirement by receiving a "credit" for the on-site units provided. This "credit" is calculated in accordance with Planning Code Section 415.5(g)(1)(D), referred to as the Combination Alternative. The Combination Alternative allows projects to satisfy the Inclusionary Housing requirement through a combination of payment of the fee and provision of on-site units.

The Project Sponsor has demonstrated that the Project is eligible for the On-Site Affordable Housing Combination Alternative under Planning Code Section 415.5 ~~and 415.6~~, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program. ~~by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee.~~ In order for the Project Sponsor to be eligible for the On-Site Combination Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on February 10, 2021. The form was subsequently submitted September 22, 2021 to reflect the revised application requesting State Density Bonus. The applicable percentage is dependent on the total number of units in the base-project, the zoning of the property, and the date that the project submitted a complete ~~Environmental Evaluation Project~~ Project Application. A complete ~~Environmental Evaluation Project~~ Project Application was submitted on March 5, 2021; therefore, pursuant to Planning Code Section 415.3-5, the Inclusionary Affordable Housing Program requirement for the on-site Affordable Housing Alternative is to provide 14% of the total proposed dwelling units in the Base Project as affordable for rental projects of 10-24 units, and the Inclusionary Fee rate is 20%. The project has

~~provided Three two (23) of the total 17 Base Density units to qualify for a 42.5% density bonus. The remaining inclusionary affordable housing obligation for the 24-unit project will be satisfied through payment of the Affordable Housing Fee. provided will be affordable units and payment of the affordable housing fee on remaining square footage; the total number of net new units with the State Density Bonus is 24 dwelling units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.~~

~~The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus. The inclusionary housing fee will apply to the square footage of the Project that is attributable to the bonus.~~

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

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

The immediate area of Chinatown contains predominantly three, and four-story mixed-use buildings with the SF Housing Authority's 12-story Ping Yuen North apartments on the east abutting property and 6-story Ping Yuen one block to the south. The Project would provide a 3,400 square foot commercial ground floor and, while the specific use is undetermined, it would comply with the requirement for active use per Planning Code Section 145.1 (c)(3). The proposed commercial size is in keeping with the fine-grain storefronts of the neighborhood. The Project would add 24 dwelling units to the neighborhood

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

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The height and bulk of the proposed building would be appropriate for the location. The Project Site is located across a narrow alley from SF Fire Station No. 2, behind SF Housing Authority's 12-story Ping Yuen North apartments to the east, and Ping Yuen apartments one block to the south. The Project is an infill development that would occupy the same footprint as the existing structure and provides a six-foot setback from the front lot line on floors (levels six and seven) and increase up to 30-feet 9-inches for half of the top floor (level eight).

The Planning Code does not require parking or off-street loading for the Project, and neither are proposed.

The Project would not include any uses that would generate noxious or offensive emissions. Except for some standard rooftop exhaust fans, all mechanical equipment would be internal to the building.

The Project plans show a conceptual design with wall and blade signs for the non-residential use. Any proposed signage would be required to meet Article 6 of the Planning Code and subject to Department approval at the time an application is made for a sign permit

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

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

- D. That use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Project is consistent with the stated purpose of the CRNC Zoning District, which is characterized by a significant amount of housing along Powell Street and housing development in new buildings encouraged above the ground floor. The project maintains the pattern of 20-foot to 45-foot building widths interior to the block, and provides a five-story structure at the building's immediate front wall, with some level of setback of the upper floors (level six and seven). The project provides usable open space within a common and private deck areas.

- 8. Individually Requested State Density Bonus Required Findings.** Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission shall make the following findings as applicable:

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

The Project consists of five or more dwelling units on a site located in the Chinatown Residential-Neighborhood Commercial District that is currently developed as a commercial building that is not subject to San Francisco Rent Stabilization and Arbitration Ordinance and is, therefore, eligible for the Individually Requested Density Bonus Program.

The Project provides at least 14% of the proposed rental dwelling units (3 units) as affordable to very

low income households, defined as those earning 42.5% of area median income, and is therefore entitled to a 42.5% density bonus under California Government Code Sections 65915-95918, as revised under AB 2345.

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

The Project does not request any concessions or incentives under the Individually Requested Density Bonus Program.

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

The Project requests the following waivers from the Planning Code Development Standards: 1) Site Coverage (Planning Code Section 134.1); 2) Dwelling Unit Exposure (Planning Code Section 140); 3) Height (Planning Code Section 260); and 4) Bulk (Planning Code Sectios 270).

The Project provides a maximum density of 17 dwelling units, plus the 42.5% density bonus of seven additional dwelling units afforded under the Individually State Density Bonus, for a total of 24 dwelling units. The density is obtained by increasing the total height of the building and expanding the building horizontally toward the rear above 75% of site coverage at the first occupiable dwelling unit floor. Additionally, the expansion of the ground floor renders some of the units non-compliant with the Dwelling Unit Exposure requirement of Planning Code Section 140. Rendering the proposed building compliant with height, site coverage, bulk, or dwelling unit exposure would preclude the construction of the density units proposed; thus, these requirements are eligible for Waiver under the density bonus request.

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

The Project does not include a donation of land, and this is not the basis for the Density Bonus.

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

The Project does not include a Child Care Facility, and this is not the basis for the Density Bonus.

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

_____ *The Project does not ~~include~~ ~~include mixed use development, Concessions or Incentives~~ ~~ny incentives or concessions.~~*

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.10

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

OBJECTIVE 4

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

Policy 4.4

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

Policy 4.5

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

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

OBJECTIVE 12

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

Policy 12.1

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

Policy 12.2

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

The Project Site is currently underdeveloped with a two-story commercial structure. Other lots in the vicinity are developed with older mixed-use structures that contain ground-level Retail Sales and Services with Residential Use above. The Project would utilize State Density Bonus Law for the site and add 24 dwelling units to the neighborhood, including ~~three~~ two on-site inclusionary affordable units.

The Project Site is a block away from Who Hei Yuen Park and is in a transit-rich part of the City. The proposed commercial ground floor would be 3,400 square feet in area and, while undetermined in use, would comply with the requirement of an active use per Planning Code Section 145.1 (c)(3).

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

CHINATOWN AREA PLAN
PRESERVATION AND CONSERVATION

Objectives and Policies

OBJECTIVE 1

PRESERVE THE DISTINCTIVE URBAN CHARACTER, PHYSICAL ENVIRONMENT AND CULTURAL HERITAGE OF CHINATOWN

Policy 1.2 Promote a building form that harmonizes with the scale of existing buildings and width of Chinatown's streets

Policy 1.7

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

OBJECTIVE 3

STABILIZE AND WHERE POSSIBLE INCREASE THE SUPPLY OF HOUSING

Policy 3.2

Increase the supply of housing.

OBJECTIVE 4

PRESERVE THE URBAN ROLE OF CHINATOWN AS A RESIDENTIAL NEIGHBORHOOD.

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

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

The Project would demolish an existing commercial structure that is occupied by a ground-floor restaurant and a second-floor office. The ground-floor commercial use would be replaced with an undetermined commercial use that would meet the active use requirements under Planning Code Section 145.1(c)(3). The Project would also provide 24 new dwelling units which would enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

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

There is no housing on the Project Site. The Project would provide 24 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add a commercial ground floor comparable in size to the mixed use buildings in the immediate area. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project site does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing ~~two~~ ³ below-market rate dwelling units for rent. Therefore, the Project will increase the stock of affordable housing units in the City.

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

The Project Site is served by nearby public transportation options. The Project is located along multiple Muni bus lines, including frequent service on the number 1, 8, and 30 lines. Future residents would be afforded proximity to these bus lines. The Project would also provide sufficient bicycle parking for residents and their guests

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

The Project Site is developed with an Office Use on the second floor, which would be demolished. The Project does not include commercial office development. Although the Project would remove a restaurant, the Project would provide a commercial ground floor and new housing. The commercial use while undetermined would be comparable in size to other mixed-use buildings in the area, and the creation of new housing is a top priority for the City

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

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

The Project does not cast shadow on any public parks or open space.

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

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

- 12.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 13.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2019-014461CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 22, 2021, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 30, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: September 30, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a mixed use structure with a commercial ground floor and 24 dwelling units located at 1324-1326 Powell Street, Block 0160, Lot 014A pursuant to Planning Code Sections 254 and 303 within the CRNC Zoning District and a 65-N Height and Bulk District; in general conformance with plans, dated June 22, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2019-014461CUA and subject to conditions of approval reviewed and approved by the Commission on September 30, 2021 under Motion No. [_____]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

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

Printing of Conditions of Approval on Plans

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

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7551, www.sfplanning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7551, www.sfplanning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7551, www.sfplanning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7551, www.sfplanning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7551,

www.sfplanning.org

Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

- 7. Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

- 8. Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.org

- 9. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the transformer vault for this project to be in the sidewalk. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org

- 10. Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

- 11. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas

identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org

Parking and Traffic

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

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 628.652.7340, www.sfplanning.org

13. Bicycle Parking. Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 24 bicycle parking spaces (24 Class 1 spaces for the residential portion of the Project and Class 2 space for the commercial portion of the Project based on the use, when determined). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

14. Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

- 15. Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

- 16. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415.581.2335, www.onestopSF.org

- 17. Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org

- 19. State Density Bonus Regulatory Agreement.** Recipients of development bonuses under this Section 206.6 shall enter into a Regulatory Agreement with the City, as follows:

The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.

B. Following execution of the agreement by all parties, the completed Regulatory Agreement or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.

C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.

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D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:

- i. The total number of dwelling units approved for the Housing Project, including the number of restricted affordable units;
- ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing restricted affordable units;
- iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the restricted affordable units;
- iv. Term of use restrictions for the life of the project;
- v. A schedule for completion and occupancy of restricted affordable units;
- vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
- vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement); and
- viii. Other provisions to ensure implementation and compliance with Section 206.6.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

Affordable Housing Fee Requirement. Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable

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Commented [CG1]: Required for State Density Bonus projects (choose 206.6 and "restricted affordable units") and HOME-SF Projects (choose 206.3 and "HOME-SF Units")

~~Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.~~

~~For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.~~

~~The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.~~

~~Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.~~

~~If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law, including interest and penalties, if applicable.~~

20. Inclusionary Affordable Housing – Fee. Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor has elected the Combination Alternative set forth in Section 415.5(g) and will provide two affordable units on-site, which satisfies 66.6% of the overall Inclusionary Program requirement. The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

~~For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.~~

Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are

made available for sale or rent

- a) The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b) Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c) If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law including interest and penalties, if applicable.

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19. Inclusionary Affordable Housing Program – On-Site Units. The Project is subject to the Inclusionary Affordable Housing Program, pursuant to Planning Code Section 415. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

21.

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A. Number of Required Units. Pursuant to Planning Code Section 415.6, the Project ~~is required shall to~~ provide 14% of the proposed dwelling units in the base project as affordable to qualifying households. The Project contains 17 units in the base project, and 24 units total; therefore, ~~three-two (23)~~ affordable units are required. The Project will fulfill this requirement by providing the ~~three-two (23)~~ affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from the Planning Department in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

B. Unit Mix. The Project contains twenty-four (24) units (seven one-bedrooms, four two-bedrooms, and two three-bedroom units; therefore, the required affordable unit mix is one (1) studio and; one (1) one-bedroom unit, and one (1) two-bedroom unit. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from the Planning Department in consultation with MOHCD.

C. Income Levels for Affordable Units. Income Levels for Affordable Units. Pursuant to Planning Code Section 415.3, the Project is required to provide 14% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

- D. Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6(f)(2), the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.
- E. Minimum Unit Sizes.** Affordable units are not required to be the same size as the market rate units and may be 90% of the average size of the specified unit type. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type may be calculated for the lower 2/3 of the building as measured by the number of floors.
- F. Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion.
- G. Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the architectural addenda.
- H. Phasing.** If any building permit is issued for partial phasing of the Project, the Project shall have designated not less than thirteen percent (14%) of the each phase's total number of dwelling units as on-site affordable units.
- I. Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6 must remain affordable to qualifying households for the life of the project.
- J. Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. [____], then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.
- K. Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.
- L. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The

Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction document by the Department of Building Inspection (“DBI”). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual. iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units.
- iii. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households earning 50% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% of AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus Law units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to (55) percent of Area Median Income under the Inclusionary Affordable Housing Program, using income table called “Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco,” and shall remain affordable for the remainder of the life of the Project. The initial and subsequent rent level of such units shall be calculated according to the Procedures

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

iii.iv. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

iv.v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

v.vi. If the Project fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable

For information about compliance, contact the Case Planner, Planning Department at 628.652.7551, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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Monitoring - After Entitlement

20-22. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

21-23. Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

22-24. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

23-25. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

24-26. Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

Draft Motion
September 30, 2021

RECORD NO. 2019-014461CUA
1324-1326 Powell Street

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Public Hearing 9/30/2022 Case No: 2016-015987PCA/CUA/VAR 1750 VAN NESS AVENUE
Date: Wednesday, September 29, 2021 2:54:25 PM

Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
San Francisco Property Information Map

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

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

From: Michael Clark <tigermnc@hotmail.com>
Sent: Wednesday, September 29, 2021 2:35 PM
To: May, Christopher (CPC) <christopher.may@sfgov.org>
Cc: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Public Hearing 9/30/2022 Case No: 2016-015987PCA/CUA/VAR 1750 VAN NESS AVENUE

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

Hello,

I would like to offer the following support to the subject project, item 14a/b/c on the agenda for the Public Hearing tomorrow September 30.

I am a Buddhist practitioner who has been to the San Bao Temple at 1750 Van Ness Avenue many times. I would like to support fully the work of the temple and the project for a new building. This building will allow them to have more activities and to receive the hundreds of monastics and lay practitioners as they do throughout the year in more adequate and convenient spaces than has been possible up to now. While the ratio of residential to non-residential space in the new building may not be 3:1, the 3 floors of accommodation for monastics and visitors who will be able to stay is a significant improvement on the current situation too.

At times, especially on important days in the Buddhist calendar, it has not been possible to accommodate all those who came to practice and learn Buddhism. Also, the lack of space has been a limitation on the number of activities they could organize. As members of a community promoting peace, tolerance and compassion for all others in society, they will continue to be exemplary neighbors, to the congregation and pastoral members of St. Luke's Episcopal church next door, to residents of the condominium building to the south and to all others. The design of the new building, with the lower frontage on Van Ness and the large 3rd floor outside meditation space in the middle of the structure, should also help to minimize any loss of light to the residential neighbors.

Thank you to the members of the planning commission for the chance to show support and for taking all these considerations into account.

Best Regards,
Michael Clark

From: [CPC-Commissions Secretary](#)
To: [Dave Osgood](#); [Starr, Aaron \(CPC\)](#)
Cc: [CPC-Commissions Secretary](#); [Merlone, Audrey \(CPC\)](#); [CTYPLN - COMMISSION SECRETARY](#)
Subject: RE: Commissioners packets 10-7-21
Date: Wednesday, September 29, 2021 1:26:32 PM

Mr. Osgood –

You may send it here in a pdf format and number each slide.

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
[San Francisco Property Information Map](#)

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The public is [encouraged to participate](#). Find more information on our services [here](#).

From: Dave Osgood <osgood@rinconneighbors.com>
Sent: Wednesday, September 29, 2021 10:21 AM
To: Starr, Aaron (CPC) <aaron.starr@sfgov.org>
Cc: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>
Subject: Re: Commissioners packets 10-7-21

Hi,

I would like to comment tomorrow during general public comment and include some artwork. I noticed others were doing that last week. Who do I email these to? What formats are acceptable? If I number them, is it possible to request “slide one please” and have that appear?

Thanks!

Dave

On Sep 28, 2021, at 4:37 PM, Starr, Aaron (CPC) <aaron.starr@sfgov.org> wrote:

Confirmed receipt.

Thanks,

Aaron Starr, Manager of Legislative Affairs
Legislative Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: +1628-652-7533 | sfplanning.org
[San Francisco Property Information Map](#)

From: Dave Osgood <osgood@rinconneighbors.com>

Date: Tuesday, September 28, 2021 at 4:24 PM

To: Aaron Starr <aaron.starr@sfgov.org>, CPC-Commissions Secretary
<commissions.secretary@sfgov.org>, "Merlone, Audrey (CPC)"
<audrey.merlone@sfgov.org>

Subject: Commissioners packets 10-7-21

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

Attached is a pdf letter for the Planning Commissioners' packets 10-7-21 about the Stefani sign legislation.

Pls let me know the timing and formatting are ok.

Thank you.

Dave Osgood

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** MAYOR LONDON BREED APPOINTS ASSEMBLYMEMBER DAVID CHIU TO SERVE AS SAN FRANCISCO CITY ATTORNEY
Date: Wednesday, September 29, 2021 11:55:24 AM
Attachments: [09.29.2021 City Attorney.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Wednesday, September 29, 2021 at 11:33 AM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** MAYOR LONDON BREED APPOINTS ASSEMBLYMEMBER DAVID CHIU TO SERVE AS SAN FRANCISCO CITY ATTORNEY

FOR IMMEDIATE RELEASE:
Wednesday, September 29, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****
**MAYOR LONDON BREED APPOINTS ASSEMBLYMEMBER
DAVID CHIU TO SERVE AS SAN FRANCISCO CITY
ATTORNEY**

Assemblymember Chiu, who previously served as President of the San Francisco Board of Supervisors and as a public interest attorney, will replace Dennis Herrera, who served as City Attorney since 2001

San Francisco, CA — Mayor London N. Breed today appointed Assemblymember David Chiu to serve as the next San Francisco City Attorney. Chiu will succeed City Attorney Dennis Herrera, who served in that role since 2001 and will be the new General Manager of the San Francisco Public Utilities Commission.

Chiu has represented the 17th Assembly District since 2014, during which time he has authored a wide range of bills on issues relating to housing, homelessness, transportation, education, environment, health, public safety, and civil rights. Before entering public office, Chiu served as a civil rights attorney with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, a criminal prosecutor with the San Francisco District Attorney's Office, Democratic Counsel to the United States Senate Constitution Subcommittee, and a law clerk for Judge James R. Browning of the U.S. Court of Appeals for the Ninth Circuit.

“I am proud to appoint David Chiu as the next City Attorney for the City and County of San

Francisco,” said Mayor Breed. “David has spent his career working to improve the lives of San Franciscans, from his time at the Board of Supervisors through his work as an Assemblymember. He has the vision, integrity, and experience, and I know he will continue to fight for the people in our community who are most in need. I know that he will bring that same approach to this new role and I am confident that the City Attorney’s Office will be in good hands for years to come.”

"I am deeply grateful and humbled by the opportunity to serve as San Francisco's next City Attorney," said Assemblymember Chiu. "Throughout my legal career and in public service, I have seen the real impact of the law on everyday people. It will be an honor to be able to use the power of the law to fight for justice on behalf of the people of San Francisco in this new capacity. The San Francisco City Attorney's Office has been on the forefront of some of the most important legal battles in the country, and I look forward to continuing that legacy."

In the State Legislature, Chiu authored significant legislation to expand and strengthen the civil rights of women, immigrants, and LGBTQ+ Californians. As chair of the Assembly Housing and Community Development Committee, he worked to protect tenants from evictions during COVID, and passed the largest expansion of tenants’ rights in California in decades. Chiu fought often to protect consumers through the regulation of entrenched interests like pharmaceutical companies, Wall Street banks, lead paint companies, for-profit colleges, and gun manufacturers.

Chiu received his undergraduate, master’s, and law degrees from Harvard University. The son of immigrant parents, he grew up in Boston, Massachusetts, and moved to San Francisco in 1996. Chiu would be the first Asian American City Attorney of San Francisco.

The City Attorney’s Office is tasked with providing legal services for the City and County of San Francisco. This includes representing the City in all legal proceedings, providing advice and written opinions, making recommendations to the Board of Supervisors regarding settlements or dismissal of legal proceedings, investigating claims made against the City, and pursuing allegations of unfair and unlawful competition in the City.

“It has been the professional honor and privilege of my life to serve the people of San Francisco as their City Attorney for nearly 20 years,” outgoing City Attorney Dennis Herrera said. “I’m pleased to be able to leave this office in the hands of David Chiu, someone who is committed to the mission, values, and integrity that have made the San Francisco City Attorney’s Office so remarkable for so long. I’ve known David for years. He is a person of principle and integrity. He is committed to transparency and clean government. And he is independent. He is going to be a great City Attorney.”

Chiu will replace Dennis Herrera, who was first elected as City Attorney in 2001. Herrera will become the new General Manager of the San Francisco Public Utilities Commission on November 1, 2021.

Following Chiu’s start as City Attorney, the Governor will call for a special election to be held within 140 days for the Assembly District 17 seat.

###

From: [Ajello Hoagland, Linda \(CPC\)](#)
To: [CTYPLN - COMMISSION SECRETARY](#)
Cc: [Asbagh, Claudine \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Chan, Deland \(CPC\)](#)
Subject: 811 Clay Street - Photos submitted by Sponsor
Date: Wednesday, September 29, 2021 10:57:03 AM
Attachments: [Photos - 811 Clay Street \(ID 1200997\).pdf](#)

Good Morning,

Attached are some photos submitted by the Project Sponsor that I inadvertently left out of the packet as they were submitted separate from the plans.

My apologies.

Regards,

Linda

Linda Ajello Hoagland, AICP Senior Planner

Northeast Team, Current Planning Division

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7320 | www.sfplanning.org

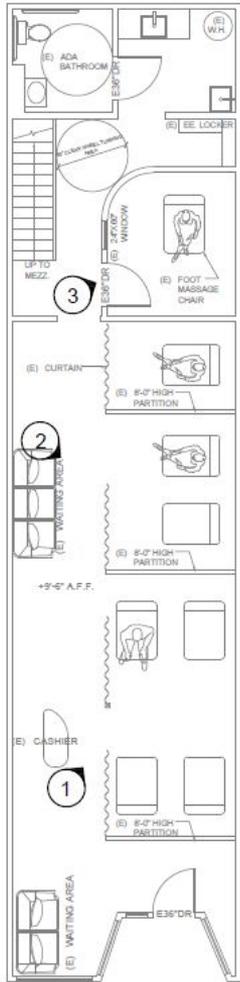
[San Francisco Property Information Map](#)

IN ORDER FOR US TO MOVE, OUR OFFICE WILL BE CLOSED WITH NO ACCESS TO PHONES OR E-MAIL ON THURSDAY, AUGUST 13 and FRIDAY, AUGUST 14. WE APPRECIATE YOUR PATIENCE.

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

811 Clay St.

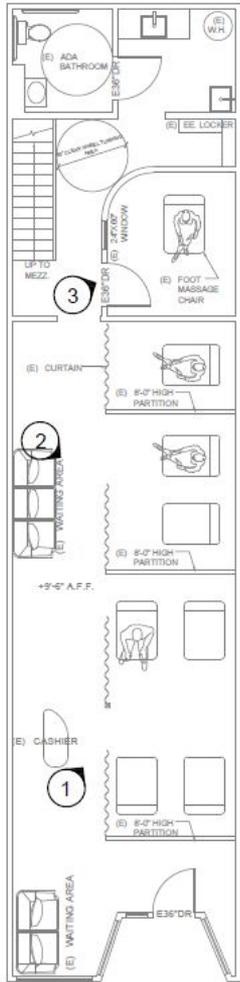
Existing photos



1



2





Front elevation and entry

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** SAN FRANCISCO PUBLIC UTILITIES COMMISSION APPROVES CONTRACT FOR DENNIS HERRERA TO SERVE AS GENERAL MANAGER
Date: Wednesday, September 29, 2021 10:23:11 AM
Attachments: [09.28.2021 SFPUC GM.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Tuesday, September 28, 2021 at 4:05 PM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** SAN FRANCISCO PUBLIC UTILITIES COMMISSION APPROVES CONTRACT FOR DENNIS HERRERA TO SERVE AS GENERAL MANAGER

FOR IMMEDIATE RELEASE:
Tuesday, September 28, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****

**SAN FRANCISCO PUBLIC UTILITIES COMMISSION
APPROVES CONTRACT FOR DENNIS HERRERA TO SERVE
AS GENERAL MANAGER**

Herrera, nominated by Mayor Breed, will begin serving as General Manager on November 1

San Francisco, CA — The San Francisco Public Utilities Commission (SFPUC) today approved Dennis Herrera's contract to serve as the new SFPUC General Manager. Herrera was elected as City Attorney of San Francisco in 2001, and will bring decades of experience serving City residents and advancing environmental policies around clean water and renewable energy through his nationally-recognized office.

Mayor Breed nominated Dennis Herrera to the SFPUC in April, and in June, the SFPUC Commission officially recommended him to serve as the agency's next General Manager. With the ratification of his contract today by the Commission, Herrera will officially serve as SFPUC General Manager beginning November 1.

“With the Commission approving Dennis Herrera's contract, I am glad we can now move forward with a new era for the SFPUC,” said Mayor Breed. “Dennis's long track record of integrity and ethical leadership, as well as his experience leading on issues from civil rights to environmental protection to renewable energy, has demonstrated the type of leadership he will bring to this new role. I am confident that he is the right person at the right time for this job,

and I fully expect the SFPUC to continue moving forward programs like CleanPowerSF and our ambitious efforts around public power. I want to thank the Commission and President Sophie Maxwell for their leadership during this process and Dennis Herrera for his willingness to serve.”

“I can’t wait to roll up my sleeves and get to work for all of the SFPUC’s ratepayers,” Herrera said. “It’s an honor to have this unique opportunity to face the challenges of our time as the General Manager of the SFPUC. We are in a historic drought fueled by climate change. PG&E’s unsafe and unreliable management of the power grid hampers our ability to meet our climate change goals. Now is the time to make real progress. It’s time to further diversify our water sources, boost our water recycling, deliver a state-of-the-art seismically strong wastewater system, and buy the electric grid in the City so we can provide all San Franciscans with clean, safe, and reliable public power. I want to thank Mayor Breed and the SFPUC Commission for this opportunity. I couldn’t be prouder of the work the City Attorney’s Office has done over the last 20 years, and now I’m ready to join all of the hardworking staff at the SFPUC to meet these challenges together.”

The SFPUC provides retail drinking water and wastewater services to the City of San Francisco, wholesale water to three Bay Area counties, green hydroelectric and solar power to Hetch Hetchy electricity customers, and power to the residents and businesses of San Francisco through the CleanPowerSF program.

“After a thoughtful and deliberative process to select the new General Manger, the Commission looks forward to working with General Manager Herrera to make the SFPUC a model utility of the future, and to tackle the critical issues facing the SFPUC and the state,” said SFPUC Commission President Sophie Maxwell. “We want to express our thanks to Acting General Manager Michael Carlin for his service these past 10 months.”

For nearly two decades, Herrera has been at the forefront of pivotal water, power and sewer issues. He worked to save state ratepayers \$1 billion during PG&E’s first bankruptcy in the early 2000s and has been a leading advocate for San Francisco to adopt full public power for years.

In 2009, he reached a key legal agreement with Mirant to permanently close the Potrero Power Plant, San Francisco’s last fossil fuel power plant, and secured \$1 million to help address pediatric asthma in nearby communities.

In 2018, Herrera defeated a years-long attempt to drain Hetch Hetchy Reservoir, the crown jewel of the SFPUC system, which provides emissions-free hydroelectric power and clean drinking water to 2.7 million Bay Area residents. He is also leading efforts before the Federal Energy Regulatory Commission and the courts to fight PG&E’s predatory tactics to grow its corporate monopoly by illegally overcharging public projects like schools, homeless shelters, and affordable housing to connect to the energy grid.

Herrera sued the five largest investor-owned fossil fuel companies in the world in 2017, alleging they knew for decades that their products caused global warming, and yet they deliberately deceived consumers about their products’ known dangers while continuing to promote and profit off them. The lawsuit, currently ongoing, seeks billions of dollars for infrastructure to protect San Francisco against sea-level rise caused by the fossil fuel industry’s products, including large portions of the SFPUC’s combined sewer and stormwater system.

Herrera was first elected as City Attorney in December 2001, and went on to build what *The American Lawyer* magazine hailed as “one of the most aggressive and talented city law departments in the nation.”

Herrera’s office was involved in every phase of the legal war to achieve marriage equality, from early 2004 to the U.S. Supreme Court’s landmark rulings in June 2013. Herrera was also the first to challenge former President Trump’s attempts to deny federal funding to sanctuary cities. He repeatedly defeated the Trump administration in different cases as it sought to punish sanctuary cities, deny basic benefits like food stamps to legal immigrants, and discriminate in health care against women, the LGBTQ community, and other vulnerable groups. He brought groundbreaking consumer protection cases against payday lenders, credit card arbitrators and others. He also brought pioneering legal cases to help young people, including allowing public school students to safely return to in-person education and blocking an attempt to strip City College of San Francisco of its accreditation.

###

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 3832 18th St, Request For Continuance
Date: Wednesday, September 29, 2021 10:16:20 AM
Attachments: [2021-09-28 3832 18th St - Request to Continue.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org <<http://www.sfplanning.org/>>
San Francisco Property Information Map <<https://sfplanninggis.org/pim/>>

On 9/28/21, 10:34 PM, "Thanos Diacakis" <thanos@diacakis.com> wrote:

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

Dear Commissioners,

Please see the attached on the 3832 18th St Conditional Use / State Density Bonus project.

Thank you.

Athanassios Diacakis & neighbors

Athanassios Diacakis
3830 18th St
San Francisco, CA 94114

September 28th, 2021

Re: Conditional Use Authorization 3832 18th St

Dear Planning Commission President Koppel, Vice President Moore, and Commissioners,

At the July 15th, 2021 Planning Commission meeting, the Commission continued the hearing for 3832 18th Street to allow the project sponsors to work with the community and the planning staff in order to modify the project so that it reduces impacts on the neighbors and allows the Planning Commission to make the required Conditional Use findings. The hearing has been scheduled for October 14.

Although more than two months have passed, to date, the project sponsors have not met with the neighbors. We had not been contacted by the project sponsors after the July 15th hearing. We requested an update on September 1st and then again emailed the following questions and request on September 24th:

- Have the plans been modified in response to feedback from the Commission and neighbors in preparation for the October 14 hearing?
- Are you planning on any outreach to the neighbors prior to the hearing?
- Would you please send me a copy of the plans as well as any associated written materials?

In response, the project sponsor's legal counsel said, "We'll have an update for you soon, hopefully early next week."

The project sponsor's attorney reached out by email yesterday, September 27th, to discuss the project. Starting the dialogue now, provides no time for the community to review and propose revisions and submit materials to Planning for inclusion in the Planning Commissioner's packets.

For these reasons, we respectfully ask that the October 14 hearing be continued for a month or more to allow time for the project sponsors to conduct community outreach and for the neighbors to have an opportunity to review the plans and supplemental materials and allow time for us to submit materials to the Commission in time for them to be included in your review.

Sincerely,



+ others)

Athanassios Diacakis & Cyndi Wong
3830 18th St

Giacomo DiGrigoli & Emil Wilson
3838 18th St

Amy Silverstein
3833 18th St

Risa Wechsler
237 Dorland St

Luis Fernandez
235 Dorland St.

Cc: Jeff Horn, Senior Planner; Supervisor Rafael Mandelman; Jacob Bintliff, Legislative Aide;
Jonas Ionin, Commission Affairs

Joel Koppel
President
joel.koppel@sfgov.org

Kathrin Moore
Vice-President
kathrin.moore@sfgov.org

Deland Chan
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Jonas P. Ionin
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Jeff Horn, Senior Planner
jeffrey.horn@sfgov.org

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Ajello, Laura \(CPC\)](#)
Subject: Amended Motion for Fillmore project
Date: Wednesday, September 29, 2021 10:11:49 AM
Attachments: [CPC revised draft motion 2040 Fillmore.docx](#)
Importance: High

Commissioners,

Attached is an amended Draft Motion for the Fillmore Street project on tomorrow's Consent Calendar.

Jonas P Ionin

Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Ajello, Laura (CPC)" <laura.ajello@sfgov.org>
Date: Wednesday, September 29, 2021 at 9:13 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Cc: "Gordon-Jonckheer, Elizabeth (CPC)" <elizabeth.gordon-jonckheer@sfgov.org>
Subject: RE: Question from Commissioner Diamond re Fillmore project

For the 9/30 hearing tomorrow. Revised draft motion for distribution to the Commission for **2021-002468CUA - 2040 FILLMORE ST**

Minor corrections/edits on pages 5 & 6 attached to on make all references to citywide (vs neighborhood use) consistent. File has track changes on.

Please let me know if you want the PDF packet updated.

Thanks,
Laura

From: Ajello, Laura (CPC)
Sent: Tuesday, September 28, 2021 10:29 AM
To: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Cc: Gordon-Jonckheer, Elizabeth (CPC) <Elizabeth.Gordon-Jonckheer@sfgov.org>
Subject: RE: Question from Commissioner Diamond re Fillmore project

Thanks, just spoke with Commissioner Diamond. She pointed out inconsistent finding language in the draft motion that needs revising (neighborhood vs citywide-serving use).

I will work on the language and review with EGJ today.

I will email the revised draft motion (with track changes on) when complete for distribution to the Commissioners.

-Laura

From: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>
Sent: Tuesday, September 28, 2021 9:59 AM
To: Ajello, Laura (CPC) <laura.ajello@sfgov.org>; CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Cc: Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>
Subject: Re: Question from Commissioner Diamond re Fillmore project

Not spam. 415-816-3518

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Ajello, Laura (CPC)" <laura.ajello@sfgov.org>
Date: Tuesday, September 28, 2021 at 9:52 AM
To: CTYPLN - COMMISSION SECRETARY <CPC.COMMISSIONSECRETARY@sfgov.org>
Cc: "Gordon-Jonckheer, Elizabeth (CPC)" <elizabeth.gordon-jonckheer@sfgov.org>
Subject: FW: Question from Commissioner Diamond re Fillmore project

Is this spam or legitimate?

Can you send me a phone number for Commissioner Diamond?

Thanks,
Laura

From: Diamond, Susan (CPC) <sue.diamond@sfgov.org>
Sent: Tuesday, September 28, 2021 9:18 AM
To: Ajello, Laura (CPC) <laura.ajello@sfgov.org>
Subject: Question from Commissioner Diamond re Fillmore project

Hi - Could you give me a call to discuss the above. Thanks.

Sue Diamond
San Francisco Planning Commissioner

sue.diamond@sfgov.org



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: SEPTEMBER 30, 2021

Record No.: 2021-002468CUA
Project Address: 2040 FILLMORE STREET
Zoning: Upper Fillmore Street Neighborhood Commercial District (NCD) Zoning District
40-X Height and Bulk District
Japantown Planning Area
Block/Lot: 0653/022
Project Sponsor: Sharon Cox
58 West Portal Avenue #328
San Francisco, CA 94127
Property Owner: Vera Cort
757 3rd Avenue
San Francisco, CA 94118
Staff Contact: Laura Ajello – (628) 652-7353
laura.ajello@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, 703.4, and 718, TO ALLOW THE ESTABLISHMENT OF A “FORMULA RETAIL USE” AT 2040 FILLMORE STREET (D.B.A. LULULEMON, AN ATHLETIC APPAREL AND ACCESSORIES STORE) MEASURING APPROXIMATELY 3,331 GROSS SQUARE FEET IN A VACANT TENANT SPACE ON THE GROUND FLOOR OF A THREE-STORY COMMERCIAL BUILDING LOCATED AT 2040 FILLMORE STREET, LOT 022 IN ASSESSOR’S BLOCK 0653, WITHIN THE UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD), JAPANTOWN PLANNING AREA, AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 8, 2021, Sharon Cox of Plinth Architecture (hereinafter "Project Sponsor") filed Application No. 2021-002468CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Formula Retail Use located on the ground floor (hereinafter "Project") at 2040 Fillmore Street, Block 0653 Lot 022 (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On September 30, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2021-002468CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-002468CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2021-002468CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** Conditional Use authorization is required to allow a Formula Retail Sales and Service Use (d.b.a. Lululemon) within a vacant ground-floor retail space, measuring approximately 3,331 square feet, of an existing three-story commercial building. Minor interior tenant improvements and new signage are proposed. There will be no expansion of the existing building envelope.

Lululemon is an athletic apparel and accessories store established in 1998. Lululemon offers technical athletic clothes and accessory items for men and women. There are currently 506 Lululemon stores worldwide; of which, there are three stores in San Francisco (Westfield San Francisco Centre, 327 Grant Avenue, and 1981 Union Street).
- 3. Site Description and Present Use.** The Project Site, Assessor's Block 0653, Lot 022, is located on the east side of Fillmore Street between California and Pine Streets in the Upper Fillmore Street Neighborhood Commercial District (NCD) in the Western Addition neighborhood. The subject lot is 5,000 square feet (50 feet wide by 100 feet deep) in size and is occupied by a three-story commercial building built in 1900 and modified in the early 1980s with a two-story vertical addition. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National and California Registers as having architectural significance. The ground floor commercial space was previously occupied by another Formula Use retail clothing store and is currently vacant.
- 4. Surrounding Properties and Neighborhood.** The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of low- and mid-rise buildings (one- to three-story structures), most of which were built in the early 1900s. Generally, the commercial establishments characterizing this portion of Fillmore Street include a mixture of restaurants, apparel/accessory stores, specialty shops, and personal service establishments. The surrounding zoning is primarily Upper Fillmore Street NCD and RH-2 (Residential, House, Two-Family) District zoning. The Project Site is within the Japantown Planning Area, which is intended to enhance Japantown's economy and social heritage. Within a 300-foot radius of the subject site the following commercial establishments appear to qualify as Formula Retail uses: The Shade Store, Gorjana (jewelry store), Rag and Bone New York (clothing store), Wells Fargo, Benefit Cosmetics, Chase, Starbucks, Scotch and Soda (clothing store), Kiehl's (cosmetics) and Paper Source (gift/stationary store).
- 5. Public Outreach and Comments.** The Sponsor hosted a Pre-Application meeting on April 6, 2021 via Zoom. There were no attendees.

The Department has received 107 letters in support from neighborhood businesses and residents and no letters in opposition to the Project. This includes one letter from the Fillmore Merchants Association neighborhood group in support of the project.

- 6. Japantown Planning Area.** The Japantown Cultural Heritage and Economic Sustainability Strategy (JCHESS) was endorsed by the Planning Commission in 2013 to support Japantown as a culturally and economically vibrant community. Currently, the Planning area does not possess any land use controls, which would apply to the Project.
- 7. Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 718 states that Formula Retail Uses require Conditional Use Authorization in the Upper Fillmore Street NCD Zoning District.

The Project is seeking a Conditional Use Authorization to establish a Formula Retail Sales and Service Use within the Upper Fillmore NCD Zoning District. Lululemon is a specialty retail store that sells athletic wear and accessories for men and women.

- B. **Hours of Operation.** Planning Code Section 718 states that hours of operation from 6 a.m. to 2 a.m. are permitted.

The proposed hours fall within what is permitted by right. Currently, hours of operation from 10 a.m. to 6 p.m. are specified but may be modified to align with other businesses on Fillmore Street.

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 50-feet of frontage on Fillmore Street with approximately 38 feet devoted to either the subject storefront entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage other than new business signage.

- D. **Signage.** Section 607.1 of the Planning Code permits business signs to be located within Neighborhood Commercial Districts with limitations based on the type of signage. In addition to the Planning Code, the Commission Guide for Formula Retail provides additional limitations for

signs located on formula retail storefronts. One sign per tenant is permitted, unless the establishment is a corner storefront, in which case it may have one sign per frontage.

Lululemon is proposing one new 18-inch diameter projecting business sign, which will be externally illuminated plus two window signs. The proposed signage complies with Article 6 of the Planning Code and the Commission Guide for Formula Retail.

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

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

The proposed Formula Retail use is compatible with and desirable for the neighborhood, as it will sell premium athletic clothing which complements the existing mix of commercial establishments. The authorization of this business would not result in the displacement of any existing tenant or increase the concentration of Formula Retail uses or lot frontage devoted to Formula Retail in the vicinity because the former tenant was also a Formula Retail clothing store.

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

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope. The Project would install new signage on the front façade in compliance with the Commission Guide for Formula Retail.

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

The Planning Code does not require parking or loading for a 3,331 square-foot Formula Retail Sales and Service Use. The proposed Citywide-serving retail use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide because there are two additional San Francisco locations for shoppers to patronize.

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

There are no features that produce noxious or offensive emissions in this project.

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

The existing building has no front yard, parking, loading, or service area and none are proposed or required. Signs will require a separate permit and must comply with the requirements of Article 6 of the Planning Code and the Formula Retail sign guidelines.

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

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

- D. That use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Project is consistent with the stated purpose of the Upper Fillmore NCD in that the intended use is a neighborhoodCitywide-serving business and a business which would serve a wider trade area. General Retail Sales and Service uses are principally permitted, and Formula Retail businesses are permitted with a Conditional Use Authorization.

9. Formula Retail Findings. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

- A. The existing concentration of Formula Retail uses within the District.

Within the 300' radius of 2040 Fillmore Street, there are approximately 62 commercial business storefronts on the ground floor. Ten businesses are Formula Retail which is a concentration of 16%. Of approximately 1,835 linear feet of commercial storefront within the 300' radius, 430 linear feet is Formula Retail which is a concentration of 23%. The former tenant was also a Formula Retail clothing store, so the existing concentration of Formula Retail uses remains unchanged.

- B. The availability of other similar retail uses within the District.

Within the 300' radius of 2040 Fillmore Street there are five clothing stores. This translates to 8% of all business locations in the vicinity. Two clothing stores in the vicinity are Formula Retail clothing stores which is 3% of available business locations. However, neither clothing store specializes in athletic wear. The percentage of available linear feet of storefront in the vicinity that are Formula Retail clothing stores is 4%.

- C. The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the District.

The Project will involve interior renovations, with no modifications to the exterior other than new signage. Therefore, the Project will not affect the existing architectural character of the District in any way. The store will provide a ground floor amenity consistent with the aesthetic character of the

building. Signage and exterior lighting installed in connection with the new store will be compatible with the surrounding architectural and aesthetic character of Fillmore Street and the Western Addition District.

- D. The existing vacancy rates within the District.

Nineteen vacant retail storefronts were noted in the vicinity. The vacancy rate is 31%. Of approximately 1,835 linear feet of commercial storefront within the 300' radius, 472 linear feet is vacant which is a vacancy rate of 26%.

- E. The existing mix of Citywide-serving retail uses, and daily needs-serving retail uses within the District.

49% of existing commercial retail uses within the 300-foot vicinity of the Project serve the daily needs of the community. Of existing ground floor commercial frontage, 58% is devoted to daily needs uses. 22 businesses primarily target a Citywide audience which is 51% of non-vacant business locations. The Project proposes a new Citywide-serving retail use.

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.2

Assure that all commercial and industrial uses meet the minimum, reasonable performance standards.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and attract new such activity to the city.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.7

Promote high quality urban design on commercial streets.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

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

The Project proposes the establishment of a clothing Formula Retail Sales and Service Use (d.b.a Lululemon). The proposed use is Formula Retail but will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. Additionally, the Project will activate a vacant commercial storefront and bring additional pedestrian traffic into the area. The proposal includes minor interior tenant improvements and new business signage that is compliant with the Planning Code and the Commission Guide for Formula Retail. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

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

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

The Project will not affect the broad balance of businesses in the neighborhood and will provide employment both with the store operations and the construction of the interior improvements. The Project would enhance the neighborhood by replacing a clothing Formula Retail Sales and Service

Use in a vacant commercial space.

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

The proposed Project would not negatively impact the unique and distinguishing characteristics of the Upper Fillmore Street NCD. Existing housing would not be affected by the Project since none exists at the project site. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project will not displace any affordable housing.

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

The Project Site is served by multiple nearby public transportation options. The Project is located along a Muni bus line (22-Fillmore), and is within walking distance of the 1-California, 2-Clement (temporarily suspended due to COVID-19), 3-Jackson (temporarily suspended due to COVID-19), and 24-Divisadero bus routes. The site is also within walking distance of four express buses that are temporarily suspended due to COVID-19 (31-Balboa ax and bx, 38-Geary ax and bx). The proposed Project will not impede MUNI service or overburden streets or neighborhood parking since another Formula Retail use is proposed to replace the former Formula Retail use at the project site.

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

The Project does not include commercial office development. The Project will not displace or adversely affect any service sector or industrial business, or any related employment opportunities.

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

The proposed Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- G. That landmarks and historic buildings be preserved.

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

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

The proposed Project will not affect any city-owned park or open space.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2021-002468CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 6, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 30, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: September 30, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Formula Retail Use (d.b.a. **Lululemon**) located at 2040 Fillmore Street, Block 0653, and Lot 022 pursuant to Planning Code Sections 303, 303.1, 703.4, and 718 within the **Upper Fillmore Street NCD Zoning District** and a **40-X** Height and Bulk District; in general conformance with plans, dated **August 6, 2021**, and stamped “EXHIBIT B” included in the docket for Record No. **2021-002468CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 30, 2021** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 30, 2021** under Motion No **XXXXXX**.

Printing of Conditions of Approval on Plans

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

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,

www.sfplanning.org

6. **Signage.** The Project is limited to one business sign plus window signs pursuant to the Formula Retail signage standards noted in the Commission Guide to Formula Retail. Signs to be installed under a separate sign permit.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7353, www.sfplanning.org

Monitoring - After Entitlement

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

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

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

10. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what

issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 4300 17th Street
Date: Wednesday, September 29, 2021 8:53:47 AM
Attachments: [4300 17th.pdf](#)

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: SFLUC <info@sfluc.org>
Sent: Tuesday, September 28, 2021 1:23 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>
Subject: 4300 17th Street

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SAN FRANCISCO LAND USE COALITION

September 27, 2021

Jeffrey Horn
San Francisco Planning Department
RE: 4300 17th Street

Dear Mr. Horn,

The San Francisco Land Use Coalition, as you may know is made up of members of neighborhood associations and residents of districts throughout the city.

We are not anti-housing, and we don't often comment on individual small projects - - unless they are particularly egregious.

In the case of 4300 17th Street, we wouldn't even know where to start to point out its problems. But following are the ones that come to mind first:

- The current home falls right in the middle of the area covered by the Corona Heights Large Residence Special Use District, initially sponsored by then Supervisor Scott Wiener. Its goals were, among other things to preserve rear yard open space and to limit the overall size of homes on any single lot.
- By permitting this project to go forward there would be a precedent set that would encourage other lot splits and removal of rear yards throughout the neighborhood and city.
- And most importantly, the proposed project, aside from eliminating an entire rear yard would block out virtually all the light to the neighbors' rear yards as well as a good portion of their homes.

We wholeheartedly request that you **recommend disapproval** of this project until its negative impact is considerably diminished.

Sincerely,

San Francisco Land Use Coalition

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 3832 18th Street - Project Sponsor Letter
Date: Tuesday, September 28, 2021 4:38:31 PM
Attachments: [3832 18th Street Letter 9.28.2021 Executed.pdf](#)

Commission Affairs

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From: Ryan Patterson <ryan@zfplaw.com>
Sent: Tuesday, September 28, 2021 2:09 PM
To: Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>
Cc: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>; Chandni Mistry <chandni@zfplaw.com>; Brian O'Neill <brian@zfplaw.com>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Mark Loper (<mloper@reubenlaw.com>) <mloper@reubenlaw.com>
Subject: 3832 18th Street - Project Sponsor Letter

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Dear Commissioners:

Please find a letter attached on behalf of the Project Sponsor.

Thank you,

Ryan J. Patterson
Zacks, Freedman & Patterson, PC
601 Montgomery Street, Suite 400
San Francisco, CA 94111
Telephone: (415) 956-8100

Facsimile: (415) 288-9755

Email: ryan@zfplaw.com

www.zfplaw.com

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ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

601 Montgomery Street, Suite 400
San Francisco, California 94111
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

September 28, 2021

VIA E-MAIL

President Joel Koppel and Commissioners
San Francisco Planning Commission
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Re: 3832 18th Street (2020-001610PRJ)

Dear President Koppel and Commissioners:

Our office represents MJ Mission Dolores, LLC, owner of the property at 3832 18th Street. Our client applied for a housing development project that consists of a new six-story residential building with 19 group housing units (Case No. 2020-001610PRJ). We submit this letter to inform the City that the project has already been deemed approved as a matter of law due to its failure to act on the project within the time limits required by the Permit Streamlining Act (PSA). Additionally, although City approval is no longer required, the project has been deemed code-compliant as a matter of law, and the City is therefore required to approve the project at the proposed density.

The Project is Deemed Approved as a Matter of Law

The PSA sets strict timelines for local agencies to act on proposed development projects. Gov't. Code § 65950(a)(5) requires a lead agency to approve or disapprove a project within sixty days from a determination that the project is exempt from the California Environmental Quality Act ("CEQA"). Gov't. Code § 65956 further states that an agency's failure to act within the PSA's required time limits "shall be deemed approval of the permit application . . . if the public notice required by law has occurred." Thus, if an agency fails to act on a project within sixty days after the project is determined to be exempt from CEQA, the project is deemed approved as a matter of law so long as public notice occurred, even when such notice does not explicitly state that the project will be deemed approved if not acted upon within the required timeframe. (*See Linovitz Capo Shores LLC v. Cal. Coastal Comm'n*, (Jun. 25, 2021, G058331) __ Cal.App.4th __, cert. denied; see also *Am. Tower Corp. v. City of San Diego*, (9th Cir. 2014) 763 F.3d 1035, 1048.)

Here, the City determined that the project was exempt from CEQA on May 24, 2021. Thus Gov't. Code § 65950(a)(5) required the City to approve or disapprove the project within 60 days (i.e. by July 23, 2021). Although the project was originally scheduled for approval at the July 15, 2021 Planning Commission hearing, the Commission failed to approve or disapprove the project, and instead continued the item until October 14, 2021. Thus, because the City did not approve or

disapprove the project by July 23, the City has already failed to act within the PSA's required time limits.

Prior to the July 15 hearing, the City provided public notice regarding the project as required by the City's Planning Code. The City held the duly-noticed public hearing, which gave affected parties the opportunity to be heard. However, the City failed to act on the application at the July 15 hearing and before the PSA deadline expired on July 23. Thus, both the "failure to act" and "public notice" prerequisites for the project to be deemed approved pursuant to the PSA have been satisfied, even though the public notice did not explicitly state that the project would be deemed approved due to the City's failure to act. As such, the 3832 18th Street project *has already been deemed approved as a matter of law*.

Although our clients will participate in the October 14 hearing under protest, if the City still holds a hearing, we do not concede that City approval is still required and do not waive the right to assert that the project has already been deemed approved as a matter of law.

The Project Qualifies as a Housing Development Project

The Housing Accountability Act (HAA) limits the ability of local governments to deny housing development projects that comply with applicable, objective general plan, zoning, and subdivision standards and criteria. The HAA defines "housing development project" as a *use consisting of any of the following*: residential units only; mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional housing or supportive housing. Planning Code Section 102 defines "group housing" as a "*Residential Use* that provides lodging or both meals and lodging, without individual cooking facilities." Thus, group housing projects are subject to the protections of the HAA because the HAA defines a "housing development project" to include any residential use, and "group housing" is a residential use.

This project consists of a new six-story residential building with 19 group housing units and therefore qualifies as a housing development project subject to the HAA. The City already confirmed that this project qualifies as a housing development project in its Preliminary Project Assessment Letter, dated April 9, 2020, also while acknowledging that "all public agencies are subject to additional project review constraints and timelines with regard to applications for housing developments."

The Project is Code-Compliant as a Matter of Law

The HAA also sets strict timelines for local agencies to determine whether a proposed housing development project is inconsistent, not in compliance, or not in conformity with any applicable plan, program, policy, ordinance, standard, or other requirement. Gov't. Code § 65589.5(j)(2)(A)(i) states that a local agency must provide written documentation identifying and explaining any code noncompliance "[w]ithin 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units." Gov't. Code § 65589.5(j)(2)(B) further states that if an

agency fails to provide the required written code noncompliance documentation within the specified timeframe, “the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.”

Here, the application was submitted on July 15, 2020 and the application was determined to be complete by the City on August 9, 2020. The project contains fewer than 150 units, and thus Gov’t. Code § 65589.5(j)(2) required the City to provide written documentation identifying and explaining any noncompliance with applicable ordinances, policies, or standards within 30 days of the date the application was determined to be complete (i.e. by September 8, 2020). The City failed to provide any written noncompliance documentation within that timeframe, and thus as a matter of law, the project was deemed code-compliant on September 9, 2020.

Because the project has been deemed code-compliant as a matter of law, if City approval were still required, the City would be obligated by Gov’t. Code § 65589.5(j)(1) to approve the project at the proposed density unless the City provides substantial evidence to establish that the proposed project will have a specific, adverse impact upon public health or safety. (*See Cal. Renters Legal Advocacy and Educ. Fund v. City of San Mateo* (Sept. 10, 2021, A159320) __ Cal.App. __.) In this case, the City has not identified any specific, adverse impacts to public health and safety that would be caused by the project, and thus the project must be approved at the density proposed.

Density Bonus Does Not Impact the Project’s Code-Compliance

Gov’t. Code § 65589.5(j)(3) makes clear that receipt of a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.” This is reiterated in Planning Director Bulletin No. 5, explaining that “[a]ny waivers, concessions, or incentives, conferred through the State Density Bonus Law are considered code-complying, and therefore are consistent with the objective standards of the Planning Code.” Thus, even though the project has already been deemed approved and code-compliant as a matter of law, we want to be clear that the density bonus and waivers/concessions have no impact on the proposed project’s code-compliance.

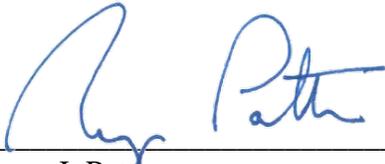
Conclusion

In sum, the 3832 18th Street project has already been deemed approved pursuant to the PSA and deemed code-compliant pursuant to the HAA. Although additional City approval is no longer legally required, our clients request that the City confirm the approval without further delay.

President Joel Koppel and Commissioners
September 28, 2021
Page 4

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

A handwritten signature in blue ink, appearing to read "Ryan J. Patterson". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Ryan J. Patterson

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: For commissioners' October 7 packets
Date: Tuesday, September 28, 2021 4:38:22 PM
Attachments: [CSFN Sign Clutter Resolution.pdf](#)

Commission Affairs

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From: Al Fontes <al.fontes@gmail.com>
Sent: Tuesday, September 28, 2021 2:00 PM
To: Starr, Aaron (CPC) <aaron.starr@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>
Subject: For commissioners' October 7 packets

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Dear Planning Commissioners,

Please find attached the CSFN resolution regarding sign clutter in the city of San Francisco. Given the weakening of oversight by City Hall and the subsequent clutter resulting from this deregulation, CSFN opposes any legislation allowing more signs, and urges reversal of the section of city ordinance #179-18 that allows more clutter in the name of "streamlined" processes.

Regards,
Al Fontes
Corresponding Secretary, Coalition for San Francisco Neighborhoods



CSFN Resolution Regarding Sign Clutter

Whereas San Francisco, like many cities nationwide, has regulated storefront signs over sidewalks for decades to minimize blight created by excessive signage,

Whereas the work of city officials and activists to reduce sign clutter over five decades should be respected and maintained,

Whereas San Francisco city government is weakening sign regulations, allowing larger storefront signs, allowing more signs per business, allowing unlimited sales and lease signage on residential buildings, allowing large signs on historic buildings, and proposing legislation to allow more signage on awnings and marquees,

Therefore, be it resolved, that the Coalition for San Francisco Neighborhoods opposes legislation that would allow more signs on awnings and marquees, supports the reversal of the section of city ordinance #179-18 that “streamlined” the process of adding signs to historic buildings, decries the installation of two 25-foot-high blade signs on the historic Rincon Annex building and supports their removal, opposes the addition of any new signage to the exterior of the Rincon Annex building, and opposes any current policy allowing the unlimited number of sales and lease signs on residential buildings.

September 2021

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Tuesday, September 28, 2021 4:37:56 PM
Attachments: [430017th Street.pdf](#)

Commission Affairs

San Francisco Planning
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From: wm@holtzman.com <wm@holtzman.com>
Sent: Tuesday, September 28, 2021 1:37 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Info@corbettneighbors.com; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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Dear Mr. Horn:

Speaking as a resident of Corbett Heights, I oppose this unfortunate development. About nine months ago, the project was soundly rejected by your organization and the Planning Commission.

Many of the core issues have not been addressed by the developer's current proposal which:

- Destroys the entire back yard, purging most of the open space, light and air flow
- Ignores city design guidelines
- Invents "hardships" to justify a host of variances
- Violates the General Plan and the Corona Heights Large Residence SUD
- And, to quote your own design team; it is not "necessary desirable and compatible with the surrounding neighborhood"

Mr. Horn, I truly can't imagine how the Planning Department or the Planning Commission

can ignore its previous statements on 4300 17th. Case in point: the words of Commissioner Diamond from the first hearing:

“On a procedural level, even if we wanted to increase the density, I don’t think this is the way we could do it through multiple variances and a conditional use permit. I think we should be looking to increase density on corner lots through policy changes.”

Clearly, the developer is asking for special treatment and spot zoning. This is indefensible. It flies in the face of established law and moral behavior. The Planning Department and the Planning Commission needs to follow long-established rules and reject this proposal yet again.

Sincerely,

Bill Holtzman

PS I have attached a PDF of this statement

William Holtzman

60 Lower Terrace
San Francisco, CA 94114
Email: wm@holtzman.com

September 28, 2021

Opposition: 4300 17th Street (2019-013808CUA/VAR)

Dear Mr. Horn:

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The Planning Department and the Planning Commission needs to follow long-established rules and reject this proposal yet again.

Sincerely,

Bill Holtzman

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Wednesday, September 29, 2021 8:54:46 AM

Commission Affairs

San Francisco Planning
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From: Chris McMahon <mcmahon@alumni.usc.edu>
Sent: Monday, September 27, 2021 2:23 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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

Commission Commission Secretary,

I support the new homes at 4512 23rd Street and urge you to approve this worthy project.

It is about time that SF decision makers started taking the housing crisis seriously. Between the Planning Commission's overbearing micro managing of development and the constant political limitations by the Board of Supes, a typical apartment costs \$1.2M to build!
Outrageous!

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI

lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.

4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.

5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Chris McMahon

mcmahon@alumni.usc.edu

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Wednesday, September 29, 2021 8:54:25 AM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Matt Biggar <mbiggar@connectedtoplace.com>
Sent: Monday, September 27, 2021 9:10 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Commission Commission Secretary,

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Matt Biggar

mbiggar@connectedtoplace.com

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Wednesday, September 29, 2021 8:54:03 AM

Commission Affairs

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From: Beth OLeary <beth@oleary.com>
Sent: Tuesday, September 28, 2021 7:38 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Beth OLeary

beth@oleary.com

San Francisco, California 94131

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Wednesday, September 29, 2021 8:51:53 AM

Commission Affairs

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From: Goldie Cheng <info@email.actionnetwork.org>
Sent: Tuesday, September 28, 2021 5:21 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Goldie Cheng

goldiecheng@hotmail.com

San Francisco, California 94115

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Wednesday, September 29, 2021 8:51:30 AM

Commission Affairs

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From: Stephen Wan <info@email.actionnetwork.org>
Sent: Tuesday, September 28, 2021 5:01 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Stephen Wan

swanito@hotmail.com

Millbrae, California 94030

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Tuesday, September 28, 2021 4:38:55 PM

Commission Affairs

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From: Jerry Wang <info@email.actionnetwork.org>
Sent: Tuesday, September 28, 2021 2:43 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Jerry Wang

jw16899@gmail.com

San Jose, California 95113-2538

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: LAB DEVELOPMENTS : NEED BETTER OUTCOMES
Date: Tuesday, September 28, 2021 4:37:27 PM

Commission Affairs

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From: Howard <wongaia@aol.com>
Sent: Tuesday, September 28, 2021 1:07 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>
Cc: Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>
Subject: LAB DEVELOPMENTS : NEED BETTER OUTCOMES

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

Hello Everyone, Market demand is driving life sciences and lab development. Depending on design/ planning guidance, these projects need not be bulky, repetitive, characterless, neighborhood incompatible and/ or bereft of ground floor activation and public spaces. Mission Bay's office-park feeling is a model to avoid, particularly its high-security, non-public perimeters. As originally envisioned by city planners and neighborhood groups, mixed-uses and neighborhood patterns should remain a major goal. Best Howard Wong, AIA

SAN FRANCISCO BUSINESS TIMES

More than half a million square feet of lab space proposed near Dogpatch

Two parcels adjacent to Islais Creek in San Francisco that were bought up in

2019 are now pegged for redevelopment into a two-building lab complex.

By [Laura Waxmann](#) – Staff Reporter, San Francisco Business Times

Sep 27, 2021 **Updated** Sep 27, 2021, 2:18pm PDT

Developer Ronaldo Cianciarulo wants to transform two warehouse sites near San Francisco's Pier 80 into a large lab development, a project that would hasten the evolution of the historically industrial Central Waterfront into a life sciences hub.

The plan, spearheaded by Oakland-based builder Workshop1 on behalf of Cianciarulo, calls for the construction of two new buildings totaling 603,286 square feet at 3150 and 3240 Third St. — two parcels wedged between Cesar Chavez Avenue and Islais Creek along Third Street. Two existing warehouses on the sites would be razed.

The proposed six-story building at 3150 Third St. would provide 443,446 square feet. Roughly 74,000 square feet of the first floor would be set aside for light manufacturing; 293,577 square feet of lab use is proposed on floors one through six. The building would include 167 parking spaces, and two roof terraces planned on the sixth floor would span about 9,307 square feet.

The proposed three-story building at 3240 3rd St. would provide 159,840 square feet, including 2,498 square feet of retail fronting Third Street, 157,342 square feet of lab space across all three floors and a 7,329-square-foot roof terrace. The two buildings would be separated by a 7,200-square-foot pedestrian plaza.

Specific tenants for the buildings — which will be “marketed to companies looking for Class A space with large floor plates” — have not been identified, Workshop1 stated in documents filed with the city. The light industrial space provided is envisioned to attract the “advanced manufacturing industry that includes start-up hardware and device manufacturers and firms involved in research, development, and production of industrial prototypes.”

Approval of the project would require a conditional use authorization from the Planning Commission, and a cost estimate was not provided.

I've reached out to the site's owner and developer for comment on the project, and will update this story once I hear back.

The parcels at the center of the planned development were acquired in 2019 by 3150 Third LLC and 3240 Mindful LLC, which are registered to Cianciarulo of RJC Group. The site at 3150 Third traded hands for \$18.8 million, and 3240 Third was bought for \$15.1 million.

Demand for lab space in the Bay Area is increasingly exceeding the supply, while appetite for office space in San Francisco has slowed significantly as a result of the pandemic and continuing uncertainty surrounding remote work policies by the city's major employers. As a result, developers working to transform the Dogpatch and Central Waterfront areas have begun pivoting away from office and toward life science users.

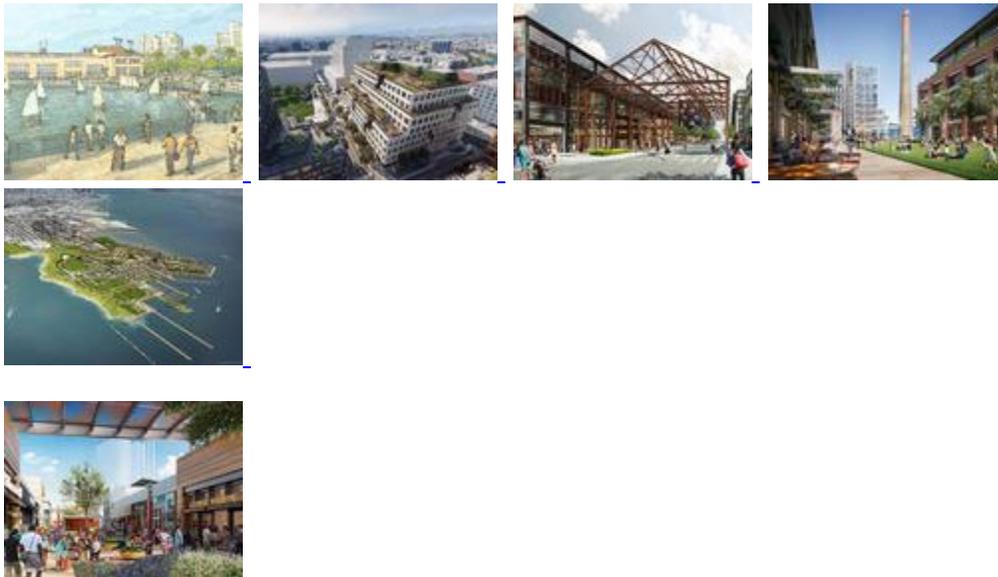
* * * * *

Explore San Francisco's waterfront projects in the gallery below.



VIEW SLIDESHOW

7 photos



North of the proposed lab development, Associate Capital is developing the [Potrero Power Station into a mixed-use community](#) with 2,601 new homes and 1.6 million square feet of commercial space in the coming decades. The commercial component was originally envisioned primarily for office users, but Associate Capital has said that it could easily shift to life sciences there in light of the growing demand.

Farther north at Pier 70, developer Brookfield Properties is building a roughly 3.5-million-square-foot mixed-use project, which has already broken ground on infrastructure work and the renovation of a historic building at the site.

Jack Sylvan, senior vice president of development with Brookfield, told the Business Times on Friday that due the “strength of the life sciences market” and the project’s adjacency to the city’s life sciences cluster at Mission Bay to the north of Pier 70 — Brookfield will be designing and breaking ground in the first half of next year on a 300,000-square-foot life sciences building, the first of about 1.7 million square feet of “purpose-built life science space” at Pier 70.

* * * * *

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Tuesday, September 28, 2021 4:37:15 PM

Commission Affairs

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From: Beth Daecher <bdaecher@pacbell.net>
Sent: Tuesday, September 28, 2021 12:08 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Beth Daecher

bdaecher@pacbell.net

4227 25th Street

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Petition Signers Supporting 1324 Powell Street
Date: Tuesday, September 28, 2021 11:05:01 AM
Attachments: [Updated 1324 Powell Street HAC Project Review Report Card.pdf](#)

Commission Affairs

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From: Corey Smith <corey@sfhac.org>
Sent: Tuesday, September 28, 2021 10:13 AM
To: Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>
Cc: Hillis, Rich (CPC) <rich.hillis@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Todd David <todd@sfhac.org>; mcoffeeguy@hotmail.com; Mahmoud Larizadeh <mlarizadeh@reubenlaw.com>; Matt Soisson <msoisson@axisgfa.com>; Cory Creath <ccreath@axisgfa.com>
Subject: Re: Petition Signers Supporting 1324 Powell Street

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Commissioners,

My deepest apologies, I had attached an old report card. The most up to date report card is attached to this email. There have been updates since our February review.

Corey

On Tue, Sep 28, 2021 at 9:22 AM Corey Smith <corey@sfhac.org> wrote:

Members of the San Francisco Planning Commission,

On behalf of the Housing Action Coalition, please see the attached document with petition signers

in support of the [1324 Powell Street project](#). Note that the majority of signers have indicated they live near the proposed project.

[Here is a link to the Housing Action Coalition Report Card.](#)

Please let me know if you have any questions.

Respectfully,
Corey Smith
Deputy Director, HAC

--

Corey Smith 陈锐 | Pronouns: He/Him
Deputy Director | Housing Action Coalition
95 Brady Street, San Francisco, CA 94103
Office: (415) 541-9001 | Cell: (925) 360-5290



Email: corey@sfhac.org | Web: sfhac.org

To opt out of all HAC emails, respond to this email with "unsubscribe all".

--

Corey Smith 陈锐 | Pronouns: He/Him
Deputy Director | Housing Action Coalition
95 Brady Street, San Francisco, CA 94103
Office: (415) 541-9001 | Cell: (925) 360-5290



Email: corey@sfhac.org | Web: sfhac.org

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Project Address: 1324 Powell Street

Project Sponsor: AXIS/GFA

Date of HAC Review: 2.3.2021

Grading Scale

★ = The project meets the high standard set by local jurisdiction and/or HAC

★★ = The project exceeds HAC standards

★★★ = The project far exceeds HAC's standards and exhibits creativity in its proposed solutions

Criteria for HAC Endorsement

1. The development must have been presented to the HAC Project Review Committee
2. The Project must score a minimum of ★ on any given guideline

<i>Guideline</i>	<i>Comments</i>	<i>Score</i>
Summary	After reviewing the proposed project, HAC is proud to endorse 1324 Powell Street as it will provide much-needed infill housing with affordable homes in downtown San Francisco. We applaud the project team for submitting this project to our committee for review during the early stages of its redesign, and encourage them to return once that new design is more fully developed.	★★
Land Use	The proposed project is a multi-use apartment building with ground floor community space. The project would be replacing a two story restaurant with an eight story apartment building. Right outside the site is a north and southbound Muni 12 line that can be used to access the Powell Street Bart station which is less than a 10 minute walk away.	★
Density	We applaud the project team for pursuing the state density bonus to increase the total number of homes from 17 to 24. Additionally, the project will now include 6 multi-bedroom homes, helping to support multi-generational households. Maximizing density and including family sized units are both vital in addressing our housing shortage.	★★★
Affordability	The inclusionary percentage is currently 13%, which will mean 3-4 Below Market Rate homes.	★
Parking & Alternative Transportation	We commend the project for having zero parking spaces and instead promoting biking and public transit as alternatives. The project will include 18 bike parking spaces and we encourage the project team to explore adding more.	★★
Preservation	The site does not contain any infrastructure deemed historic.	n/a
Urban Design	The project is utilizing large front and rear setbacks to provide community space and private terrace spaces for residents. The ground floor will serve as community space, and we are excited that the project will maximize the use of Fisher Alley to provide outdoor open space. The committee is pleased with the updated design that breaks down the massing through material and geometrical shifts.	★★

Environmental Features	The proposed project is set to receive a GreenPoint rating and include a low flow system. We encourage the development team to explore southglazing to prevent heat retention in the building.	★
Community Benefits	The project will provide the neighborhood with ground floor community space as well as an outdoor open space in Fisher Alley. Trees and Class III parking along Powell Street will also help enliven the streetscape. We encourage the project team to remain in communication with labor groups.	★★
Community Input	The project team has completed two rounds of community outreach, and has re-engaged with CCDC. The committee is pleased with the project team's receptiveness towards a more proactive and inclusionary community outreach process. We commend the project team's willingness to provide multigenerational housing options after input from the community as a part of the revised project proposal.	★★

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Samonsky, Ella \(CPC\)](#); [Sucre, Richard \(CPC\)](#)
Subject: FW: Coverage Maps - 6202 3rd Street (2021-006247CUA)
Date: Tuesday, September 28, 2021 11:04:38 AM
Attachments: [Coverage Maps - 6202 3rd Street \(3\).pdf](#)

Commission Affairs

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From: Samonsky, Ella (CPC) <ella.samonsky@sfgov.org>
Sent: Tuesday, September 28, 2021 10:04 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Cc: Sucre, Richard (CPC) <richard.sucre@sfgov.org>
Subject: Coverage Maps - 6202 3rd Street (2021-006247CUA)

I received a request for the coverage maps for the wireless facility at 6202 3rd Street from one of the commissioners, and wanted to provide it to the entire Planning Commission. Could you distribute it?

Thanks,

Ella Samonsky, Senior Planner
Southeast Team/ Current Planning Division

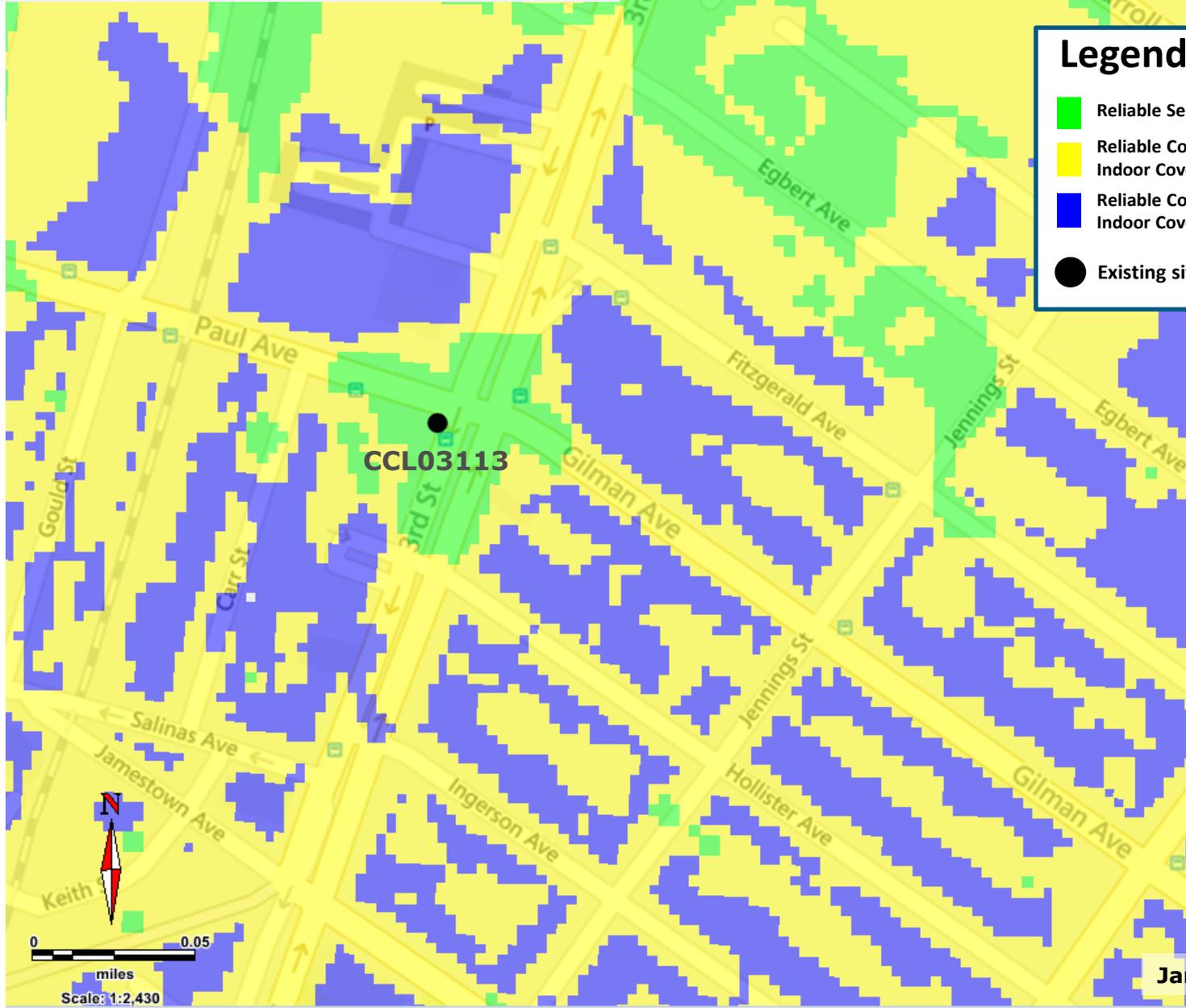
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Direct: 628.652.7417 | sfplanning.org
[San Francisco Property Information Map](#)

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CCL03113 Service Maps

January 13, 2021

Exhibit 2 – Existing LTE 700 Coverage

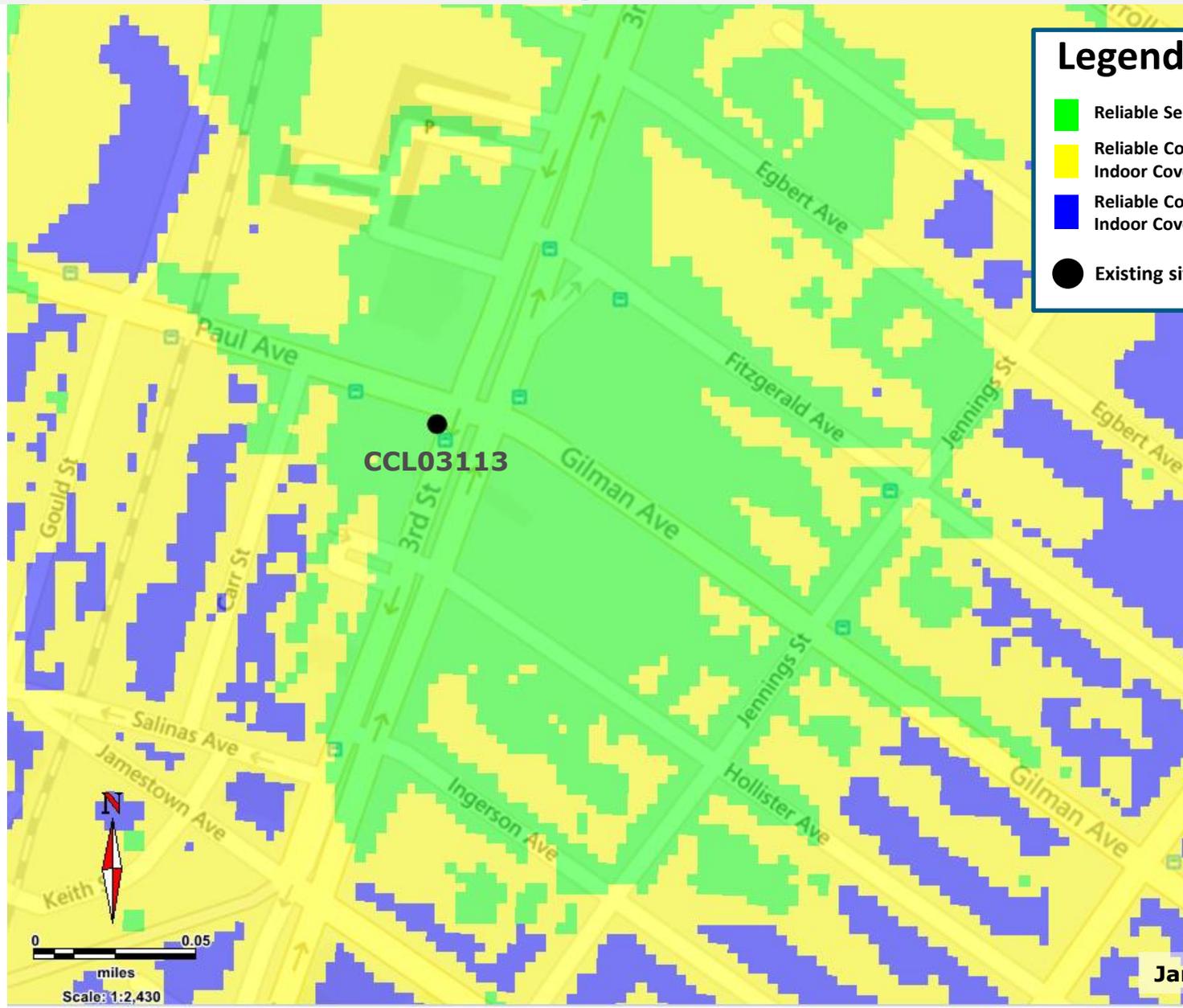


Legend

- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site

January 13, 2021

Exhibit 3 – Proposed LTE 700 Coverage – 6202 3rd St. w/ antenna ht = 20 ft.



Legend

- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site

January 13, 2021

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Samonsky, Ella \(CPC\)](#); [John Kevlin](#)
Subject: FW: 36-38 GOUGH LETTER OF SUPPORT.pdf
Date: Tuesday, September 28, 2021 8:22:22 AM
Attachments: [36-38 GOUGH LETTER OF SUPPORT.pdf](#)

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: John Kevlin <jkevin@reubenlaw.com>
Date: Monday, September 27, 2021 at 8:52 PM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>
Cc: "Justin A. Zucker" <jzucker@reubenlaw.com>
Subject: FW: 36-38 GOUGH LETTER OF SUPPORT.pdf

Hey Jonas – Please find attached a support letter for 36-38 Gough Street. Ella suggested I send it to you so you can distribute to the Commission. Please confirm – thanks!

John

From: Ella Samonsky <ella.samonsky@sfgov.org>
Date: Monday, September 27, 2021 at 2:02 PM
To: John Kevlin <jkevin@reubenlaw.com>
Cc: "Justin A. Zucker" <jzucker@reubenlaw.com>
Subject: RE: 36-38 GOUGH LETTER OF SUPPORT.pdf

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Hi John,

It is too late to get it into the packet, but I will reference it in my presentation and if you send it to the Commission Secretary it can be distributed to the Commission.

Thanks,
Ella

From: John Kevlin <jkevin@reubenlaw.com>
Sent: Monday, September 27, 2021 12:40 PM
To: Samonsky, Ella (CPC) <ella.samonsky@sfgov.org>
Cc: Justin A. Zucker <jzucker@reubenlaw.com>
Subject: FW: 36-38 GOUGH LETTER OF SUPPORT.pdf

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Hey Ella –

Please see attached a support letter from the owner of the adjacent property at 32-34 Gough Street. Are we able to get this in the appendix file that goes to the commission prior to Thursday? Thanks. Also, please have the webex invite come to me, and I will get you my slides by COB Wednesday.

John

From: Annabel McClellan <annabel@thepollardgroup.net>

Date: Monday, September 27, 2021 at 11:55 AM

To: John Kevlin <jkevin@reubenlaw.com>, "Justin A. Zucker" <jzucker@reubenlaw.com>

Subject: 36-38 GOUGH LETTER OF SUPPORT.pdf

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Annabel McClellan
The Pollard Group
P.O. Box 14039
San Francisco, CA 94114

415-420-0615

24th September 2021

Mr. Joel Koppel

President

San Francisco Planning Commission,

49 South Van Ness, Suite 1400

San Francisco, CA, 94103

RE: 36-38 Gough Street, SF, CA, 94103

Block/lot: 3504/028

Dear Mr Koppel,

I am the owner of the adjacent property at 36-38 Gough Street and I write this letter to show my full support for the proposed development.

Regards



Anna Seljuk

From: [CPC-Commissions Secretary](#)
Cc: [Christensen, Michael \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: comments regarding 317 Cortland (2021-002698CUA)
Date: Tuesday, September 28, 2021 8:10:40 AM

Commission Affairs

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From: liebermanshare <liebermanshare@gmail.com>
Sent: Friday, September 24, 2021 10:57 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: comments regarding 317 Cortland (2021-002698CUA)

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to whom it may concern:
regarding: 317 CORTLAND RECORD NO: 2021-002698CUA

I'm writing to express my disapproval of the conditional use authorization for 317 Cortland. I have been a resident and property owner in the neighborhood since 1989. Cortland Avenue does not need a cannabis retail establishment. Very near by on Mission and 29th St is a cannabis retail establishment which adequately meets needs of neighborhood. the balance of the cortland avenue street and its businesses is fragile and needs our attention to maintain it. The building codes for this neighborhood have helped to keep our street like "a little village in the city." Making exceptions to the code jeopardizes this beauty and treasure.

Please do NOT approve the conditional use.

respectfully,
Marcia Lieberman

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Tuesday, September 28, 2021 8:09:32 AM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Katherine Zinsser <kjz1917@gmail.com>
Sent: Monday, September 27, 2021 5:12 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Corbett Neighbors <info@corbettneighbors.com>; William Holtzman <wm@holtzman.com>
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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

I am writing to express my opposition to the proposed development at 4300 17th Street, just down the street from my apartment.

While I am not against the creation of housing, the current design has a disproportionate impact on its neighbors and it sets a bad precedent for all open space in our Special Use District. I would be more comfortable if this project adhered to our 45% setback requirements and if it were mindful of the light, air and privacy of its neighbors. Thank you for your attention to this matter.

With thanks for your attention to this community matter.

Katherine Zinsser

40 Ord Street

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Tuesday, September 28, 2021 8:09:08 AM

Commission Affairs

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From: Charles Whitfield <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 4:46 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation

options by providing 13 bicycle parking spaces.

4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.

5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Charles Whitfield

whitfield.cw@gmail.com

786 Spruce Street

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 3:41:38 PM
Attachments: [Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)

Commission Affairs

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From: Christopher Sharpe <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 1:31 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.

3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.

4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.

5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Christopher Sharpe

seesharpe1966@gmail.com

San Francisco, California 94131

From: [Jason Stephens](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 2:20:42 PM

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Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Jason Stephens
jasonmstephens@gmail.com

San Francisco, California 94131

From: [Vitor Baccetti Garcia](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:54:03 PM

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Vitor Baccetti Garcia
vbgarcia@gmail.com

San Francisco, California 94114

From: [Timothy Tieu](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 3:08:24 PM

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Timothy Tieu
tim.tieu@gmail.com

San Francisco, California 94110

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Monday, September 27, 2021 1:32:09 PM

Commission Affairs
San Francisco Planning
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-----Original Message-----

From: Joell Hallowell <whittiers@mindspring.com>
Sent: Thursday, September 23, 2021 5:03 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Info@corbettneighbors.com; wm@holtzman.com
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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

Dear Mr. Horn,

We are writing to express our opposition to the proposed development at 4300 17th Street.

While we support the creation of housing, the current design has a disproportionate impact on its neighbors and sets a bad precedent for all open space in our Special Use District. If this project adhered to our 45% setback requirements, and if it were mindful of the light, air and privacy of its neighbors, we would have no objection. Thank you for your attention to this matter.

Best regards,
Joell Hallowell & Tricia Garlock
212 States Street
SF

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Monday, September 27, 2021 1:31:16 PM

Commission Affairs

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From: Todd Huss <thuss@gabrito.com>
Sent: Monday, September 27, 2021 1:22 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Info@corbettneighbors.com; wm@holtzman.com
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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

Dear Mr. Horn,

I am writing to express my opposition to the proposed development at 4300 17th Street.

While I am not against the creation of housing, the current design has a disproportionate impact on its neighbors and it sets a bad precedent for all open space in our Special Use District. I would be more comfortable if this project adhered to our 45% setback requirements and if it were mindful of the light, air and privacy of its neighbors. Thank you for your attention to this matter.

Best regards,
Todd Huss
68 Douglass St

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support new project at 4512 23rd Street
Date: Monday, September 27, 2021 1:28:47 PM
Attachments: [Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)
[Please support bringing new homes at 4512 23rd Street.msg](#)

Commission Affairs

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From: Tara Killebrew <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 12:45 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support new project at 4512 23rd Street

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Commission Commission Secretary,

Because I am a District 8 resident and parent of students at nearby Rooftop K-8—and am well aware that families and staff would like the chance to live near that school—I'm taking the time to write to express my support for a new infill project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are other reasons that make this project uniquely well-suited for this particular location:

1. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. This project will create affordable homes in a city that's become largely unaffordable. Of

the 13 units, 25% (3 units) will be below market rate. This means more homes for families of varying means.

3. The site is served by both the 37 and 48 Muni lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.

4. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.

5. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come.

Urban infill projects must increase if we want to keep teachers, school staff and food-industry workers as neighbors in San Francisco. I urge you to approve this project without delay.

Tara Killebrew

tsburns17@hotmail.com

San Francisco, California 94131

From: [Patrick Holmes](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:17:43 PM

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Commission Commission Secretary,

I want to express support for the 4512 23rd Street project and urge you to approve 13 much-needed homes.

There are many great reasons that make these new homes well-suited for approval, including:

1. Add net-new homes where there are none. Maximizing the number of homes on a small lot that has been vacant for more than 50 years is a necessity.
2. Three units will be below-market-rate homes, SF is unaffordable for many so this. project advances justice.
3. Close proximity to public transportation.
4. Sustainable design. These homes prioritize energy efficiency.
5. The project team will upgrade underground utility lines and improve public access that will benefit neighbors!

Please approve this project.

Patrick Holmes
holmesp@gmail.com
861 Baker St
San Francisco, California 94114

From: [Gordon Wintrob](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:14:49 PM

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Gordon Wintrob
gwintrob@gmail.com

San Francisco, California 94114

From: [Matt Klimerman](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:12:11 PM

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

Commission Commission Secretary,

I'm writing to express my support for a new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this project.

As a neighbor of the project, I understand the deep need for additional affordable and market rate housing in the neighborhood and would like to share a few reasons that make this project well suited for my neighborhood:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little new multi-family housing has been built (especially affordable housing).
2. Creating more affordable homes in an area of the city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come.

For these and many other reasons, I urge you to approve these new homes without delay.

Matt Klimerman
klimermanm@gmail.com

San Francisco, California 94131

From: [Bella Lau](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:04:14 PM

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Bella Lau
elisaqbb@hotmail.com

San Francisco, California 94112

From: [Alan Billingsley](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 12:49:12 PM

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Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Alan Billingsley
alanbillingsley215@gmail.com
215 Eureka Street
San Francisco, California 94114

From: [Caroline Rubin](#)
To: [CPC-Commissions Secretary](#)
Subject: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 12:47:09 PM

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Commission Commission Secretary,

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Caroline Rubin
carolinesrubin@gmail.com

San Francisco, California 94118

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: ABCS Temple
Date: Monday, September 27, 2021 1:10:01 PM
Attachments: [20210927090155226.pdf](#)

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Dodeja, Rattan" <Rattan.Dodeja@opco.com>
Date: Monday, September 27, 2021 at 1:09 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>
Cc: Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Subject: ABCS Temple

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

For your consideration.

Thanks,
Rattan Dodeja
Senior Director Investments – Private Client Division
Oppenheimer & Co. Inc.
580 California Street
Suite 2300
San Francisco, CA 94104
Tel: 415-438-3055
Fax: 415-438-2900
Toll Free: 800-820-6726

This communication and any attached files may contain information that is confidential or privileged. If this

communication has been received in error, please delete or destroy it immediately. Please go to www.oppenheimer.com/legal/email-disclosure.aspx for important information and further disclosures pertaining to this transmission.

27 September 2021

To: Planning Commission

Sub: 1750 VanNess Ave, Temple with tower/hotel for wealthy donors

Dear Sir or Madam:

I live in unit 510, 1776 Sacramento Street and will be directly affected by the tower being proposed by the temple for housing wealthy donors.

The project requires various exemptions which should be denied. At least, please postpone the hearings until you have a chance to visit the site to see for yourselves the impact of the tower being proposed.

Thank you for the consideration,

A handwritten signature in black ink, appearing to read "R. Dodeja". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rattan Dodeja
Unit 510, 1776 Sacramento Street
San Francisco, CA 94109
(415)505-1569

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:10:00 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Cynthia Gregory <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 12:39 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Commission Commission Secretary,

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options by providing 13 bicycle parking spaces.

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Cynthia Gregory

cynthia.e.gregory@gmail.com

San Francisco, California 94131

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: General Public Comment September 30, 2021
Date: Monday, September 27, 2021 1:09:35 PM
Attachments: [July 2021 List.pdf](#)

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Thomas Schuttish <schuttishtr@sbcglobal.net>
Sent: Monday, September 27, 2021 12:37 PM
To: Koppel, Joel (CPC) <joel.koppel@sfgov.org>; mooreurban@aol.com; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Cc: Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Winslow, David (CPC) <david.winslow@sfgov.org>; Jimenez, Sylvia (CPC) <sylvia.jimenez@sfgov.org>; Merlone, Audrey (CPC) <audrey.merlone@sfgov.org>; Watty, Elizabeth (CPC) <elizabeth.watty@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>; YANG, AUSTIN (CAT) <Austin.Yang@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>
Subject: General Public Comment September 30, 2021

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

Dear President Koppel, Vice President Moore, Commissioner Diamond, Commissioner Fung, Commissioner Imperial and Commissioner Tanner:

I previously sent this to the Commission and Staff back in July 2021.

This is a very crude map of Noe Valley which has now been labeled by the Staff as “*an epicenter for the de-facto demolition of modestly sized homes and expansion/construction of significantly larger homes*”.

I agree with the Staff’s acknowledgment.

The addresses above show the extreme Alteration projects (that I am aware of) that sold immediately upon completion.

Some of them have published Demolition Calculations, others do not...but for most of these addresses I have shown photos one time or another these past seven years+ and I think commonsense would label them as:

“A Demolition”or as "Tantamount to Demolition", which is the same as “de-facto demolition”.

There are at least four or five other projects that never returned to the open market so they are not shown on this map...however one is now on the open market for \$8 million as I mentioned in my email sent on September 25th about the DR for 1433 Diamond Street which was scheduled to be heard on September 30th, but has been withdrawn.

There also are some projects on the fringes of Noe Valley...that are in Dolores Heights, or the Mission or Glen Park. I did not include these projects.

There are at least three, actually four projects, that I am aware of right now, under construction, within the Noe Valley boundaries as defined by the Department where the Demo Calcs are questionable and the projects look “*de-facto*”.

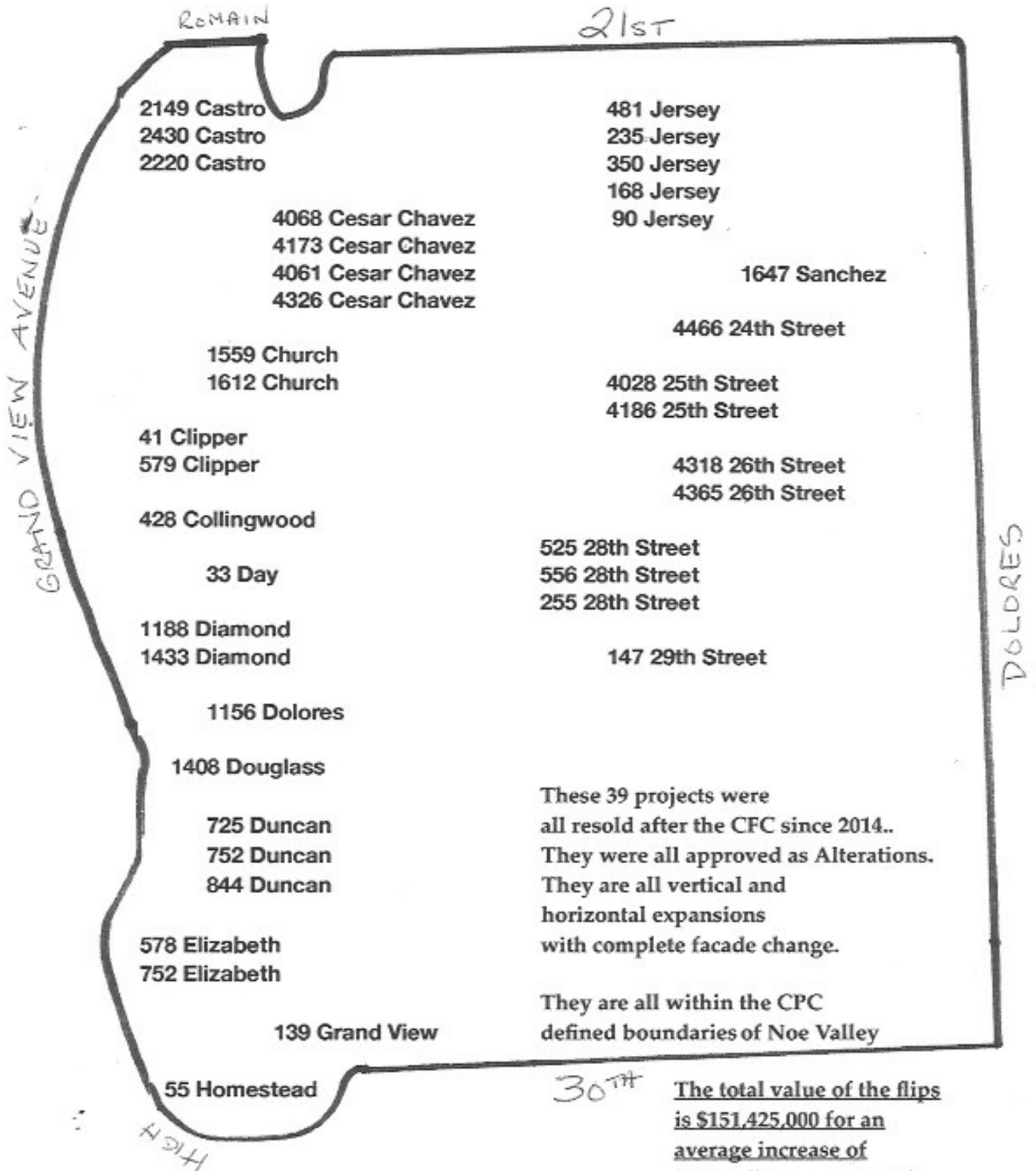
In the past 8-9 years or so, there have really only been about 10 or so projects in the Noe Valley RH-Zoned blocks that applied for and were approved as Demolitions (and have their CFC) by the Commission either at an MDR hearing or at a CUA hearing.

Thank you.

Sincerely,

Georgia Schuttish

P.S. Congratulations to Ms. Jimenez on her appointment as SW Quadrant Leader per the announcement from Director Hillis last week.



REMAIN

21ST

GRAND VIEW AVENUE

DOLORES

HIGH

30TH

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:09:18 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
[San Francisco Property Information Map](#)

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From: Matthew Soisson <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 12:34 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Commission Commission Secretary,

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options by providing 13 bicycle parking spaces.

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5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Matthew Soisson

matthewrsoisson@gmail.com

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:08:54 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Toby Morris <toby@kermanmorris.com>
Sent: Monday, September 27, 2021 12:33 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Toby Morris

toby@kermanmorris.com

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:08:32 PM

Commission Affairs

San Francisco Planning
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From: Joanna Gubman <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 12:09 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Commission Commission Secretary,

Please approve these homes! We are in the middle of a housing crisis and a climate crisis, and we should be doing everything we can to build more homes in places people want to live, where they can have a low-carbon lifestyle.

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Joanna Gubman

jgubman@gmail.com

120 Hancock St

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:08:02 PM

Commission Affairs

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From: Tia Ghose <info@email.actionnetwork.org>
Sent: Monday, September 27, 2021 12:05 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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Tia Ghose

tiaalonaghose@gmail.com

San Francisco, California 94114

From: [CPC-Commissions Secretary](#)
Cc: [Ajello Hoagland, Linda \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Monday, September 27, 2021 1:07:12 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Anderson Fung <info@email.actionnetwork.org>
Sent: Sunday, September 26, 2021 8:42 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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For these and many other reasons, I urge you to approve these well-designed, well-located, environmentally-friendly new homes without delay.

Anderson Fung

andersonfung2008@gmail.com

San Francisco, California 94116

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Monday, September 27, 2021 1:05:36 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Johnny Welch <johnnywelch@gmail.com>
Sent: Sunday, September 26, 2021 8:48 AM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Info@corbettneighbors.com; wm@holtzman.com
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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Dear Mr. Horn,

I am writing to express my opposition to the proposed development at 4300 17th Street.

While I am not against the creation of housing, the current design has a disproportionate impact on its neighbors and it sets a bad precedent for all open space in our Special Use District. I would be more comfortable if this project adhered to our 45% setback requirements and if it were mindful of the light, air and privacy of its neighbors. Thank you for your attention to this matter.

Best regards,

Johnny Welch & Callan Carter
5 Saturn Street
San Francisco, CA 94114

From: [CPC-Commissions Secretary](#)
Cc: [Christensen, Michael \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Proposal for 317 Cortland Ave.
Date: Monday, September 27, 2021 1:05:06 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
[San Francisco Property Information Map](#)

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From: Stan Shepard <stanleyshepard@gmail.com>
Sent: Saturday, September 25, 2021 10:50 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Proposal for 317 Cortland Ave.

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Hello,

I am a neighbor at 18 Bennington St. in Bernal Heights, and I am writing to **object** to the introduction of a cannabis dispensary in the neighborhood. Bernal Heights has a unique "village" charm that we have worked hard to cultivate and preserve. Bernal is known to be a safe place for small children and families. Unfortunately, a cannabis dispensary will change that character by attracting nuisance and traffic. There are already 2 dispensaries on Mission Street (Stiizy and Urbana), and we do not need a third one, especially one in the unique "village" section of Cortland Street.

Please do **NOT** grant the Conditional Use Authorization.

Sincerely,
Stan Shepard
18 Bennington Street
415-265-5801

From: [CPC-Commissions Secretary](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 2020-007481CUA 5367 Diamond Heights Boulevard - Response to 1900 Diamond for All
Date: Monday, September 27, 2021 1:04:35 PM
Attachments: [2020-007481CUA CCF Letter in Support - Response to S.Chaffin \(1900 Diamond for All\)\(1208779.3\).pdf](#)

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Lee, Carolyn <clee@lubinolson.com>

Sent: Friday, September 24, 2021 5:16 PM

To: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>

Cc: Jairo Lopez <jlopez@chavezfoundation.org>; Paul S. Park <paulp@chavezfoundation.org>; 'Alfredo Izmajtovich (alfredoi@chavezfoundation.org)' <alfredoi@chavezfoundation.org>; Cesar Toledo <ctoledo@chavezfoundation.org>; 'georgel@chavezfoundation.org' <georgel@chavezfoundation.org>; Marc Babsin <marc@emeraldfund.com>; Steven Vettel <SVettel@fbm.com>; Etlin, Craig B. <CEtlin@sflaw.com>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; shamman.walton@sfgov.org; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Pantoja, Gabriela (CPC) <gabriela.pantoja@sfgov.org>; Short, Carla (DPW) <Carla.Short@sfdpw.org>; Crawford, Nicholas (DPW) <nicholas.crawford@sfdpw.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Olson, Charles <colson@lubinolson.com>; Anderson, Beth <BAnderson@lubinolson.com>; ryan@zfplaw.com; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>

Subject: 2020-007481CUA 5367 Diamond Heights Boulevard - Response to 1900 Diamond for All

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Dear Supervisor Mandelman,

As you are aware, our firm represents the Cesar Chavez Foundation, a nonprofit affordable housing developer, who currently owns the vacant parcel of land located at 5367 Diamond Heights Boulevard (the "Property"), and who is also the developer and operator of Vista Del Monte Apartments located adjacent to the Property. Please review the attached correspondence from our firm addressing concerns that were raised by neighbors in a letter dated September 1, 2021. Contrary to such concerns, Cesar Chavez Foundation has complied with all applicable housing laws and regulations in the process of preparing the Property for disposition to On Diamond, LLC, an affiliate of Emerald Fund.

Should you require any more information regarding the Property, Vista Del Monte Apartments, or Cesar Chavez Foundation, please do not hesitate to contact us.

Thank you,
Carolyn Lee



Carolyn J. Lee | **LUBIN OLSON**

Lubin Olson & Niewiadomski LLP | The Transamerica Pyramid | 600 Montgomery Street, 14th Floor | San Francisco, CA 94111
Phone: (415) 981-0550 | Facsimile: (415) 981-4343 | www.lubinolson.com | Email: clee@lubinolson.com

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LUBIN OLSON & NIEWIADOMSKI LLP

THE TRANSAMERICA PYRAMID

600 MONTGOMERY STREET, 14TH FLOOR SAN FRANCISCO, CALIFORNIA 94111

TEL 415 981 0550 FAX 415 981 4343 WEB lubinolson.com

September 24, 2021

CHARLES R. OLSON
Direct Dial: (415) 955-5020
Email: colson@lubinolson.com

VIA ELECTRONIC MAIL

Supervisor Rafael Mandelman
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102
rafael.mandelman@sfgov.org
mandelmanstaff@sfgov.org

Re: **2020-007841CUA 5367 Request for Conditional Use Authorization
5367 Diamond Heights Boulevard (1900 Diamond Street) – Regulatory
Agreements**

Dear Supervisor Mandelman:

As you are aware, our firm represents the Cesar Chavez Foundation (“CCF”), a nonprofit affordable housing developer, who currently owns the vacant parcel of undeveloped land located at 5367 Diamond Heights Boulevard (the “Property”) and the 104-unit affordable housing property known as Vista Del Monte Apartments through one of its affiliates. We are writing to respond to the letter dated September 1, 2021, sent by the law firm of Zacks, Freedman & Patterson (“ZFP Letter”) on behalf of Steve Chaffin, a leader of the 1900 Diamond for All neighborhood group, which contests the propriety of CCF’s actions in subdividing and obtaining releases of regulatory agreements from the Property as a means to challenge the Property’s proposed development. Although 1900 Diamond for All attempts to align their goals with those of affordable housing, their true objective appears to intend to stop the creation of new family housing in Diamond Heights. CCF has complied with all applicable housing laws and regulations in the process of preparing the Property for disposition to a third party purchaser, and may now sell the Property unencumbered to On Diamond, LLC (an affiliate of Emerald Fund), who intends to develop more housing in a San Francisco neighborhood that desperately needs it.

The six main allegations in the ZFP Letter regarding CCF’s ability to subdivide, obtain releases of regulatory agreements from the Property, and sell the Property to On Diamond, LLC, are wholly inaccurate as discussed in more detail below. Besides distorting the facts and misinterpreting the requirements underpinning the subdivision and the proposed development of the Property by On Diamond, LLC, the ZFP Letter demonstrates a fundamental

misunderstanding of real estate transactions and the law governing tax-exempt bonds and financing of affordable housing developments¹. The exhibits contained in our firm's August 25, 2021, letter are conclusive evidence that CCF properly obtained necessary consents to the Property's subdivision and disposition from the California Statewide Communities Development Authority ("CSCDA"), the California Tax Credit Allocation Committee ("TCAC"), and the U.S. Department of Housing and Urban Development.

First, the ZFP Letter alleges that CCF could only amend the Regulatory Agreement and Declaration of Restrictive Covenants dated November 1, 2004, by and among CSCDA, Wells Fargo Bank, and Vista Del Monte Housing, L.P. ("Original Regulatory Agreement") through a public hearing process, which is completely unsupported by reference to any authority. A public hearing with CSCDA's Commission is not required to amend the Original Regulatory Agreement under any of CSCDA's written policies, agreements, or regulations, and the ZFP Letter points to none. Pursuant to CSCDA's power to delegate any of its functions to its members, officers and agents, and cause such members, officers and agents to execute any documents or instruments on behalf of CSCDA, CSCDA's Managing Director was authorized to execute the First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants ("First Amendment"), which released the Property from the Original Regulatory Agreement. Furthermore, CSCDA's counsel, Orrick, Herrington & Sutcliffe, opined that the execution and delivery of the First Amendment was not contrary to the provisions of California housing law (as contained in Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code).

Second, neither the City of San Francisco's nor the California Debt Limit Allocation Committee ("CDLAC")'s approval is required for the Property's subdivision and disposition under the express language of the Original Regulatory Agreement. Section 27 of the Original Regulatory Agreement, which describes the rights of the City and CDLAC as third party beneficiaries, does not require the consent of such parties prior to amending the Original Regulatory Agreement.

Third, the ZFP Letter states that CCF failed to obtain prior written consent of the 2019 subdivision from public agencies, thus making the subdivision illegal. This is false. Section 12

¹ Amongst other examples, the footnotes contained in the ZFP Letter are inaccurate regarding the receipt of low-income housing tax credits and the application of the welfare exemption. The limited partnership which owns the Vista Del Monte Apartments no longer receives any tax credits and the compliance period for purposes of Section 42(i)(1) of the Internal Revenue Code ended at the end of 2020. Furthermore, the welfare exemption for purposes of property taxes is available to property, real or personal, owned by a religious, charitable, hospital, or scientific organization and used exclusively for certain exempt religious, charitable, hospital, or scientific purposes. The Property is currently owned by a qualifying organization for purposes of the welfare exemption, but once it is sold to On Diamond, LLC it will no longer be used exclusively for exempt purposes. The San Francisco Assessor's Office will re-assess the Property and On Diamond, LLC will pay property taxes on the total assessed value of the land, improvements, and personal property.

of the Original Regulatory Agreement does not require that CCF obtain CSCDA's prior written consent for a *subdivision*; it only requires CSCDA's consent prior to "any *sale, transfer or other disposition* of the Project." CCF did not sell, transfer or dispose of the "Project" in 2019. Prior to and immediately after the 2019 subdivision, CCF's affiliate, Vista Del Monte Housing, Inc., owned both parcels in fee. Vista Del Monte Housing, Inc. will continue to own the Property until such time the Property is sold to On Diamond, LLC pursuant to a purchase and sale agreement. Thus, CCF's subdivision of the Property from the Vista Del Monte Apartments property in 2019 complied with the requirements of the Original Regulatory Agreement and all applicable laws and regulations of the City of San Francisco.

Fourth, although earlier written correspondence with TCAC included an incorrect reference that the Property was 0.30 acres, subsequent conversations between CCF and TCAC clarified that the entire square footage of the Property is 34,714 square feet. CCF's request to TCAC for consent to subdivide and sell the Property included a draft of the tentative map showing the square footage of the Property as 34,714 square feet. TCAC then properly terminated their regulatory agreement as to the Property.

Fifth, contrary to the ZFP Letter's assertion that CCF attempted to withhold documents releasing the Property from the Original Regulatory Agreement from public view, the First Amendment was recorded concurrent with a refinancing of Vista Del Monte Apartments and independent of receiving any letter opposing Emerald Fund's proposed project. Consistent with commercially standard practices for real estate transactions, CCF and CCF's new lender for Vista Del Monte Apartments began negotiating a term sheet in January of 2021 and along with CSCDA, determined a "closing date" to payoff existing loans, redeem bonds, terminate certain encumbrances, convey property, and record the First Amendment along with other documents to effectuate the transaction at least two months prior to the date in which a letter was sent expressing concern of CCF's proposed sale of the Property to On Diamond, LLC.

Sixth, the ZFP Letter implies that CCF's motivations to sell the Property are profit oriented and that CCF seeks to unfairly gain from any transaction with On Diamond, LLC. Nothing could be further from the truth. CCF has not entered into any revenue sharing agreement with On Diamond, LLC. As stated in our firm's August 25, 2021, letter, any proceeds from the sale of the Property will be used by CCF to further its charitable mission, which includes the promotion, building and management of over 5,000 units of high quality, affordable housing for working families and seniors across California, Arizona, New Mexico and Texas.

Most importantly, neither the subdivision nor the proposed disposition of the Property to a third party purchaser changes CCF's commitment and operation of Vista Del Monte Apartments as a 104-unit multifamily rental housing development for low income tenants. The open space requirements for the Vista Del Monte Apartments will continue to be satisfied under the San Francisco Planning Code even with the Property's proposed development. The Original Regulatory Agreement has not been terminated and remains in full force and effect, and CCF will continue to comply with each and every one of its obligations.

CCF supports On Diamond, LLC's application to build 24 residential units as a means to expand opportunities for other residents to move into the neighborhood, and to address San Francisco's continued housing crisis and goal to build 5,000 units of housing per year². As before, should you require any more information regarding the Property, Vista Del Monte Apartments, or CCF's affordable housing mission, please do not hesitate to contact me directly. Thank you for your attention.

Very truly yours,



Charles R. Olson

CRO/CJL

cc: Jairo Lopez, Cesar Chavez Foundation (jlopez@chavezfoundation.org)
Paul S. Park, Cesar Chavez Foundation (paulp@chavezfoundation.org)
Alfredo Izmajtovich, Cesar Chavez Foundation (alfredoi@chavezfoundation.org)
Cesar Toledo, Cesar Chavez Foundation (ctoledo@chavezfoundation.org)
George Lopez, Cesar Chavez Foundation (georgel@chavezfoundation.org)
Marc Babsin, On Diamond, LLC (marc@emeraldfund.com)
Steve Vettel, Farella Braun + Martel (svettel@sfbm.com)
Craig Etlin, Shartsis Friese LLP (cetlin@sflaw.com)
Mayor London Breed (mayorlondonbreed@sfgov.org)
Connie Chan, Supervisor (chanstaff@sfgov.org)
Matt Haney, Supervisor (matt.haney@sfgov.org)
Gordon Mar, Supervisor (Gordon.Mar@sfgov.org)
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Dean Preston, Supervisor (Dean.Preston@sfgov.org)
Hillary Ronen, Supervisor (Hillary.ronen@sfgov.org)
Ahsha Safai, Supervisor (Ahsha.Safai@sfgov.org)
Catherine Stefani, Supervisor (Catherine.Stefani@sfgov.org)
Shamann Walton, Supervisor (Shamann.Walton@sfgov.org)
Rich Hillis, San Francisco Planning Department (rich.hillis@sfgov.org)
Gabriela Pantoja, San Francisco Planning Department (gabriela.pantoja@sfgov.org)
Carla Short, Interim Director of Public Works (carla.short@sfdpw.org)
Nichola Crawford, Acting Superintendent, Bureau of Urban Forestry
(nicholas.crawford@sfdpw.org)
Joel Koppel, President (joel.koppel@sfgov.org)
Kathrin Moore, Vice President (kathrin.moore@sfgov.org)
Deland Chan, Commissioner (deland.chan@sfgov.org)

² San Francisco Housing Affordability Strategies, Final Report – March 2020 (San Francisco Planning Department).

Supervisor Mandelman

September 24, 2021

Page 5

Sue Diamond, Commissioner (sue.diamond@sfgov.org)

Frank S. Fung, Commissioner (frank.fung@sfgov.org)

Theresa Imperial, Commissioner (theresa.imperial@sfgov.org)

Rachael Tanner, Commissioner (rachael.tanner@sfgov.org)

commissions.secretary@sfgov.org

Ryan Patterson, Zacks, Freedman & Patterson (ryan@zfplaw.com)

Kate Stacy, Office of the City Attorney (kate.stacy@sfcityatty.org)

From: [CPC-Commissions Secretary](#)
Cc: [Christensen, Michael \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Comments on 317 Cortland Ave Permit
Date: Monday, September 27, 2021 1:04:10 PM

Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7600 | www.sfplanning.org
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From: Bob MacSweeney <bobmacsweeney@gmail.com>
Sent: Friday, September 24, 2021 4:26 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Comments on 317 Cortland Ave Permit

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To Whom it May Concern:

I received the notice of public hearing for the 317 Cortland Ave project. I live around the corner from the proposed store and I had a few comments on the application.

1. There are 3 other pot shops within a half mile radius of this address and I don't think we need another dispensary in the area. The pot buying public's needs are being met with the existing shops.
2. A pot shop on Courtland will inevitably change the family friendly neighborhood character of the western end of Courtland street. Right now, this block is a pedestrian friendly neighborhood enclave with children and families enjoying the sidewalk throughout the day. The addition of a cannabis dispensary will destroy this neighborhood. The last thing the neighborhood needs is a hulking security guard looming outside and a long line of customers snaking down the block.
3. Parking is already extremely limited in the neighborhood and bringing a high traffic retail establishment here will inevitably bring additional traffic issues. As you see elsewhere in the city, cars will double park, block driveways and create other traffic issues on Courtland and adjacent streets.

4. As you see elsewhere with the cannabis dispensaries, we will see an increase in the number of people sitting in their cars either idling, or openly smoking pot after their purchases, both of which create a public nuisance and degrade the quality of life in the neighborhood.

All of these factors will inevitably change the character of the neighborhood for the worse and without a comprehensive plan to deal with this fall out, I'm opposed to the granting of a permit for a cannabis retail establishment at 317 Courtland Street.

Thank you,

Bob MacSweeney
223 Bocana St
415.235.3764

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** MAYOR LONDON BREED ANNOUNCES OVER \$12 MILLION IN FUNDING FOR ARTS ORGANIZATIONS
Date: Monday, September 27, 2021 10:32:49 AM
Attachments: [09.27.2021 Grants for the Arts.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Monday, September 27, 2021 at 10:32 AM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** MAYOR LONDON BREED ANNOUNCES OVER \$12 MILLION IN FUNDING FOR ARTS ORGANIZATIONS

FOR IMMEDIATE RELEASE:
Monday, September 27, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****

MAYOR LONDON BREED ANNOUNCES OVER \$12 MILLION IN FUNDING FOR ARTS ORGANIZATIONS

Grants for the Arts funding priorities the City's commitment to economic recovery and community activation by supporting local parades and festivals

San Francisco, CA — Mayor London N. Breed and City Administrator Carmen Chu today announced over \$12 million in general operating support grants to fund arts and cultural organizations. This year's Grants for the Arts (GFTA) funding is primarily dedicated to the general operating support for arts organizations and also aims to support community parades and festivals to help restore the City's cultural vibrancy and drive its economic recovery.

“We know that the pandemic has been hard on all of us, but it has been especially difficult for our city's artists and cultural organizations,” said Mayor Breed. “The arts are part of what makes San Francisco so special and create an inclusive atmosphere for all who live in and visit our city. During this critical time in our economic recovery, we need to do everything we can to bring back our community festivals that are loved by so many, and support those who contribute to our city's vibrant culture.”

As president of the Board of Supervisors, Mayor Breed spearheaded Proposition E, which was passed by voters in 2018 and allocated 1.5% of hotel tax revenue to the arts. Due to the loss of hotel tax revenues brought on by the COVID-19 pandemic, Mayor Breed allocated funding from the General Fund to backfill losses during this year's budget cycle. Mayor Breed's

budget for Fiscal Year 2021-2022 also includes \$12 million for GFTA to support arts organizations, as well as parades and festivals.

“Cultural festivals and arts have always been an essential part of San Francisco’s vibrant community. They draw people to San Francisco, bring communities together, and in many ways, define our experiences here,” said City Administrator Carmen Chu. “Supporting our arts organizations during these challenging times is key to our City’s recovery.”

The City Administrator manages GFTA, a program that has provided a stable and dependable source for general operating costs to support the City’s arts and cultural organizations since 1961. Since its inception, GFTA has distributed over \$400 million to hundreds of arts non-profits and cultural organizations. GFTA funds over 250 arts organizations each fiscal year, including those organizing and supporting parades and festivals throughout the City.

Committed to serving San Francisco’s diverse communities, this is the first year GFTA implemented a funding process that used a strong equity lens to focus on art organizations deeply rooted in and serving diverse populations.

“Having art and cultural events around every corner in the City is why people live here and it’s why people from all over the world visit San Francisco. Art and culture is the soul of San Francisco,” said Vallie Brown, Director of Grants for the Arts. “As San Francisco slowly comes out of our long COVID nap, it’s vital that we support our arts organizations and our community’s parades and festivals.”

“Cultural live music and dance has been missing from our community throughout the pandemic,” says Roberto Hernandez, CEO of Carnaval San Francisco. “We appreciate Mayor Breed and Grants for the Arts for providing funding for all communities as we begin to recover and heal.”

In addition to parades and festivals, GFTA funds other essential arts activities, specifically those that capture and reflect the experiences of the City’s diverse communities, including BIPOC and LGBTQ communities and cross-cultural collaborations.

“We are blessed to live in one of the best cities in the world that cares about BIPOC stories, artists, and arts organizations by putting actionable effort into funding them,” says Rodney Earl Jackson Jr., Artistic Director of San Francisco Bay Area Theatre Company (SFBATCO). SFBATCO is a Black, Latine, Asian-led non-profit organization producing compelling theater that builds community, fosters cross-cultural dialogue, and promotes social justice.

A complete list of GFTA’s Fiscal Year 2022 grants can be found [here](#).

###

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Non-Code Compliant Project Proposed in Dolores Heights Special Use District @ 3669 21st Street---Agenda Item # 16 2021-000269DRP-02; September 23, 2021
Date: Monday, September 27, 2021 10:11:30 AM
Attachments: [SEC. 241. DOLORES HEIGHTS SPECIAL USE DISTRICT..pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "smw@stevewilliamslaw.com" <smw@stevewilliamslaw.com>
Date: Wednesday, September 22, 2021 at 11:02 AM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "declan.chan@sfgov.org" <declan.chan@sfgov.org>
Cc: Bruce Bowen <bruce.r.bowen@gmail.com>, "Clark, Matt" <Matt.Clark@pimco.com>, "carolynkenady@gmail.com" <carolynkenady@gmail.com>, Christopher Hall <chhall@pacbell.net>, Mac McKenzie <mac382@pacbell.net>, Steve Clark <clark5097@yahoo.com>
Subject: Non-Code Compliant Project Proposed in Dolores Heights Special Use District @ 3669 21st Street---Agenda Item # 16 2021-000269DRP-02; September 23, 2021

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President Koppel and Commissioners:

I am writing to you regarding the proposed project at 3669 21st Street, the only item on your DR calendar for tomorrow's meeting. To put it quite simply, the Dept's interpretation of the Special Use District rules and the Dept's interpretation and application of the Zoning Administrator's Interpretations from 1986 and 1990 are incorrect as a matter of law and common sense. The proposed project ignores the restrictions that must be enforced in the Dolores Height Special Use District (DHSUD—Planning Code Section 241---Attached)

if the DHSUD is to continue to exist at all.

The DHSUD was added to the Planning Code more than 40 years ago in 1980...one of the oldest City-wide. Geographically it covers a VERY small area...comprised of less than six square blocks between 19th and 22nd Streets and Church and Noe Streets. As with ALL special use districts, its provisions are to be strictly enforced and tightly applied to new and existing buildings. The Dept's "Abbreviated Analysis" is entirely off the mark and essentially ignores the Special Use District when consideration and application of the DHSUD should be paramount in any review of a project.

THE "ANALYSIS" FROM THE DEPT FAILS TO MENTION THE EXISTENCE OF THE DHSUD OR TO DISCUSS ITS REQUIREMENTS AND APPLICATION TO THE SITE!

Shockingly, the DHSUD is not mentioned (**AT ALL**) in the Dept's. analysis. It is omitted from the "Zoning" description, not mentioned in the "Project Description" or in the "Site Description" for the Project. The Project is proposed (and reviewed) as if the DHSUD does not exist. The analysis states only a bald conclusion that the Project was "confirmed to be complaint(sic)" with the controls of the DHSUD. It is unclear from the "Analysis" whether the person who wrote it was even aware of the existence of the DHSUD...when that should have been the most important topic.

The proposed project stands more than 50' feet above the sidewalk on its eastern façade with four levels of occupancy. Not possible in the DHSUD. Period.

The rear yard is filled with numerous obstructions including a stairway down from the second floor and a series of decks and platforms all of which invade the restricted 45% rear yard. Not possible in the DHSUD without a variance. Period.

There are proposed sets of stair cases from the first and second floors, and a series of decks and terraces which in all extend some 40' feet into the required rear yard. Further, there is some sort of odd metal "overhang" from the top floor which also extends 4' feet into the required rear yard. There is also what appears to be a two step entrance into the entire rear of the project which also impermissibly extends an additional 4' feet into the minimum required rear yard.

The Planning Code is filled with “exceptions.” Exceptions for rear yards, exceptions for measuring height, exceptions for nearly all stated limitations. Any honest and intellectually sound interpretation of the DHSUD provisions forbids the application of ANY exceptions to increase height or to increase depth into the rear yard or to increase the specific code restrictions of the envelope of any building UNLESS the exceptions are specifically set forth in Section 241. All of these proposed rear yard obstructions are forbidden in the SUD. There is a specific (and long standing) Zoning Administrator Planning Code Interpretation which clearly states that permitted obstructions outlined at Planning Code Section 136(c)25 (which includes all “pop-outs,” enclosed and unenclosed “extensions,” stairs and windscreens and fences) are NOT permitted at all in the Dolores Heights Special Use District, absent the application for, and granting of a variance. The Interpretation reads as follows:

Code Section: [241](#)

Subject: Dolores Heights

Effective Date: 4/86

Interpretation:

This Section states that the required rear yard shall be 45 percent of the lot depth in the Dolores Heights Special Use District (SUD). The **12-foot extension** permitted by Section 136(c)(25) is not permitted in the Dolores Heights SUD. (This is a fairly long-standing interpretation and is based upon the Zoning Administrator's understanding of the intent of the legislation and because the ordinance states that the standards of the RH-1 District apply except as stated.) The 12-foot extension does not apply in the RH-1 District since the rear yard is only 25 percent in the first place.

The second Zoning Administrator’s Interpretation essentially stands for the same proposition and concept as the above Interpretation....Code “exceptions” which allow for greater expansion of the envelope of a building which are not specifically enumerated in the SUD at Section 241 may not be applied to projects in the very small land area which comprises the Dolores Heights Special Use District. The second Interpretation dating from 1990 states as follows:

Code Section: [241\(b\)](#)

Subject: Dolores Heights SUD, height limit

Effective Date: 8/90

Interpretation:

This Section states that the maximum height limit in the Dolores Heights SUD shall be 35 feet. Section 261(b)(1)(A) states that the maximum height for the RH-1 Districts shall be 35 feet but that the height limit shall be increased to 40 feet when the rear property line is 20 or more feet higher than the front property line. The Dolores Heights SUD rules have no such

exception. The Dolores Heights SUD governs a more limited geographic area than does Section 261(b)(1). Most of the Dolores Heights SUD is zoned RH-1 and constitutes a small percentage of the RH-1 area of the City. Therefore the provisions of Section 241(b) are more specific than those of Section 261(b)(1). A general rule of law is that more specific regulations take precedence over less specific regulations. Therefore, the Dolores Heights height limits override those of Section 261(b)(1) in the Dolores Heights SUD.

This Interpretation states that the “exceptions” found at Section 261(b)(1)(A) may not be applied in the SUD in order to permit taller structures to be constructed. “The Dolores Heights height limits override those of Section 261(b)(1) in the Dolores Heights SUD.” Clearly these rules stand for the concept that no Planning Code “exceptions” may be applied in the SUD to create larger structures within the small confines of the SUD...otherwise, the SUD becomes meaningless. The proposed project uses “exceptions” and measuring techniques from Section 261(c)(1) and 260(a)(1)(C) to create a façade that rises some 50-55’ feet above 21st Street and has **four** full floors of occupancy (all with tremendous ceiling heights between 11’ and 13 ½ feet). This is directly contrary to the stated purpose and language of Section 241(b) which states:

(b) No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be contained within an envelope that slopes upward or downward with the slope of the property. The "height of a building" for purposes of this Section shall be measured in the manner described in Section [260](#) of this Code, whether the lot being measured slopes upward or downward from the street.

No exceptions may be applied to the project to allow for a greater expansion of the envelope of the building...The height of the building may not be measured from the legislated setback as specified in Section 261 but must be taken starting at “curb level” or the sidewalk as specified in Section 260 which is cited in Section 241. Sections of the Code not specifically referenced in Section 241 may not be applied to projects in the SUD and after seeing the proposal for this monster home it is easy to see why this rule exists since the exceptions will swallow the rules of Section 241 whole and will indeed, swallow whole the Dolores Heights Special Use District.

Steve Williams

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San Francisco, CA 94115

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SEC. 241. DOLORES HEIGHTS SPECIAL USE DISTRICT.

In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Sectional Map No. SU07 of the [Zoning Map](#) of the City and County of San Francisco. In this District, all provisions of the Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section [241](#) shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

- (a) The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.
- (b) No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be contained within an envelope that slopes upward or downward with the slope of the property. The "height of a building" for purposes of this Section shall be measured in the manner described in Section [260](#) of this Code, whether the lot being measured slopes upward or downward from the street.
- (c) Variances may be granted from the rear yard and height limit provisions in Paragraphs (a) and (b) above in accordance with procedures specified in Section [305](#) of this Code provided that no such variance shall permit a building to have a height in excess of that otherwise permitted in an RH-1 District.

(Added by Ord. 286-80, App. 6/17/80; amended by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Woods, Mary \(CPC\)](#)
Subject: FW: 1200 Van Ness
Date: Monday, September 27, 2021 10:01:13 AM
Attachments: [20210923111751258.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Dan Torres <dan@sprinklerfitters483.org>
Date: Thursday, September 23, 2021 at 11:35 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>
Cc: David Noyola <david@npgsf.com>
Subject: 1200 Van Ness

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Commissioner Ionin,

Please see letter of support for the 1200 Van Ness project, item 10. 2015-012577CUA on today's agenda.

Best,

Dan Torres
Business Agent

Sprinkler Fitters U.A. Local 483
2525 Barrington Court
Hayward, CA 94545
Office 510.785.8483
Mobile 415.987.9657

SPRINKLER FITTERS AND APPRENTICES

LOCAL 483

OF THE UNITED ASSOCIATION OF PLUMBERS,
PIPEFITTERS AND SPRINKLER FITTERS OF THE
UNITED STATES AND CANADA AFL-CIO



Stanley M. Smith
Business Manager

Jeffrey M. Dixon
Organizer

Dylan M. Boldt
John Medina
Dan Torres
Business Agents

Rik Drury
*Market Development
Representative*

September 23, 2021

Jonas Ionin, Commissioner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Email: jonas.ionin@sf.gov.org

Dear Commissioner Ionin:

Sprinkler Fitters UA Local Union # 483 is writing in support of the proposed project located at 1200 Van Ness Ave., San Francisco.

This project will bring a much needed, mixed-use project that includes retail, health service uses and 107 units of housing into this area. The developer has also made a commitment to using a local, skilled, and trained workforce on the life safety fire sprinkler system in this building.

Having this commitment will provide employment opportunities for others in the community and ensure that the life safety fire sprinkler system will be installed to the highest standards with the latest technology.

Sincerely,

SPRINKLER FITTERS & APPRENTICES

STANLEY M. SMITH
Business Manager/Financial Secretary

SMS/dk
OPEIU-29-AFL-CIO

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** MAYOR LONDON BREED AND SAN FRANCISCO INTERNATIONAL AIRPORT ANNOUNCE VACCINATION REQUIREMENT FOR ALL AIRPORT WORKERS
Date: Monday, September 27, 2021 9:55:05 AM
Attachments: [09.21.2021 SFO Vaccination Requirement.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
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Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Tuesday, September 21, 2021 at 10:37 AM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** MAYOR LONDON BREED AND SAN FRANCISCO INTERNATIONAL AIRPORT ANNOUNCE VACCINATION REQUIREMENT FOR ALL AIRPORT WORKERS

FOR IMMEDIATE RELEASE:
Tuesday, September 21, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****

**MAYOR LONDON BREED AND SAN FRANCISCO
INTERNATIONAL AIRPORT ANNOUNCE VACCINATION
REQUIREMENT FOR ALL AIRPORT WORKERS**

Mandate for all airline, service, concession, and construction employees effective immediately

San Francisco, CA — Mayor London N. Breed and the San Francisco International Airport (SFO) today announced a requirement that all airport workers be fully vaccinated against COVID-19. The mandate, the first for a U.S. airport, goes into effect immediately and requires all on-site personnel to be vaccinated or, if exempt, be tested weekly for COVID-19.

“We know that vaccines are the most effective way to prevent COVID-19 transmission and reduce hospitalizations and deaths,” said Mayor Breed. “This new requirement supports our aggressive measures to protect the health and safety of our region and our continued economic recovery. I want to thank SFO for their continued leadership protecting our city and its visitors.”

“Throughout this pandemic, SFO has been leading the aviation industry in protecting passengers and employees alike,” said Airport Director Ivar C. Satero. “As SFO prepares for the upcoming holiday travel season, and the return of pre-pandemic passenger levels, we have an obligation to provide a safe airport facility for the traveling public and our on-site

employees. According to the Centers for Disease Control, vaccination is the most effective way to prevent transmission of COVID-19.”

Effective immediately, every SFO tenant or contractor must require all on-site personnel to be fully vaccinated. The Airport continues to offer free vaccines at the SFO Medical Clinic. Exemptions from the vaccination requirement can be granted by the employer for either medical disability or sincerely held religious belief. For employees granted an exemption, the tenant or contractor employer must establish a weekly COVID-19 testing and reporting protocol.

Tenants and contractors will also be required to submit reports on the status of their respective workforce until all on-site personnel are fully vaccinated. Failure to comply could result in fines under the Airport’s Rule and Regulations.

In August 2020, SFO became the first U.S. airport to establish an on-site rapid testing capability and now administers tests to an average of 500 travelers at various on-site locations every day.

In February 2021, SFO first offered vaccines on-site when it partnered with the County of San Mateo to provide vaccines to health care workers and County residents over 65. The Airport converted one of its multi-level garages to serve as a drive-through vaccination facility. Over 26,500 doses were administered through this program. SFO also launched a vaccination clinic in early May, located in the International Terminal, which offered doses to airport workers, local residents, and travelers. This program was administered through a partnership with Safeway and administered almost 2,200 doses.

About San Francisco International Airport

SFO is excited to welcome travelers back to the skies with an airport experience featuring seamless access, thoughtful amenities, sustainable design, and inspiring artwork and exhibits. SFO reminds travelers that face masks are still required by federal mandate for air travel. For up-to-the-minute departure and arrival information, airport maps and details on shopping, dining, cultural exhibitions, ground transportation, masks and COVID related protocols and more, visit www.flysfo.com. Follow us on twitter.com/flysfo and facebook.com/flysfo.

###

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** MAYOR LONDON BREED ANNOUNCES ORGANIZED RETAIL CRIME INITIATIVE
Date: Monday, September 27, 2021 9:54:39 AM
Attachments: [09.22.2021 Organized Retail Crime Initiative.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
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Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Wednesday, September 22, 2021 at 11:42 AM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** MAYOR LONDON BREED ANNOUNCES ORGANIZED RETAIL CRIME INITIATIVE

FOR IMMEDIATE RELEASE:
Wednesday, September 22, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****
**MAYOR LONDON BREED ANNOUNCES ORGANIZED
RETAIL CRIME INITIATIVE**

SFPD led initiative aims to partner with private sector to result in higher reporting rates and more investigations, better enabling regional task force partners to solve cases and target upstream criminal enterprises

San Francisco, CA — Mayor London N. Breed today unveiled details from San Francisco's Organized Retail Crime Initiative, a new initiative led by the San Francisco Police Department (SFPD) in partnership with local retailers and regional law enforcement agencies. The focus of the plan is to increase reporting, investigating, and solving of retail theft cases and the upstream criminal enterprises that fuel them.

The Plan has three main elements:

- **Expanding and reallocating police investigative resources**
 - Increasing the SFPD Organized Retail Crime Unit from two to five investigators and adding one dedicated Lieutenant to better investigate crimes locally and to work regionally with the California Highway Patrol's Organized Retail Crime Task Force
- **Strategic restructuring of publicly and privately funded deployments**
 - Dedicating SFPD personnel to ensure tightly-coordinated field operations and communications with retail partners
 - Tripling the SFPD Community Ambassador program, which employs retired

- SFPD officers to patrol and serve as deterrence, and expanding geographic area served
- Managing privately funded deployment of 10B officers to focus on deterrence
- **Public-private partnerships aimed at reporting, investigating and solving cases**
 - Increase reporting of crimes through expansion of Teleserve Unit, which was implemented during COVID-19 pandemic to take reports without in-person contact

“Retail theft and commercial burglaries are not victimless crimes,” said Mayor Breed. “They hurt working families due to reduced work hours, shuttered stores and lost jobs. They hurt customers and seniors who are losing convenient access to prescription medications and vaccinations because of pharmacy closures. They hurt neighborhoods suffering from fewer local retailers and more empty storefronts. The strategy we’re outlining today is an all-hands-on-deck approach that brings the full partnership of state and local law enforcement and retailers to bear to aggressively pursue, investigate and deter organized retail crime in San Francisco.”

“Mayor Breed directed us to develop a plan to maximize the impact of SFPD’s resources by strengthening our partnerships with retailers and law enforcement agencies, and leveraging our successes from such previously announced strategies as our Mid-Market Vibrancy and Safety Plan and Tourism Deployment Plan,” said Chief Bill Scott. “The result is our Organized Retail Crime Initiative, and we are incredibly grateful for the participation of local retailers whose partnerships are making this endeavor truly groundbreaking. This collaborative approach reflects the full promise of community policing — not solely to support our City’s economic recovery, but to better protect public safety that is too often endangered by retail theft crews and the sophisticated criminal enterprises funding them.”

Expanding and reallocating police and investigative resources

The initiative will expand SFPD’s Organized Retail Crime Unit from two to five full-duty sworn investigators under the command of a dedicated lieutenant. In addition to cases they investigate within their citywide purview, unit members will serve as full partners to the California Highway Patrol’s Organized Retail Crime Task Force, which Governor Gavin Newsom reauthorized on July 21, 2021.

Prior to its reauthorization after sunseting earlier this year, CHP’s Organized Retail Crime Task Force worked in close partnership with the San Francisco Police Department in operations that recovered millions of dollars in stolen merchandise and cash from criminal enterprises engaged in retail theft activities. One of those coordinated operations led to an \$8 million seizure in partnership with the San Mateo Sheriff’s Office on Sept. 30, 2020, in which multiple law enforcement agencies recovered merchandise stolen from San Francisco Bay Area retailers.

Strategic restructuring of privately funded deployments, expanded patrols

The initiative calls for reallocating resources to SFPD’s Field Operations Bureau to focus on deterrence. This will include a newly assigned lieutenant to coordinate privately funded “10B” officers and a sergeant who will function as a dedicated retail theft coordinator. Initial allocations of police officers’ 10B time are expected to average more than 3,800 hours per two-week pay period, spanning at least 34 retail locations citywide. Additionally, SFPD’s Community Ambassador program will be more than tripled in size — from 8 to fully 25

ambassadors — and expanded to cover new areas beyond Union Square (where it is currently focused), including Yerba Buena/Moscone Center, Lower Market/Embarcadero, Chinatown, and Fisherman’s Wharf.

SFPD’s Community Ambassadors are unarmed civilians who patrol in high-visibility SFPD Community Ambassador windbreakers. Utilizing their wealth of law enforcement experience, these ambassadors observe and report issues and problem-solve within their assigned area in partnership with community stakeholders. Initially launched in November 2020 with eight retired SFPD officers as part of the Holiday Season “Safe Shopper” program, SFPD ambassadors have been instrumental in helping to solve several crimes to date, providing critical information that led to the arrest of suspects involved in several organized retail theft and robbery incidents.

Public-private partnerships aimed at reporting, investigating and solving cases

The San Francisco Police Department is dramatically expanding incident reporting capabilities for participating retailers under the Organized Retail Crime Initiative — initially through SFPD’s Teleserve Unit.

SFPD first implemented its Teleserve Unit last year in response to the COVID-19 pandemic to facilitate the intake of incident reports without the risks of in-person contacts. The system was upgraded in August 2021 to allow for reports of retail thefts to be prepared over the phone, a time- and cost-saving technique designed to encourage retailers to maximize their reporting of theft incidents. A planned upgrade to SFPD’s online reporting system from LexisNexis Coplogic Solutions will allow participating retailers to more easily report thefts via an online portal.

If successful in enabling retailers to maximize their reporting of retail crimes, a potentially dramatic increase in larceny and commercial burglary crime rates should be expected. However, more robust reporting and data aggregation will more effectively target the San Francisco Police Department’s deployment of police resources, while enabling SFPD investigators to more fully inform partner agencies within the California Highway Patrol’s Organized Retail Crime Task Force. By better facilitating information from incidents together with accompanying evidence, the initiative can help to solve retail theft cases and more effectively target the upstream criminal enterprises fueling them.

###

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: *** PRESS RELEASE *** MAYOR LONDON BREED SWEARS IN VANITA LOUIE AND LARRY GRIFFIN TO THE RECREATION AND PARK COMMISSION
Date: Monday, September 27, 2021 9:54:12 AM
Attachments: [09.23.2021 Rec and Park Commission.pdf](#)

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
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[San Francisco Property Information Map](#)

From: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Date: Thursday, September 23, 2021 at 1:32 PM
To: "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
Subject: *** PRESS RELEASE *** MAYOR LONDON BREED SWEARS IN VANITA LOUIE AND LARRY GRIFFIN TO THE RECREATION AND PARK COMMISSION

FOR IMMEDIATE RELEASE:
Thursday, September 23, 2021
Contact: Mayor's Office of Communications, mayorspressoffice@sfgov.org

***** PRESS RELEASE *****

**MAYOR LONDON BREED SWEARS IN VANITA LOUIE AND
LARRY GRIFFIN TO THE RECREATION AND PARK
COMMISSION**

Louie, a well-known Chinatown advocate, and Griffin, a long-time union representative, will bring diverse perspectives to the Commission

San Francisco, CA — Mayor London N. Breed today swore in Vanita Louie and Larry Griffin to the Recreation and Park Commission, the seven-member body charged with setting the Recreation and Park Department policies. Establishing the guidelines by which the Recreation and Park Department operates, the Commission is responsible for the over 220 parks, playgrounds, and open spaces throughout San Francisco and two outside the City limits.

“It is an honor to swear in Vanita and Larry to the Rec and Park Commission,” said Mayor Breed. “It is critical to have diverse representation and valued leadership in our city government and on our city commissions. I am confident that Vanita and Larry will continue advocating on behalf of their communities while guiding one of the best and most loved parks departments in the country.”

Vanita Louie, a well-known Chinatown advocate, and former president of the Rotary Club of San Francisco Chinatown, is a retired small business owner with over 25-years of experience in the hospitality industry. In 2017, Louie received the Outstanding Community Service

Award from Gum Moon Women's Residence Center.

"It's a privilege and an honor to be the voice of the communities and the voters and to serve as a commissioner with Rec and Park," says Louie. "The parks, open space, and playgrounds of San Francisco are like gems in a jewel box which make up a large part of this beautiful city."

Larry Griffin, a long-time labor advocate, is the former Western Area Vice President at the International Federation of Professional & Technical Engineers. He has also served on the Board of Directors of the Booker T. Washington Community Service Center in the Fillmore District. Additionally, he serves as a delegate for the San Francisco Labor Council and the San Francisco Building and Construction Trades.

"Our world-class parks system is the great equalizer, it is enjoyed and cherished by all backgrounds," said Griffin. "Our parks are a 10-minute walk from most homes in the City. It is an honor to be appointed to this incredible body that is entrusted with keeping our parks on par with the world's best!"

"I am thrilled to welcome Commissioners Louie and Griffin, two passionate advocates for parks and open space," said San Francisco Recreation and Park Department General Manager Phil Ginsburg. "Access to green space is not a luxury, it is absolutely essential to the health of our communities. We are fortunate to have commissioners who prioritize the wellbeing of all San Franciscans."

Mayor Breed swore in Vanita Louie and Larry Griffin at Lincoln Park in the Richmond District, joined by invited family members, Recreation and Park Department General Manager Phil Ginsburg, current Recreation and Park Commissioners, and members of the Board of Supervisors.

###

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition letter re: 1750 Van Ness project
Date: Monday, September 27, 2021 9:50:42 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Carrie Peterson <carriepeterson00@gmail.com>

Date: Friday, September 24, 2021 at 9:49 AM

To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "decland.chan@sfgov.org" <decland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>

Subject: Opposition letter re: 1750 Van Ness project

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Dear President Koppel and Commissioners:

I am the condo owner of unit #409 at 1776 Sacramento Street for the past 5 years. . I am surprised at hearing about the latest ABCS development plans so late in the game with no advance notice or communication from the project sponsor, especially given that we are a next-door neighbor.

Although I appreciate the concessions the ABCS has made on some fronts, the current plans will greatly degrade the quality of life for many of the residents of 1776 Sacramento by, among other things, blocking the light to the apartments and greatly degrading privacy. It is my belief that some further (and relatively minor) concessions would erase these issues.

We are asking for serious consideration of a design plan that:

- Is in keeping with projected congregant growth of 15%. Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.

- On-site housing seems inconsistent with other neighboring religious structures (St. Luke's/Old First)
- 30 units/60-person occupancy seems high relative to congregation size.

- Does not result in loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.

- 60% or 18 of all building units on the North side (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative)
- Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.

- More closely conforms to height and bulk limits for the zoning districts in which ABCS is located.

- Lower building massing in front and back
- Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's.
- Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
- Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings
- Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification
- At minimum, perform a light study on the impact to North-facing windows.

- We are also seeking assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity as is becoming a growing trend among the Buddhist temples throughout the U.S. and in Japan.

I am hopeful that the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs and before approving all the many variances, exemptions and code amendments being requested to accommodate this design. Making a few changes to the design will serve as an example of how to achieve beauty design and harmony for all neighbors.

Thank you for your consideration.

Carrie Peterson

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 1750 Van Ness Ave. Project- Neighborhood Opposition
Date: Monday, September 27, 2021 9:50:33 AM
Attachments: [1750 Van Ness Opp Letter 9.24.21.pdf](#)
Importance: High

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
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Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Dina DiBattista <ddibattista@msn.com>

Date: Friday, September 24, 2021 at 9:55 AM

To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "decland.chan@sfgov.org" <decland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>

Cc: Melanie Malik <mmalik@fogciti.com>, Johanna Spilman <johanna@johannaspilman.com>, Jane Aguirre <jaguirre0422@gmail.com>, "briansr@aol.com" <briansr@aol.com>, "janetleecgv@gmail.com" <janetleecgv@gmail.com>, "anitaettingerdesign@gmail.com" <anitaettingerdesign@gmail.com>, "lvdsfo@gmail.com" <lvdsfo@gmail.com>, "christiannepang@gmail.com" <christiannepang@gmail.com>, "rachelsirois12@gmail.com" <rachelsirois12@gmail.com>, "Rattan1@aol.com" <Rattan1@aol.com>, "spin1399@comcast.net" <spin1399@comcast.net>, "Chanman6@yahoo.com" <Chanman6@yahoo.com>, "carriepeterson00@gmail.com" <carriepeterson00@gmail.com>, "rhpoppen@gmail.com" <rhpoppen@gmail.com>, "bill_poppen@yahoo.com" <bill_poppen@yahoo.com>, "jbelkus@ucdavis.edu" <jbelkus@ucdavis.edu>, "lucyyli@gmail.com" <lucyyli@gmail.com>, "Shirleyliu@gmail.com" <Shirleyliu@gmail.com>, "ffwu1747@yahoo.com" <ffwu1747@yahoo.com>, "lyn.epstein@gmail.com" <lyn.epstein@gmail.com>, "donna@maquettedesign.com" <donna@maquettedesign.com>, "emmaaskelton@gmail.com" <emmaaskelton@gmail.com>, "jordmundell1@gmail.com" <jordmundell1@gmail.com>, "kirushasf@icloud.com" <kirushasf@icloud.com>, "oleg2ira@yahoo.com" <oleg2ira@yahoo.com>

Subject: 1750 Van Ness Ave. Project- Neighborhood Opposition

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

President Koppel and Commissioners:

Attached is a letter brief on behalf of the of the 1776 Sacramento Street Homeowners Association in opposition to the proposed project at 1750 Van Ness Avenue (San Bao Temple). I am a member of the 1776 Sacramento Street Homeowners Association which is directly adjacent and to the south of the subject site on Van Ness Avenue. I have lived in my home for 18 years. Our building is on the southeast corner of Van Ness and Sacramento with its main entrance on Sacramento Street. Our building has 20 units (out of 51) that face north towards the subject site. Below is a photo showing the windows and balconies that will be dramatically impacted by the project.



The Project cannot be approved without being given numerous “gifts” under the Planning Code. The Project requires tremendous consideration and innumerable “giveaways” including:

1. A change in the law...an amendment to the Planning Code to exempt this one lot from the mandatory requirements of the Van Ness Special Use District because the Project provides no housing;
2. An exemption from the Residential Mixed Use Zoning because the Project provides no housing, no retail and is over-sized;
3. A variance because the Project provides no rear yard;
4. Conditional Use Authorizations because of the tremendous size of the

Project and its location in the Special Use District and the Residential Mixed Use Zoning...both of which require housing;

5. Numerous other exemptions and exclusions because the Project cannot satisfy the Special Use District or the Zoning.

Essentially, the project does not satisfy any important aspect or policy consideration of the zoning or the Special Use District (or the General Plan or Housing Policies). These types of exemptions/exclusions and “gifts” under the Code may only be given to projects on the condition that (among other things) the project does not harm property and residents in the vicinity. The Dept is recommending approval based on a completely false and unsupported conclusion that the project does no harm to the neighbors and our properties. Such a contention is obviously not true and is in fact, a cruel lie. We are the ONLY residential neighbors of the project in a zoning area and Special Use District designed to promote and preserve housing...we ARE that housing! The Project will have a tremendous negative impact on at least 20 of our units. Such a result is wrong and approving such a project is a violation of the letter and spirit of the laws applicable to the site. The Temple moved into the neighborhood as a unpermitted, nonconforming use and now wants to expand exponentially to the great harm of its pre-existing residential neighbors.

The Sponsor has ignored our building and the impacts it intends to level upon us. The sponsors have run a slick public relations campaign to circumvent our building and our requests that the height and bulk of the building be reduced to minimize the impacts and loss of light we will suffer. The sponsors have refused to reduce the height of the tower and while they have reconfigured the building it is essentially the same size and when it was first proposed many years ago.

We have not heard back from for more than 3 years. They presented a new plan to everyone but us.

We ask for the Commission to be fair and to apply the law fairly and without prejudice. We ask for the Commission to reduce the building size to reduce the impacts on our homes.

Please call me or email me and come for visit to see the units that will be impacted by this proposed project. We would be delighted to show you our homes.

Sincerely,

Dina DiBattista

Dina DiBattista

415.346.6247 phone / 415.341.5949 mobile

1776 Sacramento Street Homeowners Association

Joel Koppel, President
San Francisco Planning Commission
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

September 24, 2021

RE: Planning Case # 2016-015987PCACUAVAR
Property Address: 1750 Van Ness Avenue
Hearing Date: September 30, 2021

Dear President Koppel and Commissioners:

NEIGHBORHOOD OPPOSITION TO PROPOSED PROJECT AT 1750 VAN NESS AVE. THE PROPOSED PROJECT REQUIRES:

- (1) AN AMENDMENT TO THE PLANNING CODE TO EXEMPT THIS ONE LOT FROM THE MANDATORY REQUIREMENTS OF THE SPECIAL USE DISTRICT**
- (2) CONDITIONAL USE AUTHORIZATION FOR NON-RESIDENTIAL USE IN EXCESS OF 6,000 SQUARE FEET (proposed in excess of 40,000 square feet) AND HEIGHT IN EXCESS OF 50 FEET (proposed at 74' feet)**
- (3) EXEMPTIONS FROM OTHER MANDATORY REQUIREMENTS OF THE SUD AND THE GENERAL PLAN AND CITY POLICIES INCLUDING FAILING TO PROVIDE HOUSING/AFFORDABLE HOUSING OR PAYING AN IN-LIEU FEE FOR HOUSING**
- (4) A GRANT OF A VARIANCE TO AVOID MANDATORY REQUIRMENT TO PROVIDE A REAR YARD**

INTRODUCTION

This project can only be constructed if this Commission grants a complete change to the applicable law for this one lot and also grants numerous exemptions, variances, and conditional use authorizations to allow it to avoid the mandatory requirements of the Code, the General Plan and the City's overarching policies to build housing. If these numerous "gifts" are granted to the Project, the Project should not be designed or permitted to go forward in a manner which causes harm to the residential neighbors. The Project causes great harm to its only residential neighbor.

The Dept's unsupported conclusion that the Project is "not detrimental to persons or adjacent properties in the vicinity" (a finding needed to grant the exemptions, variances, and Conditional Use Authorization) is patently and obviously **false**. The 74' foot tower being constructed into the rear yard via the variances and CUA directly in front of dozens of windows of homeowners at the 1776 Sacramento Street Homeowners Association next door speaks for itself. This Project will cause tremendous harm to dozens of homeowners unless the proposed height of the Project

is reduced. The Commission should note that the Project started at a lower height and when the HOA neighbors objected, the sponsors *increased* the height.

The 128 residents of the 1776 Sacramento Street Homeowner Association (“HOA”) request the Planning Commission give due consideration to the concerns of the actual residents of the project’s largest inhabited neighbor, most of which have been rebuffed. Ideally, we would appreciate a site visit for you to better appreciate our concerns and issues.

The objective of the 1776 Sacramento Street HOA has never been to stop the American Cultural Buddhist Society (ABCS) temple construction project. From the beginning, we have made it very clear that we only wanted and have requested consideration for the 1776 Sacramento Street building and the neighbors impacted with environmental and quality-of-life issues by the proposed design. Our requests have mostly been ignored, rebuffed, or dismissed outright while the Sponsors ran a public relations campaign to elicit the support of others who do not live in the neighborhood and will not be impacted by the project. Not one of the 25 letters of support submitted to the Commission is from a resident of the neighborhood.

The HOA is the only residential neighbor of the Project and is really the only neighbor the Project site has that is directly and dramatically impacted by the Project. It is residential and fully occupied. St Luke’s Church on the north side of the Project site is institutional and is not residential. It is rarely used or occupied. The 1776 Sacramento Street building next door to the subject site is the quintessential project for the subject zoning. It provides 51 units of housing and has an active retail (Staples) space at the street level. This is exactly the type of building that is expected and encouraged in the Van Ness Avenue Special Use District. There is an emphasis on creation of housing in the upper floors and active retail at street level. In contrast, the subject Project cannot satisfy any of the basic requirements and goals of the Special Use District or of the Residential Mixed zoning. Approval of the subject property for an unpermitted institutional use must not result in negative impacts to the housing next door.

A. The Project Does Not Conform with the Key Planning Code Requirements for the Van Ness Special Use District and the General Plan; It Provides Zero Housing; It Provides Zero Affordable Housing (and offers no In Lieu Payment); The Project is in Stark Violation of the Code/General Plan and Cannot be Built Without Changing the Code and Granting Conditional Use Authorization, Exemptions and Variances.

The Project does not come close to being Code-compliant. One must question if the Special Use District is a suitable location for the Project since it requires drastic changes in the Planning Code just for this site *and* also requires numerous special “giveaways” to the Project such as Conditional Use Authorizations(multiple) and other Code exemptions, exceptions, and variances.

The Project provides ZERO housing and instead proposes dormitory type rooms that may be made available for short term occupancy. The list of exceptions, exemptions, and other non-code compliant features of the Project is almost too long to fully comprehend. The Project satisfies virtually none of the mandatory policy requirements of the Special Use District or the General Plan and is hopelessly at odds with the SUD, the Planning Code, and all City Housing Policies.

1. **Provides Zero Housing--Use Size Limits.** Planning Code Section 209.3, non-residential uses greater than 6,000 gross square feet in an RC-4 zoning district require Conditional Use Authorization. The project proposes approximately 41,700 gross square feet of non-residential uses; Conditional Use Authorization application is required.
2. **Zero Housing--Not a Permitted Use.** Planning Code Section 209.3, institutional uses in an RC-4 zoning district require Conditional Use Authorization. The project proposes the construction of an institutional use with no housing--a Conditional Use Authorization application is required.
3. **Zero Housing--Limitation of Non-Residential Uses.** Pursuant to Planning Code Section 243, non-residential uses shall only be permitted in newly constructed structures in the Van Ness Special Use District if the ratio between the amount of net additional occupied floor area for residential uses to the amount of occupied floor area for non-residential uses in excess of the occupied floor area of structures existing on the site at the time the project is approved is 3 to 1 or greater. Project provides zero housing requires an Amendment to the Planning Code for this one development lot to avoid providing any housing.
4. **Excessive Building Height.** Planning Code Section 253 requires that any building or structure exceeding 50 feet in height in an RC District shall be permitted only upon Conditional Use Authorization approval by the Planning Commission. The project proposes a building height of approximately 74' feet; Conditional Use Authorization is required. This height represents an increase from the 69' feet proposed earlier.
5. **Over the Height Limit in the Van Ness Special Use District.** Pursuant to Planning Code Section 253.3, any new construction exceeding 50 feet in height in the Van Ness Special Use District shall be permitted only as a Conditional Use upon approval by the Planning Commission. When acting on any Conditional Use application pursuant to this Section, the City Planning Commission may, in addition to any other requirements deemed appropriate, require a setback of up to 20 feet at a height of 50 feet or above for all or portions of a building. The project proposes a building height of approximately 74' feet; therefore, Conditional Use Authorization is required.
6. **Excessive Bulk.** The subject property is located within a 'D' Bulk District which permits a maximum building length of 110 feet and a maximum diagonal building dimension of 140 feet for all portions of the building above 40 feet in height. A bulk exception must be justified.
7. **Non-Compliant Rear Yard.** Planning Code Section 134 requires a rear yard or at least 25% of the lot depth, but no less than 15 feet, at the first level containing residential uses, and all floors above. The project proposes a rear yard of 10 feet; therefore, a modification or variance must be justified. Variance must be justified and in this instance it cannot.

8. **Street Frontages in Residential-Commercial Districts.** Pursuant to Section 145.1 of the Planning Code, frontages with active uses that are not residential, or Production, Distribution, and Repair (PDR) must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

The Project does not meet ANY of the criteria of the Special Use District or of even the zoning for the area. Not only does it fail to create housing (the city's number one goal and the goal of the Special Use District) it actually brings harm to already existing housing in the Special Use District. The Dept's position that there are no negative impacts on the adjacent housing is obviously false on its face. This Project cannot possibly be compliant with the overarching policies of the city, the General Plan, and this particular Special Use District since it provides no housing and harms housing that is already in place. Changes must be made to ensure no negative impacts to the housing already on the block.

B. Claimed Outreach Efforts and Project Support are Misleading and Disingenuous

ABCS project sponsors have suggested that there is wide-spread neighborhood support, but not one resident from their largest and closest inhabited building supports this Project. No one who actually lives in the neighborhood supports the project. The Sponsors have not contacted the HOA for more than three years and made no changes to mitigate impacts to the HOA units.

On February 21, 2018, the sponsors and representatives held an outreach meeting during which we voiced our concerns and offered potential design concepts for consideration that might achieve mutually acceptable design. But in over 3 ½ years since that meeting, we have received no response to our concerns and ideas nor any updated information. No contact with the HOA.

We were apprised on the latest plans only when we received the Notice of Public Hearing in August 2021, insufficient time to mount any organized response. Upon receipt of that notice, however, at least 14 letters of concern and opposition from the 20 North-facing units (70%) were submitted to the Planning Commission in the last few weeks.

Yet a letter of support from St. Luke's submitted by the project sponsors indicates the most recent design plans were presented via ZOOM as late as this May or June 2021. No one from the 1776 Sacramento Street HOA was invited. The outreach efforts seem, at best, selective but most likely in furtherance of a PR campaign to mitigate any opposition rather than sincere solicitation of neighbor comments for consideration.

C. Significant Blockage of Light Causing Environmental and Quality-of-Life Issues to North-Facing Units (nearly 40% of total units) by the Proposed Design.

The HOA repeatedly requested light/shadow studies impacting the North-facing residential units of 1776 Sacramento Street were never performed. The architects Skidmore, Owens & Merrill,

LLP (SOM) only performed a light and shadow study as it impacts South-facing structures (i.e., St. Luke's Church.) Again, the actual residential neighbors at the HOA were ignored.



The windows and balconies of the homes shown above will be blocked from light by the Proposal---the Project should not be granted such extraordinary Code “giveaways” that injure the neighboring homes and long terms residents of the block.

1. At least 90% or 18 of the 20 North-facing units (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative).
2. Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.
3. Even East-facing windows will experience light blockage.

The light blockage to the residential units next door due to the inordinate height of the building and its protrusion into the rear yard is significant and devastating. Conditional Use Authorizations, exemptions, exceptions, and variances MAY NOT be granted which cause this level of harm to neighbors. The standard for the Commission to grant a CUA and variance as well as the numerous exceptions and exemptions is the same: Granting such exceptions under the Code must not be injurious to the general public health and welfare and IT MUST

NOT BE INJURIOUS OR DETRIMENTAL TO PROPERTY AND RESIDENTS OF THE NEIGHBORHOOD. This is a standard that the Project cannot meet without substantial changes.

D. Privacy and Security Is Also Compromised for North-Facing Residents and the Residential Units of 1776 Sacramento Street

If the Project is built as proposed, many units on the North side of the building will need to keep window coverings closed on both the North side to ensure privacy from facing dorm windows and South side from residents walking by, further obscuring light entry. It also appears that it will be possible to access the balconies of the neighboring residential building at 1776 Sacramento Street from the new project. A further setback is needed.

E. Alternate Design Considerations Rebuffed by the Sponsors that Mitigate Harmful Impacts to 1776 Sacramento Street Residential Units Should be Included

The building size (at the rear, in particular) not only exceeds the 50 ft height but does not even provide for the 20 ft setback required by the code. In addition, conforming to zone requirements for frontage width makes additional set-back possible at the front of the new structure.

Lower, more standard room heights (e.g., 8 ft) would enable the building mass to conform more closely to the intended 50 ft above ground height limitation specified for non-residential buildings. Alternately, reducing the number of above-ground floors would enable a lower building height. Alternately, fewer monastic-dedicated dorm rooms more in line with the projected growth of the congregation would enable the massing at the rear to be stepped up. These changes would go a long way toward alleviating some of the issues we have been voicing for years now. The Project could go forward with 24 dormitory units instead of 30 if the top floor is removed from the rear tower stack and that would greatly improve light to the HOA windows.

F. Excess Capacity and Potential for Unintended, Unallowed Use

Last update from the sponsor was 150 current members with a quoted growth of 10-15% or 175, yet the temple capacity accommodates 30% growth or for as many as 200 congregants and over 300% increase in monastic staff to attend to a 15% increase of congregants.

This appears excessive and recovering some of this space may allow for a design with less impact on massing and light interruption for 1776 Sacramento Street residents. ABCS staff have indicated that the dorms would most likely be used on weekends when congregants would occupy them to fulfill their obligation to observe temple life for one day and night per month. A growing trend among Buddhist temples across the US as well as in Japan is to rent out rooms to the public from their web sites as well as on Trip Advisor and Airbnb, including one in San Francisco.

It is understandable that unused capacity might open the ABCS to allowing public visitors to rent/stay in their facilities in the future, a trend at other Buddhist facilities. It is cause for pause and perhaps further inquiry to ensure the ABCS not be allowed to rent out dorm rooms if they discover capacity exceeds their congregant need.

Joel Koppel, President, San Francisco Planning Commission
September 24, 2021
RE: Record 2016-015987
Property Address: 1750 Van Ness Avenue

Page 7 of 7

See links below of Buddhist temple locations offering for-rent stays to the public.

<https://www.lacarmina.com/blog/2014/06/san-francisco-zen-buddhist-retreat/>

<https://www.sfzc.org/practice-centers/city-center/about>

https://www.tripadvisor.com/Hotel_Review-g60713-d10513296-Reviews-San_Francisco_Zen_Center-San_Francisco_California.html

<https://www.buddhistdoor.net/news/buddhist-temples-across-japan-soon-to-offer-rented-accommodation-for-tourists>

<https://www.stayz.com.au/d/688396/seattle-buddhist-temple>

https://www.airbnb.com/rooms/19207706?source_impression_id=p3_1629500679_DbaLANuloMITBDZV&guests=1&adults=1

<https://nyingmainstitute.com/room-rentals/>

<https://stay.landofmedicinebuddha.org/amenities/lodging/>

CONCLUSION

We respectfully request the Planning Commission give due consideration to our concerns and conduct a site visit with entry to 1776 Sacramento Street residential units to fully appreciate how much harm the proposed design does to the residents of these North-facing units.

Sincerely,



Dina DiBattista
1776 Sacramento Street Homeowners Association
1776 Sacramento Street, Unit #507
San Francisco, CA 94109
415-346-6247

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition to: CASE #2016-015987PCA/CUA/VAR-ABCS TEMPLE CONSTRUCTION
Date: Monday, September 27, 2021 9:48:29 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Bill Poppen <bill_poppen@yahoo.com>
Date: Friday, September 24, 2021 at 11:23 AM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "david.winslow@sfgov.org" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Cc: Dina DiBattista <ddibattista@msn.com>, Rhonda Harvey Poppen <rhpoppen@gmail.com>
Subject: Opposition to: CASE #2016-015987PCA/CUA/VAR-ABCS TEMPLE CONSTRUCTION

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

Dear President Koppel and Commissioners:

My name is Bill Poppen. I own unit #410 at 1776 Sacramento; right next door to the San Bao Temple. My unit and my unit's balcony are directly in the shadow of the proposed tower for temporary visitors to the temple.

Overall, I have no reason to defeat the ABCS temple construction project.

- I believe the ABCS has every right to improve their property within a justifiable need.
- From the beginning, my fellow residents and I have only wanted and have requested consideration for the 1776 Sacramento Street homeowners and the neighborhood impacted with environmental and quality-of-life issues by the proposed designs
- I acknowledge that concessions have been made in design to address some of our concerns, particularly as it relates to building setbacks. And, in fact, some elements, like the courtyard, are quite pleasing.
- Unfortunately, these concessions do not adequately address my concerns.

1. I am asking for serious consideration for a design plan that:
 - Is in keeping with projected congregant growth of 15%. Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.
 - § On-site housing seems inconsistent with other neighboring religious structures (St. Lukes/Old First)
 - § 30 units/60 person occupancy seems high relative to congregation size.
 - Does not result in loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.
 - More closely conforms to height and bulk limits for the zoning districts in which ABCS is located.
 - § Lower building massing in front and back
 - o Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Lukes.
 - o Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
 - o Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the intended 50 ft above ground height limitation specified for non-residential buildings
 - o Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification
 - o At minimum, perform a light study on the impact to North-facing window.
2. I would also seek assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity.

ENVIRONMENTAL/QUALITY-OF-LIFE IMPACTS ON 1776 SACRAMENTO STREET RESIDENTS

- **Loss of Light**
 - @ 60% or 18 of all building units on the North side (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative)
 - o 13 units with North-facing windows will have light blocked by either the front or the back of the new structure
 - o Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.

- o Many units on the North side of the building may need to keep window coverings closed to ensure privacy from facing dorm windows.
- o At least 4-6 units will experience blockage of light from East-facing windows.

- **Light/shadow studies**

- o As I understand it, the architects Skidmore, Owens & Merrill, LLP (SOM) has only performed a light and shadow study as it impacts South-facing structures; none performed for impact on North-facing structures.

- **Air Circulation/Flow**

- Greater set-back is requested to ensure adequate air flow and to avoid any air stagnation

- **Privacy and security**

- Intrusion via property line balconies
- Closed window covering to ensure privacy from facing dorm window.

- **Unintended, Unallowed Uses**

- While ABCS has never indicated it would rent out dorm rooms to the public, it is understandable that unused capacity might open the ABCS to allowing public visitors to rent/stay in their facilities in the future, a trend at other Buddhist facilities.

- See links below of Buddhist temples renting out rooms to the public.

<https://www.lacarmina.com/blog/2014/06/san-francisco-zen-buddhist-retreat/>

<https://www.sfzc.org/practice-centers/city-center/about>

https://www.tripadvisor.com/Hotel_Review-g60713-d10513296-Reviews-San_Francisco_Zen_Center-San_Francisco_California.html

<https://www.buddhistdoor.net/news/buddhist-temples-across-japan-soon-to-offer-rented-accommodation-for-tourists>

<https://www.stayz.com.au/d/688396/seattle-buddhist-temple>

https://www.airbnb.com/rooms/19207706?source_impression_id=p3_1629500679_DbaLANuloMITBDZV&guests=1&adults=1

<https://nyingmainstitute.com/room-rentals/>

<https://stay.landofmedicinebuddha.org/amenities/lodging/>

- **Other Comments**

- **Parking/Traffic Congestion**

§ Planned reduced parking (from 14 to 7) will undoubtedly spill over into the nearby street, taking up spaces typically used by patrons of nearby restaurants and retail establishments on Van Ness and Polk Street corridor.

- o Require additional parking at the ABCS be incorporated in their plans if it is granted exemption from all other requirements for new construction projects in the Van Ness Special Use District rather than granting permit to use street parking

NOTE: If the ABCS is granted their requested amendment to the planning code that exempts them from residential to non-residential footage ratio of 3:1, it seems only fair and reasonable that they also not be bound by parking minimization code specifications typically required for new residential construction. Instead, additional underground parking should be required to not impede local residential and commercial access.

§ Given the Van Ness corridor road improvements and reduced designated car lanes, traffic and parking congestion will likely be exacerbated with the increased ABCS traffic.

- **Amendment to Planning Code**

§ For decades, the ABCS has operated in the Van Ness Special Use District without a required Conditional Use permit. It does not appear fair or even prudent to grant a categorical exemption for a single entity through a change in the planning code.

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition Letter re: 1750 Van Ness Project from Shirley S. Liu
Date: Monday, September 27, 2021 9:48:22 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
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[San Francisco Property Information Map](#)

From: Shirley Liu <Shirleyliu@gmail.com>

Date: Friday, September 24, 2021 at 11:31 AM

To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>

Cc: Dina DiBattista <ddibattista@msn.com>

Subject: Opposition Letter re: 1750 Van Ness Project from Shirley S. Liu

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

President Koppel and Commissioners:

I have been a 15-year owner of unit #607 at 1776 Sacramento Street. I am shocked and disappointed by the latest ABCS development plans, which were previously undisclosed by the Sponsor despite clear negative consequences to health and quality of life for myself and my neighbors.

During COVID, I have had the chance to further recognize the importance of our health and home as we spend additional time following state and city regulations and simultaneously maintaining our busy work and family obligations. I have poured my energy and savings into maintaining this, yet the proposed construction project will significantly impede this by blocking light, impeding privacy, and potentially risking air quality for my unit and those of ~20 neighbors.

Please mandate some reasonable concessions in the spirit of doing what's right for the neighborhood population, as summarized below:

- Ringfence expansion to congregant growth of 15% -- Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.
 - On-site housing is inconsistent with neighboring religious structures (St. Luke's/Old First)
 - 30 units/60-person occupancy is high relative to congregation size
 - *Provide guarantees that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers based on the clear excess capacity.
- Enforce no light intrusion, free air circulation to prevent stagnation, and privacy and security for unit residents
 - 60% or 18 of all building units on the North side (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018
 - Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side
 - *At minimum, perform a light study on the impact to North-facing windows.
- Mandate height and bulk limit conformity with zoning districts in which ABCS is located
 - Lower building massing in front and back
 - Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's
 - Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
 - Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings
 - Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification

I hope that the American Buddhist Cultural Society and the Planning Commission will address this feedback before approving the numerous variances, exemptions and code amendments required to accommodate their current proposal.

Thank you for your time and consideration,

Shirley Liu

shirleyliu@gmail.com

510.329.3975

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition to 1750 Van Ness Avenue Development Project
Date: Monday, September 27, 2021 9:48:06 AM

Jonas P Ionin
Director of Commission Affairs

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From: "Jordan.Mundell@lw.com" <Jordan.Mundell@lw.com>
Date: Friday, September 24, 2021 at 11:42 AM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Subject: Opposition to 1750 Van Ness Avenue Development Project

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Dear President Koppel and Commissioners,

My name is Jordan Mundell. I am an attorney at Latham & Watkins, who recently purchased an apartment in the 1776 Sacramento St complex together with my pregnant partner. I am concerned about the latest development plans submitted by the American Buddhist Cultural Society ("ABCS") and, in particular, the fact that they submitted the plans with very little advance notice, leaving the residents of 1776 Sacramento with insufficient time to prepare our position or develop a suitable response. Given that we are a next-door neighbor and the building that will be most affected by ABCS' plans, the manner in which they've proceeded is very troubling.

In advance of next-week's hearing, I would like to share my concerns regarding ABCS' plans. Of most pressing concern is that ABCS' plans will severely and adversely impact the quality of life for many of the residents of 1776 Sacramento St—including myself, who has a north-facing apartment—by, among other things, reducing the light and air flow into the apartments, as well as significantly degrading unitholders' unqualified right to privacy. It is my belief that some further concessions by ABCS would erase these issues.

As stated by other residents of the 1776 Sacramento Street HOA, we are asking for serious

consideration of a design plan that:

- Reflects projected congregant growth of 15%; current plans call for excess capacity of 200 (or a 33% increase) and 300+% growth in monastic support.
 - On-site housing seems inconsistent with other neighboring religious structures (St. Luke's/Old First).
 - 30 units/60-person occupancy seems high relative to congregation size.
- Does not result in loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.
 - 60% or 18 of all building units on the North side (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative).
 - 13 units with North-facing windows will have light blocked by either the front or the back of the new structure.
 - Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.
- More closely conforms to the height and bulk limits for the zoning districts in which ABCS is located.
 - Lower building massing in front and back.
 - Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's.
 - Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground.
 - Lower ceiling heights to more standard room heights (*e.g.*, 8 ft.) to enable building mass to conform more closely to the intended 50 ft above ground height limitation specified for non-residential buildings.
 - Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification.
 - At minimum, perform a light study on the impact to North-facing windows.
- We are also seeking assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity.

I am hopeful that the ABCS and the Planning Commission will take into consideration our concerns before determining the requested variances, exemptions, and code amendments. Making a few changes to the design will serve as an example of how to achieve beauty design and harmony for all neighbors. I am available should you wish to discuss further any of the concerns set out above.

Thank you in advance,
Jordan

Jordan Mundell

LATHAM & WATKINS LLP

505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
Direct Dial: +1.415.395.8085
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From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition Letter: 1750 Van Ness Avenue Project
Date: Monday, September 27, 2021 9:46:23 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Rachel Sirois <rachelsirois12@gmail.com>
Date: Friday, September 24, 2021 at 2:22 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "chirstopher.may@sfgov.org" <chirstopher.may@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>
Subject: Opposition Letter: 1750 Van Ness Avenue Project

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Dear President Koppel and Commissioners:

I have been a condo owner of unit 509 at 1776 Sacramento Street for over 12 years. I am surprised at hearing about the latest ABCS development plans so late in the game with no advance notice or communication from the project sponsor, especially given that we are a next-door neighbor.

I am asking for a delay in approving this project on the following grounds:

1. No formal impact assessment (including no light assessment on the North side of our building) of this project on the neighborhood has been completed. It is falsely claimed that it does no harm to the neighbors and our properties;
2. The sponsor has not formally engaged with the ONLY residential neighbors of the project who are significantly and negatively impacted;
3. Planning Commission has not had an opportunity to visit the location.

Although I appreciate the concessions that ABCS has made on some fronts, the current plans will significantly degrade the quality of life for many of the residents of 1776 Sacramento by, among other things, blocking natural light to the apartments and greatly degrading privacy. It is my belief that a few further (and relatively minor) concessions are necessary.

We are asking for serious consideration of a design plan that:

a. Is in keeping with projected congregant growth of 15%. Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.

- On-site monastic housing seems inconsistent with other neighboring religious structures (St. Luke's/Old First)
- 30 units/60-person occupancy seems high relative to congregation size.

b. More closely conforms to height and bulk limits for the zoning districts in which ABCS is located.

- Lower building massing in front and back
- Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's.
- Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
- Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings
- Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification
- At minimum, perform a light study on the impact to North-facing windows.

c.) Does not amend the planning code

The requested amendment to the planning code that would exempt ABCS from the residential to non-residential footage ratio of three to one does not seem reasonable, prudent or have a sound rationale to exclude a single entity. There was an important reason for this code in SF and it should be upheld.

We are also seeking assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity as is becoming a growing trend among the Buddhist temples throughout the U.S. and in Japan.

I am hopeful that the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs and before approving all the many variances, exemptions and code amendments being requested to accommodate this design. Making a few changes

to the design will serve as an example of how to achieve beauty design and harmony for all neighbors.

Thank you for your time and consideration.

Regards

Rachel

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 1750 Van Ness Ave Project - Opposition from Resident at 1776 Sacramento Street, Unit 610
Date: Monday, September 27, 2021 9:45:42 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Donna McDonald <donna@maquettedesign.com>
Date: Friday, September 24, 2021 at 3:11 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>
Cc: Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "decland.chan@sfgov.org" <decland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>
Subject: 1750 Van Ness Ave Project - Opposition from Resident at 1776 Sacramento Street, Unit 610

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Dear President Koppel and Commissioners:

My name is Donna McDonald. I own unit 610 at 1776 Sacramento; right next door to the San Bao Temple. My unit is located mid-way up the North East corner of the building and would be greatly impacted by the next door addition of the 6 story (7 story-high) building. I am hoping that an organization like the American Buddhist Society is more likely to be concerned about the human experience of its neighbors, will hear our concerns and engage with us.

My main concerns are related to the reduced light my unit would get, along with the circulation and stagnation of the air flow. I am also concerned about privacy issues from the next-door dorm rooms that would face my unit's living room and office windows. As an interior designer, I can envision some further (and relatively minor) concessions would erase these issues and create a beautiful structure that all can fully enjoy. We are asking for serious consideration of a design plan that:

- Is in keeping with projected congregant growth of 15%. Current plans call for excess capacity of 200

or 33% increase, and 300+% growth in monastic support.

- The plans seem to provide 30 units or 60-person occupancy which is far more dorm rooms that would be necessary for the congregation and their requirement to spend 1 night per month. I am also concerned that these excess rooms could be used as rentals as I believe is done in other Buddhist Temples.

- Does not result in loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.

- 60% or 18 of all building units on the North side (35% of all 51 building units) will experience significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative)
- Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.

- More closely conforms to height and bulk limits for the zoning districts in which ABCS is located.

- Lower building massing in front and back. I envision a tiered design that could be aesthetically arresting and satisfy the needs presented in this letter.
-
- Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's.
-
- Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
-
- Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings
-
- Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification

I am hopeful that the American Buddhist Cultural Society and the Planning Commission will take into account our needs before approving all the many variances, exemptions and code amendments being requested to accommodate this design. Making a few changes to the design will serve as an example of how to achieve a beautiful design and harmony for all neighbors.

Thank you for your time and consideration,

Sincerely,

Donna McDonald



Donna McDonald
1776 Sacramento Street, 610
San Francisco, CA 94109
415.860.3544

www.maquettedesign.com

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 1750 Van Ness Avenue Project--Neighborhood Opposition
Date: Monday, September 27, 2021 9:45:35 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
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[San Francisco Property Information Map](#)

From: Brian Vierra <briansr@aol.com>

Reply-To: Brian Vierra <briansr@aol.com>

Date: Friday, September 24, 2021 at 3:11 PM

To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>, "ddibattista@msn.com" <ddibattista@msn.com>, "janetleecgv@gmail.com" <janetleecgv@gmail.com>

Subject: 1750 Van Ness Avenue Project--Neighborhood Opposition

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President Koppel and Commissioners

My name is Brian Vierra and I own unit 310 at 1776 Sacramento; I bought it at the building auction in 1992. This condo is located right next door to the San Bao Temple. My unit is at the bottom of our residences, at the North East corner, and would be majorly impacted by the addition of a 6 story building. My main concerns are related to the reduced light our unit would get along with the circulation and stagnation of the air flow. I am also concerned about privacy issues from the next door dorm rooms that would face my unit. I have windows that face the project and we would likely need to have the windows covered 24/7 for privacy reasons. I am afraid this would be like living in a fish bowl. I have two balconies, both which will

directly face the temple structure. I fear the lack of light and privacy will make these useless. I would hope that we could get a light study and receive more information on the planned windows that would face us.

I am also concerned that they seem to be proposing to build far more dorm rooms than would be necessary for their congregation and their requirement to spend 1 night per month. I am concerned that these excess rooms could be used as rentals to the general public as I believe is done in other Buddhist Temples and Centers.

I have done some cursory internet searches and found that Buddhist Temples in many places rent out rooms to the general public; they also rent out conference rooms for various purposes and provide meals.

To mention a few, I note that the San Francisco Zen Center located at 300 Page list 7 guest rooms plus a conference center; the rooms list from \$105-\$162 per night and this includes breakfast and they note that lunch and dinner is available as well.

The San Francisco Buddhist Center located at 37 Bartlett (Mission District) rents out meeting rooms for events such as meetings, rehearsals, dances, memorial services, body work, seminars and theater events.

I noted other examples in various countries, states and cities. Some of these examples include other tourist destinations such as New York, Chicago and Hawaii (where you can get a guest home for \$750 per night). I find some of these listings on AirBnB and Trip Advisor.

The reason I bring this up is that it seems that this rental activity is not an unusual practice at all for the Buddhist Temples and Centers. I would like to see this addressed in some fashion. Can we get a guarantee that these dorm rooms and conference rooms will be used only for the Temple's congregation and not for rent to the general public?

Also, from the information I have, it appears the San Bao Temple is requesting a number of exceptions to the SF building and zoning laws in order to construct their proposed project. They seem to be trying to put a square peg in a round hole. The enormity of this project just doesn't fit the space and a scaled back version that requires fewer exceptions may be

better suited to the neighborhood.

Thank you for considering our point of view.

Brian Vierra
415-239-1080

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition Letter re:1750 Van Ness Ave Project
Date: Monday, September 27, 2021 9:41:33 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
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From: anita ettinger <anitaettingerdesign@gmail.com>
Date: Friday, September 24, 2021 at 3:51 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>
Cc: Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "decland.chan@sfgov.org" <decland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Peskin, Aaron (BOS)" <aaron.peskin@sfgov.org>
Subject: Opposition Letter re:1750 Van Ness Ave Project

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Dear President Koppel and Commissioners:

My name is Anita Ettinger and I am a resident at 1776 Sacramento, Unit 307, on the north side of the building. By now you have probably received several emails from residents at 1776 Sacramento. I don't want to belabor the point or take up more of your time unnecessarily. I believe my neighbor, Dina, laid out all the points of contention.

The thing that I want to add is the effect of the arrogance on the part of the temple and the architects, They have completely ignored the 150 or so residents living next door to the project. We have tried for many years to come up with a compromise that left us with more light and air. Their total disregard for our concerns is galling. We live here, the church gets all kinds of concessions, yet no one lives there. It would be so appreciated if you, or some of you, could make a site visit and see what we are talking about.

I look forward to hearing from you and continuing to try to work out a satisfactory compromise with

the temple.

Thank you for your attention to this matter.

Sincerely, Anita Ettinger

anita ettinger
1776 sacramento st 307
sf ca 94109
415.518.0048
anitaettingerdesign@gmail.com

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposed: ABCS at 1750 Van Ness- San Bao Temple
Date: Monday, September 27, 2021 9:41:01 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
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San Francisco Property Information Map <<https://sfplanninggis.org/pim/>>

On 9/24/21, 7:32 PM, "Lynn Van Dyke" <lvdsfo@gmail.com> wrote:

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Dear President Koppel and Commissioners:

I am a resident owner at 1776 Sacramento St.. My condo, #408, faces the proposed new San Bao Temple building. I recognize that the ABCS has a right and a need improve their property. Over the years my neighbors and I have hoped they would work with us to minimize the negative effect changes to their building would have on the quality of life in ours. This has not happened.

Because most of us on the north side get no direct sunlight we were deemed unworthy of a light study unlike St. Luke's ABCS's north side. It seems to me the opposite should be true and all our homes will become more cave-like. Some more than others.

Sent from my iPad

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Negative impacts of ABCS development plans on 1776 Sacramento St. building
Date: Monday, September 27, 2021 9:40:48 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
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From: Kira Tabachnik <kirushasf@icloud.com>
Date: Friday, September 24, 2021 at 9:56 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>
Subject: Negative impacts of ABCS development plans on 1776 Sacramento St. building

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Dear President Koppel and Commissioners:

My name is Oleg Tabachnik. For the last 29 years my family been owning unit 710 at 1776 Sacramento; right next door to the San Bao Temple. I was really shocked learning about the latest ABCS development plans, so late in the game and without any notice or communication from the project sponsor.

My unit (as many other north-facing units) could be majorly impacted by the next door addition of the 6 story building. The main concerns would be: reduced light, reduced air circulation and stagnation of the air flow and most importantly - the privacy issues from the next-door dorm rooms that would face our unit. We have windows that face the project and likely will have to have them covered 24/7 for privacy reasons.

I am also concerned that they seem to be proposing to build far more dorm rooms that would be necessary for their congregation and their requirement to spend 1 night per month. I am concerned that these excess room could be used as rentals as I believe is done in other Buddhist Temple.

I believe some further and relatively minor concessions would erase these issues.

Please give a serious consideration of a design plan to avoid a huge degrade of the living conditions for many long term residents of 1776 Sacramento street building

Sincerely,

Oleg Tabachnik

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Re-Consideration request: CASE #2016-015987PCA/CUA/VAR-ABCS TEMPLE CONSTRUCTION
Date: Monday, September 27, 2021 9:40:21 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
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[San Francisco Property Information Map](#)

From: Rhonda Poppen <rotarianrhonda@gmail.com>
Date: Friday, September 24, 2021 at 10:50 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "david.winslow@sfgov.org" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>, Bill Poppen <bill_poppen@yahoo.com>, "ddibattista@msn.com" <ddibattista@msn.com>
Subject: Re-Consideration request: CASE #2016-015987PCA/CUA/VAR-ABCS TEMPLE CONSTRUCTION

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Dear members of the Planning Commission:

My husband and I have lived in the community surrounding Polk/Jackson/Van Ness/Sacramento for the past 8 years. **We are invested in San Francisco** as Rotary Club, Discover Polk, and community of faith leaders and volunteers. My husband recently learned from a Discover Polk Board meeting that the American Buddhist Cultural Society development plans were moving forward again. We were surprised, given that we are next door neighbors now and had received no communication from the project leaders.

We enjoy living beside the Buddhist community and appreciate the cultural diversity and festivities they bring to our neighborhood. We want to see their congregational community thrive and believe that the plan they have for vastly improving the Temple portion of their new development is welcomed by most, if not all.

Please re-consider approval of the development portion that is "dormitory/overnight guest

accommodation" in nature.

- The proposed dormitory/guest portion of the project is similar but different to living beside a large building that accommodates short-term rentals. It brings associated negative effects, to include loss of privacy/proximity to a "revolving door" of occupants beside our homes, additional parking requirements, and increased traffic.
- The housing component is inconsistent with other nearby structures such as St. Luke's Episcopal and Old First Church and seems excessive based on 30 units/60-person occupancy relative to a congregation size of 200.
- The dormitory portion of the development will result in significant loss of light to us and 12 of our neighbors' homes. This project is moving forward without the due diligence of a light study to any of the homes in our building.
- We appreciate the accommodation to the historical value of St. Luke's stained glass, however, result is nonconforming to the height and bulk limits for our zoning district. In part, this includes building mass across the site, incongruent tower size, and increased set-back of 64' versus 60'.

We respectfully request that you will hear our voice and consider these accommodations to the plan before approving the plan as it stands now. These changes can occur and allow a mutually beneficial scenario where the 1776 Sacramento and ABCS neighbors can both appreciate the resulting project.

Thank you for considering our request and for your service to our community, amidst the challenges that positive growth brings.

Rhonda Poppen, GPC

Rotary Club of San Francisco
2018-2019 President

Independent Grant Consultant

<https://avanan.url-protection.com/v1/url?>

[o=www.GRANTdog.com](https://www.GRANTdog.com)&g=NzQ5OTQwZDE1NzI2NmVmNg==&h=OWUyYjcwNTAxNWM3N2U2NTQyOTgxNzVjZTQwNTcxNDdiZWRhZGUxZjg3MGQ3YWJjYTJiNmQ1ODM0NzY4ZDQwNA==&p=YXAzOnNmZHQyOmF2YW5hbGpvcjIwOTVIODMxYzIwNzg1YTFlZGNmNWJlNGM4NzAzMTk3OnYx

Check out the **popPEN w/purpose** blog series [here](#).

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Agenda for September 30, 2021
Date: Monday, September 27, 2021 9:39:35 AM
Attachments: [Sales History of 1433 Diamond.pdf](#)
[Remodels that seem to turn into demolitions in Noe Valley.pdf](#)
[Staff Comments on TTD 3262009.pdf](#)
[Presentation 30.pdf](#)

Jonas P Ionin
Director of Commission Affairs

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[San Francisco Property Information Map](#)

From: Thomas Schuttish <schuttishtr@sbcglobal.net>
Date: Saturday, September 25, 2021 at 12:07 PM
To: "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>
Cc: "Merlone, Audrey (CPC)" <audrey.merlone@sfgov.org>, "Jimenez, Sylvia (CPC)" <sylvia.jimenez@sfgov.org>, Corey Teague <corey.teague@sfgov.org>, Scott Sanchez <scott.sanchez@sfgov.org>, Tina Tam <tina.tam@sfgov.org>, Elizabeth Watty <elizabeth.watty@sfgov.org>, Aaron Starr <aaron.starr@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "YANG, AUSTIN (CAT)" <Austin.Yang@sfcityatty.org>, KATE STACY <Kate.Stacy@sfcityatty.org>, KRISTEN JENSEN <Kristen.Jensen@sfcityatty.org>, "Bintliff, Jacob (BOS)" <jacob.bintliff@sfgov.org>, "Lynch, Laura (CPC)" <laura.lynch@sfgov.org>
Subject: Agenda for September 30, 2021

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

Dear Director Hillis, President Koppel, Vice President Moore and Members of the Planning Commission and Mr Winslow:

Good afternoon to you all.

I saw on the agenda that the DR for 1433 Diamond Street had been withdrawn, but I wanted to talk

about this address, particularly given the Planning Commission discussion and vote on the Large Residence Ordinance on September 23rd.

The Staff is absolutely right.

"Noe Valley is an epicenter for the de-facto demolition of modestly sized homes".

De-facto demolition is one and the same as Tantamount to Demolition.

And the outcome in the Noe Valley epicenter has been much larger projects, that are very expensive.

This project at 1433 Diamond was one of these projects back in 2012/2013.

This has been ongoing since then.

There have been at least 40 projects like this in Noe Valley....to date.

I visited the Records Department at 49 SVN yesterday (9/24) to make sure that as I said in General Public Comment on September 19, 2019 there were no Demolition Calculations on the plans for 1433 Diamond Street that were signed off on by the City.

There were none.

And there should have been Demo Calcs...this was a horizontal and vertical expansion with a facade change and complete interior gutting.

You can see the "before and after" of 1433 Diamond Street in the link to the Redfin Web Ad attached below. It was a modest home before, not so after.

Projects like this and all the others since were speculative projects, not small expansions of existing homes for families looking to stay in the City and expand their homes to raise their children and send them to public school.

Frankly that is what my husband and I did in the mid-1990s when we expanded our 1,050 sq. ft home to 1,845 sq ft.

Everyone has a story of how long they have lived in San Francisco and how they live their lives....what is important are the trends and the outcomes that have happened in a neighborhood and in the City and what policy should be put forward to deal with the trends and outcomes that need dealing with.

And that trend is rampant speculation...or as some dramatically call it, "the money bomb".

And that outcome is large, expensive homes that *help* to generate and accelerate the astounding price increases that have occurred not only in Noe Valley and the other District 8 neighborhoods, but

throughout the City.

And sometimes carrots and sticks are needed to implement a policy to deal with trends and outcomes.

As you can see from the attached price history of 1433 Diamond from the 2012 sale to the 2014 sale (the flip) to the sale two years ago...the price increased dramatically.

There is another project from this same time period nearby to 1433 Diamond Street that is now for sale for \$8 million. It was likely one of the Noe Valley Alteration projects that should have been reviewed as a Demolition by Staff, per Staff's own assessment of a five project sample back in December 2015.

The price increases of all these speculative projects in Noe Valley from before the flip to after the flip over the past seven (plus) years have ranged from \$3 to \$5.5 million, with the most astounding as high as \$7.4 million. Again these projects were approved as Alterations, with no more than two or three reviewed by the Planning Commission as a DR.

Again, there have been at least 40 projects like this in Noe Valley....to date.

This is the cumulative impact of the Demo Calcs not being adjusted:

Alteration projects have skidded through the process without proper oversight, without a MDR or a CUA for the past ten years and existing housing which is considered more affordable by the Housing Element has been lost.

1. Please if you have time look over the attachments with this email.
2. Please consider protecting existing housing from de-facto, aka Tantamount to Demolition and maintain the "financial accessibility" and the "relative affordability" of housing that the Commission is "empowered" to do per Staff's public statement on March 26, 2009 when the Commission approved the Code Implementation Document, per Planning Code Section 317 (b)(2)(D) and please adjust the Demo Calcs for Tantamount to Demolition. If you have time, please watch the March 26, 2009 video on SFGOVTV. It is Item No. 9.
3. Please ask the City Attorney if you can do this as a "pilot" project in Noe Valley given the Staff's designation of it as "an epicenter" if this is something more agreeable to at least four Commissioners.

Adjusting the Demo Calcs is a way to expand homes and densify without tearing down everything, everywhere.

Adjusting the Demo Calcs can be a carrot and a stick policy.

Thank you.

Sincerely,
Georgia Schuttish

List of Attachments:

1. Link to Redfin Web Ad for 1433 Diamond showing "before and after"
2. Price History from Redfin Web Ad
3. 2015 email Correspondence with City
4. Staff Notes, March 26, 2009 presentation on CID from Docket #2006.00670ET
5. Photos of 1433 Diamond from 2012 - present.

Begin forwarded message:

From: Thomas Schuttish <schuttishtr@sbcglobal.net>

Subject: Comments Request for DR # 2020=008611DRP September 30, 2021

Date: September 12, 2021 at 6:00:41 PM PDT

To: "david.winslow@sfgov.org" <david.winslow@sfgov.org>, "mooreurban@aol.com" <mooreurban@aol.com>, "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Susan Diamond <sue.diamond@sfgov.org>, Frank Fung <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, Rachael Tanner <rachael.tanner@sfgov.org>
Cc: "commissions.secretary@sfgov.org" <commissions.secretary@sfgov.org>, "jonas.ionin@sfgov.org" <jonas.ionin@sfgov.org>, Rich Hillis <rich.hillis@sfgov.org>, "Watty, Elizabeth (CPC)" <elizabeth.watty@sfgov.org>, Audrey Merlone <audrey.merlone@sfgov.org>, Jacob Bintliff <jacob.bintliff@sfgov.org>, "jeffrey.horn@sfgov.org" <jeffrey.horn@sfgov.org>, Jeffrey Speirs <jeffrey.speirs@sfgov.org>, "Cisneros, Stephanie (CPC)" <Stephanie.Cisneros@sfgov.org>, Gabriela Pantoja <gabriela.pantoja@sfgov.org>, Bridget Hicks <bridget.hicks@sfgov.org>, "scott.sanchez@sfgov.org" <scott.sanchez@sfgov.org>, "Teague Corey (CPC)" <corey.teague@sfgov.org>, Tina Tam <tina.tam@sfgov.org>, kate.stacy@sfcityatty.org, KRISTEN JENSEN <kristen.jensen@sfcityatty.org>

Dear Mr. Winslow and Members of the Planning Commission:

I received the Notice of the Public Hearing for this Request for Discretionary Review at 1433 Diamond Street in the US mail yesterday so I looked on the SFPIM to understand the issues with this Request.

I am very sympathetic to the property owner's need and desire to protect her cats with the glass screen/wall....my family always had at least two cats through the years when I was a child/teenager growing up in an apartment in Manhattan.

But I also understand the DR Requestor's concern given the development pattern in this part of Noe Valley and his genuine concern for the increase in mass and the fact that the work was apparently done without proper permitting and is seeking

legalization.

These blocks have been prime for speculative development, as has the rest of Noe Valley...speculative development that was fueled and facilitated by extreme Alterations.

So I am writing this email as background for the DR hearing for this project and overlaying that background with why the Demolition Calculations should be adjusted per Section 317 (b) (2) (D)....*and why they should have been adjusted previously.*

I am familiar with this address at 1433 Diamond for two reasons.

1. It was one of the earliest projects that seemed to be a Demolition that I listed in an email correspondence with the City from January 2015. That correspondence is included.

2. When it sold most recently in 2019 for \$4.5 million, I talked about it at General Public Comment on September 19, 2019. Because it is in the RH-1 and the price had risen so much, it would have been exempt under Section 317 (d)(3)(A) or the Demonstrably Unaffordable provision and could have been demolished, *in theory*, without a hearing. Also the high sales price of \$4.5 million would have had a direct effect on the appraised values of the more modest, unaltered original homes nearby....most of which were developed in the mid 20th Century. (At that time the value was \$2.2 million for the RH-1 neighborhoods). So 1433 Diamond Street and other nearby RH-1 modest, but livable, relatively affordable homes would have been exempt from a hearing on Demolition because they had risen so much in value due to 1433 Diamond and other extreme Alterations that had happened in Noe Valley, *just as the DR Requestor references in his application.*

Fortunately, the RH-1 exemption was removed from Section 317 last year. (But the 2009 values for the Demolition Calculation are still on the books.)

However when 1433 Diamond Street received it's Alteration Permit back in 2012 it could not have been appraised to meet the Section 317 Demonstrably Unaffordable value....the Section 317 value from 2012-2014 was \$1.342 million and as you can see from the sales history it would have been *unlikely* to get the appraisal needed to be legally demolished without a hearing before the Planning Commission.

As I said in my General Public Comment on September 19, 2019, there were no published Demo Calcs when the project was reviewed and ultimately approved back in 2013.

Why? This was four years after Section 317 was implemented. What happened? Why were there no Demo Calcs presented on the approved plans? What were the Demo Calcs for this project...this extreme Alteration, back in 2012? Did this speculative project

skirt the Planning Code to avoid what would have been an MDR in 2013 and possible disapproval by the Planning Commission?

And why have the Demolition Calculations never been adjusted? I know this is an issue that concerns Staff and decision makers. That is why there have been attempts to deal with this both through the RET and the Peskin legislation. And now the Large Residence Ordinance.

Again, as the Planning Staff told the Commission back in March 2009, the Commission is empowered to adjust the thresholds, "...particularly...the thresholds for alteration projects that are tantamount to demolitions".

Attached is a link to the Redfin Web ad for 1433 Diamond Street....if you scroll down the Sales History on the link itself you can see photos of the original house and the interior, prior to 2012 sale and the 2013 Site Permit, as well as photos of the completed project.

Also attached is a screenshot of the complete sales history *as well as the pdf of my January 2015 email correspondence with the City where 1433 Diamond Street is listed along with other questionable Alterations up to that point in time.*

I am also including a pdf of one page from Mr. Nikitas' three-page handwritten notes about "tantamount to demolition" which are quoted above. This document is from when the Section 317 Code Implementation Document was approved by the Commission back on March 26, 2009. You can view his actual comments on SFGOVTV, on this date, Item No. 9, but this one page from his notes which are in Commission files are verbatim. I received this copy of his notes through a Public Records Request and it is on pages 206-208 of Docket # 06.0070ET.

I will send photos of the transition of the project from 2012 to today to you in a separate email.

Thank you.

Sincerely,

Georgia Schuttish

<https://www.redfin.com/CA/San-Francisco/1433-Diamond-St-94131/home/1345852>

to January 10, 2014 letter that I sent to Mr. Metcalf at SPUR along with copies to the Planning Commission, Mayor Lee, Supervisor Weiner, Mr. Hui, Mr. Rahaim.

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

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

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

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

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

Thank you and have a nice day.

Sincerely,

GEORGIA Schuttish
460 Duncan Street
San Francisco, Ca. 94131

285-8217



edits & clarifications.

Will intend to return in a couple of months with a report on the 1st year of operation of £ 307, and may make recommendations for adjustment of some of the thresholds that the Code requires you to make, particularly ^{alteration} the thresholds for projects that are tantamount to demolitions. Thank you, on ~~the~~ I'm available to answer your questions, if any.

Sale & Tax History for 1433 Diamond St

Sale History Tax History

Today		
Sep 13, 2019 Date	Sold (Public Records) Public Records	\$4,500,000 (5.3%/yr) Price
Sep, 2019		
Sep 13, 2019 Date	Sold (MLS) (Closed) San Francisco MLS #486187	\$4,500,000 Price
Sep 10, 2019 Date	Pending San Francisco MLS #486187	— Price
Sep 6, 2019 Date	Relisted (Active) San Francisco MLS #486187	— Price
Sep 6, 2019 Date	Delisted (Hold) San Francisco MLS #486187	— Price
Aug 14, 2019 Date	Listed (Active) San Francisco MLS #486187	\$3,995,000 Price
Jun 2014, Sold for \$3,425,000		
Jun 6, 2014 Date	Sold (Public Records) Public Records	\$3,425,000 (125.2%/yr) Price
Jun, 2014		
Jun 6, 2014 Date	Sold (MLS) (Closed) San Francisco MLS #421161	\$3,425,000 Price
May 30, 2014 Date	Delisted San Francisco MLS #421161	— Price
May 29, 2014 Date	Listed San Francisco MLS #421161	\$3,425,000 Price

Dec 2012, Sold for \$1,050,000		
Dec 21, 2012 Date	Sold (Public Records) Public Records	\$1,050,000 Price
Dec, 2012		
Dec 21, 2012 Date	Sold (MLS) (Closed) San Francisco MLS #403119	\$1,050,000 Price
Dec 15, 2012 Date	Pending San Francisco MLS #403119	— Price
Nov 23, 2012 Date	Listed (Active) San Francisco MLS #403119	\$799,000 Price

From: Hui, Tom (DBI) tom.hui@sfgov.org
Subject: Re: Remodels that seem to turn into demolitions in Noe Valley
Date: January 28, 2015 at 1:02 PM



To: Buckley, Jeff (MYR) jeff.buckley@sfgov.org
Cc: Sanchez, Scott (CPC) scott.sanchez@sfgov.org, Thomas Schuttish schuttishtr@sbcglobal.net, Rahaim, John (CPC) john.rahaim@sfgov.org, scott.weiner@sfgov.org, Rodney Fong planning@rodneymfong.com, Cindy Wu cwu.planning@gmail.com, Johnson, Christine D.(CPC) christine.d.johnson@sfgov.org, Kathrin Moore mooreurban@aol.com, Richards, Dennis (CPC) dennis.richards@sfgov.org, Rich Hillis richhillissf@yahoo.com, Antonini wordweaver21@aol.com, Kim, Jane (BOS) jane.kim@sfgov.org, Cohen, Malia (BOS) malia.cohen@sfgov.org, Secretary, Commissions (CPC) commissions.secretary@sfgov.org, Ionin, Jonas (CPC) jonas.ionin@sfgov.org, Haw, Christine (CPC) christine.haw@sfgov.org, Joslin, Jeff (CPC) jeff.joslin@sfgov.org, Watty, Elizabeth (CPC) elizabeth.watty@sfgov.org, Starr, Aaron (CPC) aaron.starr@sfgov.org, Rodgers, AnMarie (CPC) anmarie.rodgers@sfgov.org, Lowrey, Daniel (DBI) daniel.lowrey@sfgov.org, Strawn, William (DBI) william.strawn@sfgov.org, Jayin, Carolyn (DBI) carolyn.jayin@sfgov.org

Hi Jeff,
Bill and Dam are working with Planning for this case.
Bye
Tom

Sent from my iPhone

On Jan 28, 2015, at 12:47 PM, Buckley, Jeff (MYR) <jeff.buckley@sfgov.org> wrote:

Ms. Schuttish,

I received the packet you left at the Mayor's Office last week and am looking into it. I'll connect with our Zoning Administrator, Planning Director and Department of Building Inspection Director to get a response to the concerns you raise in a coordinated manner.

Jeff Buckley | Senior Advisor
Office of Mayor Edwin M. Lee
City and County of San Francisco

Jeff.Buckley@sfgov.org
(415) 554-7925

From: Hui, Tom (DBI)
Sent: Tuesday, January 27, 2015 7:28 PM
To: Sanchez, Scott (CPC)
Cc: Thomas Schuttish; Rahaim, John (CPC); scott.weiner@sfgov.org; Rodney Fong; Cindy Wu; Johnson, Christine D.(CPC); Kathrin Moore; Richards, Dennis (CPC); Rich Hillis; Antonini; Kim, Jane (BOS); Cohen, Malia (BOS); Buckley, Jeff (MYR); Secretary, Commissions (CPC); Ionin, Jonas (CPC);

Haw, Christine (CPC); Joslin, Jeff (CPC); Watty, Elizabeth (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Lowrey, Daniel (DBI); Strawn, William (DBI); Jayin, Carolyn (DBI)

Subject: Re: Remodels that seem to turn into demolitions in Noe Valley

Hi Scott,
Please, work with Dan and Bill for this project.
Good night!
Tom

Sent from my iPhone

On Jan 27, 2015, at 6:17 PM, Sanchez, Scott (CPC) <scott.sanchez@sfgov.org> wrote:

Dear Ms. Schuttish,

Thank you for the thoughtful email. I agree that this is an important issue and will discuss your suggested solutions with our Legislative Affairs and Current Planning staff. I will also review the referenced properties with our Code Enforcement staff and the Department of Building Inspection (DBI).

Regards,
Scott F. Sanchez
Zoning Administrator

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6350 | Fax: 415-558-6409
Email: scott.sanchez@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415.558.6377 or pic@sfgov.org
Planning Information Map (PIM): <http://propertymap.sfplanning.org>

<[image001.png](#)>

<[image001.png](#)> <[image003.png](#)> <[image002.png](#)> <[image003.png](#)>

From: Thomas Schuttish [<mailto:schuttishtr@sbcglobal.net>]

Sent: Tuesday, January 27, 2015 11:13 AM

To: Sanchez, Scott (CPC)

Cc: Rahaim, John (CPC); scott.weiner@sfgov.org; Rodney Fong; Cindy Wu; Johnson, Christine D.(CPC); Kathrin Moore; Richards, Dennis (CPC); Rich Hillis; Antonini; Kim, Jane (BOS); Cohen, Malia (BOS); Buckley, Jeff (MYR); Secretary, Commissions (CPC); Ionin, Jonas (CPC); Hui, Tom (DBI)

Subject: Remodels that seem to turn into demolitions in Noe Valley

Dear Mr. Sanchez:

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

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

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

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

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

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

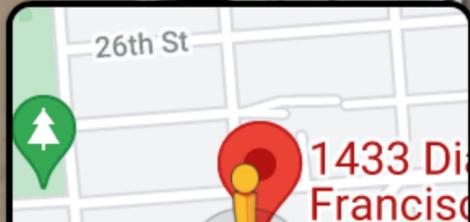
4365 26th Street; 90 Jersey Street; 2220 Castro Street; 4318 26th Street; 1375 Noe Street; 4372 25th Street; 865 Duncan Street; 1612 Church Street; 525 28th Street; 1433 Diamond Street.

Most of these homes have sold for between \$3 to \$5 million. And they look completely different from the homes they were previously as the before and after photos show. And actually, this February 20, 2014 letter was attached

1430 Diamond St
San Francisco, California



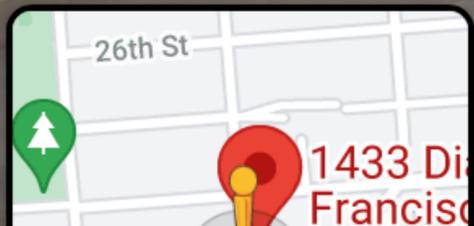
Street View - Nov 2011



1430 Diamond St
San Francisco, California



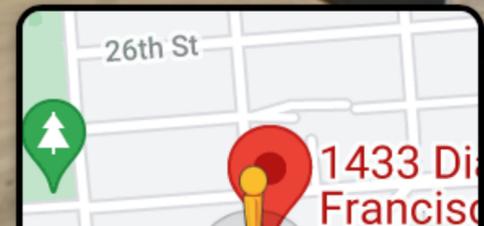
Street View - Nov 2013



1430 Diamond St
San Francisco, California



Street View - Jan 2014



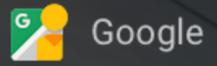


RENT ME!
800 835 2222

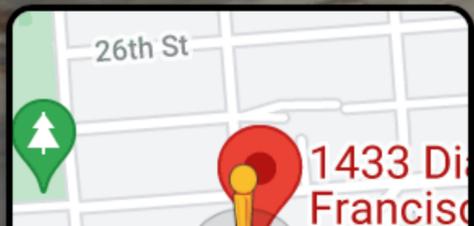
Tyvek HomeWrap

57 EASTWOOD
Development Co
10000
SANTA MONICA
CALIFORNIA

1433 Diamond St
San Francisco, California



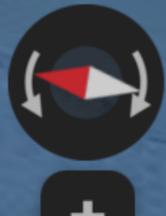
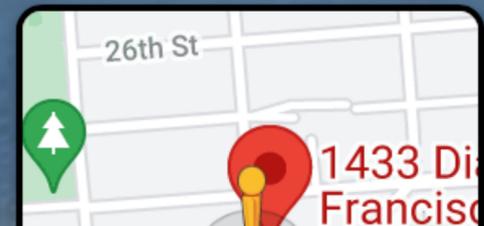
Street View - Jul 2015



1430 Diamond St
San Francisco, California



Street View - Feb 2021



From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition Letter re 1750 Van Ness Avenue Project
Date: Monday, September 27, 2021 9:38:47 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Lyn Epstein <lyn.epstein@gmail.com>
Date: Saturday, September 25, 2021 at 2:43 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "decland.chan@sfgov.org" <decland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Subject: Opposition Letter re 1750 Van Ness Avenue Project

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

Dear President Koppel and Commissioners:

We have been condo owners of Unit #609 at 1776 Sacramento Street since 2007. Our unit is north-facing on the 6th floor and we have a beautiful city-scape view from all windows. It was our family's dream to own a place of our own in the City by the Bay so that we could enjoy unhampered views of our favorite place in the world.

I was surprised upon hearing about the latest ABCS development plans, so late in the game with no advanced notice or communication from the project sponsor. This was especially concerning given that we are next-door neighbors in a building that abides by codes that are good for *all residents* in the neighborhood.

I am also very concerned about the reduced light our unit will receive as well as the circulation and air flow that will be restricted under the current plans. The last thing we want is an obstructed view so close to us, not to mention privacy issues from the next-door dorm rooms facing our unit. Our north-facing windows will need to be covered 24/7 in order to maintain privacy.

The proposed plans of this project, as they stand now, include far more dorm rooms that would be necessary for members of their congregation and their requirement to spend one (1) night per month. There is also concern from the residents in our building that the excess number of rooms could essentially be used as rentals, increasing the density.

Although I appreciate the concessions that the ABCS has made on some issues, the current plans will greatly degrade the quality of life for many of the residents of 1776 Sacramento Street, not to mention the *decrease in property value* of our units.

I am hopeful the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs *before* approving all the variances, exemptions and code amendments that ABCS is requesting in order to accommodate their present design and plans. Making the changes that address the issues set forth in this letter will not only serve as an example of how to achieve beauty, design and consideration for all neighbors but more important is the issue of setting a precedent for further projects which do not consider the issues I have mentioned.

Thank you for your consideration of the issues our residents have raised.

Carolyn W. and Joel D. Epstein, MD

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition Letter re 1750 Van Ness Avenue Project
Date: Monday, September 27, 2021 9:38:41 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Christianne Pang <christianne@parkplacewines.com>
Date: Sunday, September 26, 2021 at 10:20 PM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Subject: Opposition Letter re 1750 Van Ness Avenue Project

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

Dear President Koppel and Commissioners:

My name is Christianne Pang, and I am the condo owner of unit 508 at 1776 Sacramento Street since 2001. Our building, 1776 Sacramento Street, is immediately adjacent to the San Bao Temple. I am surprised at hearing about the latest ABCS development plans so late in the process with *no communication at all* from the project sponsor, especially given that we are the next-door neighbor who has full-time residents.

I am also concerned that they seem to be proposing to build far more dorm rooms that would be necessary for their congregation and their requirement to spend 1 night per month. I am concerned that these excess room could be used as rentals as I believe is done in other Buddhist Temples.

Although I appreciate the concessions the ABCS has made on some fronts, the current plans will greatly degrade the quality of life for many of the residents of 1776 Sacramento by, among other things, blocking the light to the apartments and greatly degrading privacy. It is my belief that some further (and relatively minor) concessions would erase these issues.

Here are my thoughts for a serious consideration of a design plan that I hope you will give us consideration:

- Keep with projected congregant growth of 15%. Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.

Limit the loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.

- More closely conform to height and bulk limits for the zoning districts in which ABCS is located.

I am hopeful that the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs and before approving all the many variances, exemptions and code amendments being requested to accommodate this design. Making a few changes to the design will serve as an example of how to achieve beauty design and harmony for all neighbors.

Regards,
Christianne Pang

1776 Sacramento St.
Unit 508
San Francisco, CA 94109
415.823.4871

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 1750 Van Ness Avenue ACBS Temple project Light Impact Concerns
Date: Monday, September 27, 2021 9:38:36 AM

Jonas P Ionin
Director of Commission Affairs
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Lindsay Fiedelman <LFIEDELMAN@WSGC.com>
Date: Monday, September 27, 2021 at 8:04 AM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Chan, Deland (CPC)" <deland.chan@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Cc: Dina DiBattista <ddbattista@msn.com>
Subject: 1750 Van Ness Avenue ACBS Temple project Light Impact Concerns

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

Dear President Koppel and Commissioners:

I am a condo owner of unit 709 at 1776 Sacramento Street, with this being my very first home purchased last year. I am surprised and very concerned at hearing about the latest ABCS development plans with no advance notice or communication from the project sponsor, especially given that we are a next-door neighbor building and the tower greatly impacts the light in several units including mine.

Although I understand that some concessions have been made they appear to benefit the non-residential church neighbor more than the full time residential neighbor. The current plans will greatly degrade the quality of life for myself and many of the residents of 1776 Sacramento by, among other things, blocking the light to the apartments and greatly degrading privacy. It is my belief that some further (and relatively minor) concessions would erase these issues.

We are asking for serious consideration of a design plan that:

- Does not result in loss of light, ensures free air circulation to prevent stagnation, and provides privacy and security for unit residents.

- 60% or 18 of all building units on the North side (35% of all 51 building units) will experience

significant loss of light based on the models presented in February 2018 at a neighborhood meeting (more accurate representation than the drawings per the SOM representative)

- Any compensatory light from the small courtyard/South-facing windows is obstructed by overhang from the walkways on the floors above or from shadow cast from the bank of units on the building's South side.

- Is in keeping with projected congregant growth of 15%. Current plans call for excess capacity of 200 or 33% increase, and 300+% growth in monastic support.

- On-site housing seems inconsistent with other neighboring religious structures (St. Luke's/Old First)
- 30 units/60-person occupancy seems high relative to congregation size.

- More closely conforms to height and bulk limits for the zoning districts in which ABCS is located.

- Lower building massing in front and back
- Rear tower size appears incongruent with rest of the structure and neighborhood due to accommodation for St. Luke's.
- Reduce number of floors or lower building height with fewer on-site units or by adding floors below ground
- Lower ceiling heights to more standard room heights (e.g., 8 ft) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings
- Increase set-back at building front of North-facing units where 64' building width exceeds 60' Code specification
- At minimum, perform a light study on the impact to North-facing windows.

- We are also seeking assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity as is becoming a growing trend among the Buddhist temples throughout the U.S. and in Japan.

I am hopeful that the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs and before approving all the many variances, exemptions and code amendments being requested to accommodate this design. Making a few changes to the design will serve as an example of how to achieve beauty design and harmony for all of its neighbors.

Thank you for your time and consideration,

Lindsay Fiedelman

1776 Sacramento #709

Lindsay Fiedelman

Pottery Barn Kids

Senior Inventory Planner – Occasional/Playroom Furniture

T: 415-402-4821 (*please note office lines are closed while working from home*)

F: 415-445-9058

lfiedelman@wsgc.com



Please consider the impact to the environment before printing this e-mail.

From: [Ionin, Jonas \(CPC\)](#)
To: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: 1750 VAN NESS AVENUE: 2016-015987CUA, 2016-015987PCA, 2016-015987VAR
Date: Monday, September 27, 2021 9:36:32 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Ian Elkus <ianelkus@sbcglobal.net>
Date: Monday, September 27, 2021 at 8:32 AM
To: "joel.koppel@sfgov.org" <joel.koppel@sfgov.org>, Kathrin Moore <mooreurban@aol.com>, "Diamond, Susan (CPC)" <sue.diamond@sfgov.org>, "Fung, Frank (CPC)" <frank.fung@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, "Tanner, Rachael (CPC)" <rachael.tanner@sfgov.org>, "Winslow, David (CPC)" <david.winslow@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "May, Christopher (CPC)" <christopher.may@sfgov.org>
Cc: Dina DiBattista <ddibattista@msn.com>, Jonathan Elkus <jbelkus@ucdavis.edu>, "mmelkus@comcast.net" <mmelkus@comcast.net>
Subject: 1750 VAN NESS AVENUE: 2016-015987CUA, 2016-015987PCA, 2016-015987VAR

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

September 27, 2021

To: The San Francisco Planning Commission

In Re: 2016-015987PCA, 1750 VAN NESS AVENUE
2016-015987CUA, 1750 VAN NESS AVENUE
2016-015987VAR, 1750 VAN NESS AVENUE

Dear President Koppel and Commissioners:

My name is Ian Elkus, and my family has owned unit 411 at 1776 Sacramento Street for the last 25 years. Our unit spans a narrow segment on the 3rd and 4th floors of the building and overlooks the San Bao Temple along the Temple's South side.

The American Buddhist Cultural Society (ABCS) is proposing demolition of its existing San Bao Temple and proposing the construction of a six-story structure directly abutting our unit.

This proposed project far exceeds the needs of the current Temple congregation and would create significant privation for 30-odd homes adjacent to the property, roughly 20 of which are in our building at 1776 Sacramento Street. Indeed, rather than a renovation and beautification project, the ABCS plans include a superstructure rising an additional six stories to house “dorm rooms” they claim to be necessary for their congregation of roughly 200.

Chief concerns for us and our neighbors include:

- Loss of air flow and air quality;
- The loss of the only natural light those of us with North-facing windows receive;
- The loss of privacy in our own homes;
- The legitimacy of these dorm rooms as being “essential” to the Temple’s primary function as a house of worship;

(I will add that these concerns should also trouble the ABCS, as their proposed structure would *also* deprive their own “dorm” residents of fresh air, light, and privacy.)

My family joins our neighbors in respectfully requesting that the Commission give serious consideration to the following:

- On-site housing at the Temple seems inconsistent with other neighboring religious structures (St. Luke’s/Old First Church).
- 30 units/60-person occupancy seems very high relative to congregation size (~30%).
- 60% or 18 of all building units on the North side of 1776 Sacramento (35% of all 51 building units) will experience significant loss of light based on the models presented by the ABCS in February 2018 at a neighborhood meeting.

We respectfully ask that the Commission only consider a plan that more closely conforms to height and bulk limits for the zoning districts in which ABCS is located by:

- Lowering building massing in front and back;
- Reducing the number of floors or lower building height with fewer on-site units or by adding floors below ground;
- Lowering the proposed ceiling heights in the ABCS plans to more standard room heights (e.g., 8 feet) to enable building mass to conform more closely to the 50 ft above ground height limitation specified for non-residential buildings;
- Increasing set-back at building front of North-facing units where 64’ building width exceeds 60’ Code specification;
- At minimum, performing a light study on the impact to North-facing windows.

We are also seeking assurance that the ABCS will be prohibited from renting out dorm rooms to the public/visitors/vacationers given its stated excess capacity as is becoming a growing trend among the Buddhist Temples throughout the U.S. and in Japan:

<https://www.lacarmina.com/blog/2014/06/san-francisco-zen-buddhist-retreat/>

<https://www.sfzc.org/practice-centers/city-center/about>

https://www.tripadvisor.com/Hotel_Review-g60713-d10513296-Reviews-San_Francisco_Zen_Center-San_Francisco_California.html

<https://www.buddhistdoor.net/news/buddhist-Temples-across-japan-soon-to-offer-rented-accommodation-for-tourists>

<https://www.stayz.com.au/d/688396/seattle-buddhist-Temple>

https://www.airbnb.com/rooms/19207706?source_impression_id=p3_1629500679_DbaLANuloMITBDZV&guests=1&adults=1

<https://nyingmainstitute.com/room-rentals/>

<https://stay.landofmedicinebuddha.org/amenities/lodging/>

1776 Sacramento Street residents are hopeful that the American Buddhist Cultural Society and the Planning Commission will take into consideration our needs before approving all the many variances, exemptions and code amendments being requested to accommodate this project. Making a few changes to the design will serve as an example of how to achieve both beauty in design and harmony for all Temple neighbors.

My family firmly believes that the San Bao congregation deserves to renovate and modernize their Temple – indeed such a renovation would only beautify and enhance the existing neighborhood and community. But such a project needs to take that community into account.

Respectfully yours,

Jonathan, Marilyn and Ian Elkus

Sent from [Mail](#) for Windows

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Merlone, Audrey \(CPC\)](#)
Subject: FW: SBC Letter of Support for BOS File No. 210810: Planning Code – Business Signs on Awnings and Marquees
Date: Monday, September 27, 2021 9:24:24 AM
Attachments: [210810 - SBC Response.pdf](#)

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: "Birnbach, Kerry (ECN)" <kerry.birnbach@sfgov.org>
Date: Tuesday, September 21, 2021 at 10:32 AM
To: "Stefani, Catherine (BOS)" <catherine.stefani@sfgov.org>, Angela Calvillo <angela.calvillo@sfgov.org>
Cc: "Hillis, Rich (CPC)" <rich.hillis@sfgov.org>, "Kittler, Sophia (MYR)" <sophia.kittler@sfgov.org>, "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>, "Pagan, Lisa (ECN)" <lisa.pagan@sfgov.org>, "Wong, Linda (BOS)" <linda.wong@sfgov.org>, "Dick-Endrizzi, Regina (ECN)" <regina.dick-endrizzi@sfgov.org>
Subject: SBC Letter of Support for BOS File No. 210810: Planning Code – Business Signs on Awnings and Marquees

Please the SBC letter of support for BOS 210810 attached.

Thanks,
Kerry Birnbach

She/her
Senior Policy Analyst/Commission Secretary
Office:(415) 554-6489 kerry.birnbach@sfgov.org
Office of Small Business | City and County of San Francisco

Change in Office Hours:

Beginning 9/7/2021, in-person services at the Office of Small Business will be available on Tuesdays, Wednesdays, and Thursdays only, 9am-5pm. We will continue to provide services by phone and email Monday-Friday, 9am-5pm. **See [COVID-19 Assistance for Businesses & Employees website for more info](#)**



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

September 20, 2021

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. BOS File No. 210810: Planning Code – Business Signs on Awnings and Marquees

The Small Business Commission Recommendation to the Board of Supervisors: **Support**

Dear Ms. Calvillo,

On September 13, 2021 the Small Business Commission (SBC) heard BOS File No. 210810: Planning Code – Business Signs on Awnings and Marquees. Dominica Donovan, Legislative Aide to Supervisor Stefani and Audrey Merlone, Senior Legislative Planning in the Planning Department, presented the proposal. The SBC voted (7-0) to recommend that the Board of Supervisors support the legislation.

The SBC discussed the importance of addressing and updating components of the Planning Code that can adversely impact small businesses. Though compliance is complaint driven, this legislation will bring new business districts under clear guidelines for compliance and provide greater flexibility for the signage that businesses are currently utilizing.

The SBC is appreciative of Supervisor Stefani, her staff, and the Planning Department for their continued support of San Francisco's small businesses. Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Catherine Stefani, Member, Board of Supervisors
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Rich Hillis, Director, Planning Department
Jonas Ionin, Director of Planning Commission Affairs
Lisa Pagan, Office of Economic and Workforce Development
Linda Wong, Clerk of the Budget and Finance Committee

From: [Ionin, Jonas \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#)
Subject: FW: Support new homes at 1900 Diamond Street
Date: Monday, September 27, 2021 9:23:20 AM

Jonas P Ionin
Director of Commission Affairs

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7589 | www.sfplanning.org
[San Francisco Property Information Map](#)

From: Michael Lamperd <mikestheone@sbcglobal.net>
Reply-To: "mikestheone@sbcglobal.net" <mikestheone@sbcglobal.net>
Date: Tuesday, September 21, 2021 at 10:21 AM
To: "Ionin, Jonas (CPC)" <jonas.ionin@sfgov.org>
Subject: Support new homes at 1900 Diamond Street

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

Mr. Jonas Ionin,

I'm writing to express my strong support for an exciting project that would bring 24 new homes to a vacant lot located at 1900 Diamond Street (at the intersection of Noe Valley, Diamond Heights and Glen Park).

For the first time in over 40 years, a housing proposal with more than 20 homes could happen in Noe Valley, Diamond Heights or Glen Park. This marks a great step towards housing equity in San Francisco and will help to alleviate our city's housing shortage, displacement, and affordability crises. It's long past time for District 8 neighborhoods to add their fair share of new homes.

Moreover, these proposed new homes at 1900 Diamond Street are exceedingly thoughtful, well-designed, and well-located. Their many highlights include:

1. Close proximity to public transit: Two major SFMTA bus lines, 35 and 52, stop directly in front of the new homes. The site is also only $\frac{3}{4}$ mile from the Glen Park BART Station, an easy walk or bike ride away.
2. Economical land use: A steep, undeveloped hillside will be transformed into 24 homes.
3. Affordable housing: 11 affordable homes will be created (31% of all new homes) with the

\$2.8M in affordable housing fees being paid to the Mayor's Office of Housing.

Moreover, the land is being sold by the Cesar Chavez Foundation, a 45-year old non-profit headed by Cesar's son, Paul Chavez. The proceeds from the sale of 1900 Diamond will be used by the Cesar Chavez Foundation to further its mission of building affordable housing and providing services to Latinx working families.

4. Family housing: These homes are designed for families. All townhomes have three bedrooms, and the home layouts were informed by Emeryville's family housing design guidelines.

5. Neighborhood cohesiveness - These homes have been thoughtfully designed to blend in with Diamond Height's mid-century aesthetic through stacked townhomes.

6. Open space - The area surrounding these homes is one of the most park-rich in all of SF, with five parks, playgrounds, and open spaces located within blocks.

For all these and many other reasons, I urge you to support these new homes and help your district become a place where more residents can call home.

Michael Lamperd
mikestheone@sbcglobal.net
4611 Lincoln Way Apt 3
San Francisco, California 94122

|

From: [Lynch, Laura \(CPC\)](#)
Cc: [JENSEN, KRISTEN \(CAT\)](#); [YANG, AUSTIN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [CTYPLN - SENIOR MANAGERS](#); [CTYPLN - COMMISSION SECRETARY](#)
Subject: CPC Calendars for September 30, 2021
Date: Friday, September 24, 2021 3:11:39 PM
Attachments: [20210930_cal.pdf](#)
[20210930_cal.docx](#)
[Advance Calendar - 20210930.xlsx](#)
[CPC Hearing Results 2021.docx](#)

Commissioners,

Here are your calendars for September 30, 2021. Jonas will be back for next week's hearing.

Enjoy your weekend!

Laura

**Laura Lynch, Senior Planner
Manager of Commission Affairs**

San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628-652-7554 | www.sfplanning.org
[San Francisco Property Information Map](#)

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The public is [encouraged to participate](#). Find more information on our services [here](#).



CPC Hearing Results 2021

To: Staff
 From: Jonas P. Ionin, Director of Commission Affairs
 Re: Hearing Results

NEXT MOTION/RESOLUTION No: 20998

NEXT DISCRETIONARY REVIEW ACTION No: 760

DRA = Discretionary Review Action; M = Motion; R = Resolution

September 23, 2021 Hearing Results:

Action No.	Case No.		Planner	Action	Vote
	2019-020611CUA	5114-5116 3rd Street	Sucre	Continued to October 28, 2021	+6 -0 (Chan absent)
	2019-020611VAR	5114-5116 3rd Street	Sucre	ZA Continued to October 28, 2021	+6 -0 (Chan absent)
	2020-005729CUA	4 Seacliff Avenue	May	Continued to October 28, 2021	+6 -0 (Chan absent)
	2020-003971PCA	Dwelling Unit Density Exception For Corner Lots In Residential Districts [Board File No. 210564]	Merlone	Continued to October 28, 2021	+6 -0 (Chan absent)
	2019-022661CUA	628 Shotwell Street	Feeney	Continued to October 07, 2021	+6 -0 (Chan absent)
	2021-000269DRP-02	3669 21 st Street	Winslow	Withdrawn	
		Draft Minutes for July 22, 2021	Lynch	Adopted as amended July 22 nd and adopt September 2 nd and 9 th 2021	+6 -0 (Chan absent)
		Draft Minutes for September 2, 2021	Lynch	Adopted as amended July 22 nd and adopt September 2 nd and 9 th 2021	+6 -0 (Chan absent)
		Draft Minutes for September 9, 2021	Lynch	Adopted as amended July 22 nd and adopt September 2 nd and 9 th 2021	+6 -0 (Chan absent)
R-20991	2021-001791PCA	Review Of Large Residence Developments	Merlone	Disapproval with recommendations <ul style="list-style-type: none"> Community outreach should be completed based on areas of concern. Explore a form-based approach for the size limitation Look at tenant protection 	+6 -0 (Chan absent)

				<ul style="list-style-type: none"> • Ensure that unfinished area can be converted to finished area without triggering the legislation provisions • The date the legislation would go into effect would be the date of the law and grandfathering should not go back to a prior date. 	
M-20992	2015-012577CUA	1200 Van Ness Avenue	Woods	Approve with Conditions including modifications read into the record by staff related to open space.	+4 -2 (Imperial Moore against; Chan absent)
M-20993	2017-0006630FA-02	610-698 Brannan Street	Samonsky	Approved with Conditions	+6 -0 (Chan absent)
M-20994	2020-007565CUA-02	1336 Chestnut Street	May	Approved with Conditions including the addition of a community liaison condition of approval	+5 -1 (Imperial against; Chan absent)
M-20995	2017-015648CUA	952 Carolina Street	Christensen	Approved with Conditions	+5 -1 (Imperial against; Chan absent)
	2017-015648VAR	952 Carolina Street	Christensen	ZA Closed the PH and indicated an intent to Grant	
M-20996	2019-019901CUA	1068 Florida Street	Christensen	Approved with Conditions	+4 -2 (Imperial Moore against; Chan absent)
M-20997	2021-004901CUA	1111 California Street	Agnihotri	Approved with Conditions including moving the antennas 10-15 feet to the East	+6 -0 (Chan absent)

SAN FRANCISCO PLANNING COMMISSION



Notice of Hearing & Agenda

Remote Hearing
via video and teleconferencing

Thursday, September 30, 2021
1:00 p.m.
Regular Meeting

Commissioners:

Joel Koppel, President

Kathrin Moore, Vice President

Deland Chan, Sue Diamond, Frank Fung,

Theresa Imperial, Rachael Tanner

Commission Secretary:

Jonas P. Ionin

Hearing Materials are available at:

[Planning Commission Packet and Correspondence](#)

Commission Hearing Broadcasts:

Live stream: <https://sfgovtv.org/planning>

Live, Thursdays at 1:00 p.m., Cable Channel 78

Re-broadcast, Fridays at 8:00 p.m., Cable Channel 26

Disability and language accommodations available upon request to:
commissions.secretary@sfgov.org or (628) 652-7589 at least 48 hours in advance.

Ramaytush Ohlone Acknowledgement

The Planning Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 409; phone (415) 554-7724; fax (415) 554-7854; or e-mail at soft@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfbos.org/sunshine.

Privacy Policy

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

Accessible Meeting Information

Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (628) 652-7589, or commissions.secretary@sfgov.org at least 72 hours in advance of the hearing to help ensure availability.

Language Assistance: To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (628) 652-7589, or commissions.secretary@sfgov.org at least 48 hours in advance of the hearing.

Allergies: In order to assist the City in accommodating persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, please refrain from wearing scented products (e.g. perfume and scented lotions) to Commission hearings.

SPANISH: Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al (628) 652-7589. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE: 規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電(628) 652-7589。請在聽證會舉行之前的至少48個小時提出要求。

FILIPINO: Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa (628) 652-7589. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN: Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру (628) 652-7589. Запросы должны делаться минимум за 48 часов до начала слушания.

Remote Access to Information and Participation

In accordance with Governor Newsom's statewide order for all residents to Shelter-in-place - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

On April 3, 2020, the Planning Commission was authorized to resume their hearing schedule through the duration of the shelter-in-place remotely. Therefore, the Planning Commission meetings will be held via videoconferencing and allow for remote public comment. The Commission strongly encourages interested parties to submit their comments in writing, in advance of the hearing to commissions.secretary@sfgov.org. Visit the SFGovTV website (<https://sfgovtv.org/planning>) to stream the live meetings or watch on a local television station.

Public Comment call-in: (415) 655-0001 / Access code: 2491 678 1281

The public comment call-in line number will also be provided on the Department's webpage <https://sfplanning.org/> and during the live SFGovTV broadcast.

As the COVID-19 emergency progresses, please visit the Planning website regularly to be updated on the current situation as it affects the hearing process and the Planning Commission.

ROLL CALL:

President: Joel Koppel
 Vice-President: Kathrin Moore
 Commissioners: Deland Chan, Sue Diamond, Frank Fung,
 Theresa Imperial, Rachael Tanner

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2019-020031CUA (K. DURANDET: (628) 652-7315)
2867 SAN BRUNO AVE (AKA 90-98 WOOLSEY STREET) – northeast corner of Woolsey Street; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Section(s) 303, 317, 207(c)(4), and 207.7 for a significant modification to the project approved by Motion No. 18782, a dwelling unit mix modification, and a residential demolition to establish a total of 27 dwelling units on the site, within the San Bruno Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
 (Continued from Regular hearing on September 9, 2021)
(Proposed for Continuance to November 4, 2021)
- 1b. 2019-020031VAR (K. DURANDET: (628) 652-7315)
2867 SAN BRUNO AVE (AKA 90-98 WOOLSEY STREET) – northeast corner of Woolsey Street; Lots 037 and 022 in Assessor's Block 5457 (District 9) – Request for **Variances** from the rear yard and usable open space and pursuant to Planning Code Section(s) 134 and 135 within the San Bruno Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District.
 (Continued from Regular hearing on September 9, 2021)
(Proposed for Continuance to November 4, 2021)
2. 2016-000302DRP (D. WINSLOW: (628) 652-7335)
460 VALLEJO STREET – north side between Kearny and Montgomery Streets; Lot 020 in Assessor's Block 0133 (District 3) – Request for **Discretionary Review** of Building Permit no. 2019.0402.6906 for extensive interior alteration of the existing two (2) dwelling unit residence, building recladding removing stucco and replacing with wood siding, and an approximately one (1)-foot increase of the rear yard roof height to allow for the creation of a furnished roof deck above. Permit is submitted in partial abatement of Enforcement Case No. 2018-001495ENF for Planning Code violations for work without a permit. Current permit application legalizes building expansion at the rear, proposed fence less than ten (10)-feet high at rear yard, lightwell infills, a 100 square foot garden shed in rear yard, and restoration of roof deck to twelve (12)-foot front yard setback within a RH-3 (Residential House, Three-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Take Discretionary Review and Approve
(Proposed for Continuance to November 18, 2021)

3. 2020-008611DRP (D. WINSLOW: (628) 652-7335)
1433 DIAMOND STREET – east side between 27th and Duncan Streets; Lot 002E in Assessor’s Block 6589 (District 8) – Request for **Discretionary Review** of Building Permit Application no. 2020.0826.2704 for the addition of a glass windscreen to the third-floor front deck of an existing, three-story single-family residence within a RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Do Not Take Discretionary Review and Approve
WITHDRAWN

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. [2021-006247CUA](#) (E. SAMONSKY: (628) 652-7417)
6202 03RD STREET –southwest corner of Paul Avenue; Lot 053 in Assessor’s Block 5461 (District 10) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 712, to establish an AT&T Macro Wireless Telecommunications Services Facility consisting of four antennas within radomes, six RRUs, two surge suppressors and new equipment within existing cabinets on an existing single-story commercial building. The project site is located within a NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

5. [2021-002468CUA](#) (L. AJELLO: (628) 652-7353)
2040 FILLMORE STREET – east side between California and Pine Streets; Lot 022 in Assessor’s Block 0653 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303(c), 303.1, 703.4, and 718 to convert a vacant Formula Retail store to a new Formula Retail use (d.b.a. Lululemon). The project is located within the Upper Fillmore NCD (Neighborhood Commercial District), Japantown Planning Area, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions

C. COMMISSION MATTERS

6. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DEPARTMENT MATTERS

7. Director's Announcements
8. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

9. [2019-022850ENV](#) (D. YOUNG: (628) 652-7494)
1101-1123 SUTTER STREET – southwest corner of Larkin Street; Lot 001 and 019 in Assessor's Block 0692 (District 3) – Public Hearing on the **Draft Environmental Impact Report**. The project proposes to rehabilitate the existing three-story building at 1101 Sutter Street and demolish the existing one-story plus partial mezzanine building at 1123 Sutter Street for the construction of a new 14-story, 150-foot-tall building. The proposed project would provide 221 residential units, 8,330 square feet of commercial and childcare uses, 11,637 square feet of open space, 59 vehicular parking spaces, and 164 bicycle parking spaces. The buildings at 1101 and 1123 Sutter are both historic resources for purposes of the California Environmental Quality Act (CEQA). The project site is located within the Polk Street NCD (Neighborhood Commercial) Zoning District and 65-A and 130-E Height and Bulk District.
Written comments will be accepted at CPC.1101-1123SutterEIR@sfgov.org or at the Planning Department until 5:00PM on October 5, 2021.
Preliminary Recommendation: Review and Comment

10. [2019-014461CUA](#) (C. ENCHILL: (628) 652-7551)
1324-1326 POWELL STREET – east side between Fisher Alley and Pacific Avenue; Lot 014A in Assessor’s Block 0160 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Section 254 and 303 to allow construction over 35 feet in height for a project that would construct a new eight-story, 84-ft 5-in tall, mixed-use building (approximately 27,160 square feet) with 24 dwelling units and making findings of eligibility for the individually requested State Density Bonus. The project would utilize the State Density Bonus law (California Government Code Sections 65915-65918) and receive four waivers for: site coverage (Planning Code Sec. 134.1), dwelling unit exposure (Planning Code Sec. 140), height limit (Planning Code Sec. 260), and bulk limits (Planning Code Sec. 270) requirements of the planning code. The project site is located within the CRNC (Chinatown Residential Neighborhood Commercial) Zoning District, Chinatown Planning Area, and 65-N Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions

11. [2019-013528CUA](#) (E. SAMONSKY: (628) 652-7417)
36-38 GOUGH STREET – southeast corner of Colton Street; Lot 028 in Assessor’s Block 3504 (District 6) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 317, to demolish an existing three-story, two-family residence (collectively measuring approximately 1,875 square feet) and construct a new five-story residential building containing eight dwelling units (collectively measuring approximately 5,652 square feet) within a NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District and 50-X Height and Bulk Districts. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
(Continued from Regular hearing on July 29, 2021)

12. [2021-001622CUA](#) (J. VIMR: (628) 652-7319)
220 POST STREET – north side between Grant Avenue and Stockton Street; Lot 007 in Assessor’s Block 0294 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 210.2 and 303, to convert the third floor (approximately 6,175 square feet) of the subject property from retail use to a general office use. The project site is located within a C-3-R (Downtown-Retail) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions

13. [2020-008347CUA](#) (L. HOAGLAND: (628) 652-7320)
811 CLAY STREET – south side between Waverly Place and Grant Avenue; Lot 031 in Assessor’s Block 0225 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 811 to allow a change of use from a Foot/Chair Massage Establishment to a Massage Establishment (d.b.a. Top Therapy Academy) on the ground floor (1,023 square feet) of an existing four-story commercial building. The project is located in the CVR (Chinatown Visitor Retail) Zoning District and 50-N Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

Preliminary Recommendation: Approve with Conditions
(Continued from Regular hearing on July 29, 2021)

- 14a. [2016-015987PCA](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE – east side between Clay and Sacramento Streets; Lot 019 in Assessor’s Block 0622 (District 3) – **Planning Code Amendment** to Planning Code Section 243 to exempt the subject property from the required 3:1 ratio of residential uses to non-residential uses in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple); affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code Section 302. The proposed amendment will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.
Preliminary Recommendation: Recommend Approval to the Board of Supervisors
(Continued from Regular hearing on September 9, 2021)
- 14b. [2016-015987CUA](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE – east side between Clay and Sacramento Streets; Lot 019 in Assessor’s Block 0622 (District 3) – Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 155(l), 209.3, 253, 253.2 and 303 to permit the retention of a curb cut on a transit-preferential street, to permit a non-residential use greater than 6,000 square feet, to permit a height greater than 50 feet and to permit an Institutional use in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple) within a RC-4 (Residential-Commercial, High-Density) Zoning District, Van Ness SUD (Special Use District), and 80-D Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).
Preliminary Recommendation: Approve with Conditions
(Continued from Regular hearing on September 9, 2021)
- 14c. [2016-015987VAR](#) (C. MAY: (628) 652-7359)
1750 VAN NESS AVENUE– east side between Clay and Sacramento Streets; Lot 019 in Assessor’s Block 0622 (District 3) – Request for **Variance** from the off-street parking and loading entrance requirements of Planning Code Section 145.1 in association with a project proposing to demolish the existing two-story Religious Institutional building and construct a new six-story-over-basement Religious Institutional building (dba San Bao Temple) within a RC-4 (Residential-Commercial, High-Density) Zoning District, Van Ness Special Use District, and 80-D Height and Bulk District.
(Continued from Regular hearing on September 9, 2021)
15. [2021-000433CUA](#) (K. AGNIHOTRI: (628) 652-7454)
2428 CLEMENT STREET – north side between 25th and 26th Avenues; Lot 017 in Assessor’s Block 1408 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 717, 202.2(a)(5), and 303 to establish a Cannabis Retail use on the first floor and associated office space on the second floor (approximately 2,765 square feet) within

the Outer Clement Street NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).
Preliminary Recommendation: Approve with Conditions

ADJOURNMENT

Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: www.sfplanning.org.

Public Comments: Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair;
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action, unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.

5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

Hearing Materials

Advance Submissions: To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 49 South Van Ness Ave, 14th Floor, by 5:00 p.m. and should include fifteen (15) hardcopies and a .pdf copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 49 South Van Ness Ave, 14th Floor, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

Appeals

The following is a summary of appeal rights associated with the various actions that may be taken at a Planning Commission hearing.

Case Type	Case Suffix	Appeal Period*	Appeal Body
Office Allocation	OFA (B)	15 calendar days	Board of Appeals**
Conditional Use Authorization and Planned Unit Development	CUA (C)	30 calendar days	Board of Supervisors
Building Permit Application (Discretionary Review)	DRP/DRM (D)	15 calendar days	Board of Appeals
EIR Certification	ENV (E)	30 calendar days	Board of Supervisors
Coastal Zone Permit	CTZ (P)	15 calendar days	Board of Appeals
Planning Code Amendments by Application	PCA (T)	30 calendar days	Board of Supervisors
Variance (Zoning Administrator action)	VAR (V)	10 calendar days	Board of Appeals
Large Project Authorization in Eastern Neighborhoods	LPA (X)	15 calendar days	Board of Appeals
Permit Review in C-3 Districts, Downtown Residential Districts	DNX (X)	15-calendar days	Board of Appeals
Zoning Map Change by Application	MAP (Z)	30 calendar days	Board of Supervisors

* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

**An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the Board of Appeals at (415) 575-6880. For more information regarding the Board of Supervisors process, please contact the Clerk of the Board of Supervisors at (415) 554-5184 or board.of.supervisors@sfgov.org.

An appeal of the approval (or denial) of a **100% Affordable Housing Bonus Program application** may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Sections 328(g)(5) and 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** issued (or denied) pursuant to a 100% Affordable Housing Bonus Program application by the Planning Commission or the Board of Supervisors may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Challenges

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://www.sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Protest of Fee or Exaction

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

Proposition F

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; phone (415) 252-3100; fax (415) 252-3112; and online <http://www.sfgov.org/ethics>.

CPC ADVANCE CALENDAR

3:44 PM 9/24/2021



To: Planning Commission
From: Jonas P. Ionin, Director of Commission Affairs
Re: Advance Calendar

All items and dates are tentative and subject to change.

September 30, 2021 - CLOSED			
Case No.	Chan - OUT		Planner
2019-020031CUAVAR	2867 San Bruno Ave	fr: 9/9	Durandet
	<i>legalize dwelling units, change from onsite BMR to fee</i>	to: 11/3	
2016-000302DRP	460 Vallejo Street	fr: 9/30	Winslow
	<i>Public-Initiated DR</i>	to 11/18	
2020-008611DRP	1433 Diamond Street	Withdrawn	Winslow
	<i>Public-Initiated DR</i>		
2021-006247CUA	6202 3rd Street	CONSENT	Samonsky
	<i>wireless macro facility</i>		
2021-002468CUA	2040 Fillmore Street	CONSENT	Ajello
	<i>CUA - convert a Formula Retail store (formerly Ralph Lauren) to a new Formula Retail use (d.b.a. Lu</i>		
2019-022850ENV	1101-1123 Sutter Street		Young
	<i>DEIR</i>		
2019-014461CUA	1324-1326 Powell Street		Enchill
	<i>State Density Bonus new construction of 8-story, 24 unit mixed use building</i>		
2019-013528CUA	36-38 Gough Street	fr: 7/29	Samonsky
	<i>demolition of a duplex and construction of a five story residential building</i>		
2021-001622CUA	220 Post Street		Vimr
	<i>retail to office use</i>		
2020-008347CUA	811 Clay Street	fr: 7/29	Hoagland
	<i>Foot/Chair Massage to Massage on ground floor in CVR District</i>		
2016-015987PCA	1750 Van Ness Avenue	fr: 9/9	May
	<i>Buddhist Cultural Center from the 3:1 residential-to-non-residential ratio exemption</i>		
2016-015987CUAVAR	1750 Van Ness Avenue	fr: 9/9	May
	<i>institutional use in the RC-4 District, a use size greater than 6,000 square feet, a building greater th</i>		
2021-000433CUA	2428 Clement St		Agnihotri
	<i>Cannabis Retail</i>		
October 7, 2021 - CLOSED			
Case No.	Chan - OUT		Planner
	Inclusionary Affordable Housing Program	to: 10/14	Grob
	<i>Planning Code Amendment</i>		
2020-006344CUA	37 Vicente Street	CONSENT	Balba
	<i>AT&T Mobility Macro Wireless Telecommunications Services Facility</i>		
2021-007327PCA	Business Signs on Awnings and Marquees		Merlone
	<i>Planning Code Amendment</i>		
2018-017026CWP	Environmental Justice Framework		Chen
	<i>Informational</i>		
	ConnectSF		Tran
	<i>Informational</i>		
2017-015678CUA	425 Broadway		Alexander

CPC ADVANCE CALENDAR

3:44 PM 9/24/2021

2021-002698CUA	317 Cortland Avenue <i>New Cannabis Retailer</i>		Christensen
2019-022661CUA	628 Shotwell Street <i>Residential Care Facility to residential</i>	fr: 11/19; 1/21; 3/18;	Feeney
2021-000997DRP	801 Corbett Avenue <i>Public-Initiated DR</i>		Winslow
October 14, 2021 - CLOSED			
Case No.	Chan - OUT		Planner
2020-007481CUA	5367 Diamond Heights Blvd. (1900 Diamond St.) <i>PUD for the construction of 24 dwelling units in a total of to: 10/28</i>	fr: 8/26	Pantoja
2016-011827ENX	1500 15th Street <i>State Density Bonus for 8-story group housing project (16 to: Indefinite</i>	fr: 6/24; 7/22	Jardines
2021-006288CUA	211 Austin Street <i>Formula Retail use (d.b.a. Arthur Murray Dance Studio)</i>	CONSENT	Ajello
2021-006602CUA	2104 Hayes Street <i>Use Size greater than 3,000 sq ft in NC-1 Zoning District (expansion of an existing child care facility);</i>	CONSENT	Ajello
	Inclusionary Affordable Housing Program <i>Planning Code Amendment</i>	fr: 10/7	Grob
2021-007368PCA	Repealing Article 12 Regarding Oil and Gas Facilities <i>Planning Code Amendment</i>		Starr
2021-007369PCA	Requirements for Laundromats and On-site Laundry Services <i>Planning Code Amendment</i>		Starr
	Housing Element <i>2022 Informational Update</i>		Haddadan
2020-001610CUA	3832 18th Street <i>317 Demolition and new construction of Group Housing per SDB Program</i>	fr: 7/15	Horn
2019-011944OFA	660 3rd St <i>Small cap office allocation to abate code enforcement case</i>	fr: 8/26	Westhoff
2019-013808CUAVAR	4300 17th Street <i>New Construction is Corona Heights SUD</i>	fr: 9/2	Horn
2018-004686CUA	2350 Green St <i>Horizontal additions and an elevated play area over a parking lot</i>		Woods
2021-001579CUA	2715 Judah Street <i>Cannabis Retail Sales</i>	fr: 9/2	Campbell
2021-000308DRP	642 Alvarado Street <i>Public-Initiated DR</i>		Winslow
2021-000822DRPVAR	486 Duncan Street <i>Public-Initiated DR</i>		Winslow
October 21, 2021 - CLOSED			
Case No.	Chan - OUT		Planner
2018-015983CUAVAR	136 Delmar St. <i>Demo SFR and construct 2-unit dwelling</i>	fr: 8/26 to: 11/4	Hoagland
	Rail Alignment and Benefits (RAB) Study <i>Informational</i>		Harvey
	SB 9 & SB 10 <i>Informational</i>		Conner
2017-011878OFA-02	Potrero Power Station <i>Prop M allocation</i>		Giacomucci

CPC ADVANCE CALENDAR

3:44 PM 9/24/2021

2021-000209CUA	733 Treat Avenue <i>demol and new construction of a four-story building containing 6 dwelling units and one ADU</i>		Samonsky
2018-009812CUA	1268 17th Avenue <i>PCS 317 to demolish SFD at rear of lot, add two dwelling units</i>		Dito
2016-005365CUA	230 Anza Street <i>tantamount to demolition</i>		Young
2021-003396CUA	790 Valencia Street <i>Formula Retail</i>	fr: 9/9	Balba
2019-019698AHB	4512 23rd Street <i>5-story over bsmt 13 du building using HOME SF</i>		Hoagland
2021-002667DRP-03	4763 19th Street <i>Public-Initiated DR</i>	fr: 9/9	Winslow
2021-003776DRP-02	3737 22nd Street <i>Public-Initiated DR</i>		Winslow

October 28, 2021 - CLOSED

Case No.			Planner
2020-003971PCA	Dwelling Unit Density Exception for Corner Lots in RHD's <i>Planning Code Amendment</i>	fr: 9/23	Merlone
2019-022510CRV	240-250 Church Street <i>State Density Bonus</i>		Hicks
2019-020611CUAVAR	5114-5116 3rd Street <i>illegal demolition of a legal dwelling unit</i>	fr: 6/17; 7/8; 9/23	Weissglass
2020-005729CUA	4 Seacliff Ave <i>demolish existing single-family and construct a new 3-story single family residence with an ADU</i>	fr: 9/23	May
2020-009025CUA	5915 California Street <i>demo one-unit residential and construct a new four-story, three-unit residential building</i>		Young
2017-013784CUA	2976 Mission Street <i>demolish the existing construct a six-story, mixed use building</i>		Giacomucci
2020-007481CUA	5367 Diamond Heights Blvd. (1900 Diamond St.) <i>PUD for the construction of 24 dwelling units in a total of 14 residential buildings</i>	fr: 8/26; 10/14	Pantoja
2021-004963CUA	3415 California St <i>ground floor cannabis retail use</i>		Agnihotri
2020-008529DRP	1857 Church Street <i>Public-Initiated DR</i>		Winslow

November 4, 2021

Case No.			Planner
2021-005183CUA	2040 Chestnut Street <i>formula retail use establishment (dba Sweetgreen)</i>	CONSENT	Jimenez
2019-020031CUAVAR	2867 San Bruno Ave <i>legalize dwelling units, change from onsite BMR to fee</i>	fr: 9/9, 9/23	Durandet
2016-013012CUA	478-484 Haight St <i>BMR condition amendment</i>		May
2020-004398PRJ	SFO Shoreline Protection Program <i>Informational</i>		Li
2018-013451PRJ	2135 Market Street <i>State Density Bonus new construction of 9-story, 36 unit mixed use building</i>		Horn
2018-007380CUAVAR	1320 Washington Street <i>6-story over basement residential building with 25 dwelling units</i>		Perry

CPC ADVANCE CALENDAR

3:44 PM 9/24/2021

2018-015983CUAVAR	136 Delmar St. <i>Demo SFR and construct 2-unit dwelling</i>	fr: 8/26; 10/21	Hoagland
2021-000215CUA	400 Hyde St. <i>new telecom facility</i>		Hoagland
2021-000182DRP	140 20th Avenue <i>Public-Initiated DR</i>		Winslow
2018-003779DRP-02	619 22nd Avenue <i>Public-Initiated DR</i>		Winslow

November 11, 2021 - CANCELED

Case No.			Planner
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November 18, 2021

Case No.			Planner
2021-003142CUA	333 Fremont Street <i>Wireless CUA</i>	CONSENT fr: 8/26	Giacomucci
2017-012086ENV	770 Woolsey Street <i>FEIR</i>		Delumo
2017-012086CUA	770 Woolsey Street <i>Conditional Use Authorization for a Planned Unit Development</i>		Durandet
2018-014727AHB	921 O'Farrell Street <i>AHB / HOME-SF 14-story (140 feet) tower with 50 dwelling units and ground-level retail</i>		Hoagland
2021-006602CUA	1881-1885 Lombard St <i>Cannabis Retail use with on-site consumption lounge</i>		Ajello
2021-003400CUA	1285 10th Ave / 900 Irving St <i>ground floor cannabis retail use</i>		Agnihotri
2019-013276ENX	560 Brannan Street <i>Demo new construction of 120 units using SDB</i>	fr: 10/21	Liang
2020-009358DRP	2605 Post Street <i>Public-Initiated DR</i>		Winslow
2019-022419DRP	312 Utah Street <i>Public-Initiated DR</i>		Winslow
2016-000302DRP	460 Vallejo Street <i>Public-Initiated DR</i>	fr: 9/30	Winslow

November 25, 2021 - CANCELED

Case No.			Planner
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December 2, 2021

Case No.			Planner
2021-001219DRM	1228 Funston Street <i>Mandatory DR</i>	fr: 10/28	Winslow

From: [CPC-Commissions Secretary](#)
To: [Campbell, Cathleen \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Public comments in opposition to the proposed cannabis dispensary on Judah St
Date: Friday, September 24, 2021 2:22:43 PM

From: Mark DeLucchi <markdelucchi@yahoo.com>
Sent: Friday, September 24, 2021 1:37 PM
To: Campbell, Cathleen (CPC) <cathleen.campbell@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>
Subject: Public comments in opposition to the proposed cannabis dispensary on Judah St

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

Dear SF Planning Department Commissioners:

I am writing in opposition to the proposed cannabis dispensary business on 2715 Judah Street in San Francisco's Sunset district. This neighborhood is largely quiet, and the proposed business would dramatically change the tone and tenor of the neighborhood. The neighborhood is filled with many families with small children and this business would negatively impact their development and our quality of life.

The building is mixed use and has residences above the commercial unit at this location. This proposed business and their customers will be disruptive to the residents of the building and those in neighboring buildings. The SFPD already has a drug issue in the area that they are monitoring in the neighborhood and this proposal would exacerbate the substance use in the area.

We already have a very active cannabis dispensary a few blocks away on Irving Street, and another dispensary in the area would negatively impact the Sunset community. I strongly urge the committee to deny the proposed project of a cannabis dispensary at 2715 Judah Street.

Thank you.

Mark Delucchi
1491 32nd Ave
(415) 335-5118

Sent from my iPhone

From: [CPC-Commissions Secretary](#)
To: [Horn, Jeffrey \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Opposition: 4300 17th Street (2019-013808CUA/VAR)
Date: Friday, September 24, 2021 2:21:44 PM

From: Grace Gellerman <grace.gellerman@gmail.com>
Sent: Friday, September 24, 2021 12:27 PM
To: Horn, Jeffrey (CPC) <jeffrey.horn@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Corbett Heights Neighbors <Info@corbettneighbors.com>; Bill Holtzman <wm@holtzman.com>
Subject: Opposition: 4300 17th Street (2019-013808CUA/VAR)

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

Dear Mr. Horn,

I am writing to express my opposition to the proposed development at 4300 17th Street.

While I am not against the creation of housing, the current design has a disproportionate impact on its neighbors and it sets a bad precedent for all open space in our Special Use District. I would be more comfortable if this project adhered to our 45% setback requirements and if it were mindful of the light, air and privacy of its neighbors. Thank you for your attention to this matter.

Thank you,
Grace Gellerman & Martin Burbidge
1 Vulcan Stairway

From: [CPC-Commissions Secretary](#)
To: [Ajello Hoagland, Linda \(CPC\)](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Friday, September 24, 2021 2:19:16 PM

From: Alfreda Wallace <info@email.actionnetwork.org>
Sent: Friday, September 24, 2021 10:24 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

1. Adding new homes where there have previously been none. Utilizing the HOME-SF density bonus program, 4512 23rd Street has the potential to maximize the number of homes on a small lot that has been vacant for more than 50 years in a neighborhood where very little multi-family housing has been built.
2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located,

environmentally-friendly new homes without delay.

Alfreda Wallace
alfredawallace153@gmail.com

San Francisco, California 94102

|

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Please support bringing new homes at 4512 23rd Street
Date: Friday, September 24, 2021 2:15:29 PM

From: Oneida Arevalo <info@email.actionnetwork.org>
Sent: Friday, September 24, 2021 5:53 AM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>
Subject: Please support bringing new homes at 4512 23rd Street

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

Commission Commission Secretary,

I'm writing to express my support for a creative new project that would bring 13 much-needed homes to 4512 23rd Street and urge you to approve this worthy project.

Here are a few of the many reasons that make these thoughtfully-designed new homes uniquely well-suited for this particular location:

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2. Creating more affordable homes in a city that's become largely unaffordable. Of the 13 units, 25% (3 units) will be below-market-rate homes for our neighbors with lower incomes. This means more homes for more families.
3. Close proximity to public transportation. The site is served by both the 37 and 48 MUNI lines, includes zero parking spaces, and encourages environmentally-friendly transportation options by providing 13 bicycle parking spaces.
4. Sustainable design. These all-electric homes prioritize energy efficiency and are intended to achieve Net Zero Energy in terms of its common area power consumption.
5. Community benefits. As part of public improvements to 23rd Street, the project team will upgrade underground utility lines and improve public access that will benefit neighbors for years to come!

For these and many other reasons, I urge you to approve these well-designed, well-located,

environmentally-friendly new homes without delay.

Oneida Arevalo

oneidaarevalo@aol.com

San Francisco, California 94110

From: [CPC-Commissions Secretary](#)
Cc: [Feliciano, Josephine \(CPC\)](#)
Subject: FW: Conditional Use Authorization – 1111 California Street, San Francisco, CA 94108 Record No.: 2021-004901CUA)
Date: Friday, September 24, 2021 2:13:32 PM
Attachments: [image001.png](#)
[image002.png](#)

From: Setareh Farsio <setareh.farsio@gmail.com>
Sent: Thursday, September 23, 2021 7:33 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Agnihotri, Kalyani (CPC) <kalyani.agnihotri@sfgov.org>; lentzplanning@gmail.com; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: Ali Mozaffari <Ali@AlanCompuTech.com>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Subject: Conditional Use Authorization – 1111 California Street, San Francisco, CA 94108 Record No.: 2021-004901CUA)

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

Dear Sir/Madam:

I am a resident of Gramercy Towers located at 1177 California Street, San Francisco, CA 94108. The Gramercy Towers building is located directly adjacent and west of the project site. It would be my request to the San Francisco Planning Commission that you continue the project and do not move forward with approval at this time and require the applicant to provide additional environmental analysis and incorporate additional mitigation measures including the identification of alternatives to alleviate some of my concerns. The following section articulate my concerns and provides more detail on project application as it is currently proposed:

- 1) The proposed project would increase the number of cell antenna equipment from 1 cannister antenna to 6 cell panels and thereby would increase the level of radio frequency (RF) exposure to the residents of 1177 California Street. The RF exposure to residents would be estimated to be at an unacceptable 60% more than the exposure to a person walking by the project site at street level.
- 2) A CEQA study should not be waived. The “calculated” radio frequency exposure is only an estimate of exposure to the residents of the adjacent building. There are no concrete numbers showing the actual RF exposure residents will endure on a long-term basis. Actual readings should be taken from the roof of the residential building at 1177 California Street to ascertain the actual current RF readings from the single cannister and then calculate the projected RF exposure from the actual current readings.
- 3) Applicant should be required to move the project further East on the Masonic Auditorium roof where it won't be so close to the residential building. There appears to be several alternative locations on the roof of the Masonic Auditorium that would not endanger the residents of the adjacent residential building.

4) Applicant has addressed the visual mitigation of the increased number of antennas in the form of cell panels from the street with a fiberglass enclosure. Applicant should be required to provide some sort of screening of the project from above the fiber glass enclosure looking

down. Both residential towers at 1177 California Street have residential units that overlook the roof of the Masonic Auditorium and will look directly into the antenna enclosure. 5) Applicant should be required to amend the drawing in Figure 3 of EME-1. The EME Report shows the boundary markings in yellow and red where the RF levels “Exceeds Public Exposure” (yellow lines) and “Exceeds Occupational Exposure” (red lines). The lines should be fully extended to show how they will affect the residential building directly adjacent to the project site. The drawings do not reflect where these boundaries will intersect with the adjacent residential building.

6) See attached photos of the boundary markings of the RF levels “Exceeds Public Exposure” (yellow lines) and “Exceeds Occupational Exposure” (red lines). These photos were taken from 1177 California St. You will see the RF boundary lines for the single cannister antenna do not come near to the residential building unlike the projected boundaries for the 6 antennas per applicants Figure 3, EME-1.



As the application stands now, I would respectfully request the Planning Commission continue the application and not move forward with approval at this time and require the applicant to provide additional environmental analysis and incorporate additional mitigation measures including the identification of alternatives to alleviate some of my concerns.

Would you please acknowledge receipt of my email?

Thank you for your consideration.

Ali Mozaffari and Setareh Farsio
Gramercy Towers
1177 California Street, Unit 1821
San Francisco, CA 94108

Setareh Farsio ~ cell 415.317.1531 ~ Setareh.Farsio@me.com

From: [Feeney, Claire \(CPC\)](#)
To: [Sucre, Richard \(CPC\)](#); [CTYPLN - COMMISSION SECRETARY](#); [Ionin, Jonas \(CPC\)](#)
Cc: [Diamond, Susan \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)
Subject: Updated Staff Report for 628 Shotwell Street
Date: Monday, September 20, 2021 9:51:32 PM
Attachments: [628 Shotwell Final September Packet - Updated.pdf](#)

Hello Commissioners,

The staff report for 628 Shotwell Street, 2019-022661CUA, has been updated to include the findings for the proposed Permanent Zoning Controls for Residential Care Facility changes of use. The Interim Zoning Controls may expire and the Permanent Zoning Controls may be in effect when building permits for the Project are issued. In preparation for this possible scenario, both sets of findings are included in the Motion for the Planning Commission's full consideration.

Best,
Claire

Claire Feeney, AICP, Planner II
Southeast Team, Current Planning Division
San Francisco Planning Department
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7313 | www.sfplanning.org
[San Francisco Property Information Map](#)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The [public is encouraged to participate](#). Find more information on our services [here](#).



EXECUTIVE SUMMARY

CONDITIONAL USE AUTHORIZATION

HEARING DATE: September 23, 2021

**Continued from: July 8, 2021; May 20, 2021; April 22, 2021; March 18, 2021;
January 21, 2021; November 19, 2020**

Record No.: 2019-022661CUA
Project Address: 628 Shotwell Street
Zoning: Residential-House, Three Family (RH-3) Zoning District
40-X Height and Bulk District
Block/Lot: 3611 / 036
Project Sponsor: Mark Thomas
440 Spear Street
San Francisco, CA 94105
Property Owner: 460 Natoma, LLC
4153 24TH St
San Francisco, CA 94114
Staff Contact: Claire Feeney – (628) 652-7313
claire.feeney@sfgov.org

Recommendation: Approval with Conditions

Project Description

The proposal is for the change of use from Residential Care Facility to two Dwelling Units. Currently, the building contains a Residential Care Facility on the first floor and a dwelling unit on the second floor. The Project includes restoration of fire damage, interior improvements, façade work, and a new rear deck. The Residential Care Facility use will be vacated and the single-family dwelling unit will be re-established on the first and second floors, with five total bedrooms. In addition, a new two-bedroom dwelling unit will be added on the ground floor. The existing building would retain the one off-street parking space and would add two Class 1 bicycle parking spaces. The building footprint and massing will not be altered by the Project.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 209.1 and 303 and Board of Supervisors Resolution No. 139-21, (Board File No. 210147), to change the use from Residential Care Facility to two Dwelling Units at 628 Shotwell Street.

Issues and Other Considerations

- **Public Comment & Outreach.**

- The Project Sponsor conducted a Pre-Application meeting on June 18, 2020 which one person attended. The attendee was a reporter who asked about regulatory compliance.
- **Support/Opposition:** To date, the Department has received nine messages in support and six messages in opposition to the Project.
 - Support for the Project is centered on restoring a dilapidated building, revitalizing housing on a residential street, addressing safety issues with people trespassing on the property, preserving a historic resource, reviving the original single-family home use, the intent of State laws to expedite housing production, and improved public safety and street life.
 - Opposition for the Project, including from MEDA, USM, and Calle 24, raised concerns about the general loss of community facilities that could serve senior citizens and the need for medical treatment facilities in San Francisco, the size of the primary residence, and the general importance of affordable healthcare options.
- **Outreach:** The Project Sponsor contacted United Save the Mission (USM) multiple times between August and November 2020 to check if the community had concerns about the Project. USM responded the week of the original hearing date in November. A Zoom meeting with the Project Sponsor, MEDA, and representatives from Calle 24 was held on December 10, 2020. Representatives from MEDA expressed that they want the Residential Care Facility use to be retained and offered to try to find resources to help the Project Sponsor do so.
 - Another virtual community meeting was held on January 21, 2021 between the Project Sponsor and representatives from Supervisor Hillary Ronen's office, MEDA and Calle 24 to further discuss the Project. At this meeting the community consensus was that the City should financially subsidize the restoration of this building and fund the re-activation of the site as an affordable residential care facility.
 - On April 23, 2021, the Project Applicant sent a Grant Right of First Offer to representatives for MEDA, Calle 24, and the Community Housing Partnership. The Applicant was open to selling the Project Site for a fair-market price. Supervisor Ronen's office requested a three-week continuance from the scheduled May 20, 2021 Commission hearing to discuss the offer, while the community groups asked for ten weeks. As a compromise a six continuance was granted. Community representatives toured the Property on June 4, 2021 and no offer was submitted.
 - In the days before the scheduled July 8, 2021 Planning Commission hearing, more time was requested to assemble a purchase offer for the property. No offer has been submitted.

- **History.** The existing building is a single-family home that was later converted into apartments. In 1984, the first floor was converted to a Residential Care Facility (RCF) and based on media reports in 2015 the RCF business appeared to have spread to all floors of the building without the benefit of permits. The RCF use remained until a fire severely damaged the building in 2015. The building is now vacant.
- **Interim Zoning Controls.** On October 11, 2019, the Board of Supervisors passed Board File No. 190907 enacting a resolution to require Conditional Use Authorization from the Planning Commission to change the use of a Residential Care Facility to another use. As part of this resolution, the Commission must adopt certain findings, as detailed in the draft motion.
 - The Interim Zoning Controls were set to expire on April 11, 2021. On April 6, 2021 the Board of Supervisors voted to extend Board File No. 210147, the “Requirements for Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses,” in a unanimous vote at a duly noticed public hearing. The Controls cannot be extended again. When these Controls expire, the Project will be approvable without a public hearing or a Conditional Use Authorization, unless permanent Controls are implemented. The new expiration date for the Interim Controls is October 11, 2021.
- **Proposed Permanent Zoning Controls: Change of Use to a Residential Care Facility.** This proposed Planning Code Amendment was presented to the Planning Commission on July 22, 2021. The Planning Commission unanimously voted to approve the amendments with modifications proposed by staff, including that the CUA requirement expire if the Residential Care Facility has been vacant and/or abandoned for at least three years and that the Facility must have been legally established. The Board of Supervisors Land Use and Transportation Committee heard the proposal to make permanent the CUA requirement for changing Residential Care Facility uses at their September 13, 2021 meeting and voted to Recommend it as a Committee Report in a 3 to 0, while also declining the staff modifications that the Planning Commission had recommended. The proposed legislation, Board File No. 210535, then had its first reading before the full Board of Supervisors on September 14, 2021 and was Passed on the First Reading by an 11 to 0 vote.
 - The Interim Zoning Controls may expire and the Permanent Zoning Controls may be in effect when building permits for the Project are issued. In preparation for this possible scenario, the findings for the Permanent Zoning Controls as defined in Board File No. 210535 are included in the Motion for the Planning Commission’s full consideration.
- **Senate Bill 330 Public Hearing Limits.** The Project Sponsor filed a Preliminary Housing Development Application pursuant to the Housing Crisis Act of 2019 (SB 330) and Planning Director Bulletin No. 7. This is the seventh public hearing for the Project. Two the continuances were requested by the Applicant and the Applicant waived the hearing limit per SB 330 for one continuance. Therefore, only four count towards the SB 330 limit of five public hearings for this Project.

Environmental Review

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the intent of the RH-3 Zoning District, the Mission Area Plan, the Objectives and Policies of the General Plan, and the findings of the Interim Zoning Controls adopted by the Board of Supervisors. The Project will restore a severely damaged, vacant building and will create a new market-rate dwelling unit. Tenants of the previous Residential Care Facility were relocated in 2015 after the fire and the facility closed five-years ago, which is greater than the three-year time limit for land uses to be formally discontinued and abandoned. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

Attachments:

Draft Motion – Conditional Use Authorization with Conditions of Approval (Exhibit A)

Exhibit B – Plans and Renderings

Exhibit C – Environmental Determination

Exhibit D – Land Use Data

Exhibit E – Maps and Context Photos

Exhibit F - Project Sponsor Brief, including:

- Letter from Project Sponsor
- *Supportive Affordable Assisted Living in San Francisco*, 2019 report by the City and County of San Francisco Long-Term Care Coordinating Council assisted Living Workgroup
- Information on Facilities within 1-Mile of the Project Site from the Department of Social Services
- Information on Facilities within 2-Miles of the Project Site from the Department of Social Services
- *Application Instructions for a Facility License* by the California Department of Social Services Community Care Licensing Division
- Board of Supervisors File No. 190908, Interim Zoning Controls – Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses
- Certificate of Dissolution for Lorne House Inc.

Exhibit G – Board of Supervisors File No. 210147, Interim Zoning Controls - Extending and Modifying Requirements for Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: September 23, 2021

Record No.: 2019-022661CUA
Project Address: 628 Shotwell Street
Zoning: Residential-House, Three Family (RH-3) Zoning District
40-X Height and Bulk District
Block/Lot: 3611 / 036
Project Sponsor: Mark Thomas
440 Spear Street
San Francisco, CA 94105
Property Owner: 460 Natoma, LLC
4153 24TH ST
San Francisco, CA 94114
Staff Contact: Claire Feeney – (628) 652-7313
claire.feeney@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 209.1 AND 303 AND BOARD OF SUPERVISORS FILE NO. 210147 TO ALLOW THE CHANGE IN USE OF A RESIDENTIAL CARE FACILITY USE TO A DWELLING UNIT WITHIN THE EXISTING THREE-STORY RESIDENTIAL BUILDING, LOCATED AT 628 SHOTWELL STREET, LOT 036 IN ASSESSOR'S BLOCK 3611, WITHIN THE RH-3 (RESIDENTIAL-HOUSE, THREE FAMILY) (RH-3) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 9, 2019, Mark Thomas of Thomas Hood Architects (hereinafter "Project Sponsor") filed a building permit application (Record No. 2019-022661PRJ) received by the Planning Department (hereinafter "Department") for improvements to the building at 628 Shotwell Street, Block 3611 Lot 036 (hereinafter "Project Site"). On September 27, 2020, the Project Sponsor filed Record No. 2019-022661CUA (hereinafter "Application") with the Department for a Conditional Use Authorization to allow the change of use from Residential Care Facility to a Residential Use.

On November 19, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-022661CUA. At this hearing, the Commission continued the Project to the public hearing on January 21, 2021. Subsequent to this hearing, the Project was continued to the public hearings on March 18, 2021, April 22, 2021, May 20, 2021, July 8, 2021, and finally the public hearing on September 23, 2021.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-022661CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-022661CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The proposal is for the change of use from Residential Care Facility to two Dwelling Units. Currently, the existing building contain a Residential Care Facility on the ground floor and a dwelling unit on the second floor. The Project includes restoration of fire damage, interior improvements, façade work, and a new rear deck. The Residential Care Facility use will be vacated and the single-family dwelling unit will be re-established on the first and second floors, with five total bedrooms. In addition, a new two-bedroom dwelling unit will be added on the ground floor. The existing building would retain the one off-street parking space and would add two Class 1 bicycle parking spaces. The building footprint and massing will not be altered by the Project.
- 3. Site Description and Present Use.** The Project is located on an approximately 3,721 square foot lot with approximately 30-feet of frontage along Shotwell Street. The Project Site contains one three-story building that is currently vacant. Previously there was a Residential Care Facility on the ground floor and a residence on the second floor. A summary timeline that has been assembled from Department files, property records, and media reports is as follows:
 - 1885: A single-family home is constructed
 - 1955: The building is divided into 6 apartments.
 - 1962: The building is divided into 7 apartments total.
 - 1984: The ground floor is converted to a Residential Care Facility on the ground floor only with four guest rooms.
 - 2015: Lorne House Residential Care Facility is operating throughout the entire building, without the benefit of permits.
 - 2015: A fire severely damages the building and the Lorne House Residential Care Facility vacates the property.
 - 2019: Interim Zoning Control 2019-017654PCA which requires a CUA to remove or abandon Residential Care Facility uses is passed by the Board of Supervisors.
 - 2019: The Project Sponsor applies to restore the building and re-establish a Residential use.
 - 2021: Interim Zoning Control 2019-017654PCA which requires a CUA to remove or abandon Residential Care Facility uses is extended by the Board of Supervisors.
 - 2021: Permanent Zoning Control Board File No. 210535 which requires a CUA to remove or abandon Residential Care Facility uses is proposed by the Board of Supervisors.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the RH-3 Zoning District in the Mission Area Plan. The immediate context is mixed in character with residential and commercial

uses. The immediate neighborhood includes two-to-four-story single and multifamily residential buildings, as well as mixed-use buildings with ground floor commercial uses. Jose Coronado Playground is located down the block to the south.

5. Public Outreach and Comments. The Project Sponsor conducted a Pre-Application meeting on June 18, 2020 which one person attended. The attendee was a reporter who asked about regulatory compliance. The Department has received nine messages in support and six messages in opposition to the Project.

- A. Support for the Project is centered on restoring a dilapidated building, revitalizing housing on a residential street, addressing safety issues with people trespassing on the property, preserving a historic resource, reviving the original single-family home use, the intent of State laws to expedite housing production, and improved public safety and street life.
- B. Opposition for the Project, including from MEDA, USM, and Calle 24, raised concerns about the general loss of community facilities that could serve senior citizens and the need for medical treatment facilities in San Francisco, the size of the primary residence, and the general importance of affordable healthcare options.
- C. Outreach: The Project Sponsor contacted United Save the Mission (USM) multiple times between August and November 2020 to check if the community had concerns about the Project. USM responded the week of the original hearing date in November. A Zoom meeting with the Project Sponsor, MEDA, and representatives from Calle 24 was held on December 10, 2020. Representatives from MEDA expressed that they want the Residential Care Facility use to be retained and offered to try to find resources to help the Project Sponsor do so.

Another virtual community meeting was held on January 21, 2021 between the Project Sponsor and representatives from Supervisor Hillary Ronen's office, MEDA and Calle 24 to further discuss the Project. At this meeting the community consensus was that the City should financially subsidize the restoration of this building and fund the re-activation of the site as an affordable residential care facility.

On April 23, 2021, the Project Applicant sent a Grant Right of First Offer to representatives for MEDA, Calle 24, and the Community Housing Partnership. The Applicant was open to selling the Project Site for a fair-market price. Supervisor Ronen's office requested a three-week continuance from the scheduled May 20, 2021 Commission hearing to discuss the offer, while the Community groups asked for ten weeks. As a compromise a six continuance was granted. Community representatives toured the Property on June 4, 2021 and no offer was submitted.

In the days before the scheduled July 8, 2021 Planning Commission hearing, more time was requested to assemble a purchase offer for the property. No offer has been submitted yet.

6. Interim Zoning Controls. On October 11, 2019, the Board of Supervisors passed Board File No. 190907 enacting a resolution to require Conditional Use Authorization from the Planning Commission to change the use of a Residential Care Facility to another use. As part of this resolution, the Commission must adopt certain findings, as detailed in the draft motion.

The Interim Zoning Controls were set to expire on April 11, 2021. On April 6, 2021 the Board of Supervisors voted to extend Board File No. 210147, the “Requirements for Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses,” in a unanimous vote at a duly noticed public hearing. The Controls cannot be extended again. When these Controls expire, the Project will be approvable without a public hearing or a Conditional Use Authorization, unless permanent Controls are implemented. The new expiration date for the Interim Controls is October 11, 2021.

- 7. Proposed Permanent Zoning Controls.** This proposed Planning Code Amendment was presented to the Planning Commission on July 22, 2021. The Planning Commission unanimously voted to approve the amendments with modifications proposed by staff, including that the CUA requirement expire if the Residential Care Facility has been vacant and/or abandoned for three years or more and that the Facility must have been legally established. The Board of Supervisors Land Use and Transportation Committee heard the proposal to make permanent the CUA requirement for changing Residential Care Facility uses at their September 13, 2021 meeting and voted to Recommend it as a Committee Report in a 3 to 0, while also declining the staff modifications that the Planning Commission had recommended. The proposed legislation, Board File No. 210535, then had its first reading before the full Board of Supervisors on September 14, 2021 and was Passed on the First Reading by an 11 to 0 vote.

The Interim Zoning Controls may expire and the Permanent Zoning Controls may be in effect when building permits for the Project are issued. In preparation for this possible scenario, the findings for the Permanent Zoning Controls as defined in Board File No. 210535 are included in this Motion for the Planning Commission’s full consideration.

- 8. Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

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

The Project Sponsor is proposing to retain the single-family residence on the second floor, convert the first floor back from a Residential Care Facility use to a single-family home, and to construct a new two-bedroom apartment on the ground floor. The single-family residence will have five bedrooms and be suitable for a family with children.

- B. Bicycle Parking.** Per Section 155.2, one on-site bike parking space is required per dwelling unit.

The proposed project will include two bike parking spaces within the garage.

- C. Rear Yard.** The RH-3 Zoning District requires a rear yard equal to 45% of lot depth.

The existing building is a legal non-conforming structure that extends approximately 15-feet into the required rear yard. The Project is restoring the existing building and is maintaining the same rear façade

depth. Therefore, the Project can be approved as proposed without a Variance.

- D. **Open Space.** A minimum of 100 square feet of private outdoor space, or 133 square feet of common outdoor space, are required for residential units within the RH-3 Zoning District.

The existing front and rear yards are being retained and are accessible to both units, totaling approximately 1,600 square feet.

- E. **Dwelling Unit Exposure.** Section 140 of the Planning Code requires all dwelling units have at least one room that faces a street, yard, or open space that is at least 20-feet deep.

Both units face and have direct access to the rear yard which is approximately 40-feet deep. The top unit also has multiple rooms that face Shotwell Street which is approximately 60-feet deep.

- F. **Eastern Neighborhoods Infrastructure Impact Fee.** *The Project includes the creation of at least one new residential unit and is therefore subject to the Eastern Neighborhoods Infrastructure Impact Fee per Section 423.*

- G. **Residential Child Care Fee.** *The Project includes the creation of at least one new residential unit and is therefore subject to the Residential Child Care Impact Fee per Section 414A.*

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

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

The proposed new Dwelling Units will be 1,067 and 3,351 square feet, and will exist almost entirely within the existing footprint and massing of the building on site. Some alterations are proposed to the rear façade to accommodate outdoor space. The building is currently vacant and has severe fire damage; creating two new occupiable dwelling units fits with the adjacent largely residential block. The Project will benefit the whole City as we face a housing shortage.

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

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

The size and shape of the site and the size, shape, and arrangement of the building, e.g. height and bulk, will be minimally altered as part of this Project. The historic front façade will be restored, extensive interior improvements are planned, and there will be some changes to

the rear façade to accommodate reconfigured outdoor spaces. The Project does not include any exterior expansion.

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

The Planning Code does not require off-street parking for Residential uses. The existing building will retain the one off-street parking space.

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

The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor.

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

The Project will alter the front setback to come into compliance with landscaping and permeability requirements, as well as to change the driveway slope to align with the new ground floor elevation. There will be more greenery and improved drainage with the proposed work.

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The Project will restore a damaged and vacant building and contribute two new occupiable dwelling units. The Project Site is located in the RH-3 Zoning District so the creation of the ground floor apartment is more suitable than if the building was converted to only a single-family dwelling unit. Residential Uses are principally permitted within the RH-3 District.

10. Interim Zoning Controls Findings: Change of Use to a Residential Care Facility. Effective on October 11, 2019, the Board of Supervisors passed an interim zoning control to require Conditional Use Authorization for a change in use of a residential care facility. These Controls were subsequently extended for another six-months on April 5, 2021. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

- A. Any findings by the Department of Public Health, the Human Services Agency, the Department of Aging and Adult Services, or the San Francisco Long-Term Care Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the population served, and the nature and

quality of services provided.

The Project Site was previously home to the Lorne House, a Residential Care Facility that operated until a fire substantially damaged the building in 2015 and rendered it uninhabitable. There is not currently an operating Residential Care Facility on the property, so the capacity of the use is zero patients. There are therefore no available findings by the agencies listed above.

In 2019, the Department of Public Health published a report titled “Supporting Affordable Assisted Living in San Francisco,” which analyzed the larger trend of Facilities closing and the increasing need for services in general. A key takeaway from the report was the financial infeasibility of opening new small-size RCFs, as well as the financial challenges of keeping existing RCFs open.

- *Small Facilities are closing at an increasingly fast rate. Existing Facilities should be supported but “this small home-based model may prove to be unsustainable in the long-term.”*
- *It is expensive to provide care for RCF tenants. The minimum monthly cost to support an RCF tenant is estimated to be over \$2,300 at small Facilities. Larger facilities often charge between \$3,500 to \$5,000 a month per resident. Meanwhile the State-Set Social Security Income Payment for Assisted Living Facilities is \$1,058.*

Therefore, while there is information about the challenges of operating RCFs and the increased need for affordable services, DPH and the Long-Term Care Coordinating Council do not have information to directly answer this question.

B. The impact of the change of use on the neighborhood and community.

The Project Site is on a primarily residential block with single-family homes and multifamily buildings, as well as a bar and hair salon. The building is currently vacant and dilapidated, and neighbors have reported incidents of squatters staying on site. Uses are considered abandoned after three-years, however Residential Care Facilities are a principally permitted within the RH-3 Zoning District and therefore cannot be abandoned.

Residential Care Facilities are important service providers that support the health and wellbeing of seniors and/or people living with mental and physical disabilities. The need for more health care services overall, and in-particular long-term care facilities, has been noted by both the City and community organizations. The high cost of land and high cost of living in San Francisco present an acute problem for offering safe, comfortable, and affordable care for people in need.

The Department of Public Health (DPH) does not perform impact analyses and surveys when Facilities close. Lorne House was also not a contract facility with DPH. Therefore, the City does not have additional data about the community impact of closing this facility.

The change of use from a vacant Residential Care Facility to occupied residential units will benefit its block and the larger neighborhood. Public safety and sidewalk life will be improved by the additional

housing units and family residents. Rehabilitating a blighted building with two residential dwelling units is beneficial to the neighborhood and community.

- C. Whether there are sufficient available beds at a licensed Residential Care Facility within a one-mile radius of the site.

The Lorne House Residential Care Facility closed in 2015 and all six residents were relocated to other facilities by their care provider, Golden Gate Regional. This change of use will not displace any residents. Currently, the California Department of Social Services licensing database lists 102 residential care facility beds within a mile of the Property at four residential care facilities: South Van Ness Manor (822 South Van Ness Avenue), San Francisco Adult Residential Facility (887 Potrero Avenue), RJ Starlight Home (2680 Bryant Street), and Rustan Adult Residential Care Home (460 Utah Street). There are also three additional facilities within the 94110 zip code: Lady of Perpetual Help, Merced Three, and Holly Park Family Home. State data also shows there are another 54 beds within two miles of the Project Site.

The Department of Public Health has seen three contracted Facilities in the neighborhood close within the last three to five years. There are active plans for two of the Facilities to reopen as Adult Residential Care Facilities. The third Facility, Mariner House at 829 Capp Street, had 24 beds and closed in 2018.

- D. Whether the Residential Care Facility Use to be converted will be relocated or replaced with another Residential Care Facility Use.

The Residential Care Facility on site closed in 2015. All patients were relocated after the fire and no relocation services or replacement facilities are currently required. The Department of Public Health did not contract with Lorne House so there is no information about relocation or replacement recommendations.

11. Proposed Permanent Zoning Controls Findings: Change of Use to a Residential Care Facility. This proposed Planning Code Amendment was presented to the Planning Commission on July 22, 2021. The Planning Commission unanimously voted to approve the amendments with modifications proposed by staff, including that the CUA requirement expire if the Residential Care Facility has been vacant and/or abandoned for at least three years and that the Facility must have been legally established. The Board of Supervisors Land Use and Transportation Committee heard the proposal to make permanent the CUA requirement for changing Residential Care Facility uses at their September 13, 2021 meeting and voted to Recommend it as a Committee Report in a 3 to 0, while also declining the staff modifications that the Planning Commission had recommended. The proposed legislation, Board File No. 210535, then had its first reading before the full Board of Supervisors on September 14, 2021 and was Passed on the First Reading by an 11 to 0 vote. In addition to the criteria of Section 303(c) of this Code, the proposed permanent controls would require the Commission to consider the extent to which the following criteria are met:

- A. Information provided by the Department of Public Health, the Human Services Agency, the Department of Disability and Aging Services, the Golden Gate Regional Center, and/or the San Francisco Long-Term Care Coordinating Council with regard to the population served, nature and quality of services provided, and capacity of the existing Residential Care Facility.

The Project Site was previously home to the Lorne House, a Residential Care Facility that operated until a fire substantially damaged the building in 2015 and rendered it uninhabitable. As there is no Facility operating on site, there is no population served, there are no services to assess the nature and quality of, and the patient capacity is zero. Through correspondence with DPH and the Human Services Agency (HSA), it was confirmed that neither organization had information specifically about the Lorne House, its capacity, the patients, or services rendered.

Research into public records, media reports, and State databases was unable to provide verifiable information about the Lorne House. There is information that suggests the Lorne House had six patients at the time of the fire. The approved change of use in 1984 was for four patients, so at some point it appears the Facility expanded operations without the benefit of permits. It is unclear if the Facility had the required State licenses, as neither the name nor address appear in the Care Facility database maintained by the California Department of Social Services. It is also unclear if the building was appropriately and safely maintained to the standards required for Residential Care Facilities.

There were no complaints to the Department of Building Inspection prior to the fire in 2015. 628 Shotwell Street had eight 311 complaints between 2009 and 2014, all for issues unrelated to the Residential Care Facility use like sidewalk conditions, graffiti, and general street cleaning. Since 2015 there have been 81 311 complaints, many of which appear to be related the derelict condition of the abandoned building. These complaints include encampment cleanups, garbage, furniture, and electrical debris, requests for sidewalk and street cleaning services, and requests for building inspections.

It appears that the Lorne House operated without all necessary permits and in a building that was not ADA compliant, however, the Department is not aware of any complaints related to the services provided by the Lorne House.

- B. Data on available beds at licensed Residential Care Facilities within a one-mile radius of the site, and assessment from any of the above agencies regarding whether these available beds are sufficient to serve the need for residential care beds in the neighborhoods served by the Residential Care Facility proposed for a change of use or demolition, and in San Francisco.

The Residential Care Facility on site closed in 2015. As there is not currently an operating Residential Care Facility on the property, the capacity of the use is zero patients. Currently, the California Department of Social Services licensing database lists 102 residential care facility beds within a mile of the Property at four residential care facilities: South Van Ness Manor (822 South Van Ness Avenue), San Francisco Adult Residential Facility (887 Potrero Avenue), RJ Starlight Home (2680 Bryant Street), and Rustan Adult Residential Care Home (460 Utah Street). There are also three additional facilities within the 94110 zip code: Lady of Perpetual Help, Merced Three, and Holly Park Family Home. State data also shows there are another 54 beds within two miles of the Project Site.

The Department of Public Health has seen three contracted Facilities in the neighborhood close within the last three to five years. There are active plans for two of the Facilities to reopen as Adult Residential Care Facilities. The third Facility, Mariner House at 829 Capp Street, had 24 beds and closed in 2018.

Residential Care Facilities are important service providers that support the health and wellbeing of seniors and/or people living with mental and physical disabilities. The need for more health care services overall, and in-particular long-term care facilities, has been noted by both the City and community organizations. The high cost of land and high cost of living in San Francisco present an acute problem for offering safe, comfortable, and affordable care for people in need.

The 2019 report issued by the Long-Term Care Coordinating Council Assisted Living Workgroup found that there is unmet need for affordable assisted-living facilities:

"City programs do capture some information on unmet need for affordable assisted living. In August 2018, DPH had 32 clients awaiting placement and 10 empty beds, the result of a mismatch between client needs and the available level of care in facilities with vacancies. As of June 2018, the DAAS funded CLF program had 25 individuals waitlisted for ALF placement – they need this higher level of support but the program does not have financial resources to subsidize their placement at this time.

There is also unmet need for the state's Assisted Living Waiver program. As of October 2018, there are 46 San Francisco residents on the waitlist for this program. It is possible that these individuals will be served through this year's 2,000 slot expansion of the Assisted Living Waiver program authorized by Governor Brown, but it is unclear how these slots will be allocated across counties and how San Francisco may benefit. Moreover, once people see new enrollment through the expansion and even if the waitlist is cleared, it may be the case that new requests will come forward."

Based on this report and information provided by DPH, it is likely that the need for Residential Care Facility beds is not being met in the Mission neighborhood, where the Project is located, nor San Francisco overall. Given that the Residential Care Facility use on site was vacated six years ago and currently has zero patient capacity, this Project will not result in any changes to the existing availability of Residential Care Facility beds. There will be no negative impacts to the availability of care services from the Project.

- C. Whether the Residential Care Facility proposed for a change of use or demolition will be relocated or its capacity will be replaced at another Residential Care Facility Use, and whether such relocation or replacement is practically feasible.

The Residential Care Facility on site closed in 2015. As there is not currently an operating Residential Care Facility on the property, the capacity of the use is zero patients. There is no Facility and zero patient capacity to relocate or replace at this time. Relocation services were already provided the care provided by Golden Gate Regional in 2015 after the fire, fulfilling the intention of this finding that no patients lose access to the care they need.

The City published a report on Residential Care Facilities in 2019 which detailed the financial infeasibility and lack of policy and operational support for both maintaining existing Facilities and opening new ones. The Project Applicant sent a Grant Right of First Offer to representatives for MEDA, Calle 24, and the Community Housing Partnership in April 2021. Commission hearings have been continued multiple times to allow interested parties to visit the property, gather financial resources, and submit an offer to purchase the site and re-activate the Residential Care Facility use. No offers have been submitted and

available information suggests the extensive damage to the Property will make the already challenging finances of opening a new Residential Care Facility even more infeasible.

Therefore, the relocation services sought under this Finding have already been completed and it is infeasible to replace the vacant Residential Care Facility use.

- D. Whether the continued operation of the existing Residential Care Facility by the current operator is practically feasible and whether any other licensed operator or any of the above agencies has been contacted by the applicant seeking the change of use or demolition, or has expressed interest in continuing to operate the facility.

The Residential Care Facility on site closed after the fire in 2015 and all patients were relocated. There is no Residential Care Facility operating on site, therefore there is no Facility to continue, maintain, support, or relocate.

Multiple community groups have expressed interest in retaining and reactivating the Residential Care Facility use on site. As of the last community meeting that was reported to Planning staff, held on January 21, 2021, the community consensus was that the City should buy the property itself and subsidize the restoration of the building and the re-activation of the Residential Care Facility use, and that the re-activated Facility should be subsidized with public funds for low-income patients. No offer from City agencies or resources has been submitted.

The Project Applicant sent a Grant Right of First Offer to representatives for MEDA, Calle 24, and the Community Housing Partnership in April 2021. Commission hearings have been continued multiple times to allow interested parties to visit the property, gather financial resources, and submit an offer to purchase the site and re-activate the Residential Care Facility use. No offers have been submitted and available information suggests the extensive damage to the Property will make the already challenging finances of opening a new Residential Care Facility even more infeasible.

While there are parties interested in re-activating the Residential Care Facility use on site, all information available at this time suggests there are not financial resources available to do this and that reviving a Residential Care Facility use on site is infeasible.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2

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

Policy 2.1

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

Policy 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

Policy 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

Policy 2.5

Encourage and support the seismic retrofitting of the existing housing stock.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.5

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

Policy 11.6

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

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

Policy 11.8

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

COMMUNITY SAFETY ELEMENT

Objectives and Policies

OBJECTIVE 1

REDUCE STRUCTURAL AND NONSTRUCTURAL HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE RESULTING FROM FUTURE DISASTERS.

Policy 1.14

Reduce the earthquake and fire risks posed by older small wood-frame residential buildings.

Policy 1.16

Preserve, consistent with life safety considerations, the architectural character of buildings and structures important to the unique visual image of San Francisco, and increase the likelihood that architecturally and historically valuable structures will survive future earthquakes.

OBJECTIVE 3

ESTABLISH STRATEGIES TO ADDRESS THE IMMEDIATE EFFECTS OF A DISASTER.

Policy 3.11

Ensure historic resources are protected in the aftermath of a disaster.

MISSION AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.1

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Ensure that in-fill housing development is compatible with its surroundings.

OBJECTIVE 2.2

RETAIN AND IMPROVE EXISTING HOUSING AFFORDABLE TO PEOPLE OF ALL INCOMES.

Policy 2.2.2

Preserve viability of existing rental units.

Policy 2.2.4

Ensure that at-risk tenants, including low-income families, seniors, and people with disabilities, are not evicted without adequate protection.

OBJECTIVE 2.5

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

Policy 2.5.1

Consider how the production of new housing can improve the conditions required for health of San Francisco residents.

Policy 2.5.2

Develop affordable family housing in areas where families can safely walk to schools, parks, retail, and other services.

Policy 2.5.3

Require new development to meet minimum levels of “green” construction.

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION’S DISTINCTIVE PLACE IN THE CITY’S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.9

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

OBJECTIVE 3.2

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM

Policy 3.2.1

Require high quality design of street-facing building exteriors.

Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

OBJECTIVE 3.3

PROMOTE THE ENVIRONMENTAL SUSTAINABILITY, ECOLOGICAL FUNCTIONING AND THE OVERALL QUALITY OF THE NATURAL ENVIRONMENT IN THE PLAN AREA

Policy 3.3.1

Require new development to adhere to a new performance-based ecological evaluation tool to improve the amount and quality of green landscaping.

Policy 3.3.5

Compliance with strict environmental efficiency standards for new buildings is strongly encouraged.

OBJECTIVE 5.2

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY, PRIVATE OPEN SPACE

Policy 5.2.1

Require new residential and mixed-use residential development to provide on-site, private open space designed to meet the needs of residents.

Policy 5.2.3

Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.

OBJECTIVE 5.3

CREATE A NETWORK OF GREEN STREETS THAT CONNECTS OPEN SPACES AND IMPROVES THE WALKABILITY, AESTHETICS AND ECOLOGICAL SUSTAINABILITY OF THE NEIGHBORHOOD.

Policy 5.3.2

Maximize sidewalk landscaping, street trees and pedestrian scale street furnishing to the greatest extent feasible.

OBJECTIVE 5.4

THE OPEN SPACE SYSTEM SHOULD BOTH BEAUTIFY THE NEIGHBORHOOD AND STRENGTHEN THE ENVIRONMENT

Policy 5.4.1

Increase the environmental sustainability of the Mission's system of public and private open spaces by improving the ecological functioning of all open space.

OBJECTIVE 8.2

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE MISSION PLAN AREA

Policy 8.2.1

Protect individually significant historic and cultural resources and historic districts in the Mission plan area from demolition or adverse alteration.

Policy 8.2.2

Apply the Secretary of the Interior's Standards for the Treatment of Historic Properties in conjunction with the Mission Area Plan objectives and policies for all projects involving historic or cultural resources.

The Project includes the conversion of a vacant Residential Care Facility (RCF) use to a Residential use containing two dwelling units. The Project includes restoring the severely fire-damaged historic building on-site. One unit will be 3,351 square foot and have five bedrooms and can accommodate a family with children. The new ground floor unit will be 1,067 square feet with two bedrooms. An earlier proposal only had four-

bedrooms in the single-family home and one-bedroom in the ground floor apartment. The bedroom count was increased in response to the expressed interest by the community for more family-friendly housing. The reactivation of a damaged and vacant building will benefit the immediate area, while establishing two dwelling units that will contribute to the City's efforts to increase the housing stock.

The Project Sponsor also explored splitting the primary single-family home into two full-floor flats. The Project Sponsor could create two two-bedroom units with the addition of another kitchen and compliance with Building Code requirements, like a second means of egress for life-safety that are triggered in buildings with three or more units. This would result in four bedrooms total and the net-loss of one-bedroom, as the Project currently proposes five bedrooms within the primary residential unit. The City has enacted numerous policies to encourage family-friendly housing, which the proposed five-bedroom unit better satisfies, compared to two two-bedroom units.

The Project Site shifted between Residential and Residential Care Facility uses over multiple decades. The Lorne House most recently occupied the property until a fire severely damaged the building in 2015. All six residents were relocated to other Residential Care Facilities in the wake of this disaster and the Lorne House ceased operation. Since the fire the building has been vacant and has become a nuisance to some neighbors, nine complaints have been filed with the Department of Building Inspection. In addition, during the past year Planning staff has been contacted directly twice about squatters residing in the building and neighbors fearing for their safety and the risk of another fire.

The Project Sponsor has also found it infeasible to revive the Residential Care Facility use. The building requires extensive handicap-accessibility improvements per the Americans with Disabilities Act, such as installing ramps and an elevator. At the time the Lorne House caught fire, it appears it did not meet Building code and life safety requirements. Searches in public records and media reports suggest that the Residential Care Facility use on site was operated without a business license and possibly without any City oversight for its first 12 years of operation. The business license for the Lorne House, account number 317554, started on May 5, 1996. Searches in the Care Facility database maintained by the California Department of Social Services show no records of any facility of any kind at the Project Site. However, various websites that cannot be verified reference the existence of some kind of license. Media reports and related websites consistently state that there were 6 patients living at the Lorne House when the Facility closed. The change of use in 1984 as listed in the 3R Report was only for four patients. It cannot be verified that Lorne House increased patient capacity without permits, but materials suggest that that is what happened.

In addition, the previously referenced report on "Supporting Affordable Assisted Living in San Francisco," which is included in Exhibit G, found that new small-scale Residential Care Facilities are not logistically feasible, stating:

"...it is unlikely that new board and care homes will open in San Francisco. It is simply not a financially sustainable model unless the operator is the homeowner who lives onsite... [A]n investor entering the market anew would need to charge about \$6,000 per month to break even. At those rates, an individual could likely purchase a bed in a larger, more upscale facility."

The Department of Public Health and the City as a whole are aware of and concerned about the loss of RCFs. Local, affordable care is the best option for some seniors and disabled people. In San Francisco 16% of

residents are 65 years old or older, and that percentage is expected to increase in the future. The City is exploring policies and financial programs to bolster RCFs, and DPH recommends that further loss of RCFs beds be avoided when possible. Given that Lorne House has been closed since 2015, the Project can establish two new housing units without further decreasing RCF service availability. Therefore, the Proposal will not further exacerbate losses, which is consistent with City policies.

The Project will not cause any residents or patients to be displaced. It proposes the restoration of a Category A historic resource which has become a nuisance to neighbors, and includes structural, life safety, energy efficiency, and green landscaping improvements. The proposal is to re-establish the original use of an existing building in the Mission District. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

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

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

The Project is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses. The Project is a residential rather than commercial use.

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

The Project is not anticipated to adversely affect the character or diversity of the neighborhood. The Project will create two new housing units. In addition, the historic façade of this fire damaged building will be restored and minimal changes are proposed to the overall building footprint and massing.

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

The Project Site is served by nearby public transportation options. The Project is located near multiple Muni bus lines (12 Folsom/Pacific, 14 Mission, 14R Mission Rapid, 33 Ashbury/18th Street, and 49 Van Ness/Mission.) The 24th Street Mission BART Station is also four-blocks away. The Project is retaining one parking space within the existing garage. Therefore, traffic and transit ridership generated by the Project will not overburden the streets or MUNI service.

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

The Project will not displace or adversely affect any service sector or industrial businesses and it does not include any commercial office development.

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

This Project will improve the property's ability to withstand an earthquake. All construction associated with the Project will comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site contains a historic resource that contributes to the eligible National Register Shotwell Street Historic District. The Project proposes to restore extensive fire damage to the building and retain architectural details on the front and side facades. Most changes to the building are internal, as well as some modifications to the rear façade to accommodate open space. Therefore, the historic building will be preserved.

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

The Project will have no negative effect on existing parks and open spaces, and will not adversely affect their access to sunlight, or vistas.

- 14.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 15.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2020-005123CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 15, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 23, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 23, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a change in use from Residential Care Facility to a dwelling unit, located at 628 Shotwell Street, Lot 036 of Block 3611, pursuant to Planning Code Sections Planning Code Sections 209.1 and 303 and Board of Supervisors File No. 190908, within the RH-3 Zoning District and 40-X Height and Bulk District; in general conformance with plans, dated **September 15, 2021**, and stamped “EXHIBIT B” included in the docket for Record No. **2020-005123CUA** and subject to conditions of approval reviewed and approved by the Commission on September 23, 2021 under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions Of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 23, 2021** under Motion No. **XXXXXX**.

Printing of Conditions of Approval on Plans

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

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7313,
www.sfplanning.org*

- 7. Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7313,
www.sfplanning.org*

Parking and Traffic

- 8. Bicycle Parking.** The Project shall provide no fewer than 2 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

Provisions

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7313,
www.sfplanning.org*

- 10. Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7313,
www.sfplanning.org*

Monitoring - After Entitlement

- 11. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

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

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublicworks.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

628 SHOTWELL STREET LLC

628 SHOTWELL STREET | SAN FRANCISCO | CALIFORNIA 94110

INTERIOR ALTERATION

- BUILDING PERMIT SET -

HTA!

HOOD THOMAS ARCHITECTS

440 SPEAR STREET SAN FRANCISCO, CALIFORNIA 94105
P: 415.648.1200 F: 415.495.3336
WWW.HOODTHOMAS.COM



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
SAN FRANCISCO, CA 94110
BLOCK:3611 LOT:036

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION 01	07.10.20
REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

COVER SHEET

SHEET NUMBER:

A0.0

REV #: DATE:

GENERAL CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL CONFORM TO THE 2016 CALIFORNIA BUILDING CODE, AS AMENDED BY THE CITY OF SAN FRANCISCO, AND ANY OTHER GOVERNING CODES, RULES, REGULATION, ORDINANCES, LAWS, ORDER, APPROVALS, ETC. THAT ARE REQUIRED BY PUBLIC AUTHORITIES. IN THE EVENT OF A CONFLICT, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
- ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
- VERIFY ALL DIMENSIONS IN THE FIELD. CARE HAS BEEN TAKEN TO PREPARE THESE DOCUMENTS USING ALL AVAILABLE INFORMATION PROVIDED BY THE OWNER. DIMENSIONS MARKED (+/-) MAY BE ADJUSTED UP TO 2" AS REQUIRED BY FIELD CONDITIONS. ADJUSTMENTS OF MORE THAN 2" SHALL BE APPROVED BY THE ARCHITECT. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS IF CONFLICTS EXIST NOTIFY THE ARCHITECT BEFORE PROCEEDING WITH WORK. DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
- GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF HIS WORK AND THAT OF ALL SUB-CONTRACTORS. VERIFY AND COORDINATE ALL ROUTING OF MECHANICAL, ELECTRICAL AND PLUMBING ITEMS, ROUGH-IN DIMENSIONS, AND REQUIRED CLEARANCES ASSOCIATED WITH THE PROJECT WORK SUCH THAT CONFLICTS DO NOT OCCUR. NOTIFY ARCHITECT OF PROBLEMATIC CONDITIONS.
- WHERE WORK REQUIRES CUTTING INTO OR DISRUPTION OF EXISTING CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR PATCHING AND REPAIRING BOTH THE AREA OF WORK AND ITS ADJACENT SURFACES TO MATCH ADJACENT EXISTING SURFACES. PATCHING INCLUDES FINISHED PAINTING OF AREA DISRUPTED.
- CONTRACTOR SHALL REMOVE EXISTING WALLS AND OTHER ASSOCIATED CONSTRUCTION AS INDICATED ON THE DEMOLITION PLAN BY DASHED LINES.
- CONTRACTOR TO VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH DEMOLITION WORK IN ANY AREA. DEMOLITION OF DOORS, WINDOWS, CABINETS, FINISHES, PARTITIONS OR ANY OTHER NONSTRUCTURAL ITEMS MAY PROCEED AS INDICATED. WHERE DISCREPANCIES INVOLVE STRUCTURAL ITEMS, REPORT SUCH DIFFERENCES TO THE ARCHITECT AND SECURE INSTRUCTIONS BEFORE PROCEEDING IN THE AFFECTED AREA.
- SEE ELECTRICAL POWER & LIGHTING DRAWINGS FOR EXTENT OF (N) LIGHTING TO BE INSTALLED. CONTRACTOR TO REMOVE CEILING PLASTER AS REQUIRED FOR INSTALLATION OF PROPOSED LIGHTING.
- CONTRACTOR SHALL COORDINATE WITH OWNER THE SALVAGE OF LIGHT FIXTURES, FURNISHINGS, DOORS AND MISC. EQUIPMENT.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADES AND OTHER FORMS OF PROTECTION AS REQUIRED TO GUARD THE OWNER, OTHER TENANTS AND THE GENERAL PUBLIC FROM INJURY DUE TO DEMOLITION WORK.
- CONTRACTOR SHALL ENSURE THAT DEMOLITION WORK DOES NOT INTERFERE WITH OR PROHIBIT THE CONTINUING OCCUPATION OF ADJACENT DWELLINGS WITHIN THE STRUCTURE. THIS INCLUDES BUT IS NOT LIMITED TO THE SELECTIVE DEMOLITION OF PARTITIONS, ELECTRICAL AND MECHANICAL SYSTEMS, THE CONTRACTOR SHALL INFORM OWNER 72 HOURS IN ADVANCE OF DEMOLITION ACTIVITIES THAT WILL AFFECT NORMAL OPERATION OF BUILDING.
- CONTRACTOR SHALL REPAIR DAMAGE CAUSED TO ADJACENT FACILITIES BY DEMOLITION WORK.

GENERAL STRUCTURAL NOTES

- STRUCTURAL OBSERVATION SHALL BE REQUIRED BY THE ENGINEER FOR STRUCTURAL CONFORMANCE TO THE APPROVED PLANS.
- SEE STRUCTURAL DRAWINGS FOR ADDITIONAL NOTES & REQUIREMENTS.

GENERAL ENERGY CONSERVATION NOTES

- EXTERIOR WALL, ROOF & RAISED FLOOR CAVITIES EXPOSED DURING DEMOLITION ARE TO BE INSULATED PER TITLE 24 ENERGY CALCULATIONS AND OR MANDATORY MEASURES PROVIDED WITHIN THIS DRAWING SET. SEE GENERAL INSULATION NOTES BELOW FOR MINIMUM INSULATION REQUIREMENTS SHOULD TITLE 24 ENERGY CALCULATION NOT BE REQUIRED FOR THIS PROJECT.
- ALL LIGHTING TO COMPLY WITH CCR TITLE 24, LATEST EDITION. SEE GENERAL LIGHTING NOTES & ELECTRICAL & LIGHTING PLANS FOR ENERGY CONSERVATION FEATURES.

GENERAL INSULATION NOTES

- PROVIDE INSULATION AT ALL EXTERIOR WALLS, FLOORS AND ROOFS WHEN EXPOSED DURING REMODELING PER MINIMUM REQUIREMENTS LISTED BELOW, UNLESS OTHERWISE NOTED IN TITLE 24 OR SUPPLEMENTAL GREEN COMPLIANCE DOCUMENTATION.
R-15 AT 2X4 WALLS
R-19 AT 2X6 WALLS AND FLOORS
R-30 AT CEILING

GENERAL ELECTRICAL NOTES

- ALL ELECTRICAL WORK IS DESIGN/BUILD BY CONTRACTOR. VERIFY LOCATIONS OF EQUIPMENT AND FIXTURES AS SHOWN ON THE PLANS W/ ACTUAL FIELD CONDITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES. DO NOT CUT NOTCH, HEAD OFF OR MODIFY ANY STRUCTURAL MEMBERS.
- VERIFY ELECTRICAL / TELEPHONE / CATV / SPEAKER REQUIREMENTS WITH OWNER BEFORE INITIATING ANY WORK.
- ELECTRICAL CONTRACTOR SHALL PROVIDE PROPER ELECTRICAL SERVICE TO ALL APPLIANCES. CONSULT MANUFACTURER'S INSTALLATION INSTRUCTIONS AND SPECIFICATIONS AS REQUIRED.
- INSTALL THERMOSTATS AT 64" FROM CENTERLINE OF COVER PLATE TO FINISH FLOOR. MECHANICAL SUB-CONTRACTOR TO VERIFY LOCATIONS WITH OWNER.
- MINIMUM REQUIREMENTS FOR ELECTRICAL WORK AT ALL HABITABLE ROOMS: PROVIDE DUPLEX RECEPTACLES TO COMPLY WITH CURRENT CEC AS AMENDED BY LOCAL BUILDING CODES AS FOLLOWS:
A. RECEPTACLES SHALL BE 6'-0" FROM DOOR OPENINGS
B. RECEPTACLES SHALL BE SPACED 12'-0" MAXIMUM ON CENTER ALONG WALLS IN HALLWAYS AND IN ROOMS.
C. ANY WALL 2'-0" OR GREATER IN LENGTH SHALL HAVE MINIMUM (1) ELECTRICAL OUTLET.
D. RECEPTACLES SHALL BE PLACED +12" ABOVE THE FINISH FLOOR UNLESS NOTED OTHERWISE.
- MINIMUM REQUIREMENTS FOR ELECTRICAL WORK AT NEW & REMODELED KITCHENS & BATHROOMS: PROVIDE DUPLEX RECEPTACLES IN COMPLIANCE WITH CURRENT CEC AND LOCAL BUILDING CODE AMENDMENTS AS FOLLOWS:
A. RECEPTACLES SHALL BE 4'-0" MINIMUM FROM SINK LOCATIONS.
B. RECEPTACLES SHALL BE SPACED 4'-0" MAX. ON CENTER ALONG KITCHEN & BATH COUNTERS.
C. PROVIDE GFCI AT RECEPTACLES WHERE REQUIRED BY CODE.
D. ALL KITCHEN COUNTERS WIDER THAN 12" TO HAVE RECEPTACLE OUTLETS PER 2016 CEC.
- PROVIDE 20 AMP BRANCH CIRCUITS TO SERVE BATHROOM RECEPTACLE OUTLETS PER CEC 210.11.
- PROVIDE 20 BRANCH CIRCUITS TO SERVE LAUNDRY ROOM RECEPTACLE OUTLETS PER CEC 210.11.
- KITCHENS SHALL BE PROVIDED WITH AT LEAST (2) 20 AMP SMALL APPLIANCE BRANCH CIRCUITS.
- RANGES, DISHWASHERS, WASHER & DRYERS, HVAC EQUIPMENT & GARAGE DOOR OPENERS WHEN INSTALLED, TO BE PROVIDED WITH DEDICATED CIRCUIT AS REQUIRED BY CODE.
- BEDROOMS BRANCH CIRCUITS SHALL BE PROTECTED BY LISTED ARC FAULT CIRCUIT INTERRUPTER PER CEC 210.12.
- INSTALL HARDWIRED SMOKE DETECTORS AT EACH FLOOR OR RESIDENCE ON WALL OR CEILING GIVING ACCESS TO SLEEPING AREAS AND INSIDE ROOMS INTENDED FOR SLEEPING. VERIFY ACCEPTABILITY OF LOCATIONS WITH FIRE MARSHALL / BUILDING INSPECTOR BEFORE INSTALLATION. SMOKE DETECTORS SHALL BE HARDWIRED w/ BATTERY BACK-UP & AUDIBLE IN ALL SLEEPING ROOMS.
- CARBON MONOXIDE ALARMS TO BE INSTALLED IN DWELLING UNITS CONTAINING FUEL BURNING APPLIANCES. ALARM TO BE LOCATED HALLWAYS GIVING ACCESS TO BEDROOMS & ON ALL FLOORS OF DWELLING. COMBINATION CARBON MONOXIDE / SMOKE ALARMS ARE PERMITTED. IF COMBINATION UNIT IS USED, UNIT TO BE INSTALLED PER REQUIREMENTS OF SMOKE ALARMS.
- KITCHEN LIGHTING (REMODELED OR NEW) SHALL BE MIN. 50% HIGH EFFICACY & MUST BE SWITCHED SEPARATELY FROM NON-HIGH EFFICACY LIGHTING.
- BATHROOM, LAUNDRY ROOM, GARAGE & UTILITY ROOM (REMODELED & NEW) SHALL BE ALL HIGH EFFICACY UNLESS NON-HIGH EFFICACY CONTROLLED BY CERTIFIED OCCUPANCY SENSOR(S) WITH MANUAL ON MOTION SENSOR. "ALWAYS-ON" OPTION NOT PERMITTED.
- BEDROOM, HALLWAY, STAIR, DINING ROOM & CLOSET LIGHTING SHALL BE HIGH EFFICACY UNLESS NON-HIGH EFFICACY LIGHTING CONTROLLED BY DIMMER SWITCH OR CERTIFIED OCCUPANCY SENSOR(S) WITH MANUAL ON MOTION SENSOR. "ALWAYS-ON" OPTION NOT PERMITTED.
- LIGHT FIXTURES IN TUB, SHOWER OR ANY OTHER LOCATION SUBJECT TO WATER SPRAY SHALL BE LABELED "SUITABLE FOR WET LOCATION".

GENERAL ELECTRICAL NOTES

- OUTDOOR LIGHTING SHALL BE HIGH EFFICACY UNLESS LIGHTING IS CONTROLLED BY CERTIFIED MOTION SENSORS & PHOTOCONTROL OF LANDSCAPE LIGHTING (NOT ATTACHED TO BUILDINGS).
- RECESSED LIGHTING FIXTURES TO BE "ZERO CLEARANCE INSULATION COVER" (IC) APPROVED AT INSULATED AREAS.
- CLOSET LAMPS SHALL BE ENCLOSED TYPE IF INCANDESCENT. FIXTURE CLEARANCES SHALL BE PER CEC 410.16 (C).

GENERAL PLUMBING NOTES

- ALL PLUMBING SYSTEMS ARE DESIGN / BUILD BY CONTRACTOR. LOCATE THE VARIOUS PLUMBING RUNS INCLUDING DWV AND VERIFY LOCATIONS OF PROPOSED RUNS WITH ACTUAL FIELD CONDITIONS. VERIFY LOCATIONS WITH ARCHITECT. DO NOT CUT, NOTCH, HEAD OFF OR MODIFY ANY STRUCTURAL MEMBERS.
- RELOCATE / RECONFIGURE ALL PLUMBING AS REQUIRED AND AS DIAGRAMMATICALLY SHOWN ON DRAWINGS TO ACHIEVE REMODELING OR NEW CONSTRUCTION. WHERE SPACES CONTAINING PLUMBING FIXTURES ARE EITHER NEW OR REMODELED THE FOLLOWING MINIMUM STANDARDS ARE TO BE MET.
- KITCHEN AND LAVATORY FAUCETS TO BE MAX. 1.5 G.P.M MEASURED AT 60 PSI.
- WATER CLOSETS HAVE MAX. 1.28 GPF WATER CONSUMPTION.
- SHOWER HEADS NOT TO EXCEED 2.0 GPM MEASURED AT 80 PSI.
- SHOWERS & TUBS TO HAVE INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THERMOSTATIC MIX TYPE.
- SHOWER VALVES & HEADS SHALL BE PLACED INSIDE SHOWER COMPARTMENT SUCH THAT SHOWER HEAD DOES NOT DISCHARGE DIRECTLY TOWARD THE ENTRANCE OF THE COMPARTMENT AND THE BATHER CAN ADJUST VALVES PRIOR TO STEPPING INTO SHOWER SPRAY.
- DISHWASHER WASTE LINE TO BE PROVIDED WITH APPROVED AIR GAP SEPARATION DEVICE.
- HOSE BIBBS TO HAVE APPROVED BACK-FLOW PREVENTION DEVICE.
- PROVIDE SEISMIC BRACING FOR WATER HEATERS IN ACCORDANCE WITH CPC 507.2.
- ALL COLD WATER PIPES TO BE INSULATED.

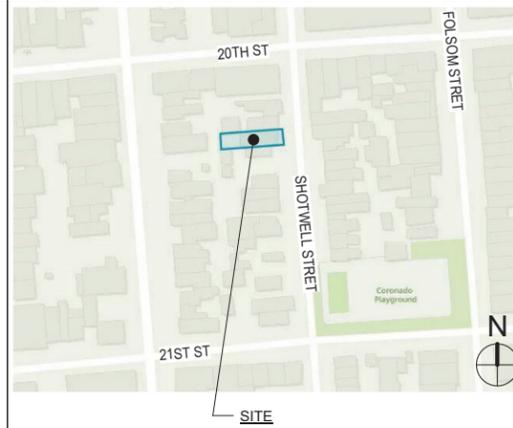
GENERAL MECHANICAL NOTES

- ALL MECHANICAL WORK IS DESIGN / BUILD BY CONTRACTOR. VERIFY LOCATION OF EQUIPMENT AND FIXTURES AS SHOWN ON THE PLANS WITH ACTUAL FIELD CONDITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES. DO NOT CUT, NOTCH, HEAD OFF OR MODIFY ANY STRUCTURAL MEMBERS. VERIFY ALL ELECTRICAL / TELEPHONE / CATV / SPEAKER REQUIREMENTS WITH OWNER BEFORE INITIATING ANY MECHANICAL SYSTEM WORK.
- PROVIDE MINIMUM 100 S.I. COMBUSTION AIR AT NEW & REMODELED FAU'S & SPACES CONTAINING THEM PER UMC.
- ALL NEW FAU'S TO BE RATED FOR THEIR SPECIFIC LOCATION.
- NEW & REMODELED BATHROOMS TO BE PROVIDED WITH EXHAUST AN CAPABLE OF PROVIDING 5 AIR CHANGES PER HOUR. VENT TO OUTSIDE PER CMC 504.5. PROVIDE BACK-DRAFT DAMPER.
- TYPE B GAS VENTS, WHEN INSTALLED AS PART OF THIS PROJECT TO BE PER CMC 802.6
- RANGEHOOD, BATH VENTILATION EXHAUST, DRYER EXHAUST & SIMILAR ENVIRONMENTAL DUCTS TO TERMINATE AT EXTERIOR OF BUILDING AT LEAST 3'-0" FROM PROPERTY LINE & 3'-0" FROM OPENINGS INTO BUILDINGS.
- INTERSTITIAL SPACES SHALL NOT BE USED TO SUPPLY OR RETURN FORCED AIR.

EXCAVATION SUMMARY

DESCRIPTION	PROPOSED
FIRST FLR (FOUNDATION)	169 CU. YD.
SIDE YARD (NORTH)	30 CU. YD.
SIDE YARD (SOUTH)	15 CU. YD.
FRONT YARD	20 CU. YD.
REAR YARD	76 CU. YD.
TOTAL	310 CU. YD.

VICINITY MAP



SYMBOL LEGEND

SECTION	GRID LINE
SECTION IDENTIFICATION	NUMBER OR LETTER
SHEET WHERE LOCATED	COLUMN LINE
DETAIL	DOOR SYMBOL
DETAIL IDENTIFICATION	DOOR SYMBOL
SHEET WHERE LOCATED	WINDOW SYMBOL
INTERIOR ELEVATIONS	SHEET NOTE
ELEVATION IDENTIFICATION	SHEET NOTE
SHEET WHERE LOCATED	REVISION
ELEVATION VIEW	

PROJECT DIRECTORY

OWNER	ARCHITECT
628 SHOTWELL LLC 4153 24TH STREET SAN FRANCISCO, CA, 94114 T. 415.648.1200 F. 415.648.1213	HOOD THOMAS ARCHITECTS MARK THOMAS 440 SPEAR STREET SAN FRANCISCO, CA 94105 T. 415.543.5005 F. 415.495.3336 E: MARK@HOODTHOMAS.COM
STRUCTURAL ENGINEER	SOILS ENGINEER
ENERTIA DESIGNS JEFFERSON CHEN 1167 MISSION STREET FLOOR 01 SAN FRANCISCO, CA 94103 T. 415.626.8300 F. 415.701.0212 E: JEFFERSON@ENERTIADDESIGNS.NET	PGSOILS INC. PAUL GRISHABER 901 ROSE COURT BURLINGAME, CA 94010 T. 650.347.3934 E: PGSOILS.INC@GMAIL.COM

AREA CALCULATIONS (GROSS)

BUILDING	EXISTING	PROPOSED	ADDITION
FIRST FLR w/o GARAGE	600 SF	1,067 SF	467 SF
SECOND FLR	1,646 SF	1,646 SF	0 SF
THIRD FLR	1,616 SF	1,616 SF	0 SF
TOTAL	3,862 SF	4,329 SF	467 SF

GARAGE	925 SF	369 SF	-556 SF
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DWELLING UNIT	EXISTING	PROPOSED	ADDITION
UNIT 1 (FLOOR 01)	0 SF	1,067 SF	1,067 SF
UNIT 2 (FLOOR 01.02.03)	3,262 SF	3,351 SF	89 SF
TOTAL	3,262 SF	4,418 SF	1,156 SF

PROJECT DATA

- PROJECT DESCRIPTION**
REMODELING OF AN EXISTING FIRE DAMAGED 3-STORY WOOD FRAME WITH DISCONTINUED RESIDENTIAL CARE FACILITY (RCF) AT 2ND FLOOR AND A SINGLE FAMILY RESIDENCE AT THE 3RD FLOOR TO BECOME 2-RESIDENTIAL DWELLING UNITS:
- FLOOR 01:
 - MAINTAIN SPACE FOR A 1-CAR GARAGE.
 - PROVIDE 2-BEDROOM, 2 BATHROOM DWELLING UNIT WITH EXTERIOR PATIO AND DIRECT ACCESS TO REAR YARD
 - FLOOR 02/03:
 - PROVIDE 5-BEDROOM, 4 BATHROOM DWELLING UNIT WITH EXTERIOR DECK AND ACCESS TO REAR YARD
 - GENERAL INTERIOR REMODELING:
 - REMODEL EXISTING FIRE DAMAGED INTERIORS AT 3 FLOORS.
 - NEW FINISHES TO REPLACE EXISTING FINISHES THROUGHOUT.
 - PROVIDE SECOND DWELLING UNIT AT FLOOR 01.
 - FOUNDATIONS & SEISMIC UPGRADE:
 - UNDERPIN EXISTING FOUNDATIONS WHERE REQUIRED AND PROVIDE NEW FOUNDATIONS AT EXTERIOR DECK AND EXISTING NON-COMPLIANT FOUNDATIONS.
 - SEISMIC UPGRADE TO COMPLY WITH CBC CH. 34 FOR EXISTING BUILDINGS.
 - EXCAVATE AT FIRST FLOOR TO INCREASE CEILING HEIGHT TO 9'-0"
 - NEW REAR YARD DECK
 - NEW REAR YARD DECK LESS THAN 10-FEET ABOVE GRADE (NO FIREWALL REQUIRED FOR REAR YARD DECK, NO NEIGHBORHOOD NOTIFICATION REQUIRED BY ZA BULLETIN #4)

PLANNING DEPARTMENT DATA

- PROPERTY BLOCK: 3611 LOT: 036
- ZONING: RH-3 (HOUSE, THREE-FAMILY)
- MAXIMUM HEIGHT: 40'-0"
- DWELLING UNITS: EXISTING: 1 PROPOSED: 2

BUILDING DEPARTMENT DATA

	EXISTING	PROPOSED
CONSTRUCTION GROUP	VB	VB (NO CHANGE)
OCCUPANCY TYPE	R3	R3 (NO CHANGE)
BUILDING HEIGHT	42'-3"	42'-3" (NO CHANGE)
BUILDING STORIES	3	3 (NO CHANGE)
DWELLING UNITS	1	2
SPRINKLER SYSTEM	NO	YES (13R)

GOVERNING CODES

ALL WORK SHALL BE IN COMPLIANCE WITH ALL STATE AND LOCAL CODES, INCLUDING THE FOLLOWING:
2016 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA BUILDING CODE (W/ LOCAL AMENDMENTS)
2016 CALIFORNIA MECHANICAL CODE (W/ LOCAL AMENDMENTS)
2016 CALIFORNIA PLUMBING CODE (W/ LOCAL AMENDMENTS)
2016 CALIFORNIA ELECTRICAL CODE (W/ LOCAL AMENDMENTS)
2016 CALIFORNIA ENERGY CODE (W/ LOCAL AMENDMENTS)
2016 CALIFORNIA FIRE CODE (W/ LOCAL AMENDMENTS)

DRAWING INDEX -

ARCHITECTURAL DRAWINGS

A0.0	COVER SHEET
A0.1	EXISTING & PROPOSED SITE PLAN
A0.2	DEMOLITION CALCULATION PLANS
A0.3	DEMOLITION CALCULATION ELEVATIONS
A0.4	EXITING ANALYSIS
A0.5	ENLARGED FRONT YARD PLANS
A0.6	EXISTING & PROPOSED STREET ELEVATION
A1.1	EXISTING & PROPOSED FLOOR 01
A1.2	EXISTING & PROPOSED FLOOR 02
A1.3	EXISTING & PROPOSED FLOOR 03
A2.1	EXISTING & PROPOSED EAST ELEVATION
A2.2	EXISTING & PROPOSED WEST ELEVATION
A2.3	EXISTING & PROPOSED NORTH ELEVATION
A2.4	EXISTING & PROPOSED SOUTH ELEVATION
A3.1	BUILDING SECTION
A5.1	ARCHITECTURAL DETAILS
A5.2	DRAINAGE PLAN & DETAILS
A6.1	DOOR & WINDOW SCHEDULES
A6.2	GREEN BUILDING COMPLIANCE
A6.3	TITLE 24
A6.4	TITLE 24

STRUCTURAL DRAWINGS

S1.0	TITLE SHEET
S1.1A-S1.1B	TYPICAL WOOD DETAILS
S1.2A	TYPICAL CONCRETE DETAILS
S2	FIRST FLOOR / FOUNDATION PLAN
S3	SECOND FLOOR FRAMING, THIRD FLOOR FRAMING PLAN
S4	ROOF FRAMING
S5-S7	STRUCTURAL DETAILS
TOTAL SHEETS: 32	



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
 SAN FRANCISCO, CA 94110
 BLOCK:3611 LOT:036

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION 01	07.10.20
REVISION 02	09.15.21

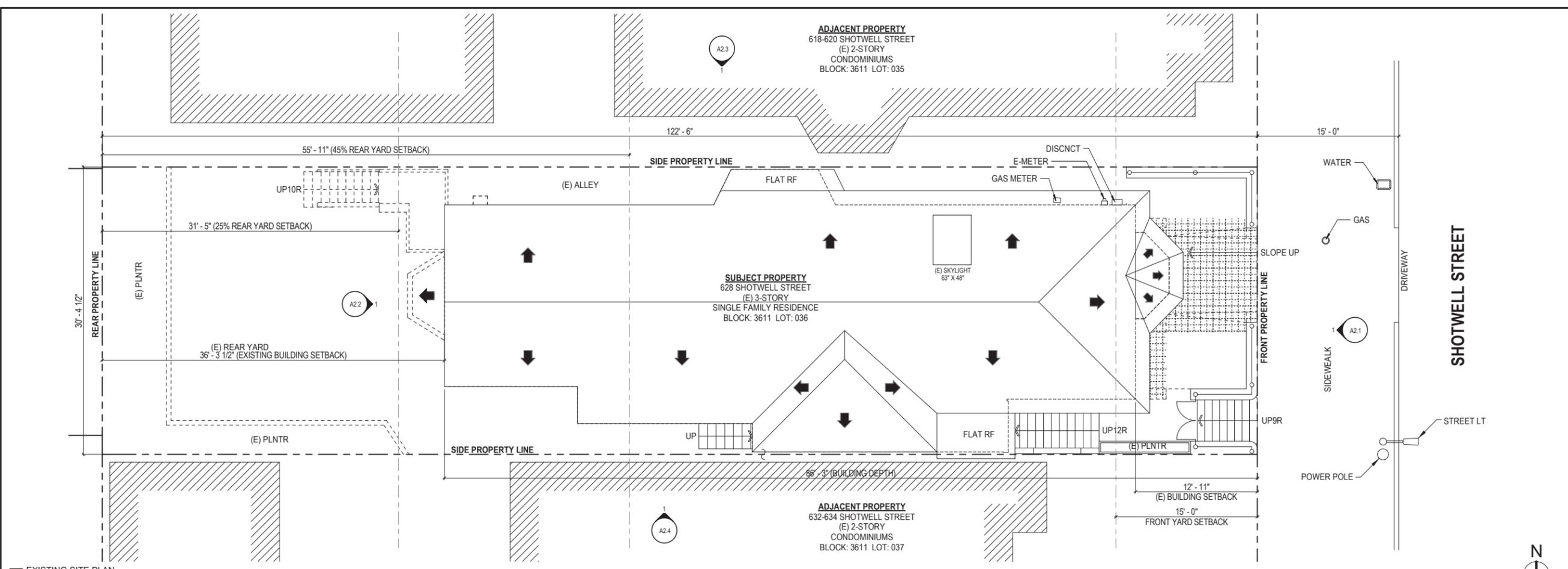
DRAWN BY: TL
 DATE: 07.10.20
 SHEET TITLE:

EXISTING & PROPOSED SITE PLAN

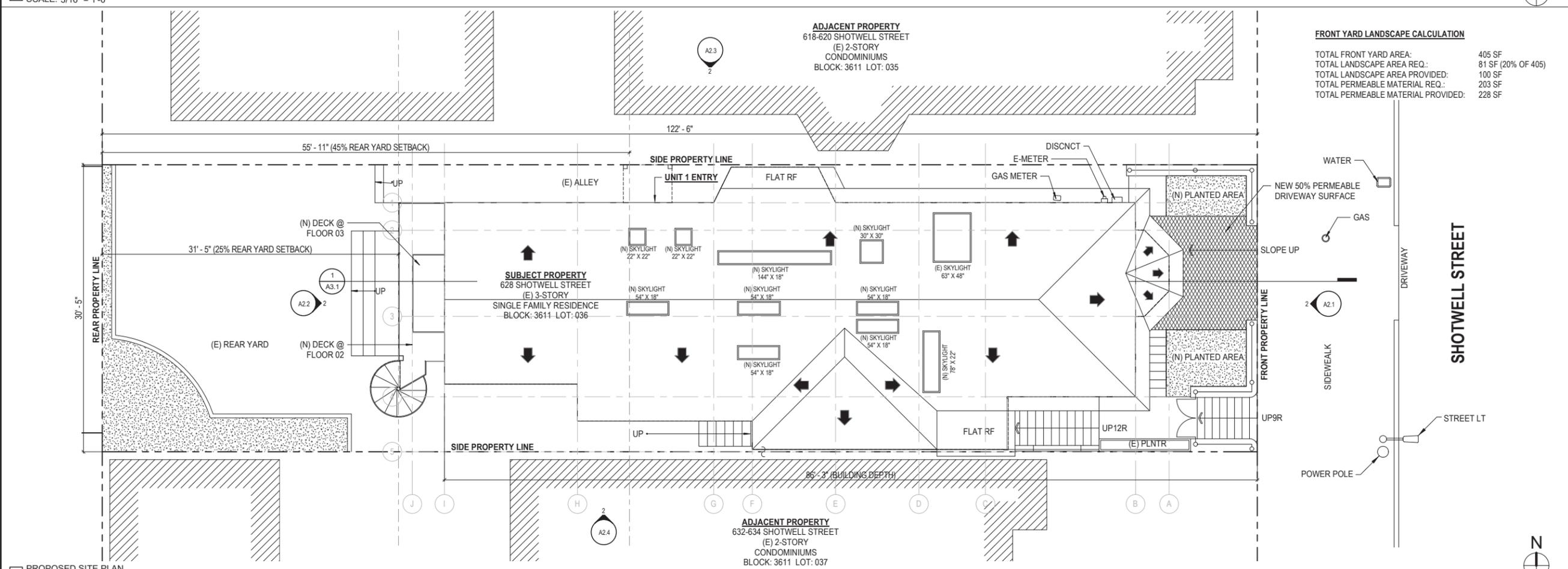
SHEET NUMBER:

A0.1

REV#: DATE:



1 EXISTING SITE PLAN
 SCALE: 3/16" = 1'-0"



FRONT YARD LANDSCAPE CALCULATION

TOTAL FRONT YARD AREA:	405 SF
TOTAL LANDSCAPE AREA REQ.:	81 SF (20% OF 405)
TOTAL LANDSCAPE AREA PROVIDED:	100 SF
TOTAL PERMEABLE MATERIAL REQ.:	203 SF
TOTAL PERMEABLE MATERIAL PROVIDED:	228 SF

2 PROPOSED SITE PLAN
 SCALE: 3/16" = 1'-0"



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
SAN FRANCISCO, CA 94110
BLOCK:3611 LOT:036

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
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REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

DEMOLITION CALCULATION PLANS

SHEET NUMBER:

A0.2

REV #: DATE:

SECTION 317

WALL DEMOLITION CALCULATION (LINEAR FOOTAGE MEASUREMENT) SEC. 317(b)(2)(B)					
ELEMENTS	(E) LENGTH (LF)	WALL REMOVED (LF) (MEASURED AT FOUNDATION LEVEL)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	26' - 2" LF	0' - 0" LF	0 %		
WEST (REAR) FACADE	26' - 2" LF	19' - 3" LF	74 %		
TOTALS (EAST & WEST)	52' - 4" LF	19' - 3" LF	37 %	50 %	YES
TOTAL NORTH & SOUTH ELEMENTS REMOVED = 37 %					
SOUTH FACADE	73' - 4" LF	0' - 0" LF	0 %		
NORTH FACADE	73' - 4" LF	0' - 0" LF	0 %		
TOTALS (SOUTH & NORTH)	146' - 8" LF	0' - 0" LF	0 %		
TOTAL ALL SIDES	199' - 0" LF	38' - 6" LF	19 %	65 %	YES
TOTAL ALL SIDES ELEMENTS TO BE REMOVED = 19 %					

WALL DEMOLITION CALCULATION (AREA MEASUREMENT) SEC. 317(b)(2)(C)					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %		
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %	50 %	YES
TOTAL VERTICAL ELEMENTS TO BE REMOVED = 15 %					

FLOOR DEMOLITION CALCULATION (AREA MEASUREMENT) SEC. 317(b)(2)(C)					
HORIZONTAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01 (ON GRADE)	N/A				
FLOOR 02	1,648 SF	108 SF	7 %		
FLOOR 03	1,586 SF	0 SF	0 %		
ROOF	1,875 SF	76 SF	4 %		
TOTALS	5,109 SF	184 SF	4 %	50 %	YES
TOTAL HORIZONTAL ELEMENTS TO BE REMOVED = 15 %					

THIS PROJECT IS NOT CONSIDERED AS DEMOLITION PER SAN FRANCISCO PLANNING CODE SEC. 317 (2) (B)&(C)

SECTION 1005

WALL REMOVAL >25% OF THE SURFACE OF ALL EXTERNAL WALLS FACING A PUBLIC STREET(S) SEC. 1005(f)1					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	17 SF	2 %		
TOTALS	960 SF	17 SF	2 %	25 %	YES
TOTAL SURFACE OF EXTERNAL WALLS FACING STREET TO BE REMOVED = 2 %					

REMOVAL OF MORE THAN 50% OF ALL EXTERNAL WALLS FROM THEIR FUNCTIONS AS ALL EXTERNAL WALLS 1005(f)2					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %		
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %	50 %	YES
TOTAL VERTICAL ELEMENTS TO BE REMOVED = 15 %					

REMOVAL OF MORE THAN 25% OF EXTERNAL WALLS FROM FUNCTION AS EITHER EXTERNAL OR INTERNAL WALLS SEC.1005(f)3					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %		
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %	25 %	YES
TOTAL HORIZONTAL ELEMENTS TO BE REMOVED = 15 %					

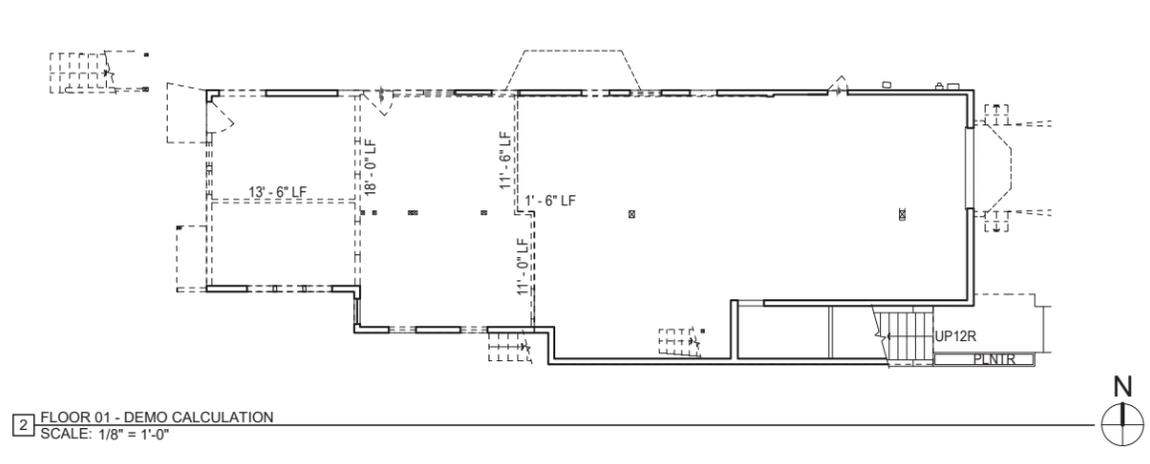
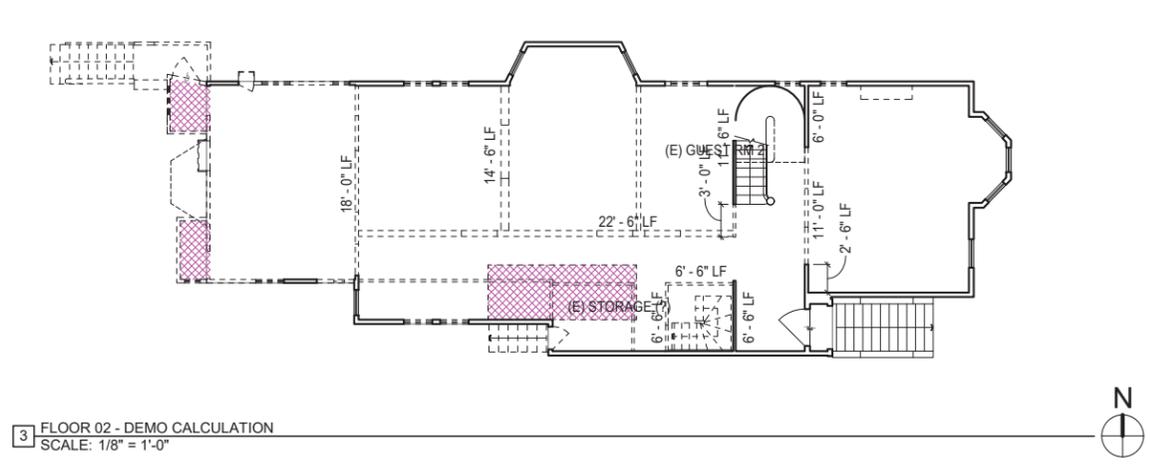
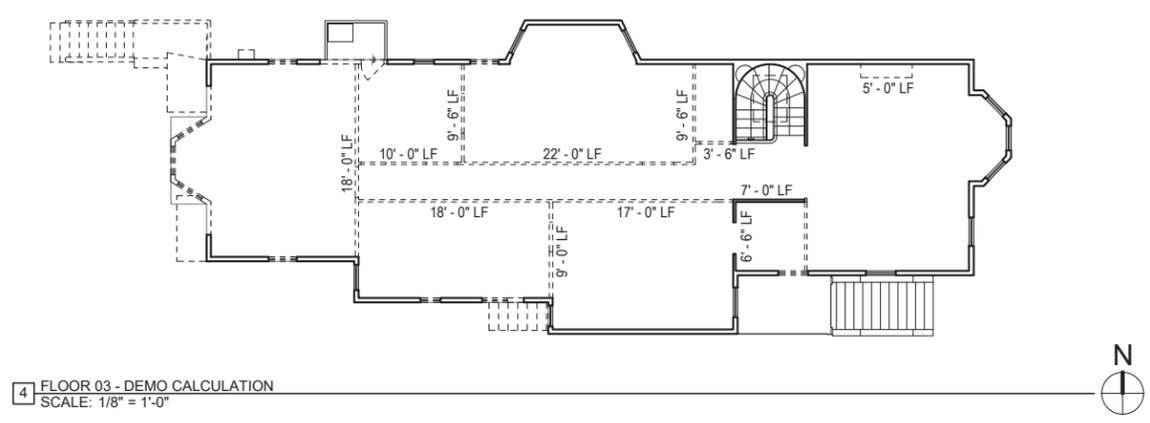
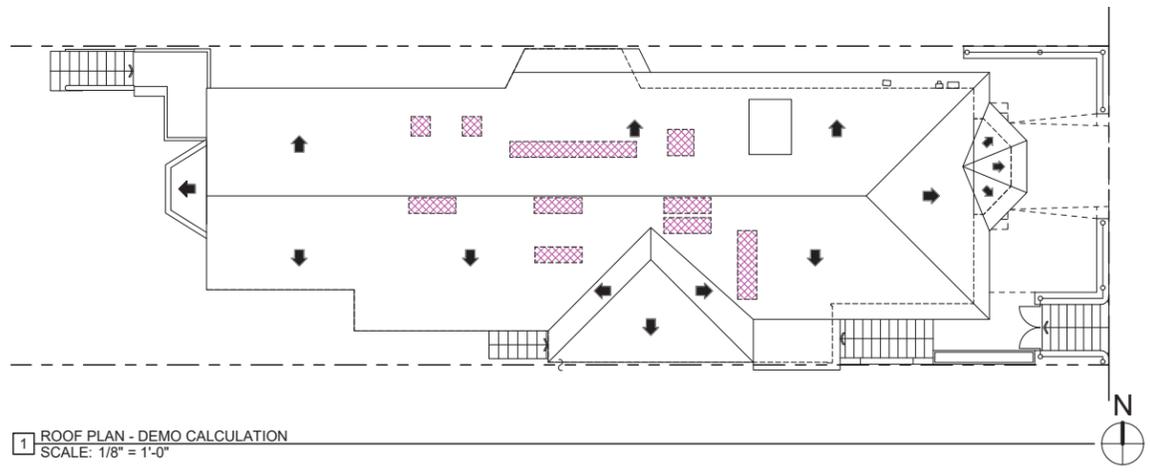
REMOVAL OF MORE THAN 75% OF ALL INTERNAL STRUCTURAL FRAMEWORK OR FLOOR PLATES SEC.1005(f)4					
STRUCTURAL WALL	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01	500 SF	500 SF	100 %		
FLOOR 02	1,302 SF	984 SF	76 %		
FLOOR 03	1,485 SF	1337 SF	90 %		
TOTALS	3,287 SF	2,821 SF	86 %		

REMOVAL OF MORE THAN 75% OF ALL INTERNAL STRUCTURAL FRAMEWORK OR FLOOR PLATES SEC.1005(f)4					
FLOOR AREA	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01 (ON GRADE)	N/A				
FLOOR 02	1,648 SF	108 SF	7 %		
FLOOR 03	1,586 SF	0 SF	0 %		
ROOF	1,875 SF	76 SF	4 %		
TOTALS	5,109 SF	184 SF	4 %	75 %	YES
TOTALS ALL STRUCTURAL FRAMEWORK/FLOOR PLATES TO BE REMOVED = 45 %					

THIS PROJECT IS NOT CONSIDERED AS DEMOLITION PER SAN FRANCISCO PLANNING CODE SEC. 1005(f)1(2)(3)(4)

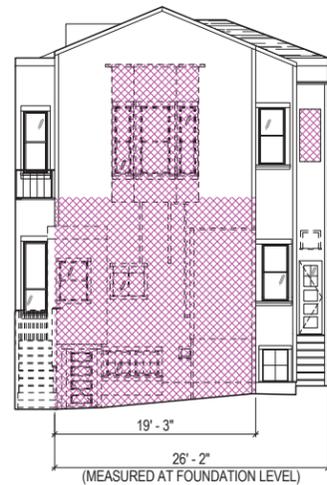
DEMOLITION NOTES

- ALL DEMOLITION WORK TO COMPLY WITH SFBC CH13B - CONSTRUCTION AND DEBRIS RECOVERY PROGRAM.
- DEMOLITION OTHER THAN THAT EXPLICITLY STATED AND SHOWN ON THE ARCHITECTURAL DEMO PLANS IS ILLEGAL UNDER P.C. 317 AND ANY MODIFICATIONS REQUIRE A PERMIT REVISION AND APPROVAL FROM THE SF PLANNING DEPARTMENT.

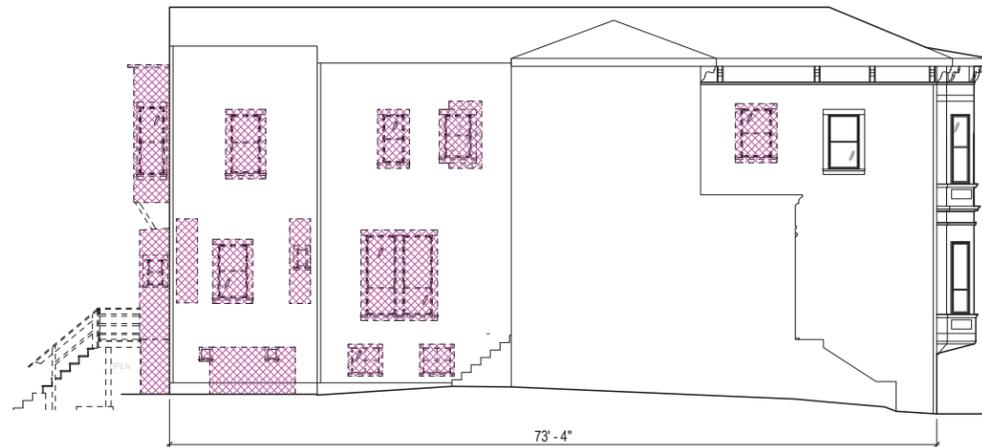




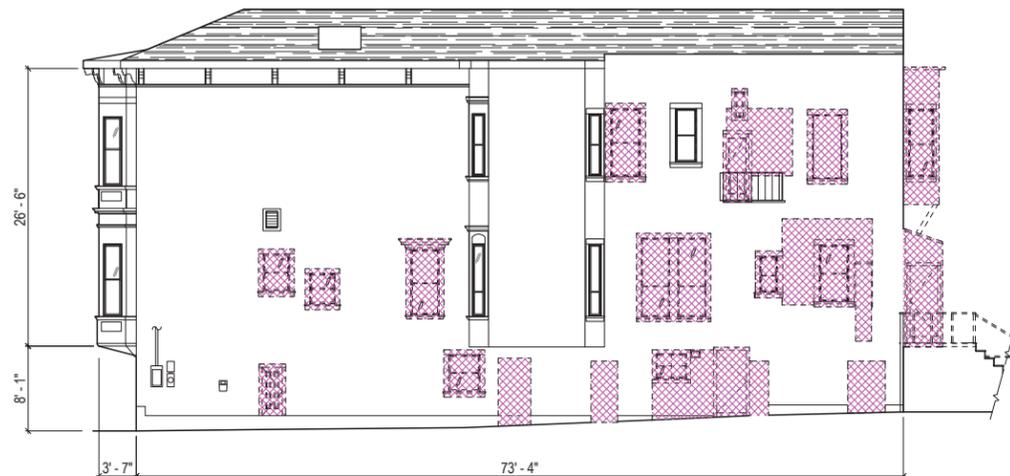
4 EXISTING EAST EXTERIOR ELEVATION (FRONT) - DEMO CALC
SCALE: 1/8" = 1'-0"



3 EXISTING WEST ELEVATION (REAR) - DEMO CALC
SCALE: 1/8" = 1'-0"



2 EXISTING SOUTH ELEVATION (SIDE) - DEMO CALC
SCALE: 1/8" = 1'-0"



1 EXISTING NORTH ELEVATION (SIDE) - DEMO CALC
SCALE: 1/8" = 1'-0"

SECTION 317

WALL DEMOLITION CALCULATION (LINEAR FOOTAGE MEASUREMENT) SEC. 317(b)(2)(B)					
ELEMENTS	(E) LENGTH (LF)	WALL REMOVED (LF) (MEASURED AT FOUNDATION LEVEL)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	26' - 2" LF	0' - 0" LF	0 %	50 %	YES
WEST (REAR) FACADE	26' - 2" LF	19' - 3" LF	74 %		
TOTALS (EAST & WEST)	52' - 4" LF	19' - 3" LF	37 %		
TOTAL NORTH & SOUTH ELEMENTS REMOVED = 37 %					
SOUTH FACADE	73' - 4" LF	0' - 0" LF	0 %	65 %	YES
NORTH FACADE	73' - 4" LF	0' - 0" LF	0 %		
TOTALS (SOUTH & NORTH)	146' - 8" LF	0' - 0" LF	0 %		
TOTAL ALL SIDES	199' - 0" LF	38' - 6" LF	19 %		
TOTAL ALL SIDES ELEMENTS TO BE REMOVED = 19 %					

WALL DEMOLITION CALCULATION (AREA MEASUREMENT) SEC. 317(b)(2)(C)					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %	50 %	YES
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %		
TOTAL VERTICAL ELEMENTS TO BE REMOVED = 15%					

FLOOR DEMOLITION CALCULATION (AREA MEASUREMENT) SEC. 317(b)(2)(C)					
HORIZONTAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01 (ON GRADE)	N/A			50 %	YES
FLOOR 02	1,648 SF	108 SF	7 %		
FLOOR 03	1,586 SF	0 SF	0 %		
ROOF	1,875 SF	76 SF	4 %		
TOTALS	5,109 SF	184 SF	4 %		
TOTAL HORIZONTAL ELEMENTS TO BE REMOVED = 15%					

THIS PROJECT IS NOT CONSIDERED AS DEMOLITION PER SAN FRANCISCO PLANNING CODE SEC. 317 (2) (B)&(C)

SECTION 1005

WALL REMOVAL >25% OF THE SURFACE OF ALL EXTERNAL WALLS FACING A PUBLIC STREET(S) SEC. 1005(f)1					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	17 SF	2 %	25 %	YES
TOTALS	960 SF	17 SF	2 %		
TOTAL SURFACE OF EXTERNAL WALLS FACING STREET TO BE REMOVED = 2 %					

REMOVAL OF MORE THAN 50% OF ALL EXTERNAL WALLS FROM THEIR FUNCTIONS AS ALL EXTERNAL WALLS 1005(f)2					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %	50 %	YES
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %		
TOTAL VERTICAL ELEMENTS TO BE REMOVED = 15%					

REMOVAL OF MORE THAN 25% OF EXTERNAL WALLS FROM FUNCTION AS EITHER EXTERNAL OR INTERNAL WALLS SEC.1005(f)3					
VERTICAL ELEMENTS	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
EAST (FRONT) FACADE	960 SF	68 SF	7 %	25 %	YES
WEST (REAR) FACADE	985 SF	419 SF	43 %		
SOUTH FACADE	2,512 SF	356 SF	14 %		
NORTH FACADE	2,699 SF	551 SF	20 %		
TOTALS	7,156 SF	1,394 SF	19 %		
TOTAL HORIZONTAL ELEMENTS TO BE REMOVED = 15%					

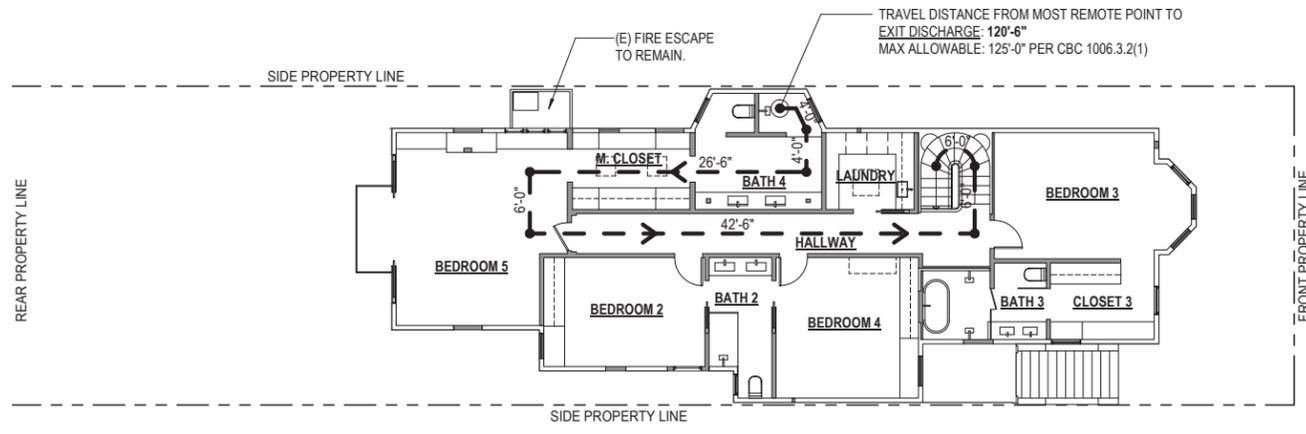
REMOVAL OF MORE THAN 75% OF ALL INTERNAL STRUCTURAL FRAMEWORK OR FLOOR PLATES SEC.1005(f)4					
STRUCTURAL WALL	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01	500 SF	500 SF	100 %	75 %	YES
FLOOR 02	1,302 SF	984 SF	76 %		
FLOOR 03	1,485 SF	1337 SF	90 %		
TOTALS	3,287 SF	2,821 SF	86 %		

FLOOR AREA	AREA (SF)	AREA REMOVED (SF)	% REMOVED	MAX PERMITTED	MEET CODE?
FLOOR 01 (ON GRADE)	N/A			75 %	YES
FLOOR 02	1,648 SF	108 SF	7 %		
FLOOR 03	1,586 SF	0 SF	0 %		
ROOF	1,875 SF	76 SF	4 %		
TOTALS	5,109 SF	184 SF	4 %		
TOTALS ALL STRUCTURAL FRAMEWORK/FLOOR PLATES TO BE REMOVED = 45%					

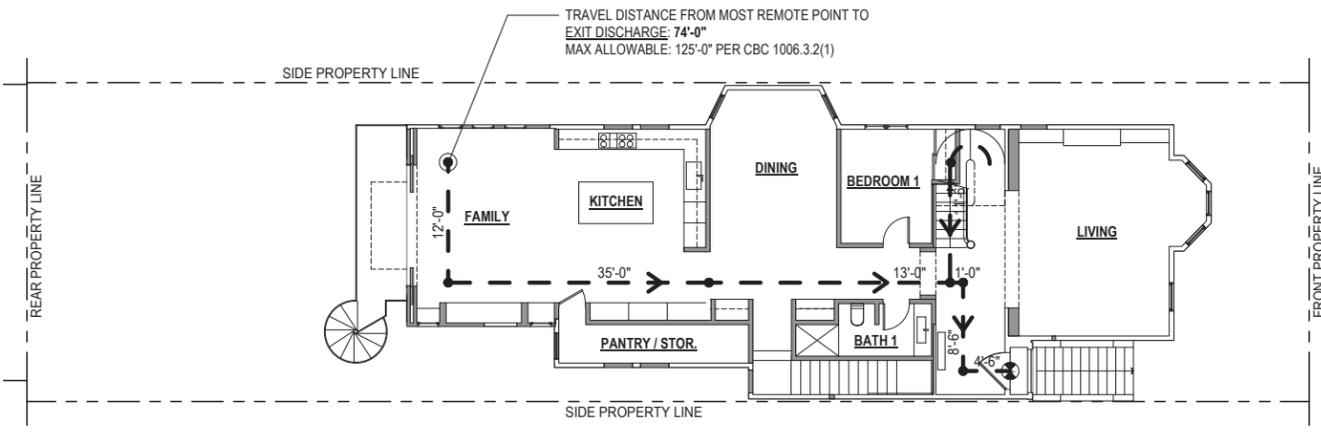
THIS PROJECT IS NOT CONSIDERED AS DEMOLITION PER SAN FRANCISCO PLANNING CODE SEC. 1005(f)(1)(2)(3)(4)

DEMOLITION NOTES

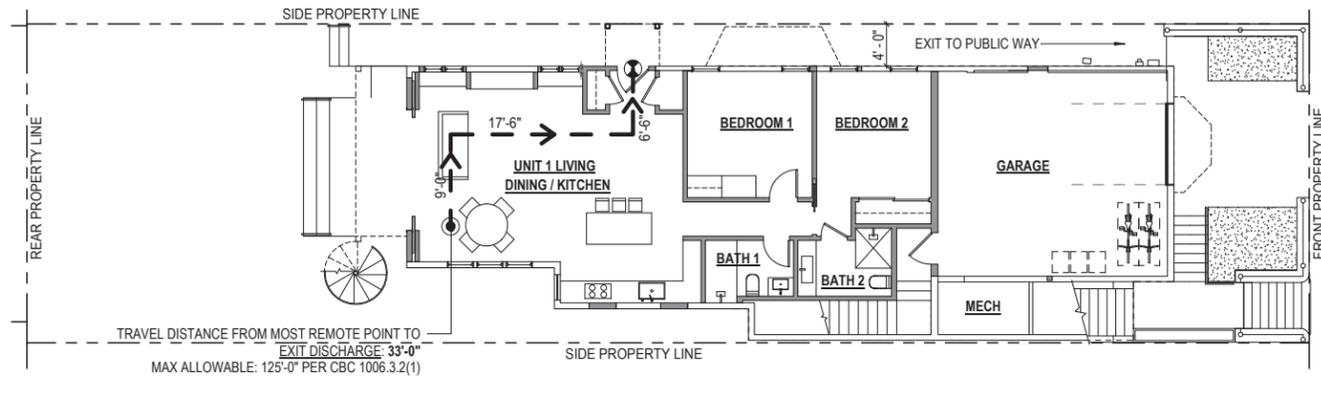
- ALL DEMOLITION WORK TO COMPLY WITH SFBC CH13B - CONSTRUCTION AND DEBRIS RECOVERY PROGRAM.
- DEMOLITION OTHER THAN THAT EXPLICITLY STATED AND SHOWN ON THE ARCHITECTURAL DEMO PLANS IS ILLEGAL UNDER P.C. 317 AND ANY MODIFICATIONS REQUIRE A PERMIT REVISION AND APPROVAL FROM THE SF PLANNING DEPARTMENT.



3 FLOOR 03 - EXITING PLAN
SCALE: 1/8" = 1'-0"



2 FLOOR 02 - EXITING PLAN
SCALE: 1/8" = 1'-0"

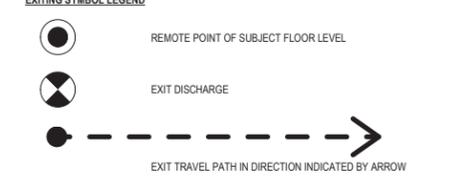


1 FLOOR 01 - EXITING PLAN
SCALE: 1/8" = 1'-0"

OCCUPANCY CALCULATION

ROOM #	ROOM NAME	SF	FACTOR	OCCs
1	GARAGE	429 SF	0 SF	
2	MECH	45 SF	300 SF	0
4	BEDROOM 2	144 SF	0 SF	
5	BEDROOM 1	143 SF	200 SF	1
6	FAMILY ENTRY	78 SF	200 SF	0
7	UNIT 1 LIVING	530 SF	200 SF	3
8	BEDROOM 5	283 SF	200 SF	1
9	FAMILY	245 SF	200 SF	1
10	KITCHEN	254 SF	200 SF	1
11	DINING	176 SF	200 SF	1
12	BEDROOM 1	94 SF	200 SF	0
14	CLOSET	74 SF	300 SF	0
16	BATH 1	56 SF	200 SF	0
17	LIVING	312 SF	200 SF	2
18	BATH 4	124 SF	0 SF	
19	M. CLOSET	83 SF	300 SF	0
20	BEDROOM 3	208 SF	200 SF	1
21	CLOSET 3	73 SF	300 SF	0
22	BATH 3	82 SF	0 SF	
23	HALLWAY	206 SF	200 SF	1
24	LAUNDRY	62 SF	300 SF	0
25	BEDROOM 4	182 SF	200 SF	1
26	BEDROOM 2	160 SF	200 SF	1
27	BATH 2	72 SF	0 SF	
28	LAUNDRY	8 SF	300 SF	0
29	UNIT 1 CLOSET	7 SF	300 SF	0
30	ENTRY HALL	55 SF		
31	BATH 2	51 SF		
32	BATH 1	47 SF		
GRAND TOTAL		4283 SF		16

EXITING ANALYSIS



FIRE RESISTANCE RATING FOR BUILDING ELEMENTS

(PER CBC TABLE 601)
FIRE-RESISTANCE RATING FOR BUILDING ELEMENTS (hours)

BUILDING ELEMENT	TYPE VA (see note d)
PRIMARY STRUCTURAL FRAME	1 HR PROTECTED
BEARING WALLS	
EXTERIOR (note f,g)	1 HR PROTECTED PER CBC 602
INTERIOR	NONRATED WHEN SPRINKLERED
NONBEARING PARTITIONS	
EXTERIOR	1 HR PROTECTED PER CBC 602
INTERIOR (note e)	NONRATED WHEN SPRINKLERED
FLOOR CONSTRUCTION	NONRATED WHEN SPRINKLERED
ROOF CONSTRUCTION	1 HR PROTECTED PER CBC

NOTES:

- a. An approved automatic sprinkler system in accordance with Section 903.3.1.1 shall be allowed to be substituted for 1-hour fire-resistance-rated construction, provided such system is not otherwise required by other provisions of the code or used for an allowable area increase in accordance with Section 506.3 or an allowable height increase in accordance with Section 504.2. The 1-hour substitution for the fire resistance of exterior walls shall not be permitted.
- b. Not less than the fire-resistance rating based on fire separation distance (see Table 602).
- c. Not less than the fire-resistance rating as referenced in Section 704.10.

PER CBC TABLE 602 FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE (see notes a, e)

FIRE SEPARATION DISTANCE	CONSTRUCTION TYPE	OCCUPANCY GROUP R
X<5'-0"	ALL	1 HR PROTECTED



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
SAN FRANCISCO, CA 94110
BLOCK:3611 LOT:036

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION 01	07.10.20
REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

EXITING ANALYSIS

SHEET NUMBER:

A0.4

REV#: DATE:

LIGHT / AIR REQUIRED BY CBC SEC 1205.2 & 1203.5.1

AREA (SF)	UNIT 1		UNIT 2							
	LIVING	BEDROOM	LIVING	OFFICE	DINING	FAMILY ROOM	M. BEDROOM	BEDROOM 2	BEDROOM 3	BEDROOM 4
496 SF	149 SF	312 SF	94 SF	192 SF	245 SF	283 SF	160 SF	208 SF	182 SF	182 SF
LIGHT 8%	40 SF	12 SF	25 SF	8 SF	15 SF	20 SF	23 SF	13 SF	17 SF	15 SF
LIGHT PROV.	94 SF	32 SF	68 SF	SF	35 SF	80 SF	SF	29 SF	47 SF	17 SF
AIR 4%	20 SF	6 SF	12 SF	4 SF	8 SF	10 SF	12 SF	6 SF	8 SF	7 SF
AIR PROV.	47 SF	16 SF	34 SF	SF	18 SF	40 SF	SF	15 SF	24 SF	7 SF



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
 SAN FRANCISCO, CA 94110
 BLOCK:3611 LOT:036

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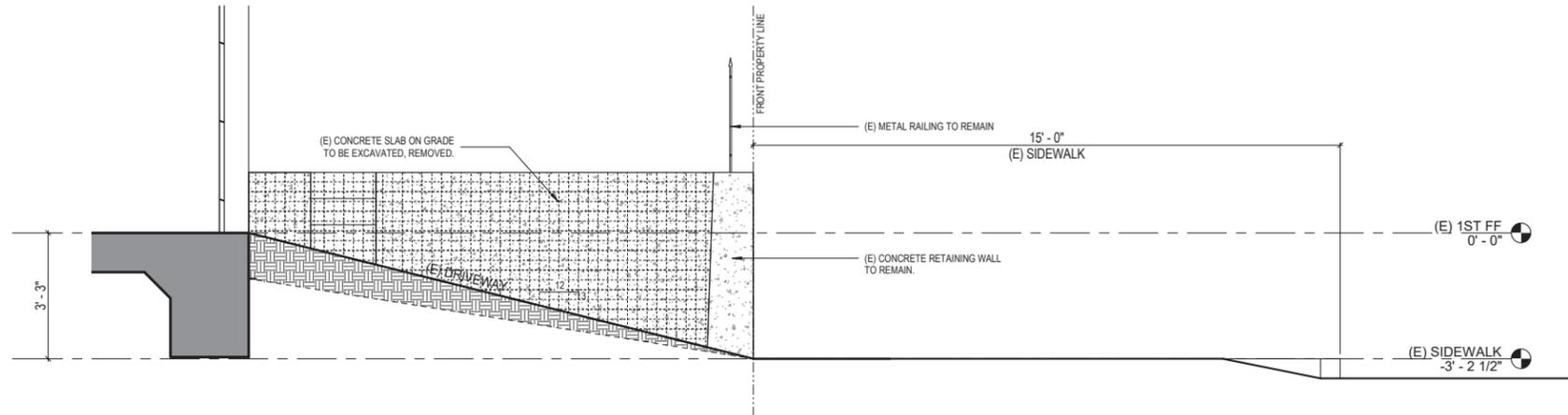
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 SHEET TITLE:

ENLARGED FRONT YARD PLANS

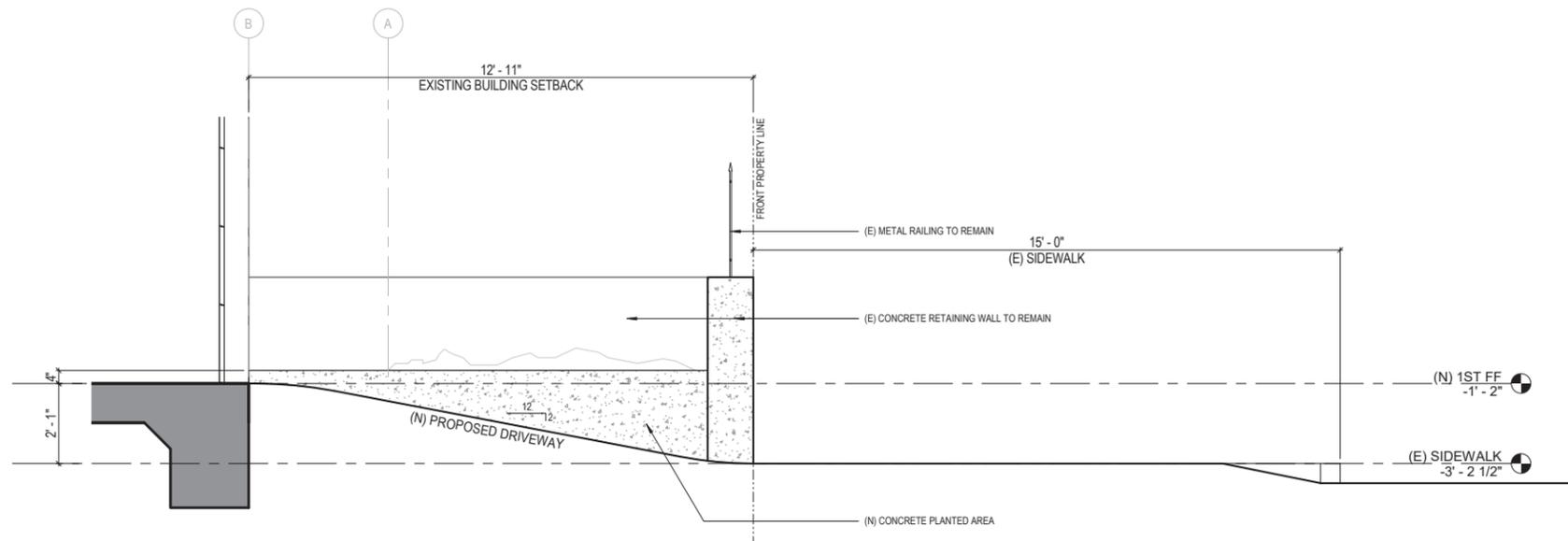
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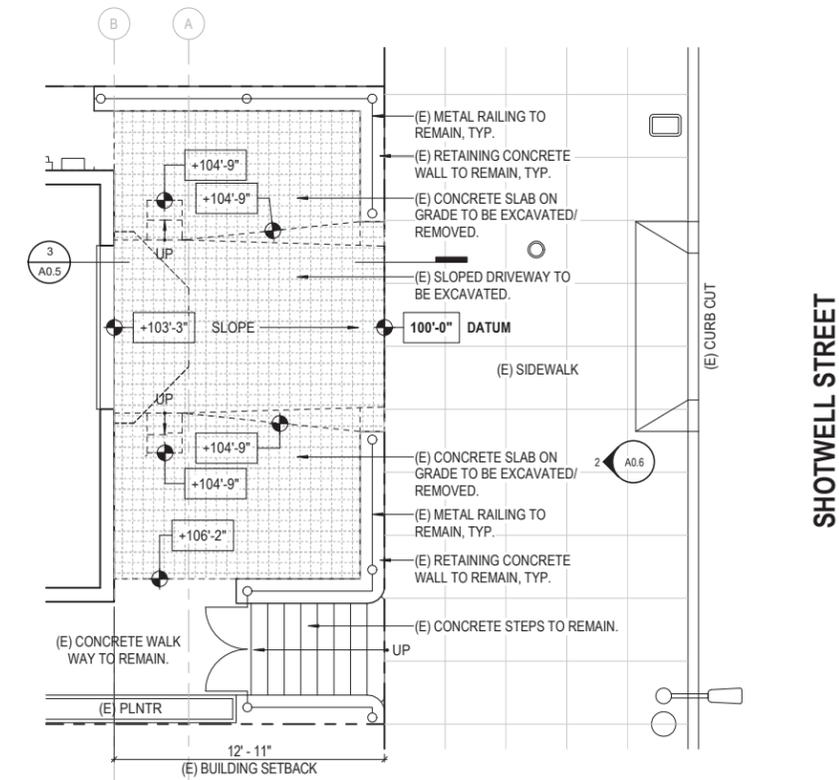
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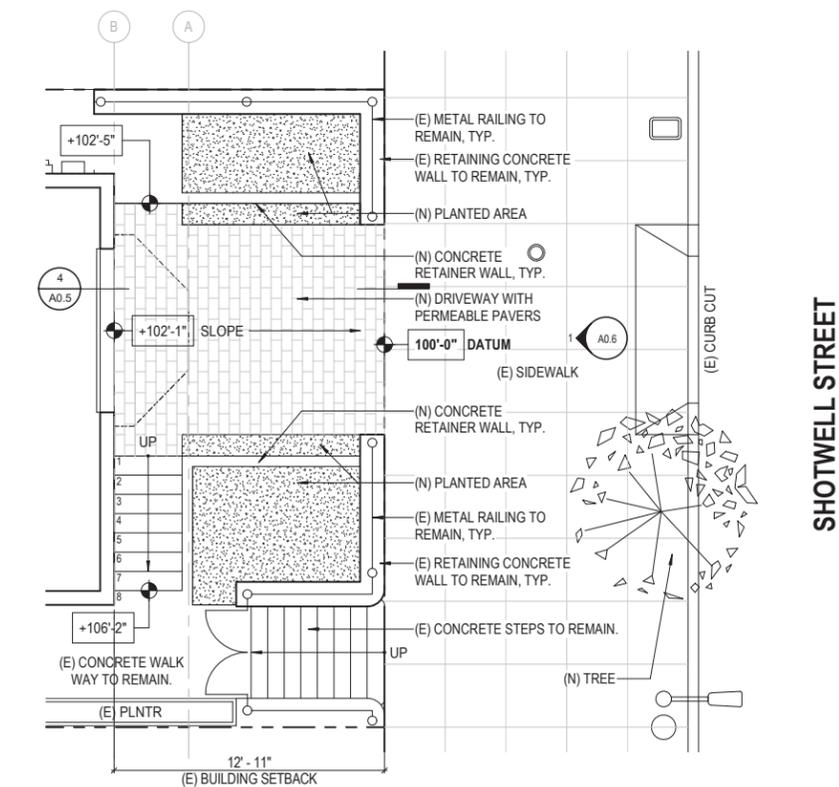
3 ENLARGED SECTION - EXISTING FRONT YARD
 SCALE: 1/2" = 1'-0"



4 ENLARGED SECTION - PROPOSED FRONT YARD
 SCALE: 1/2" = 1'-0"



1 ENLARGED PLAN - EXISTING FRONT YARD
 SCALE: 1/4" = 1'-0"



2 ENLARGED PLAN - PROPOSED FRONT YARD
 SCALE: 1/4" = 1'-0"

SHOTWELL STREET

SHOTWELL STREET



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
SAN FRANCISCO, CA 94110
BLOCK:3611 LOT:036

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION 01	07.10.20
REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

EXISTING & PROPOSED STREET ELEVATION

SHEET NUMBER:

A0.6

REV #: DATE:



2 EXISTING PARTIAL STREET ELEVATION
SCALE: 1/4" = 1'-0"



1 PROPOSED PARTIAL STREET ELEVATION
SCALE: 1/4" = 1'-0"





628 SHOTWELL STREET LLC

INTERIOR ALTERATION

**628 SHOTWELL STREET
 SAN FRANCISCO, CA 94110
 BLOCK:3611 LOT:036**

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION 01	07.10.20
REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

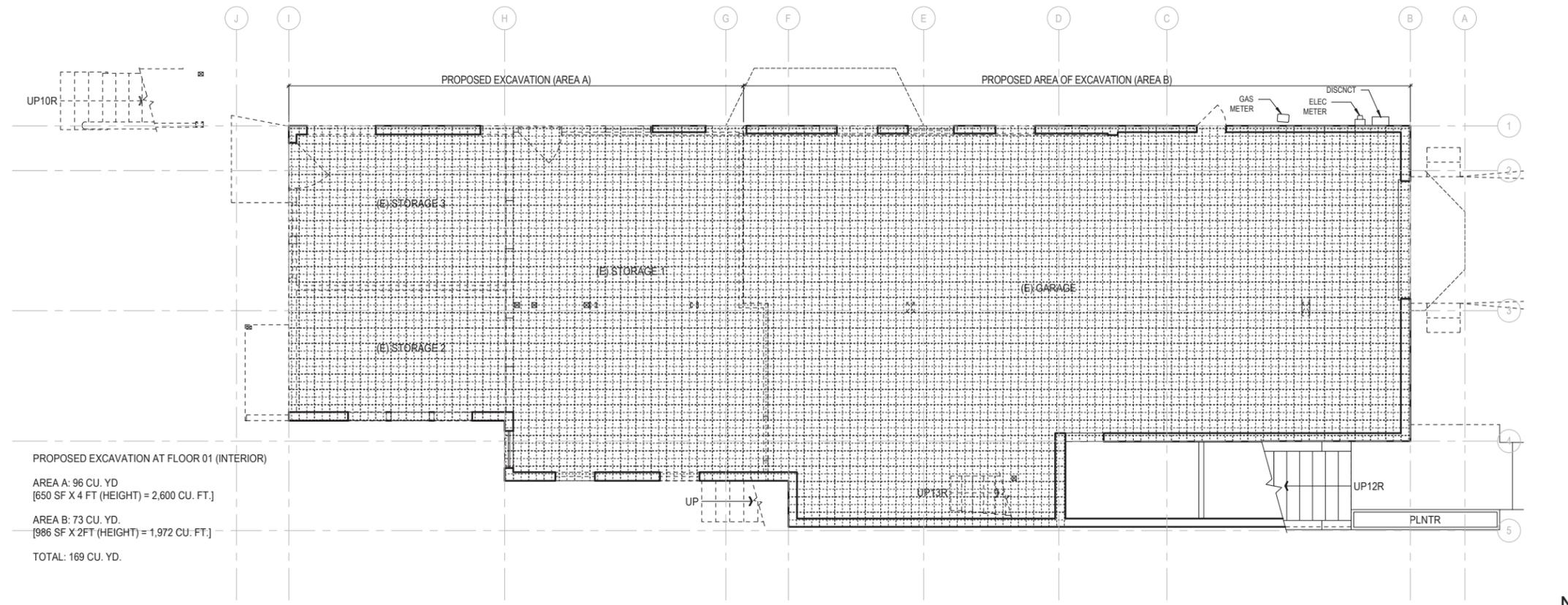
EXISTING & PROPOSED FLOOR 01

SHEET NUMBER:

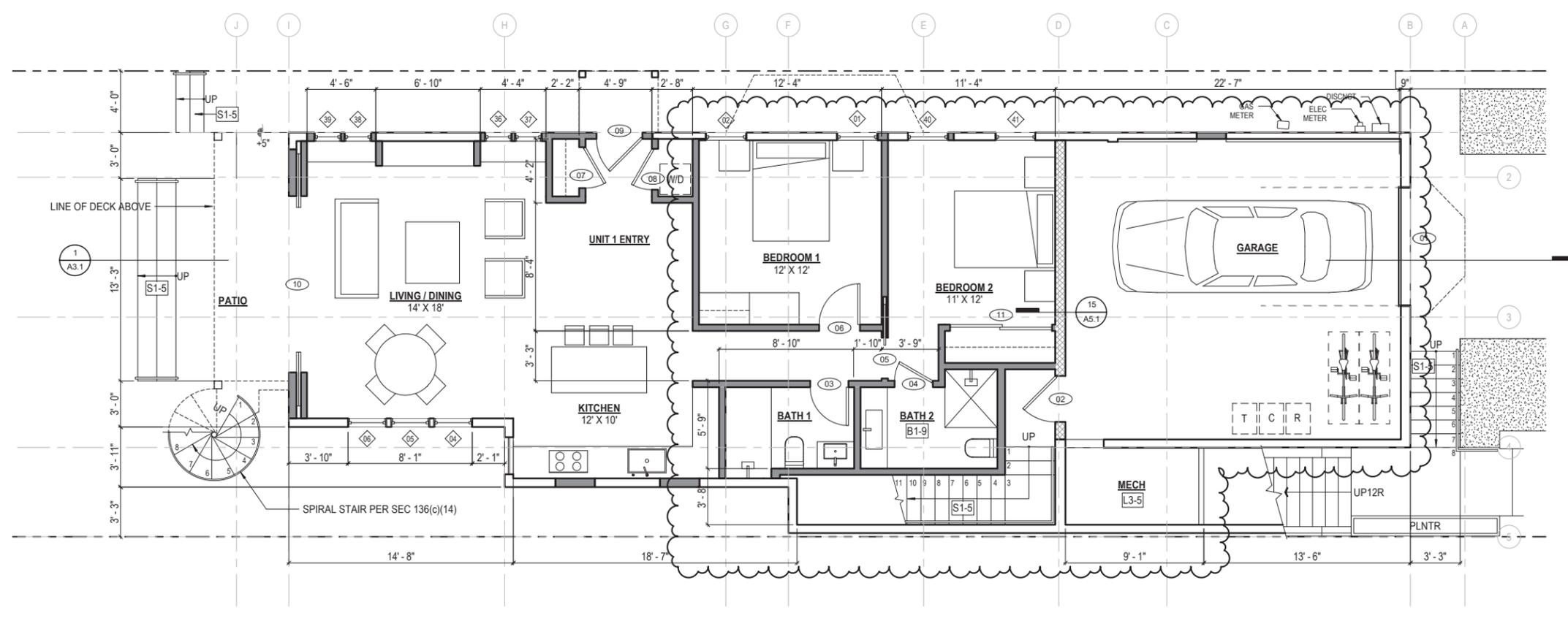
A1.1

REV#: **DATE:**

- FLOOR PLAN KEYNOTES**
- DRAWING SET GENERAL NOTES**
- SEE SHEET A0.0 FOR GENERAL CONSTRUCTION NOTES
 - SEE SHEET EMP.1 FOR ELECTRICAL & MECHANICAL NOTES & PLANS
 - DIMENSIONS SHOWN IN PLANS AND ELEVATIONS ARE TAKEN FROM FACE OF WALLBOARD AT INTERIOR WALLS AND FACE OF EXTERIOR FINISH AT EXTERIOR WALLS, U.O.N.
- DOORS, WINDOW AND SKYLIGHT PROJECT NOTES**
- PRIMARY EXIT DOORS SHALL MEET THE REQUIREMENTS OF CBC SECTION 1010 FOR SIZE, PROJECTIONS INTO CLEAR WIDTH OF EGRESS PATH, DOOR SWING & OPENING FORCE.
 - DOORS SHALL BE PROVIDED WITH A MIN. 36" X 36" LEVEL LANDING ON EACH SIDE OF THE DOORS EXCEPT AS FOLLOWS: LANDINGS AT THE EXTERIOR SIDE OF A DOOR MAY BE A MAX. OF 7 3/4" BELOW THE THRESHOLD PROVIDED THE DOOR DOES NOT SWING OVER THE LANDING. FOR DOORS THAT SWING OVER THE LANDING THE MAX. DISTANCE BELOW THE THRESHOLD IS 1/2" PER CBC 1010.1.7. SLIDING GLASS DOORS SHALL HAVE A MAX. 1/2" LEVEL CHANGE FROM THRESHOLD.
 - DOORWAY BETWEEN GARAGES & HABITABLE SPACE SHALL BE PROVIDED WITH EITHER SOLID WOOD DOORS OR SOLID OR HONEYCOMB CORE STEEL DOORS NOT LESS THAN 1 3/8" THICK & PROVIDED WITH SELF CLOSING AND SELF LATCHING HARDWARE.
 - PROVIDE LISTED, GASKETED DOORS w/ LISTED SELF CLOSING DEVICE & BOTTOM SEAL AT THRESHOLD PER CMC 904.1 WHERE COMPARTMENTS CONTAINING FURNACES & BOILERS ARE INSTALLED IN BEDROOMS OR BATHROOMS.
 - (N) WINDOWS PER WINDOW SCHEDULE INCLUDED IN THIS DRAWING SET SHALL COMPLY WITH TITLE 24 REQUIREMENTS. SEE SCHEDULE FOR ADDITIONAL NOTES.
 - EMERGENCY ESCAPE & RESCUE WINDOWS REQUIRED AT SLEEPING AREAS SHALL MEET THE FOLLOWING REQUIREMENTS: MIN. 5.7' CLEAR OPENING, MIN. 20" CLEAR HEIGHT, MIN. 20" CLEAR WIDTH, SILL HEIGHT MAX. 44" AFF.
 - WINDOWS IN LOCATIONS SUBJECT TO HUMAN IMPACT LOADS SHALL BE PROVIDED WITH SAFETY GLAZING INSTALLED IN ACCORDANCE WITH CBC 2406 & 2407.
- KITCHEN PROJECT NOTES**
- KITCHEN FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 G.P.M. MEASURED AT 60 PSI.
 - GARBAGE DISPOSAL UNITS AT KITCHEN SINKS SHALL BE PROVIDED WITH REQUIRED AIR GAP.
 - GAS COOKING APPLIANCES SHALL BE UL LISTED & INSTALLED PER MANUF. INSTRUCTIONS. PROVIDE GAS SHUT-OFF VALVE IN APPROVED, ACCESSIBLE LOCATION.
 - RESIDENTIAL RANGEHOOD EXHAUST PER CMC 403.7. SHALL MEET REQUIREMENTS OF CMC 504.2. EXHAUST TERMINATION SHALL BE LOCATED AT LEAST 3' AWAY FROM PROPERTY LINES AND BUILDING OPENINGS & BE PROVIDED WITH WEATHERPROOF BACKDRAFT DAMPER. WHERE REMOTE EXHAUST OR BOOSTER FANS ARE REQUIRED, FAN SHALL BE ON DEDICATED CIRCUIT.
 - UPPER CABINETS SHALL BE MIN. 30" ABOVE COOKING TOP PER CMC 921.3.2. PROVIDE THE COOKING APPLIANCE MIN. CLEARANCE TO COMBUSTIBLES PER CMC 919.2.
 - (N) DISHWASHERS SHALL BE PROVIDED WITH REQUIRED AIRGAP, HOT WATER STUB & DEDICATED CIRCUIT.
 - (N) APPLIANCES TO BE UL LISTED AND INSTALLED PER MANUF. INSTRUCTIONS. INSTALLING CONTRACTOR SHALL COORDINATE ALL ELECTRICAL AND PLUMBING REQUIREMENTS WITH MANUF. SPECIFICATIONS.
 - (N) CABINETRY AND NONPOROUS COUNTERTOPS THROUGHOUT, U.O.N.
- BATHROOM PROJECT NOTES**
- (N) NONPOROUS SLAB COUNTERTOP & SPLASH.
 - CLASS SHOWER ENCLOSURES SAFETY GLAZING SUBJECT TO HUMAN IMPACT LOADS INSTALLED IN ACCORDANCE W/ CBC 2406 & 2407. SHOWER DOORS SHALL PROVIDE MIN 22" CLEAR OPENING WIDTH, PER CPC 408.5. SHOWER COMPARTMENTS & WALLS ABOVE TUBS w/ SHOWERHEADS SHALL BE FINISHED WITH A SMOOTH NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 72" ABOVE DRAIN INLET. CBC 1210.2.3.
 - NONPAPER-FACED BACKER BOARD TO BE USED IN ALL TUB, SHOWER & SPA AREAS, WATER-RESISTANT TO A HEIGHT AS INDICATED ABOVE.
 - SHOWER PER CPC 408. MIN FLOOR AREA OF 1024 SQUARE INCHES & CAPABLE OF ENCOMPASSING A 30" CIRCLE. THE AREA & DIMENSION SHALL BE MAINTAINED TO A POINT NOT LESS THAN 70" ABOVE THE SHOWER DRAIN. DRAIN INLET MIN. 2" MAX. 9" BELOW THRESHOLD INTO SHOWER. SHOWER HEADS SHALL HAVE A MAX. FLOW RATE OF 2.0 GPM MEASURED AT 80 PSI.
 - SHOWER VALVES & HEADS SHALL BE PLACED INSIDE SHOWER COMPARTMENT SUCH THAT SHOWER HEAD DOES NOT DISCHARGE DIRECTLY TOWARD THE ENTRANCE OF THE COMPARTMENT AND THE BATHER CAN ADJUST VALVES PRIOR TO STEPPING INTO SHOWER SPRAY.
 - WATER CLOSET PER CBC 2509. CENTERED WITHIN 30" WIDE CLEAR SPACE. TOILETS SHALL HAVE MAX. 1.28 GPF WATER CONSUMPTION.
 - BATH & LAUNDRY ROOM FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 GPM MEASURED AT 60 PSI.
 - PROVIDE EXHAUST FAN CAPABLE OF PROVIDING AIR CHANGES PER HOUR. VENT TO OUTSIDE. PROVIDE BACKDRAFT DAMPER.
- STAIRWAYS, HANDRAILS & GUARDRAILS PROJECT NOTES**
- (N) STAIRWAY TO COMPLY W/ CBC SECTION 1011:
 - HEADROOM 6'-8" MIN.
 - RISE 7 3/4" MAX. (RISER VARIATION 3/8" MAX)
 - TREAD DEPTH MIN. 10" NOSE TO NOSE & WIDTH: 3'-0" MIN.
 - HANDRAIL TO COMPLY W/ CBC SECTION 1014:
 - 34" TO 38" ABOVE TREAD NOSING, 1 1/2" MIN. CLEAR FROM WALL
 - HANDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.
 - GRASPABILITY TYPE 1: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF AT LEAST 1 1/4" AND NOT GREATER THAN 2". WHERE THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4" AND NOT GREATER THAN 6 1/4" WITH A MAX. CROSS SECTION OF 2 1/4" & MIN. CROSS SECTION OF 1". EDGES SHALL HAVE A MIN. RADIUS OF 0.01" GRASPABILITY TYPE 2: HANDRAILS WITH A PERIMETER GREATER THAN 6 1/4" SHALL PROVIDE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE BEGINNING A DISTANCE OF 3/4" MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVES A DEPTH OF 5/16" WITHIN 7/8" BELOW THE WIDEST PORTION OF THE PROFILE.
 - SPACES UNDER STAIRWAYS PER CBC 1011.7.4.
 - SPACES UNDER STAIRWAYS WITHIN SINGLE FAMILY RESIDENCE SHALL BE PROTECTED ON THE ENCLOSED SIDE WITH MIN. 5/8" GYP. BOARD.
 - GUARDRAIL TO COMPLY W/ CBC SECTION 1015:
 - 42" ABOVE WALKING SURFACE. MAXIMUM SPACING OF INTERMEDIATE RAILS, SUCH THAT A 4" SPHERE SHALL NOT PASS BETWEEN RAILS. WHERE TOP OF GUARDRAIL ALSO SERVES AS STAIR HANDRAIL, IN COMPLIANCE WITH CBC 1014, HEIGHT OF GUARDRAIL PERMITTED TO BE 34" MIN. TO 38" MAX. ABOVE TREAD NOSING.
 - GUARDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.
- LAUNDRY & MECHANICAL ROOM PROJECT NOTES**
- CLOTHES WASHER: PROVIDE FLUSH MOUNT 'GUY BOX' FOR HOT & COLD WATER & DRAIN CONNECTIONS.
 - CONVENTIONAL CLOTHES DRYER: PROVIDE OPENING OF 100 SQ. INCHES MIN. FOR MAKE-UP AIR AT DOOR ENCLOSING APPLIANCE PER CMC 504.1. DIRECT EXHAUST TO OUTSIDE USING STEEL, SMOOTH BORE, 4" MIN. DIA. DUCT. PROVIDE WEATHERPROOF CAP & BACKDRAFT DAMPER. TERMINATE VENT MIN. 3'-0" FROM OPERABLE WINDOWS & DOORS PER CMC 502.2. PROVIDE IN-LINE BOOSTER FAN FOR DUCT RUNS OVER 14'-0" IN LENGTH. PROVIDE GAS SHUTOFF VALVE IN APPROVED LOCATION. CONDENSING DRYERS TO HAVE DRAIN & DRAIN PAN.
 - PROVIDE DRAIN PAN @ TANK WATER HEATERS AND CLOTHES WASHERS INSTALLED OVER LIVING SPACE.
 - WATER HEATER TO BE PROVIDED WITH SEISMIC STRAPPING PER CPC 507.2 ROOMS CONTAINING GAS CONSUMING SPACE AND WATER HEATING EQUIPMENT SHALL BE PROVIDED WITH COMBUSTION AIR OPENINGS IN COMPLIANCE WITH CMC CHAPTER 7.

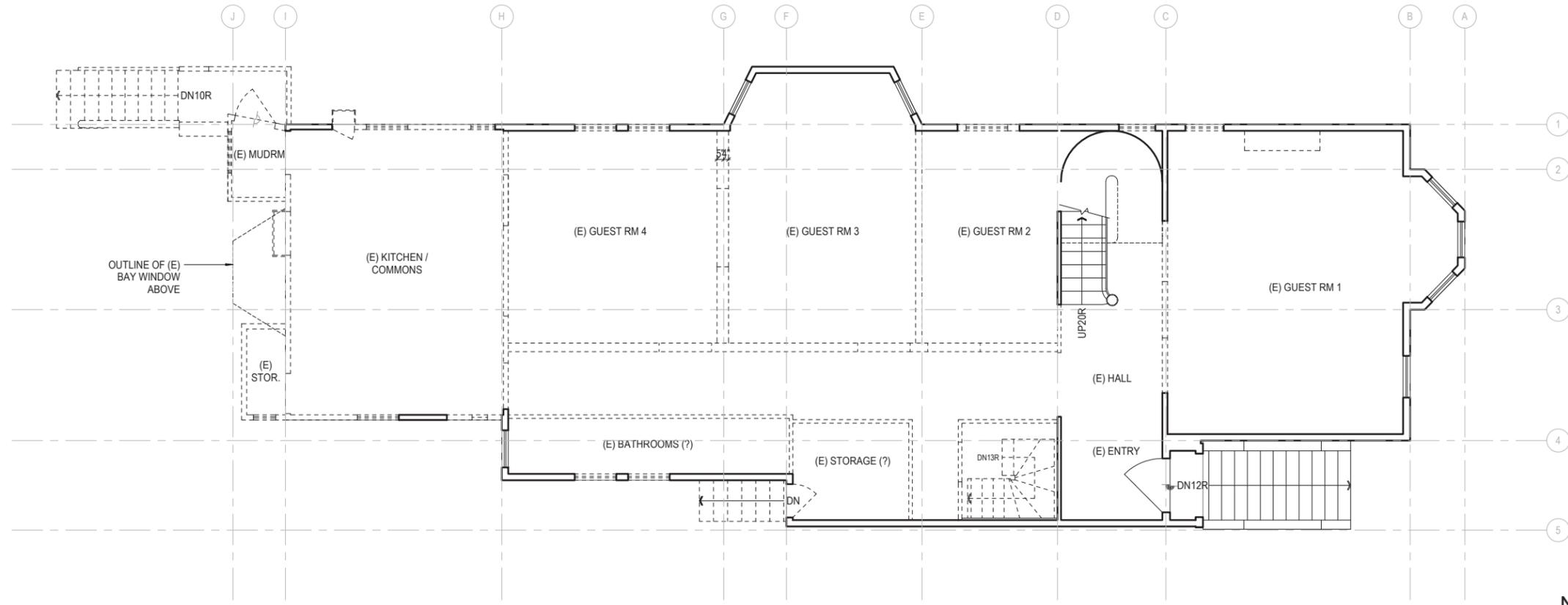


1 FLOOR 01 - EXISTING AND DEMOLITION PLAN
 SCALE: 1/4" = 1'-0"

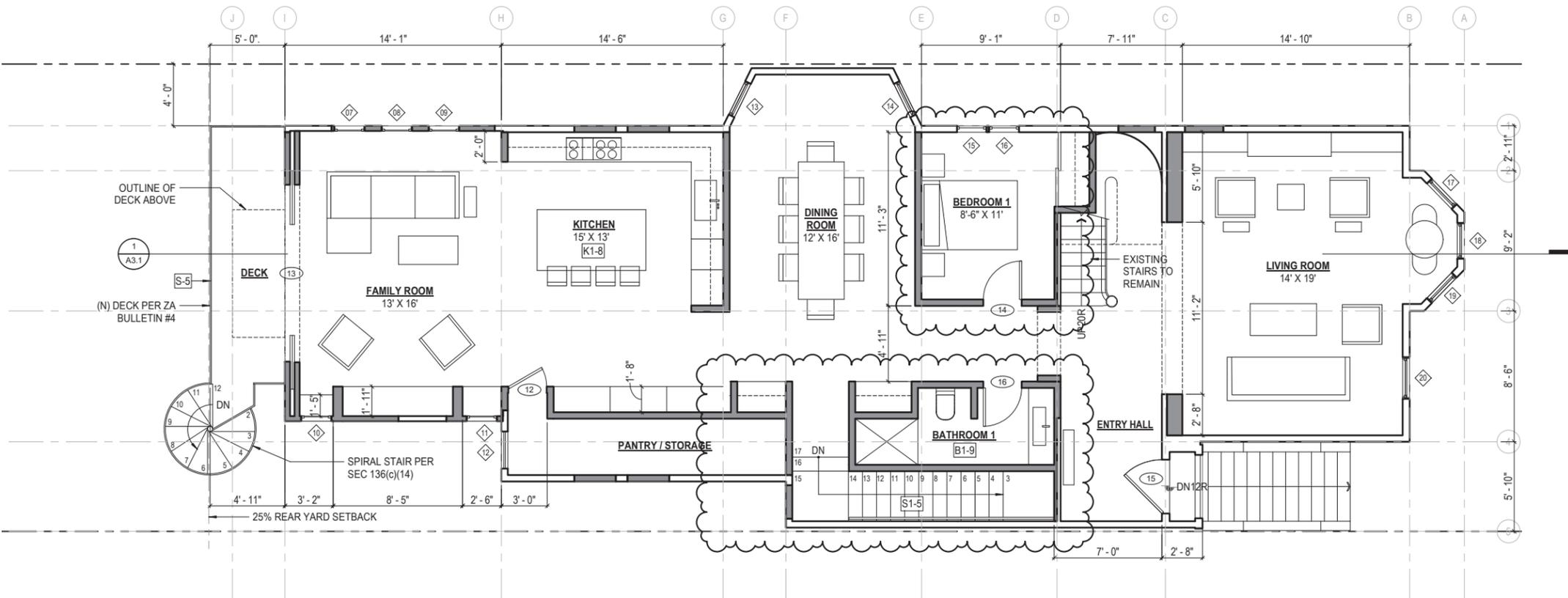


2 FLOOR 01 - PROPOSED FLOOR PLAN UNIT 1: 828 SF
 SCALE: 1/4" = 1'-0"
 (DEDICATED OUTDOOR SPACE: 141 SF)
 (SHARED OUTDOOR SPACE: 1026 SF)





1 FLOOR 02 - EXISTING AND DEMOLITION PLAN (RESIDENTIAL CARE FACILITY)
SCALE: 1/4" = 1'-0"



2 FLOOR 02 - PROPOSED FLOOR PLAN (UNIT 2: 3,419 SF)
SCALE: 1/4" = 1'-0" (DEDICATED OUTDOOR SPACE: 82 SF)
(SHARED OUTDOOR SPACE: 1026 SF)

FLOOR PLAN KEYNOTES

DRAWING SET GENERAL NOTES

1.1 SEE SHEET A0.0 FOR GENERAL CONSTRUCTION NOTES
 1.2 SEE SHEET EMP.1 FOR ELECTRICAL & MECHANICAL NOTES & PLANS
 1.3 DIMENSIONS SHOWN IN PLANS AND ELEVATIONS ARE TAKEN FROM FACE OF WALLBOARD AT INTERIOR WALLS AND FACE OF EXTERIOR FINISH AT EXTERIOR WALLS, U.O.N.

DOORS, WINDOW AND SKYLIGHT PROJECT NOTES

D1. PRIMARY EXIT DOORS SHALL MEET THE REQUIREMENTS OF CBC SECTION 1010 FOR SIZE, PROJECTIONS INTO CLEAR WIDTH OF EGRESS PATH, DOOR SWING, & OPENING FORCE.
 D2. DOORS SHALL BE PROVIDED WITH A MIN. 36" X 36" LEVEL LANDING ON EACH SIDE OF THE DOORS EXCEPT AS FOLLOWS: LANDINGS AT THE EXTERIOR SIDE OF A DOOR MAY BE A MAX. OF 7 3/4" BELOW THE THRESHOLD PROVIDED THE DOOR DOES NOT SWING OVER THE LANDING. FOR DOORS THAT SWING OVER THE LANDING THE MAX. DISTANCE BELOW THE THRESHOLD IS 1/2" PER CBC 1010.17. SLIDING GLASS DOORS SHALL HAVE A MAX. 1/2" LEVEL CHANGE FROM THRESHOLD.
 D3. DOORWAY BETWEEN GARAGES & HABITABLE SPACE SHALL BE PROVIDED WITH EITHER SOLID WOOD DOORS OR SOLID OR HONEYCOMB CORE STEEL DOORS NOT LESS THAN 1 3/8" THICK & PROVIDED WITH SELF CLOSING AND SELF LATCHING HARDWARE.
 D4. PROVIDE LISTED, GASKETED DOORS w/ LISTED SELF CLOSING DEVICE & BOTTOM SEAL AT THRESHOLD PER CMC 904.1 WHERE COMPARTMENTS CONTAINING FURNACES & BOILERS ARE INSTALLED IN BEDROOMS OR BATHROOMS.
 W1. (N) WINDOWS PER WINDOW SCHEDULE INCLUDED IN THIS DRAWING SET SHALL COMPLY WITH TITLE 24 REQUIREMENTS. SEE SCHEDULE FOR ADDITIONAL NOTES.
 W2. EMERGENCY ESCAPE & RESCUE WINDOWS REQUIRED AT SLEEPING AREAS SHALL MEET THE FOLLOWING REQUIREMENTS: MIN. 5.7' CLEAR OPENING, MIN. 20" CLEAR HEIGHT, MIN. 20" CLEAR WIDTH, SILL HEIGHT MAX. 44" AFF.
 W3. WINDOWS IN LOCATIONS SUBJECT TO HUMAN IMPACT LOADS SHALL BE PROVIDED WITH SAFETY GLAZING INSTALLED IN ACCORDANCE WITH CBC 2406 & 2407.

KITCHEN PROJECT NOTES

K1. KITCHEN FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 G.P.M. MEASURED AT 60 PSI.
 K2. GARBAGE DISPOSAL UNITS AT KITCHEN SINKS SHALL BE PROVIDED WITH REQUIRED AIR GAP.
 K3. GAS COOKING APPLIANCES SHALL BE UL LISTED & INSTALLED PER MANUF. INSTRUCTIONS. PROVIDE GAS SHUT-OFF VALVE IN APPROVED, ACCESSIBLE LOCATION.
 K4. RESIDENTIAL RANGEHOOD EXHAUST PER CMC 403.7. SHALL MEET REQUIREMENTS OF CMC 504.2. EXHAUST TERMINATION SHALL BE LOCATED AT LEAST 3'-0" AWAY FROM PROPERTY LINES AND BUILDING OPENINGS & BE PROVIDED WITH WEATHERPROOF BACKDRAFT DAMPER. WHERE REMOTE EXHAUST OR BOOSTER FANS ARE REQUIRED, FAN SHALL BE ON DEDICATED CIRCUIT.
 K5. UPPER CABINETS SHALL BE MIN. 30" ABOVE COOKING TOP PER CMC 921.3.2. PROVIDE THE COOKING APPLIANCE MIN. CLEARANCE TO COMBUSTIBLES PER CMC 918.2.
 K6. (N) DISHWASHERS SHALL BE PROVIDED WITH REQUIRED AIRGAP, HOT WATER STUB & DEDICATED CIRCUIT.
 K7. (N) APPLIANCES TO BE UL LISTED AND INSTALLED PER MANUF. INSTRUCTIONS. INSTALLING CONTRACTOR SHALL COORDINATE ALL ELECTRICAL AND PLUMBING REQUIREMENTS WITH MANUF. SPECIFICATIONS.
 K8. (N) CABINETS AND NONPOROUS COUNTERTOPS THROUGHOUT, U.O.N.

BATHROOM PROJECT NOTES

B1. (N) NONPOROUS SLAB COUNTERTOP & SPLASH.
 B2. CLASS SHOWER ENCLOSURES SAFETY GLAZING SUBJECT TO HUMAN IMPACT LOADS INSTALLED IN ACCORDANCE W/ CBC 2406 & 2407. SHOWER DOORS SHALL PROVIDE MIN 22" CLEAR OPENING WIDTH, PER CPC 408.5.
 B3. SHOWER COMPARTMENTS & WALLS ABOVE TUBS w/ SHOWERHEADS SHALL BE FINISHED WITH A SMOOTH NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 72" ABOVE DRAIN INLET. CBC 1210.2.3
 A. NONPAPER-FACED BACKER BOARD TO BE USED IN ALL TUB, SHOWER & SPA AREAS. (WATER-RESISTANT TO A HEIGHT AS INDICATED ABOVE).
 B4. SHOWER PER CPC 408. MIN FLOOR AREA OF 1024 SQUARE INCHES & CAPABLE OF ENCOMPASSING A 30" CIRCLE. THE AREA & DIMENSION SHALL BE MAINTAINED TO A POINT NOT LESS THAN 70" ABOVE THE SHOWER DRAIN. DRAIN INLET MIN. 2" MAX. 9" BELOW THRESHOLD INTO SHOWER. SHOWER HEADS SHALL HAVE A MAX. FLOW RATE OF 2.0 GPM MEASURED AT 60 PSI.
 B5. SHOWER VALVES & HEADS SHALL BE PLACED INSIDE SHOWER COMPARTMENT SUCH THAT SHOWER HEAD DOES NOT DISCHARGE DIRECTLY TOWARD THE ENTRANCE OF THE COMPARTMENT AND THE BATHER CAN ADJUST VALVES PRIOR TO STEPPING INTO SHOWER SPRAY.
 B7. WATER CLOSET PER CBC 2509. CENTERED WITHIN 30" WIDE CLEAR SPACE. TOILETS SHALL HAVE MAX. 1.28 GPF WATER CONSUMPTION.
 B8. BATH & LAUNDRY ROOM FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 GPM MEASURED AT 60 PSI.
 B9. PROVIDE EXHAUST FAN CAPABLE OF PROVIDING 5 AIR CHANGES PER HOUR. VENT TO OUTSIDE. PROVIDE BACKDRAFT DAMPER.

STAIRWAYS, HANDRAILS & GUARDRAILS PROJECT NOTES

(N) STAIRWAY TO COMPLY W/ CBC SECTION 1011:
 A. HEADROOM 6'-8" MIN.
 B. RISE 7 3/4" MAX. (RISER VARIATION 3/8" MAX)
 C. TREAD DEPTH MIN. 10" NOSE TO NOSE & WIDTH: 3'-0" MIN.
 S2. HANDRAIL TO COMPLY W/ CBC SECTION 1014:
 A. 34" TO 38" ABOVE TREAD NOSING, 1 1/2" MIN. CLEAR FROM WALL.
 B. HANDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.
 S3. GRASPABILITY TYPE 1: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF AT LEAST 1 1/4" AND NOT GREATER THAN 2". WHERE THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4" AND NOT GREATER THAN 6 1/4" WITH A MAX. CROSS SECTION OF 2 1/4" & MIN. CROSS SECTION OF 1". EDGES SHALL HAVE A MIN. RADIUS OF 0.01" GRASPABILITY TYPE 2: HANDRAILS WITH A PERIMETER GREATER THAN 6 1/4" SHALL PROVIDE A GRASPABLE FINER RECESS AREA ON BOTH SIDES OF THE PROFILE BEGINNING A DISTANCE OF 3/4" MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVES A DEPTH OF 5/16" WITHIN 7/8" BELOW THE WIDEST PORTION OF THE PROFILE.
 S4. SPACES UNDER STAIRWAYS PER CBC 1011.7.4.
 A. SPACES UNDER STAIRWAYS WITHIN SINGLE FAMILY RESIDENCE SHALL BE PROTECTED ON THE ENCLOSED SIDE WITH MIN. 5/8" GYP. BOARD.
 S5. GUARDRAIL TO COMPLY W/ CBC SECTION 1015:
 A. 42" ABOVE WALKING SURFACE. MAXIMUM SPACING OF INTERMEDIATE RAILS, SUCH THAT A 4" SPHERE SHALL NOT PASS BETWEEN RAILS.
 B. WHERE TOP OF GUARDRAIL ALSO SERVES AS STAIR HANDRAIL IN COMPLIANCE WITH CBC 1014, HEIGHT OF GUARDRAIL PERMITTED TO BE 34" MIN. TO 38" MAX. ABOVE TREAD NOSING.
 C. GUARDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.

LAUNDRY & MECHANICAL ROOM PROJECT NOTES

L1. CLOTHES WASHER: PROVIDE FLUSH MOUNT 'GUY BOX' FOR HOT & COLD WATER & DRAIN CONNECTIONS.
 L2. CONVENTIONAL CLOTHES DRYER: PROVIDE OPENING OF 100 SQ. INCHES MIN. FOR MAKE-UP AIR AT DOORS ENCLOSING APPLIANCE PER CMC 504.1. DIRECT EXHAUST TO OUTSIDE USING STEEL, SMOOTH BORE, 4" MIN. DIA. DUCT. PROVIDE WEATHERPROOF CAP & BACKDRAFT DAMPER. TERMINATE VENT MIN. 3'-0" FROM OPERABLE WINDOWS & DOORS PER CMC 502.2. PROVIDE IN-LINE BOOSTER FAN FOR DUCT RUNS OVER 14'-0" IN LENGTH. PROVIDE GAS SHUT-OFF VALVE IN APPROVED LOCATION. CONDENSING DRYERS TO HAVE DRAIN & DRAIN PAN.
 L3. PROVIDE DRAIN PAN @ TANK WATER HEATERS AND CLOTHES WASHERS INSTALLED OVER LIVING SPACE.
 L4. WATER HEATER TO BE PROVIDED WITH SEISMIC STRAPPING PER CPC 507.2
 L5. ROOMS CONTAINING GAS CONSUMING SPACE AND WATER HEATING EQUIPMENT SHALL BE PROVIDED WITH COMBUSTION AIR OPENINGS IN COMPLIANCE WITH CMC CHAPTER 7.

LEGEND

- EXISTING WALL
- DEMOLISHED WALL
- NEW WALL
- NEW 1-HOUR RATED WALL



440 SPEAR STREET SAN FRANCISCO, CALIFORNIA 94105
 P: 415 643-0005 F: 415 643-3306
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628 SHOTWELL STREET LLC

INTERIOR ALTERATION

**628 SHOTWELL STREET
 SAN FRANCISCO, CA
 94110
 BLOCK:3611 LOT:036**

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION #01	07.10.20
REVISION 02	09.15.21

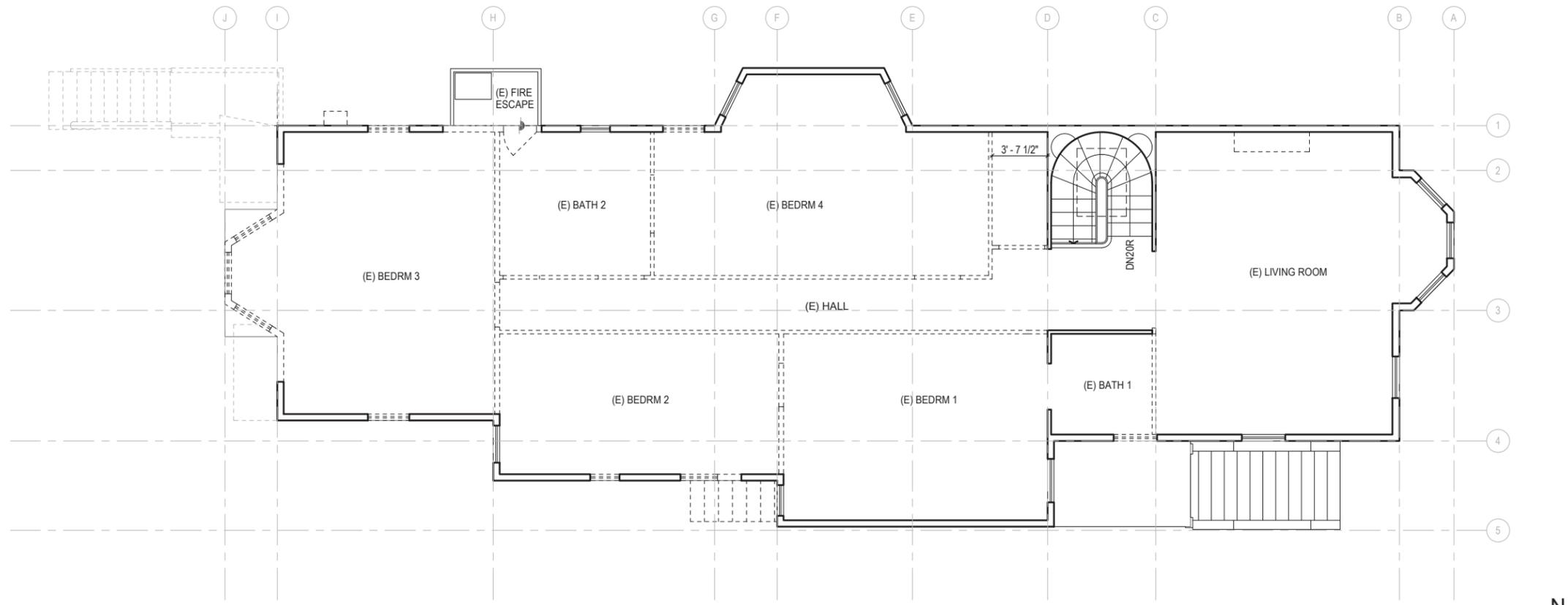
DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

EXISTING & PROPOSED FLOOR 02

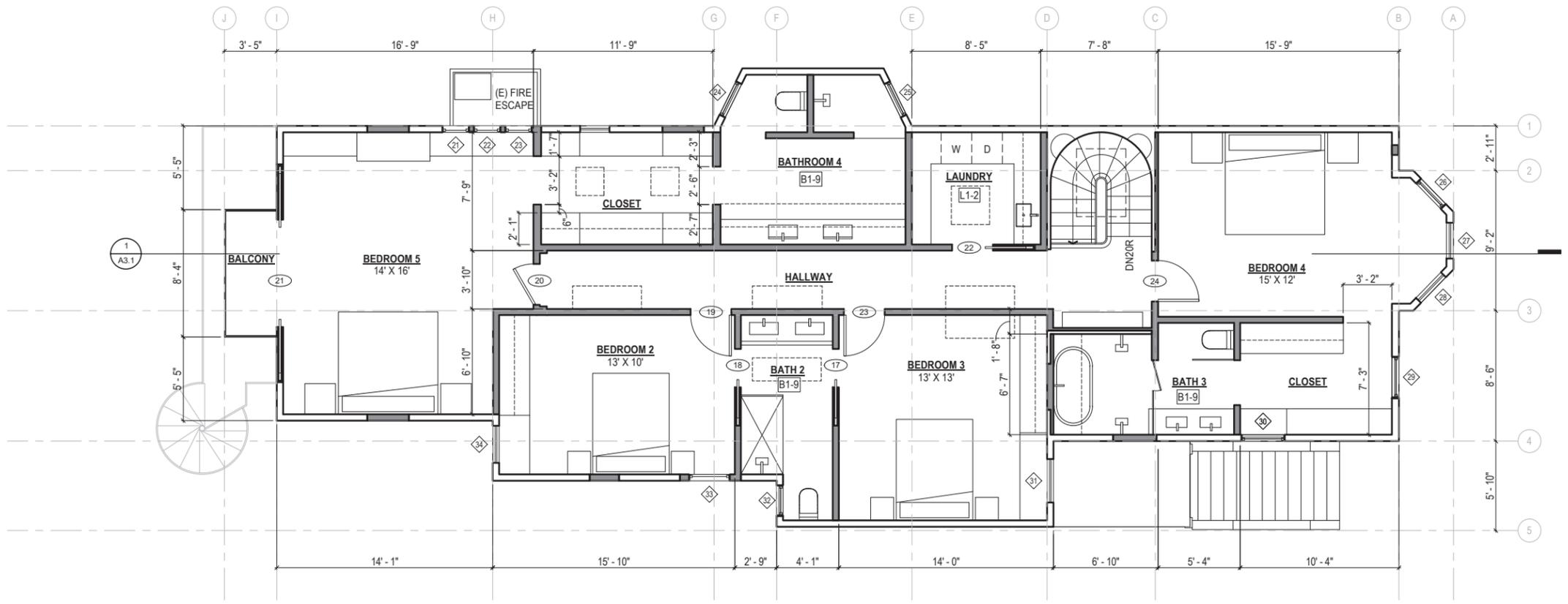
SHEET NUMBER:

A1.2

REV#: **DATE:**



1 FLOOR 03 - EXISTING AND DEMOLITION PLAN (FAMILY LIVING QUARTERS)
SCALE: 1/4" = 1'-0"



2 FLOOR 03 - PROPOSED FLOOR PLAN UNIT 2: 3,419 SF
SCALE: 1/4" = 1'-0" (DEDICATED OUTDOOR SPACE: 28 SF)



FLOOR PLAN KEYNOTES

DRAWING SET GENERAL NOTES

1.1 SEE SHEET A0.0 FOR GENERAL CONSTRUCTION NOTES
 1.2 SEE SHEET EMP.1 FOR ELECTRICAL & MECHANICAL NOTES & PLANS
 1.3 DIMENSIONS SHOWN IN PLANS AND ELEVATIONS ARE TAKEN FROM FACE OF WALLBOARD AT INTERIOR WALLS AND FACE OF EXTERIOR FINISH AT EXTERIOR WALLS. U.O.N.

DOORS, WINDOW AND SKYLIGHT PROJECT NOTES

D1. PRIMARY EXIT DOORS SHALL MEET THE REQUIREMENTS OF CBC SECTION 1010 FOR SIZE, PROJECTIONS INTO CLEAR WIDTH OF EGRESS PATH, DOOR SWING, & OPENING FORCE.
 D2. DOORS SHALL BE PROVIDED WITH A MIN. 36" X 36" LEVEL LANDING ON EACH SIDE OF THE DOORS EXCEPT AS FOLLOWS: LANDINGS AT THE EXTERIOR SIDE OF A DOOR MAY BE A MAX. OF 7 3/4" BELOW THE THRESHOLD PROVIDED THE DOOR DOES NOT SWING OVER THE LANDING. FOR DOORS THAT SWING OVER THE LANDING THE MAX. DISTANCE BELOW THE THRESHOLD IS 1/2" PER CBC 1010.1.7. SLIDING GLASS DOORS SHALL HAVE A MAX. 1/2" LEVEL CHANGE FROM THRESHOLD.
 D3. DOORWAY BETWEEN GARAGES & HABITABLE SPACE SHALL BE PROVIDED WITH EITHER SOLID WOOD DOORS OR SOLID OR HONEYCOMB CORE STEEL DOORS NOT LESS THAN 1 3/8" THICK & PROVIDED WITH SELF CLOSING AND SELF LATCHING HARDWARE.
 D4. PROVIDE LISTED, GASKETED DOORS w/ LISTED SELF CLOSING DEVICE & BOTTOM SEAL AT THRESHOLD PER CMC 904.1 WHERE COMPARTMENTS CONTAINING FURNACES & BOILERS ARE INSTALLED IN BEDROOMS OR BATHROOMS.
 W1. (N) WINDOWS PER WINDOW SCHEDULE INCLUDED IN THIS DRAWING SET SHALL COMPLY WITH TITLE 24 REQUIREMENTS. SEE SCHEDULE FOR ADDITIONAL NOTES.
 W2. EMERGENCY ESCAPE & RESCUE WINDOWS REQUIRED AT SLEEPING AREAS SHALL MEET THE FOLLOWING REQUIREMENTS: MIN. 5.7' CLEAR OPENING, MIN. 20" CLEAR HEIGHT, MIN. 20" CLEAR WIDTH, SILL HEIGHT MAX. 44" AFF.
 W3. WINDOWS IN LOCATIONS SUBJECT TO HUMAN IMPACT LOADS SHALL BE PROVIDED WITH SAFETY GLAZING INSTALLED IN ACCORDANCE WITH CBC 2406 & 2407.

KITCHEN PROJECT NOTES

K1. KITCHEN FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 G.P.M. MEASURED AT 60 PSI.
 K2. GARBAGE DISPOSAL UNITS AT KITCHEN SINKS SHALL BE PROVIDED WITH REQUIRED AIR GAP.
 K3. GAS COOKING APPLIANCES SHALL BE UL LISTED & INSTALLED PER MANUF. INSTRUCTIONS. PROVIDE GAS SHUT-OFF VALVE IN APPROVED, ACCESSIBLE LOCATION.
 K4. RESIDENTIAL RANGEHOOD EXHAUST PER CMC 403.7. SHALL MEET REQUIREMENTS OF CMC 504.2. EXHAUST TERMINATION SHALL BE LOCATED AT LEAST 3'-0" AWAY FROM PROPERTY LINES AND BUILDING OPENINGS & BE PROVIDED WITH WEATHERPROOF BACKDRAFT DAMPER. WHERE REMOTE EXHAUST OR BOOSTER FANS ARE REQUIRED, FAN SHALL BE ON DEDICATED CIRCUIT.
 K5. UPPER CABINETS SHALL BE MIN. 30" ABOVE COOKING TOP PER CMC 921.3.2. PROVIDE THE COOKING APPLIANCE MIN. CLEARANCE TO COMBUSTIBLES PER CMC 918.2.
 K6. (N) DISHWASHERS SHALL BE PROVIDED WITH REQUIRED AIRGAP, HOT WATER STUB & DEDICATED CIRCUIT.
 K7. (N) APPLIANCES TO BE UL LISTED AND INSTALLED PER MANUF. INSTRUCTIONS. INSTALLING CONTRACTOR SHALL COORDINATE ALL ELECTRICAL AND PLUMBING REQUIREMENTS WITH MANUF. SPECIFICATIONS.
 K8. (N) CABINETS AND NONPOROUS COUNTERTOPS THROUGHOUT, U.O.N.

BATHROOM PROJECT NOTES

B1. (N) NONPOROUS SLAB COUNTERTOP & SPLASH.
 B2. GLASS SHOWER ENCLOSURES SAFETY GLAZING SUBJECT TO HUMAN IMPACT LOADS INSTALLED IN ACCORDANCE W/ CBC 2406 & 2407. SHOWER DOORS SHALL PROVIDE MIN 22" CLEAR OPENING WIDTH, PER CPC 408.5.
 B3. SHOWER COMPARTMENTS & WALLS ABOVE TUBS w/ SHOWERHEADS SHALL BE FINISHED WITH A SMOOTH NONABSORBENT SURFACE TO A HEIGHT NOT LESS THAN 72" ABOVE DRAIN INLET. CBC 1210.2.3
 A. NONPAPER-FACED BACKER BOARD TO BE USED IN ALL TUB, SHOWER & SPA AREAS. (WATER-RESISTANT TO A HEIGHT AS INDICATED ABOVE).
 B4. SHOWER PER CPC 408. MIN FLOOR AREA OF 1024 SQUARE INCHES & CAPABLE OF ENCOMPASSING A 30" CIRCLE. THE AREA & DIMENSION SHALL BE MAINTAINED TO A POINT NOT LESS THAN 70" ABOVE THE SHOWER DRAIN. DRAIN INLET MIN. 2" MAX. 9" BELOW THRESHOLD INTO SHOWER. SHOWER HEADS SHALL HAVE A MAX. FLOW RATE OF 2.0 GPM MEASURED AT 60 PSI.
 B5. SHOWER VALVES & HEADS SHALL BE PLACED INSIDE SHOWER COMPARTMENT SUCH THAT SHOWER HEAD DOES NOT DISCHARGE DIRECTLY TOWARD THE ENTRANCE OF THE COMPARTMENT AND THE BATHER CAN ADJUST VALVES PRIOR TO STEPPING INTO SHOWER SPRAY.
 B7. WATER CLOSET PER CBC 2509. CENTERED WITHIN 30" WIDE CLEAR SPACE. TOILETS SHALL HAVE MAX. 1.28 GPF WATER CONSUMPTION.
 B8. BATH & LAUNDRY ROOM FAUCETS SHALL HAVE A MAX. FLOW RATE OF 1.5 GPM MEASURED AT 60 PSI.
 B9. PROVIDE EXHAUST FAN CAPABLE OF PROVIDING 5 AIR CHANGES PER HOUR. VENT TO OUTSIDE. PROVIDE BACKDRAFT DAMPER.

STAIRWAYS, HANDRAILS & GUARDRAILS PROJECT NOTES

S1. (N) STAIRWAY TO COMPLY W/ CBC SECTION 1011:
 A. HEADROOM 8'-8" MIN.
 B. RISE 7 3/4" MAX. (RISER VARIATION 3/8" MAX)
 C. TREAD DEPTH MIN. 10" NOSE TO NOSE & WIDTH: 3'-0" MIN.
 S2. HANDRAIL TO COMPLY W/ CBC SECTION 1014:
 A. 34" TO 38" ABOVE TREAD NOSING, 1 1/2" MIN. CLEAR FROM WALL.
 B. HANDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.
 S3. GRASPABILITY TYPE 1: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF AT LEAST 1 1/4" AND NOT GREATER THAN 2". WHERE THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4" AND NOT GREATER THAN 6 1/4" WITH A MAX. CROSS SECTION OF 2 1/4" & MIN. CROSS SECTION OF 1". EDGES SHALL HAVE A MIN. RADIUS OF 0.01" GRASPABILITY TYPE 2: HANDRAILS WITH A PERIMETER GREATER THAN 6 1/4" SHALL PROVIDE A GRASPABLE FINER RECESS AREA ON BOTH SIDES OF THE PROFILE BEGINNING A DISTANCE OF 3/4" MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVES A DEPTH OF 5/16" WITHIN 7/8" BELOW THE WIDEST PORTION OF THE PROFILE.
 S4. SPACES UNDER STAIRWAYS WITHIN SINGLE FAMILY RESIDENCE
 A. SHALL BE PROTECTED ON THE ENCLOSED SIDE WITH MIN. 5/8" GYP. BOARD.
 S5. GUARDRAIL TO COMPLY W/ CBC SECTION 1015:
 A. 42" ABOVE WALKING SURFACE. MAXIMUM SPACING OF INTERMEDIATE RAILS, SUCH THAT A 4" SPHERE SHALL NOT PASS BETWEEN RAILS.
 B. WHERE TOP OF GUARDRAIL ALSO SERVES AS STAIR HANDRAIL PERMITTED TO BE 34" MIN. TO 38" MAX. ABOVE TREAD NOSING.
 C. GUARDRAILS MUST WITHSTAND A LOAD OF AT LEAST 200LBS APPLIED IN ANY DIRECTION AT ANY POINT ON THE RAIL PER CBC 1607.8.1.1.

LAUNDRY & MECHANICAL ROOM PROJECT NOTES

L1. CLOTHES WASHER: PROVIDE FLUSH MOUNT "GUY BOX" FOR HOT & COLD WATER & DRAIN CONNECTIONS.
 L2. CONVENTIONAL CLOTHES DRYER: PROVIDE OPENING OF 100 SQ. INCHES MIN. FOR MAKE-UP AIR AT DOORS ENCLOSING APPLIANCE PER CMC 504.1.1. DIRECT EXHAUST TO OUTSIDE USING STEEL, SMOOTH BORE, 4" MIN. DIA. DUCT. PROVIDE WEATHERPROOF CAP & BACKDRAFT DAMPER. TERMINATE VENT MIN. 3'-0" FROM OPERABLE WINDOWS & DOORS PER CMC 502.2. PROVIDE IN-LINE BOOSTER FAN FOR DUCT RUNS OVER 14'-0" IN LENGTH. PROVIDE GAS SHUT-OFF VALVE IN APPROVED LOCATION. CONDENSING DRYERS TO HAVE DRAIN & DRAIN PAN.
 L3. PROVIDE DRAIN PAN @ TANK WATER HEATERS AND CLOTHES WASHERS INSTALLED OVER LIVING SPACE.
 L4. WATER HEATER TO BE PROVIDED WITH SEISMIC STRAPPING PER CPC 507.2
 L5. ROOMS CONTAINING GAS CONSUMING SPACE AND WATER HEATING EQUIPMENT SHALL BE PROVIDED WITH COMBUSTION AIR OPENINGS IN COMPLIANCE WITH CMC CHAPTER 7.

LEGEND

- EXISTING WALL
- - - DEMOLISHED WALL
- NEW WALL
- ▨ NEW 1-HOUR RATED WALL



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

**628 SHOTWELL STREET
SAN FRANCISCO, CA
94110
BLOCK:3611 LOT:036**

ISSUE:	DATE:
PROJECT REVIEW	09.09.19
ISSUE FOR PERMIT	11.13.19
PLAN CHECK #1	03.13.20
REVISION #01	07.10.20
REVISION 02	09.15.21

DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

EXISTING & PROPOSED FLOOR 03

SHEET NUMBER:

A1.3

REV #: DATE:



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

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 SAN FRANCISCO, CA 94110
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PROJECT REVIEW	09.09.19
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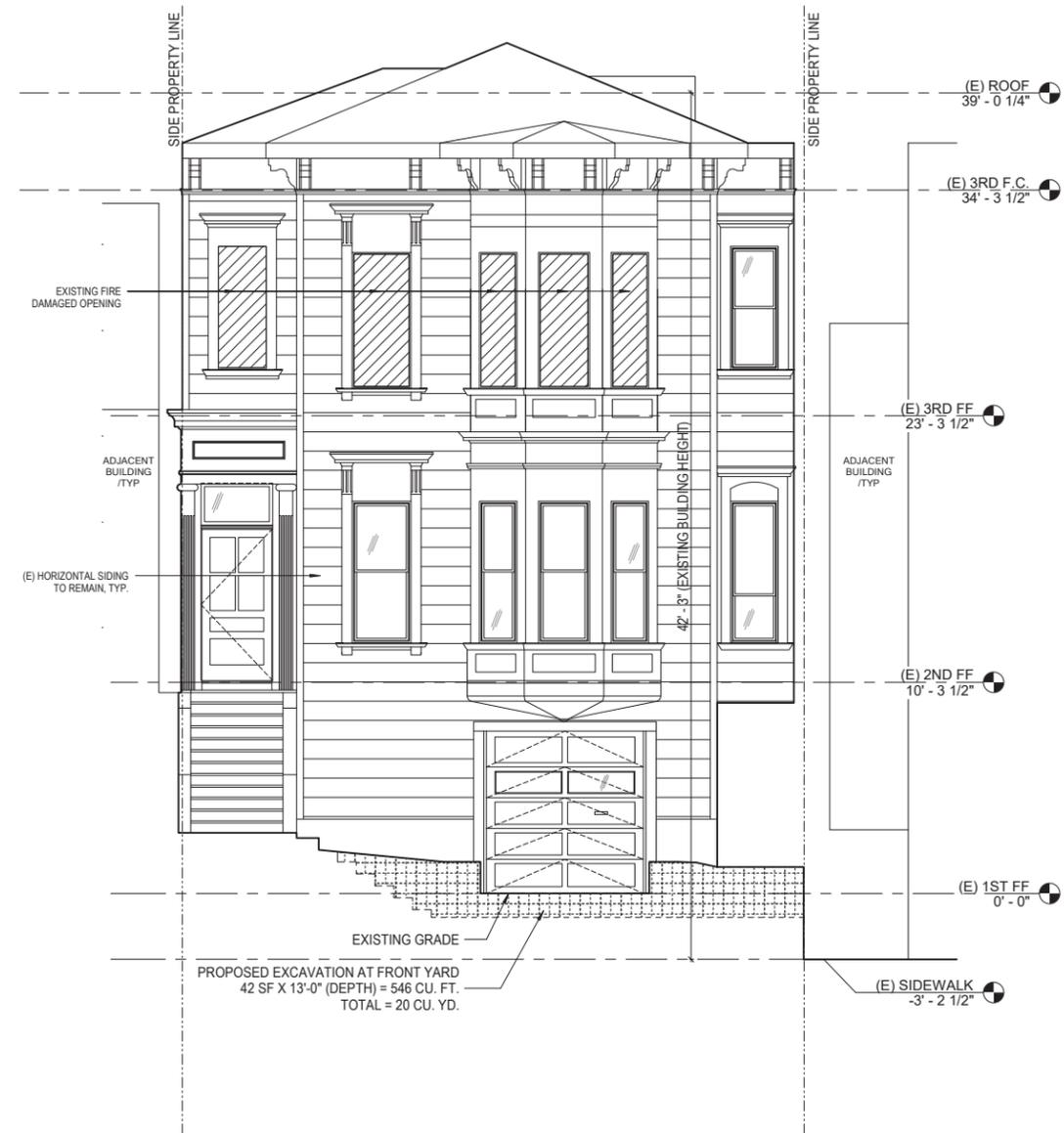
DRAWN BY: TL
 DATE: 07.10.20
 SHEET TITLE:

EXISTING & PROPOSED EAST ELEVATION

SHEET NUMBER:

A2.1

REV#: DATE:



1 EXISTING EAST EXTERIOR ELEVATION (FRONT)
 SCALE: 1/4" = 1'-0"



2 PROPOSED EAST EXTERIOR ELEVATION (FRONT)
 SCALE: 1/4" = 1'-0"



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INTERIOR ALTERATION

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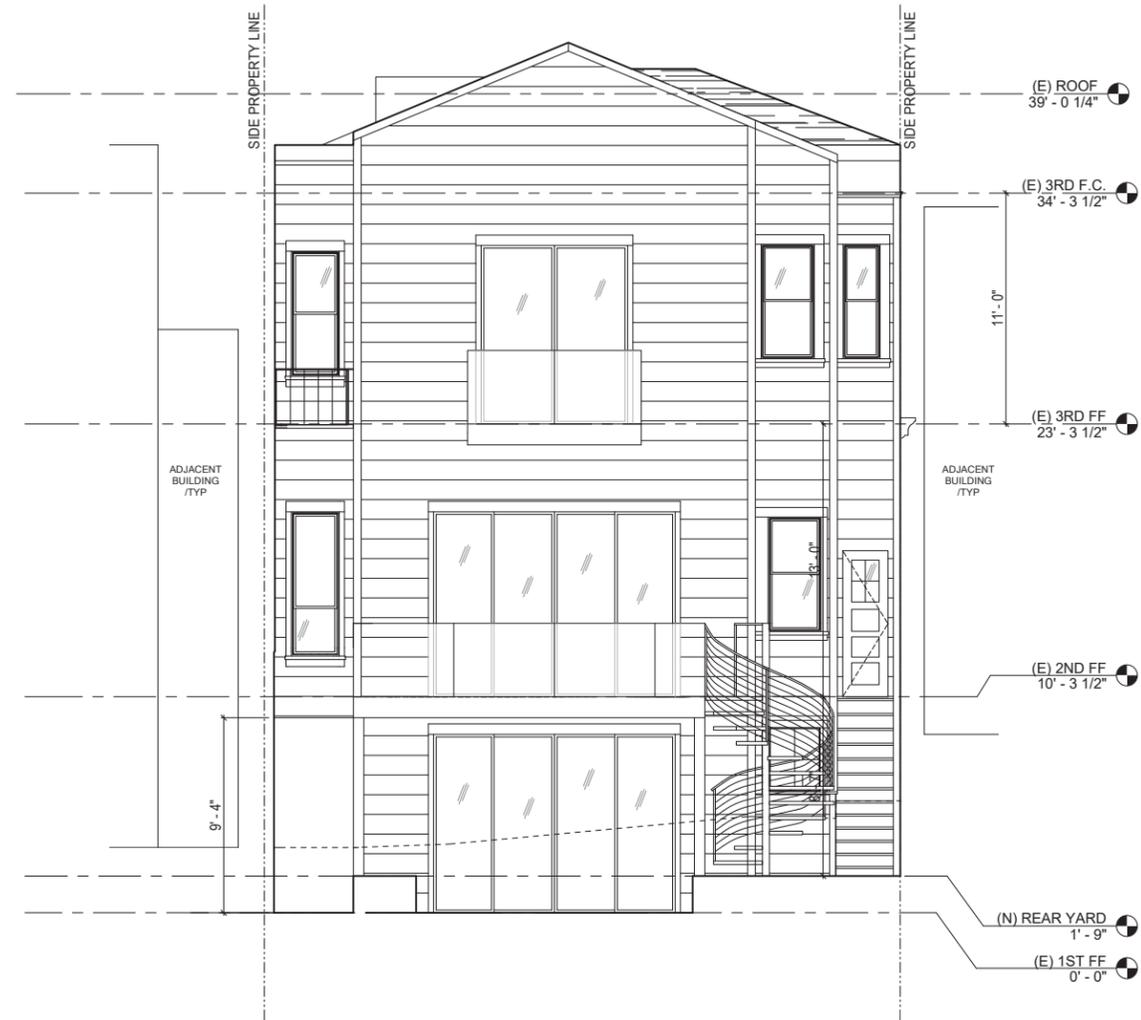
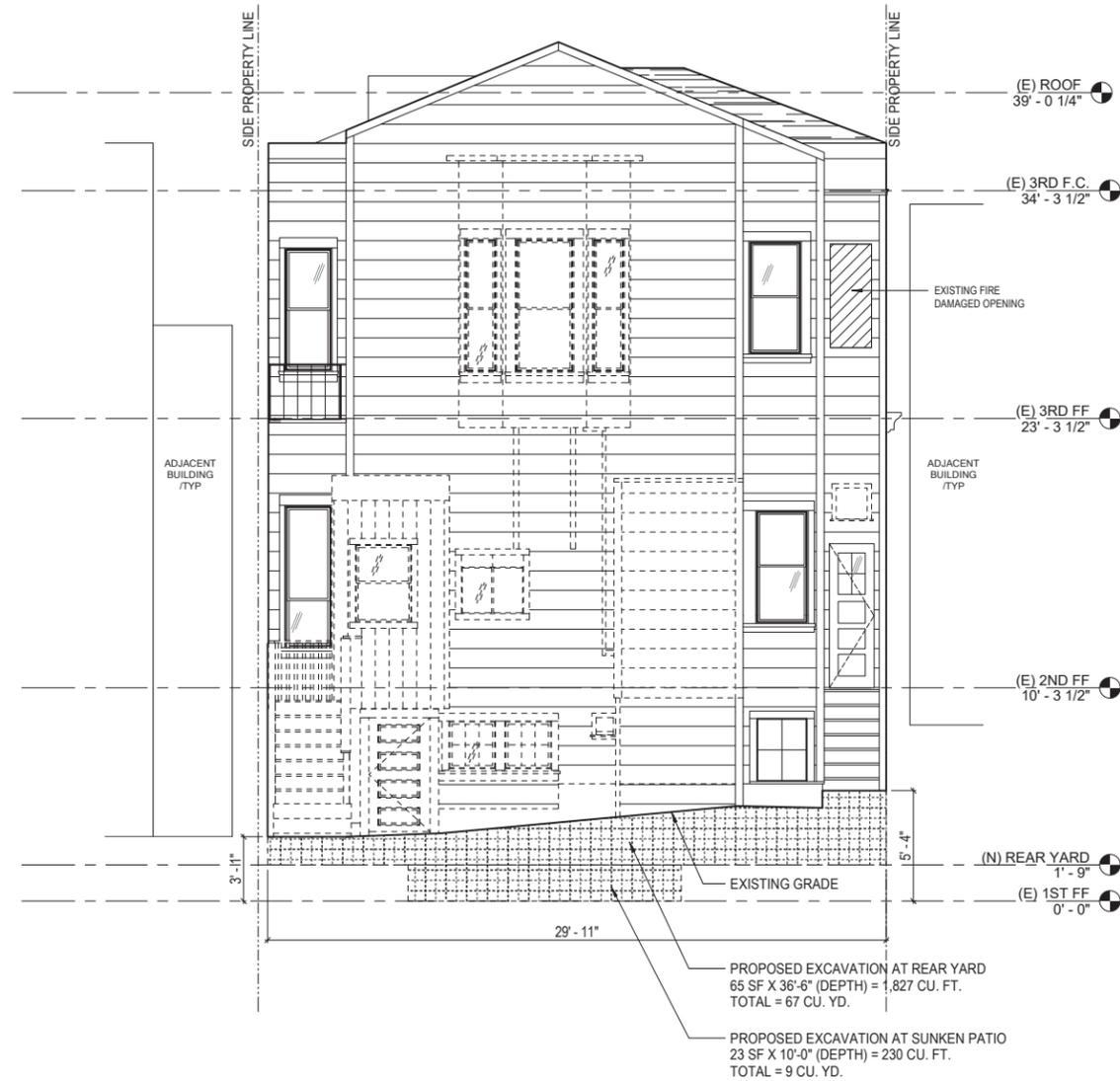
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 DATE: 07.10.20
 SHEET TITLE:

EXISTING & PROPOSED WEST ELEVATION

SHEET NUMBER:

A2.2

REV #: DATE:



1 EXISTING WEST ELEVATION (REAR)
 SCALE: 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION (REAR)
 SCALE: 1/4" = 1'-0"





628 SHOTWELL STREET LLC

INTERIOR ALTERATION

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 SAN FRANCISCO, CA 94110
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DRAWN BY: TL
 DATE: 07.10.20
 SHEET TITLE:

EXISTING & PROPOSED NORTH ELEVATION

SHEET NUMBER:

A2.3

REV#: DATE:



1 EXISTING NORTH ELEVATION (SIDE)
 SCALE: 1/4" = 1'-0"



2 PROPOSED NORTH ELEVATION (SIDE)
 SCALE: 1/4" = 1'-0"



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

628 SHOTWELL STREET
SAN FRANCISCO, CA 94110
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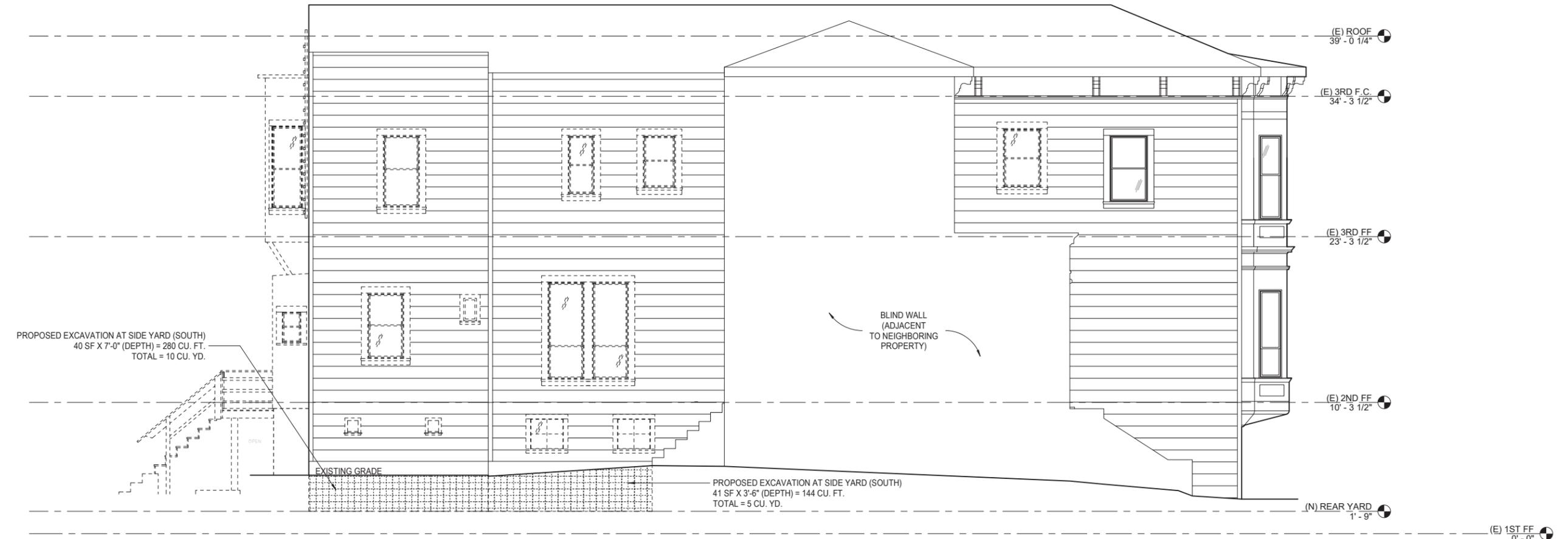
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EXISTING & PROPOSED SOUTH ELEVATION

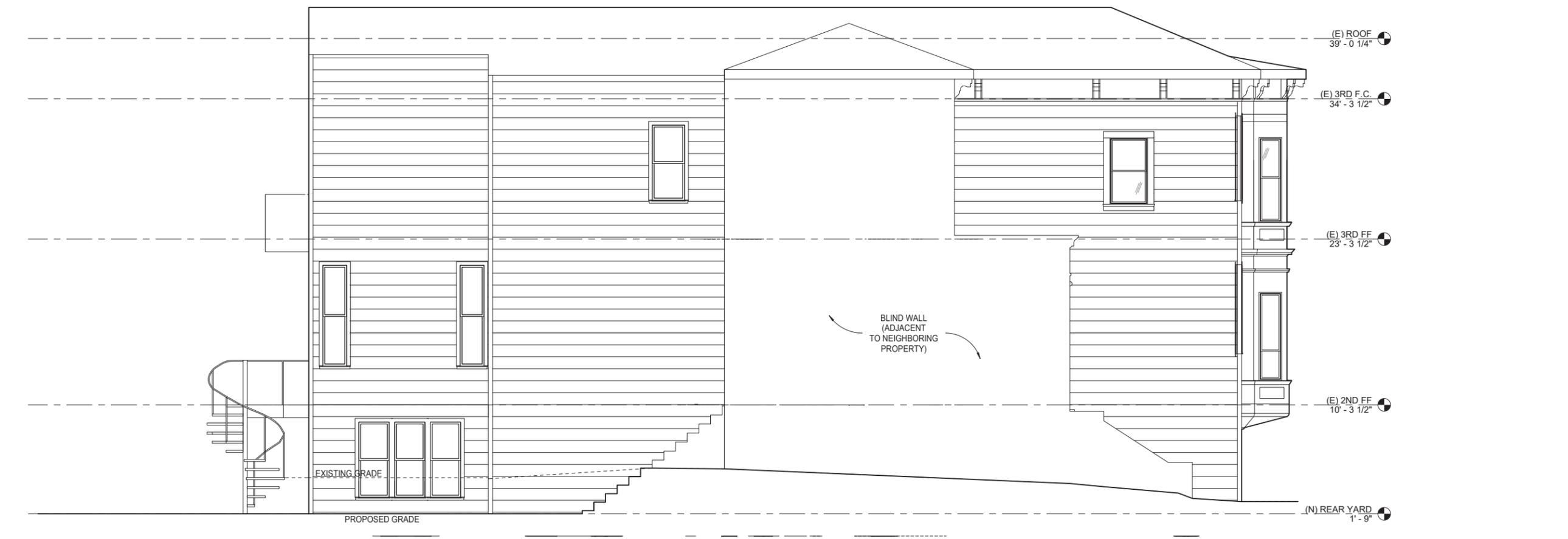
SHEET NUMBER:

A2.4

REV #: DATE:



1 EXISTING SOUTH ELEVATION (SIDE)
SCALE: 1/4" = 1'-0"



2 PROPOSED SOUTH ELEVATION (SIDE)
SCALE: 1/4" = 1'-0"



628 SHOTWELL STREET LLC

INTERIOR ALTERATION

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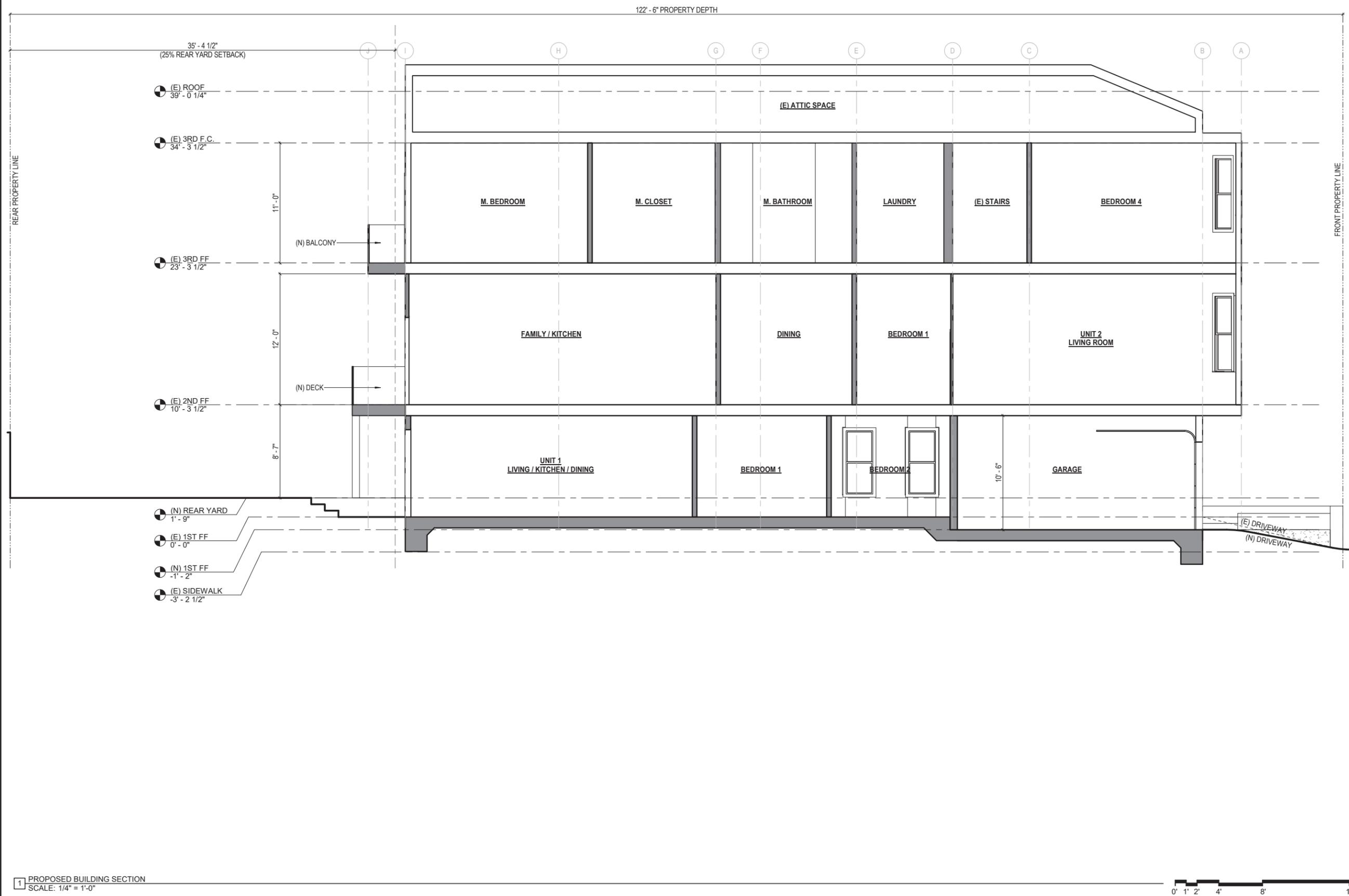
DRAWN BY: TL
DATE: 07.10.20
SHEET TITLE:

BUILDING SECTION

SHEET NUMBER:

A3.1

REV#: DATE:



1 PROPOSED BUILDING SECTION
SCALE: 1/4" = 1'-0"





CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
628 SHOTWELL ST		3611036
Case No.		Permit No.
2019-022661PRJ		201911197709
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
<p>Project description for Planning Department approval. Interior alteration to remodel existing fire damaged single family home. Proposed scope includes new foundation and excavation to increase ceiling height and seismic upgrade. Addition of a new rear deck.</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class _____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Monica Giacomucci</p>	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to <i>Property Information Map</i>)	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input checked="" type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input checked="" type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input checked="" type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Monica Giacomucci	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit	Signature: Monica Giacomucci
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	10/28/2020
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:

Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 628 SHOTWELL STREET
RECORD NO.: 2019-022661CUA

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

Reception:
415.558.6378

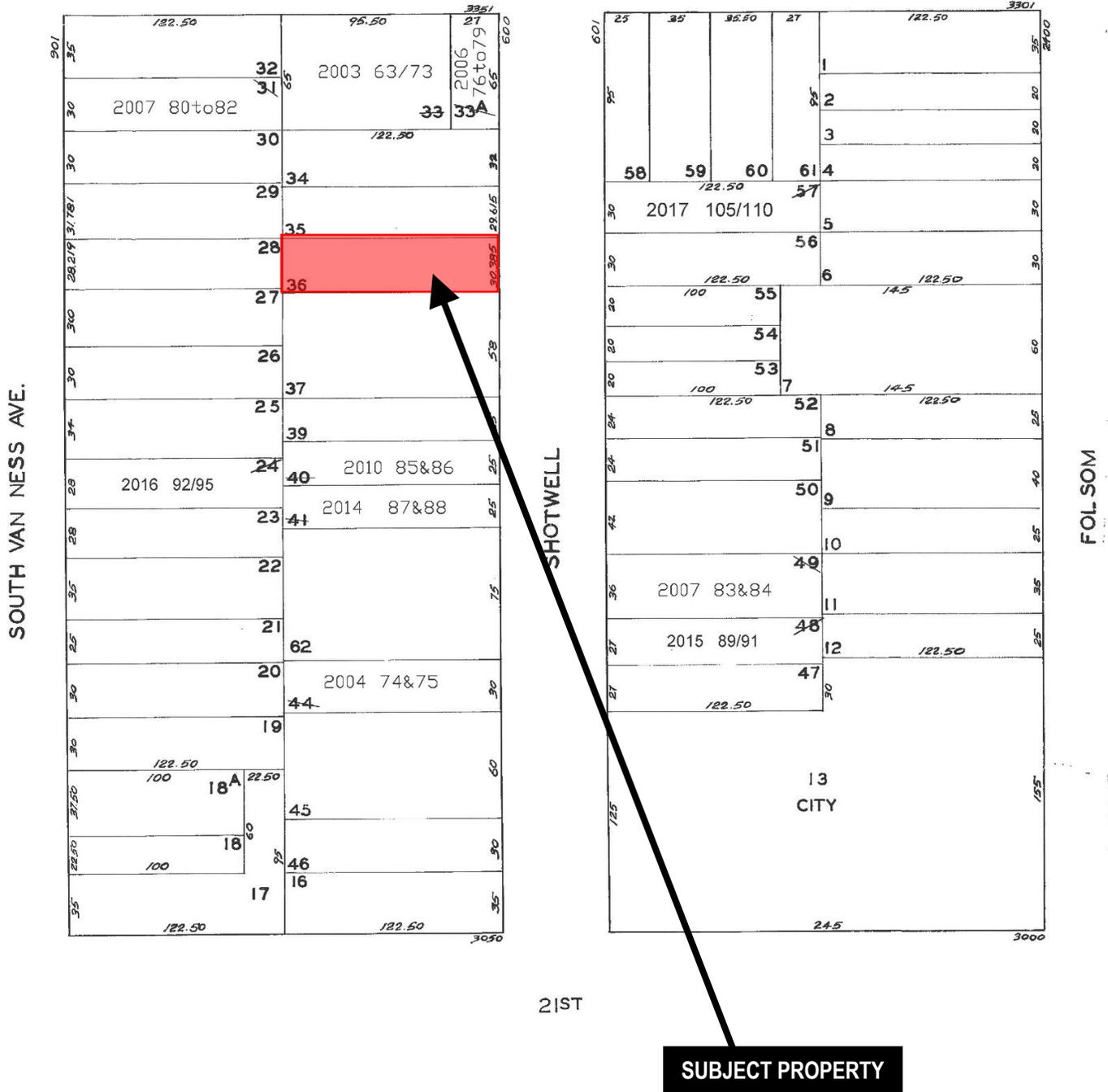
Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking (accessory) GSF	925	609	-316
Residential GSF	3,862	4,155	293
Laboratory GSF	0	0	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	1,501	1,501	0
Public Open Space	0	0	0
Other (Retail Sales and Services)	0	0	0
TOTAL GSF	20,400	20,400	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	1	1	2
Dwelling Units - Total	1	1	2
Hotel Rooms	0	0	0
Number of Buildings	1	0	1
Number of Stories	3	0	3
Parking Spaces	1	0	1
Loading Spaces	0	0	0
Bicycle Spaces	0	2	2
Car Share Spaces	0	0	0
Other ()	NA	NA	NA

Parcel Map

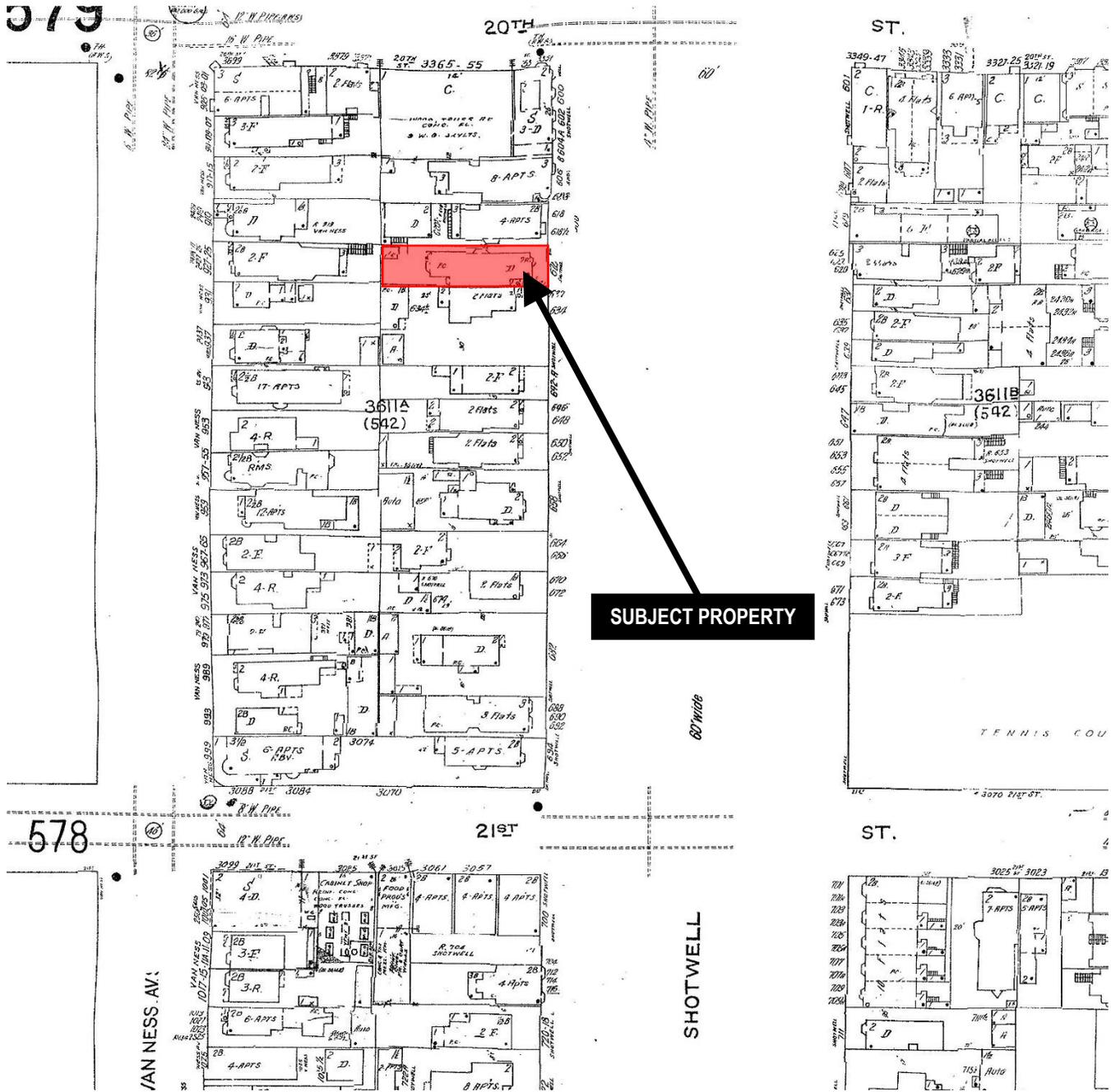
20TH



21ST



Sanborn Map*

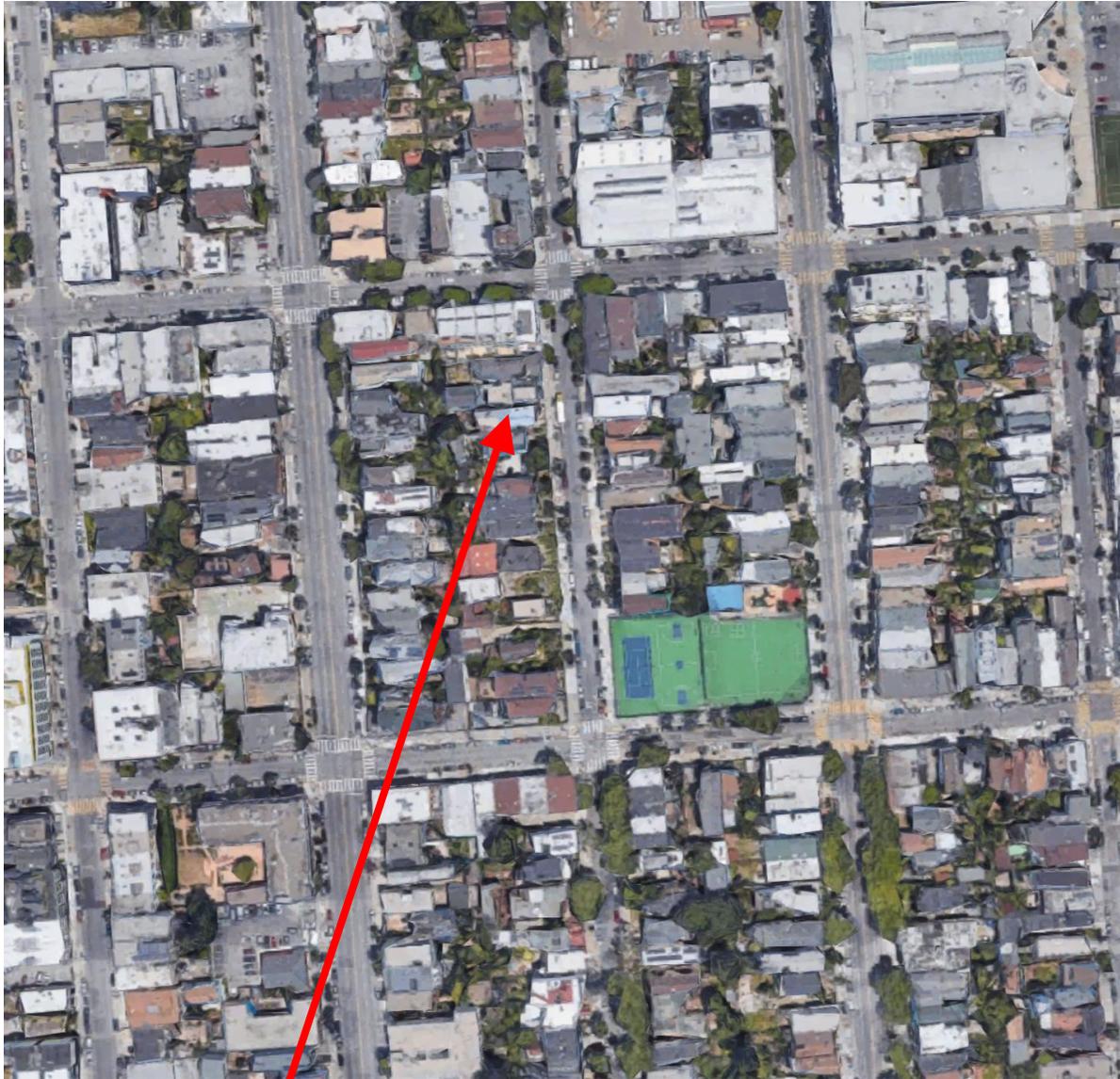


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Planning Commission Hearing
 Case Number 2019-022661CUA
 Residential Care Facility CUA
 628 Shotwell Street



Aerial Photo – View 1

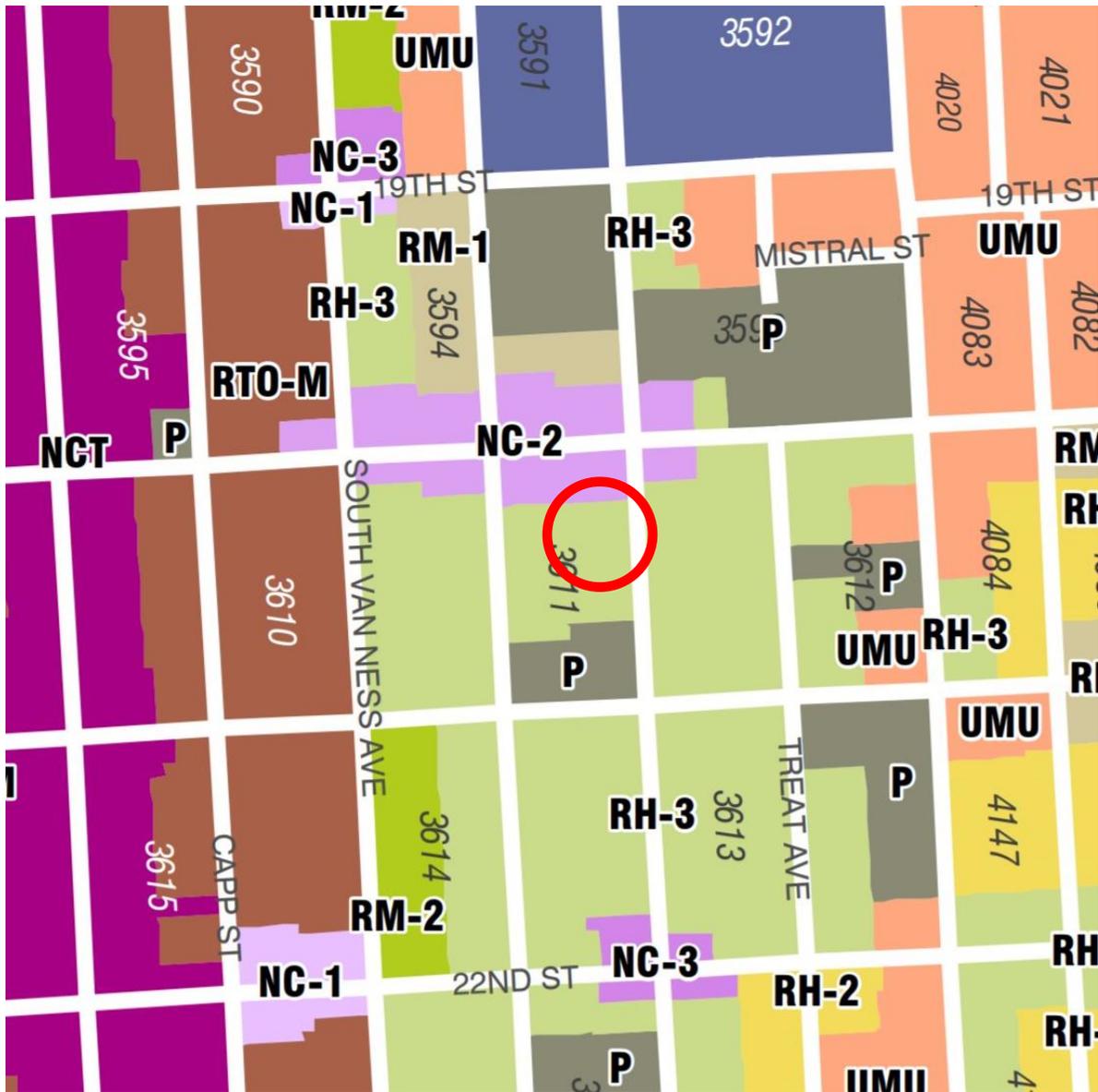


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2019-022661CUA
Residential Care Facility CUA
628 Shotwell Street

Zoning Map



Planning Commission Hearing
Case Number 2019-022661CUA
Residential Care Facility CUA
628 Shotwell Street

Site Photo



Planning Commission Hearing
Case Number 2019-022661CUA
Residential Care Facility CUA
628 Shotwell Street

ZACKS, FREEDMAN & PATTERSON

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September 20, 2021

VIA E-MAIL

President Joel Koppel
San Francisco Planning Commission
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 628 Shotwell Street
File No. 2019-022661CUA/PRJ

Dear President Koppel and Planning Commissioners:

Our office represents the property owners of 628 Shotwell Street, who have filed a Conditional Use Authorization application under protest for their residential rehabilitation project. The property owners are not in the Residential Care Facility business and lack the expertise, licenses, and resources to operate such a facility. It is also not a financially viable use in this location.

The proposed project at 628 Shotwell Street is an opportunity to bring needed housing to the Mission. Following a catastrophic fire, the building has sat vacant for five years. This project respects the building's historical usage as a single-family home while adding a second dwelling unit. The project does so within the existing building envelope and maintains the building's character.

As explained in our July 6 letter, the owners continue to disagree with the Planning Department's determination that the proposed project is a "change of use" subject to the interim zoning controls enacted by the Board of Supervisors, which require CUA approval for a change from a Residential Care Facility (RCF) to any other use.

Simply put, no RCF use has existed on the property since 2015, and therefore there is no "change of use" subject to the CUA requirement. Moreover, the operation of RCFs is controlled by the state Department of Social Services, and the property has not been a licensed facility for years. Moreover, the current owner has never been a licensed RCF operator. A CUA requirement as applied to the current property is preempted by state law, as the City cannot require the property to be used as an RCF when it is not licensed for such a use.

The Board recently approved an ordinance on first reading to codify the CUA requirement. The proposed legislation does not change the analysis in our July 6 letter that the CUA requirement is only applicable to RCFs that were currently in operation at the time the CUA requirement was

first implemented. Because the RCF at this property was closed for years prior to any CUA requirement, the recently approved ordinance is inapplicable to the project. Moreover, even if a CUA were required, the project would be entitled to a CUA based on the four criteria recently approved by the Board.

The CUA Requirement is Not Applicable to 628 Shotwell

The interim zoning controls initially enacted by the Board in Resolution No. 430-19 were only applicable to the 101 active RCFs in operation at the time the resolution was adopted. The accompanying Memorandum to the Land Use and Transportation Committee explained the “intent of the legislation is to discourage *further* closures and conversions,” confirming that the CUA requirement only applied to the 101 active RCFs recognized in the resolution and not to those facilities that had *already* closed. Thus, because the RCF at 629 Shotwell was not active at the time Resolution 430-19 was approved, the interim zoning controls as first enacted were not applicable to 628 Shotwell Street.

Resolution No. 539-19, introduced less than two weeks after approval of Resolution No. 430-19, clarified which properties would be subject to the interim controls. The resolution stated that the interim controls would be applicable only where the RCF was licensed within the three years immediately prior to submitting any application to change the use. The accompanying Memorandum to the Land Use and Transportation Committee for Resolution No. 539-19 explained that resolution-sponsor Supervisor Mandelman recognized Resolution No. 430-19 “*did not encompass certain residential care facilities*” and thus the new resolution was necessary to “*add that certain projects would be subject to the interim zoning controls*” (emphasis added). Specifically, Resolution No. 430-19 was not applicable to unpermitted or recently closed facilities. The evidence is clear that Resolution No. 430-19 only subjected a small subset of RCFs – *active* RCFs – to the interim controls, and Resolution No. 539-19 broadened the scope of the interim controls to encompass certain additional RCFs, including those that had closed within the three years immediately prior to submitting a permit application. Resolution No. 139-21 narrowed the scope of the interim controls back to their previous applicability as per Resolution No. 430-19 – i.e., only applicable to active RCF uses.

The RCF at 628 Shotwell was not one of the 101 active RCFs in operation at the time Resolution 430-19 was passed and therefore was not subject to that resolution, nor was the facility in operation within the three years immediately prior to applying to reestablish a residential use and was therefore not subject to the wider net of RCFs under Resolution 539-19. Thus, even under the broadest interpretation of the underlying resolutions, the property at 628 Shotwell has never been subject to the interim controls, and no CUA is required.

Board of Supervisors File No. 210535 (the permanent controls) does not substantively change the CUA requirement or subject additional RCFs to the controls. Thus, because the evidence is clear that 628 Shotwell was never subject to Resolution No. 430-19 or the broader scope of RCFs identified in Resolution No. 539-19, the property is clearly not subject to the controls.

Moreover, by operation of the normal Planning Code rules, the property's former RCF use has terminated. RCF use is only permitted in this location for up to six beds. The available evidence shows that the former RCF use exceeded this threshold, which means that its use was not permitted. The RCF use was first mentioned in a 1983 building permit application that stated the first floor would be used as an RCF for "6 or fewer people on the first floor." Later, as stated in the January 21, 2021 Planning Staff Report, the RCF use eventually "spread to all floors of the building without the benefit of permits." Although it is not clear exactly how many beds were provided, the existing site plans show eight bedrooms, and there was likely more than one RCF bed in each bedroom. Listings for the facility suggest that accommodations at the property included both single- and shared-occupancy room options. If the first floor alone provided beds for six people, the property certainly provided beds for more than six people when the use spread to all floors of the building. Hence, the property's use was nonconforming and required conditional use authorization. Per SFPC section 303, CUA is abandoned after three years of non-use. It has now been six years since the RCF use was abandoned due to the property's catastrophic fire.

Lastly, there is no permitted RCF use at the property. Such use was regulated and terminated by the California Department of Social Services.

No actual or legal RCF use has existed at the property for a number of years, and the CUA requirement does not apply here.

The Project Would Be Entitled to a CUA If Required

The CUA requirement does not apply to 628 Shotwell Street. Even if a CUA were applicable, the proposed project meets the criteria for approval of a CUA.¹

- 1) *Information provided by the Department of Public Health, the Human Services Agency, the Department of Disability and Aging Services, the Golden Gate Regional Center, and/or the San Francisco Long-Term Care Coordinating Council with regard to the population served, nature and quality of services provided, and capacity of the existing Residential Care Facility;*

The RCF at this property was closed by the prior owner in 2015, after a fire substantially damaged the building. The entity operating the RCF was long ago dissolved. There is no existing RCF "use" at the property, so there is no "population" being served and the "capacity" of this use is zero. There are therefore no available findings by the agencies listed above.

¹ We have provided an analysis of the CUA criteria of the permanent legislation, which are substantively similar to the permanent legislation. Criteria 2 and 3 of the interim controls, regarding the number of beds within a one-mile radius and impact of the proposed change of use on the neighborhood, are both encapsulated in Criterion 2 of the permanent legislation. Criterion 4 of the permanent legislation was not a part of the interim controls.

- 2) *Data on available beds at licensed Residential Care Facilities within a one-mile radius of the site, and assessment from any of the above agencies regarding whether these available beds are sufficient to serve the need for residential care beds in the neighborhoods served by the Residential Care Facility proposed for a change of use or demolition, and in San Francisco;*

The RCF at this property has been closed for years and the neighborhood is not currently being “served” by an RCF use on this property. The “change of use” will therefore have no impact on availability of beds in the neighborhood.

In any event, according to the California Department of Social Services licensing database, there are at least four residential care facilities within a mile of the site, including South Van Ness Manor (0.2 miles away), San Francisco Adult Residential Facility (0.6 miles), RJ Starlight Home (0.8 miles), and Rustan Adult Residential Care Home (0.9 miles). There are also three additional facilities in the same zip code as the Property: Lady of Perpetual Help (1.1 miles), Merced Three (1.1 miles), and Holly Park Family Home (1.9 miles).

- 3) *Whether the Residential Care Facility proposed for a change of use or demolition will be relocated or its capacity will be replaced at another Residential Care Facility Use, and whether such relocation or replacement is practically feasible;*

The RCF was closed and all of its residents were relocated following the 2015 fire. The “change of use” will not displace any residents, and replacement is not applicable.

- 4) *Whether the continued operation of the existing Residential Care Facility by the current operator is practically feasible and whether any other licensed operator or any of the above agencies has been contacted by the applicant seeking the change of use or demolition, or has expressed interest in continuing to operate the facility.*

The former RCF at this property was closed by the prior owner in 2015 and the operating entity has long been dissolved. Even though a CUA is not required, the current owners have still made a good faith effort to work with nonprofits that might be interested in creating a new RCF at the property. The owners provided a Right of First Offer to interested nonprofits, conducted a walk-through of the property, made the property available for further inspections, and have repeatedly reached out to representatives of the organizations over the last five months. The nonprofits did not make any offers to purchase the property by the May 18 deadline. Even after the owners extended the deadline, the nonprofits have made no offers. The owners now wish to move forward with the pending application.

A Small RCF is Not Economically Viable at this Property

According to the City’s Long Term Care Coordinating Council Assisted Living Working Group (the “Working Group”), new small-scale RCFs are no longer economically viable in San Francisco. Per the Working Group’s January 2019 Report, “it is unlikely that new board and care homes will open in San Francisco. It is simply not a financially sustainable model unless the

operator is the homeowner who lives onsite. . . . [A]n investor entering the market anew would need to charge about \$6,000 per month to break even. At those rates, an individual could likely purchase a bed in a larger, more upscale facility.” (Exhibit 1 at p. 7.)

As the Working Group’s report makes clear, it is not possible to operate an RCF in this location, which was built as a single-family home. Even if it were possible, it would be prohibitively expensive. Even if someone were able to pay \$6,000 a month for an RCF bed, as the Working Group report notes, such a resident would normally choose a larger RCF with more amenities. However, housing is viable to build on this site, is principally permitted, and will provide a benefit to the community.

The Project Proposes to Build as Much Housing as Possible

The project includes two housing units. It should be noted that adding additional housing units would not create additional housing capacity. Adding a third dwelling unit would require more hallways and stairways and actually reduce the number of bedrooms and habitable space. After meeting with neighborhood groups, the project was recently revised to increase housing capacity. The project now includes a five-bedroom unit and a two-bedroom unit, for a total of seven bedrooms. (Exhibit 6.) Adding a third dwelling unit would result in a net loss in housing capacity because it would result in two two-bedroom units and another one-bedroom unit, for a total of just five bedrooms.

Requiring a third dwelling unit would also change the project’s Building Code occupancy classification from R3 to R2. Among the many ramifications of that change, the project would need to add sprinklers or a second means of egress for each unit,² an elevator or chair lift,³ and at least one of the units would have to be accessible.⁴ The added costs of complying with these regulations for a three-unit building would ultimately make the housing provided by the project less affordable.

Denial of the CUA Would Violate State Housing Law and Constitutional Law

State law mandates that the project be approved. The Housing Accountability Act requires approval of proposed housing development projects that meet objective criteria unless the denial is based on written findings that the project would have a specific adverse impact on public health or safety based on written regulations. (Gov. Code §65589.5(j)(1).) The Housing Accountability Act also deems compliant with such criteria any project which does not receive a written determination of compliance 30 days after the project application is complete – which is the case here. (Gov. Code §65589.5(j)(2)(B).) The project is therefore deemed compliant and cannot be denied. It should also be noted that the interim and permanent controls’ criteria are not “applicable, objective” criteria under the Housing Accountability Act, so they cannot be used as a basis to deny the project. State law requires approval of this project.

In addition, mandating that the property be used as an economically unviable RCF would be an

² California Residential Code §#R 313.2; State Fire Marshal Information Bulletin #17001.

³ California Building Code § 1102A.3.1.

⁴ California Building Code § 1101A-1.

unconstitutional regulatory taking without just compensation. Per the United States Supreme Court, “As we have said on numerous occasions, the Fifth Amendment is violated when land-use regulation . . . *denies an owner economically viable use of his land.*” (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1016, emphasis original.) In this case, the City has explicitly determined that an RCF at a facility of this size is not “economically viable.” (Exhibit 1 at p. 7.)

Mandating the property be used as an RCF not only restricts the use of the property, it would also require the owners to embark on a new vocation. Running an RCF is a heavily specialized field that requires expertise. The licensure process entails nearly 30 different applications to the California Department of Social Services. (See Exhibit 4 at pp. 2, 10.) This far exceeds the constitutional boundaries of zoning law. A CUA requirement as applied to the current property is preempted by state law, as the City cannot require the property to be used as an RCF when it is not licensed for such a use.

Conclusion

No CUA is required to rehabilitate the residential use at the property, and the project would be entitled to a CUA based on the CUA criteria even if it were required. The City cannot require the property to be used as an RCF when it is not licensed by the state for such a use. It is a regulatory taking and an unlawful reverse spot-zoning, and it amounts to pre-condemnation blight. The proposed project will rehabilitate a derelict building, creating two dwelling units without any loss of RCF use or displacement of RCF occupants. The project is a significant benefit to the neighborhood and should be approved.

We reiterate that the owners submitted their application on December 9, 2019 and, except for the CUA, the application was deemed complete on March 23, 2020. The 180-day Permit Streamlining Act deadline for the City to act on the application has long passed. Because the project does not require a CUA, we respectfully request prompt approval.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



Ryan J. Patterson

EXHIBIT 1

City and County of San Francisco
Long-Term Care Coordinating Council
Assisted Living Workgroup

SUPPORTING AFFORDABLE ASSISTED LIVING IN SAN FRANCISCO

January 2019

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EXECUTIVE SUMMARY

Assisted living is a vital resource for many seniors and people with disabilities who are no longer able to live independently and safely. **These facilities are a key piece of the City's service system**, both supporting individuals living in the community to transition up to a more protective level of care when needed and also providing a more independent and community-like setting for consumers able to transition down from a more restrictive institutional setting. **Maintaining an adequate supply of assisted living in San Francisco supports the movement of individuals through medical and mental health systems**, ensuring that the right level of care is available and accessible when it is needed.

Over the last several years, **the City's supply of assisted living – particularly affordable assisted living – has been declining**. At the request of Mayor London Breed and Supervisor Norman Yee, the Long-Term Care Coordinating Council convened a workgroup to study this issue.

This report is the culmination of the **Assisted Living Workgroup**, which met between August 2018 and December 2018. Focusing primarily on the **availability of assisted living for low-income persons**, the scope of this work included facilities licensed as **Residential Care Facilities for the Elderly (RCFEs)** that support seniors age 60 and older and **Adult Residential Facilities (ARFs)** serving adults between ages 18 and 59. In this report, both types are collectively referred to as **Assisted Living Facilities (ALFs)**.

The Assisted Living Workgroup examined factors that impact the supply of assisted living, as well as sources of consumer demand and unmet need, before delving into strategies to support access to affordable assisted living in San Francisco. This included study of assisted living subsidy programs managed by the San Francisco Department of Public Health (DPH) and Department of Aging and Adult Services (DAAS). Key findings and recommendations are summarized below.

FINDINGS RELATED TO SUPPLY AND DEMAND

- **Small facilities are disappearing at a fast rate and are unlikely to return.** The decline in ALF capacity has primarily occurred through the closure of the small facilities that have been more affordable and accessible for low-income persons. In particular, this has resulted in a significant bed loss for adults under age 60. Due to increased costs and shifting family interest, this trend will be difficult to reverse; while efforts should be taken to support the viability of these existing small businesses, this small home-based model may prove to be unsustainable in the long-term.
- **Cost is – and will continue to be – a significant barrier.** Estimates suggest the monthly break-even rate per board and care home bed is, at minimum, well over two times higher than the \$1,058 state-set rate for Supplemental Security Income (SSI) recipients residing in assisted living. Moreover, larger facilities tend to charge closer to \$3,500 to \$5,000, and this cost increases greatly for specialized care needs. Given business costs, it is unlikely that new ALFs will cater to a lower-income population without outside funding or support. To secure ALF placement, SSI recipients will require a meaningful subsidy.

- **The City is a key funder of ALF placement.** Through DPH and DAAS programs, the City supports 586 placements at an overall cost of about \$11.2 million per year. Approximately 15% of ALF beds in San Francisco are supported with a City-funded subsidy. This is particularly pronounced among ARF beds: the City subsidizes approximately 42% of ARF beds. It is in the best interests of both the City and ALF operators to work together towards sustainability to ensure this critical resource remains available and clients are able to flow through systems of care.
- **There is unmet need for low-income ALF placement in San Francisco.** Available waitlist data suggests at least 103 individuals have expressed a need for subsidized ALF placement through the DPH placement program, the DAAS-funded Community Living Fund program, and the state’s Assisted Living Waiver program.

RECOMMENDATIONS

Based on these findings, the Assisted Living Workgroup identified four major strategies to support the availability of affordable assisted living in San Francisco. Each strategy has two specific and actionable recommendations. While these require further conversation and planning to implement, these recommendations were identified by the Assisted Living Workgroup to have greatest likelihood of meaningfully supporting and/or expanding the City’s supply of assisted living. These are:

Sustain existing small businesses by:

- **Supporting business acumen skills** to empower and support the viability of small ALFs
- **Develop a workforce pipeline** to provide trained caregiver staff with time-limited wage stipend

Increase access to existing ALF beds by:

- **Increasing the rate for City-funded subsidies** to ensure the City is able to secure ALF placement for low-income individuals
- **Increasing the number of City-funded subsidies** to increase availability of affordable ALF placement for low-income individuals

Develop new models by:

- **Piloting the co-location of enhanced services and affordable housing** to develop alternate resources for people on the verge of needing assisted living but able to live in the community with more intensive and coordinated supportive services
- **Making space available for ALF operators at low cost** to reduce a major operating expense and allow the City to more directly impact the resident population (e.g., support low-income ALFs)

Enhance the state Assisted Living Waiver program by:

- **Increase use of existing ALW slots** by individuals and facilities
- **Advocating for expansion of the program** to increase the number of Assisted Living Waiver slots

ASSISTED LIVING WORKGROUP MEMBERSHIP

The following individuals participated as members of the Assisted Living Workgroup and/or its subgroups on supply, demand, and strategies:

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Allegra Fortunati, Felton Institute, LTC Ombudsman Program
Anna Chodos, UC San Francisco, Optimizing Aging Collaborative
Benson Nadell, Felton Institute, LTC Ombudsman Program
Bernadette Navarro-Simeon, Progress Foundation
Catherine Omalev, Controller's Office
Cindy Kauffman, SF Department of Aging & Adult Services
Dan Kaplan, SF Human Services Agency
Dorie Paniza, 6Beds, Inc.
Gina Wasdyke, 6Beds, Inc.
Jarlene Choy, SF Board of Supervisors, Norman Yee
Juliana Terheyden, Homebridge
Kelly Hiramoto, SF Department of Public Health
Laura Liesem, Institute on Aging
Manish Goyal, SF Office of Economic and Workforce Development
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Max Gara, SF Department of Public Health
Melissa McGee, SF Department of Aging & Adult Services
Mike Wylie, Controller's Office
Nereida Heller, Mayor's Office
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Ruth Zaltsmann, Dignity Health
Shireen McSpadden, SF Department of Aging & Adult Services
Valerie Coleman, SF Department of Aging & Adult Services
Wendy Lee, Controller's Office

INTRODUCTION AND BACKGROUND

In San Francisco, the decreasing availability and increasing cost of assisted living present real and significant barriers for individual consumers, as well as the service systems tasked with supporting older and disabled residents to live safely in the community. At the request of Mayor London Breed and Supervisor Norman Yee, the Long-Term Care Coordinating Council (LTCCC) convened a workgroup to study the need for assisted living, identify challenges that impact the ability of small facilities to stay open, and develop actionable recommendations to support the supply of assisted living beds in San Francisco. This report presents the key findings from the Assisted Living Workgroup and its recommendations to support the availability of affordable assisted living in San Francisco.

ASSISTED LIVING

Assisted living facilities offer supportive residential living for individuals who are no longer able to live safely independently. These facilities offer assistance with basic daily living tasks, provide around-the-clock supervision, and support medication adherence. While most people with disabilities can live safely in the community, many persons with a higher level of functional impairment require this higher level of care, including those with dementia, intellectual disabilities, and other behavioral health needs. Unlike skilled nursing facilities or other medical care paid for by Medi-Cal or Medicare, assisted living care is predominantly a private-pay service, and the cost of assisted living is often prohibitively expensive: the average rate for the least expensive facilities in San Francisco is approximately \$4,300 per month.

Currently in San Francisco, there are 101 facilities and 2,518 total assisted living beds.¹ More specifically, this includes facilities licensed as Residential Care Facilities for the Elderly (RCFEs) that support seniors age 60 and older and Adult Residential Facilities (ARFs) serving adults between ages 18 and 59. Both types of facilities are collectively referred to as Assisted Living Facilities (ALFs) in this report. As shown below, the majority of facilities and beds are licensed as RCFEs.

Assisted Living Facilities and Beds by Type in San Francisco, 2018

Type	Facilities	Beds
Residential Care Facilities for the Elderly (RCFEs)	59	2,040
Adult Residential Facilities (ARFs)	42	478
Total	101	2,518

Source: CA Department of Social Services, August 2018

¹ This analysis does not include Continuing Care Retirement Communities (CCRCs), which provide a continuum of aging care needs – from independent living to assisted living to skilled nursing care – to support residents as their needs increase. CCRCs are targeted to higher-income individuals; in addition to high monthly rates, CCRCs require an initial entry charge or “buy in” fee. Because of the significant differences in the CCRC model and relative inaccessibility of its ALF beds to the general public, these four facilities (which contain 984 ALF-licensed beds) are excluded here.

These facilities range from large-scale facilities with over 100 beds to small homes that house six or fewer clients (often called “board and care homes”). As the name describes, these are typically residential homes that have been opened up for boarders who require assistance around the home; residents typically share a bedroom with another resident and historically have lived under the same roof as the ALF administrator. All of these facilities are licensed by the California Department of Social Services’ Community Care Licensing division.

ASSISTED LIVING WORKGROUP

The **Assisted Living Workgroup** met monthly between August and December 2018. During this time, smaller research groups met more frequently to **investigate demand** for assisted living, **identify factors impacting the supply** of assisted living in San Francisco, and **develop potential strategies** to support assisted living capacity in San Francisco.

In particular, the **Assisted Living Workgroup focused on the availability of assisted living for low-income persons unable to pay privately for this service**. Through the San Francisco Department of Public Health (DPH) and Department of Aging and Adult Services (DAAS), the City provides subsidies for low-income individuals meeting certain eligibility criteria. However, this information had not been synthesized or studied in the context of broader trends affecting the industry, including overall system capacity, supply of affordable assisted living, and sources of consumer demand.

As part of this work, a **survey of small facility operators** was conducted to develop key information not available through existing reports and materials and to provide an additional opportunity for those directly impacted by these trends to have a voice in this work. The input ALF operators provided through this survey have directly informed the direction of this report and its recommendations; please see Appendix A for a detailed summary of findings.

Participants in the workgroup and smaller research teams included: representatives from community-based organizations that serve older adults and people with disabilities; ALF operators and advocacy organizations (including 6 Beds, Inc.); medical and healthcare professionals, including the UC San Francisco Optimizing Aging Collaborative; the local Long-Term Care Ombudsman; and staff from key City agencies, including DAAS, DPH, the Human Services Agency, Office of the City Controller, and Office of Workforce and Economic Development. Research and analytical support was provided by staff from DAAS, HSA, and the Controller’s Office.

SUPPLY AND DEMAND: KEY FINDINGS

Building upon the Assisted Living Workgroup's first report, *Assisted Living: Supply and Demand*, this section presents key findings and trends impacting the supply and demand of assisted living in San Francisco.

KEY FINDINGS

- **Small facilities are disappearing at a fast rate and are unlikely to return.** Assisted living has declined across both RCFEs and ARFs but primarily has occurred through the closure of small facilities, particularly the “board and care homes” with six or fewer beds. This is concerning, because these facilities have typically been more affordable and accessible for low-income persons. Notably, because ARFs tend to be smaller facilities, this has resulted in a larger loss in capacity for adults under age 60. Due to increased housing, staffing, and business costs and shifting family interest, this trend will be difficult to reverse. While efforts should be taken to support the viability of these existing small businesses, this small home-based model may prove to be unsustainable in the long-term.
- **Cost is – and will continue to be – a significant barrier.** Cost estimates suggest the monthly break-even rate per bed is, at minimum, over \$2,000 for small facilities. This is over two times more than the state-set rate for Supplemental Security Income (SSI) recipients residing in assisted living. Full rates for private pay clients in larger facilities are estimated to be closer to \$3,500 to \$5,000 but can increase greatly for specialized care needs. Given business costs, it is unlikely that new ALFs will cater to a lower-income population without outside funding or support. It is evident that SSI recipients will require a meaningful subsidy to secure ALF placement.
- **The City is a key funder of ALF placement.** Through DPH and DAAS programs, the City supports 586 placements at an overall cost of about \$11.2 million per year. Approximately 15% of ALF beds in San Francisco are supported with a City-funded subsidy. This is particularly pronounced among ARF beds: DPH's 199 ARF placements in San Francisco account for 42% of ARF beds. It is in the interests of both the City and ALF operators to work together towards sustainability to ensure this critical resource remains available and clients are able to flow through systems of care.
- **There is unmet need for low-income ALF placement in San Francisco.** At the time of this report, available waitlist data suggests at least 103 individuals have expressed a need for subsidized ALF placement through the DPH placement program, DAAS-funded Community Living Fund program, and the state's Assisted Living Waiver program.

SMALL FACILITIES ARE DISAPPEARING AT A FAST RATE AND ARE UNLIKELY TO RETURN

Assisted living supply has declined across both RCFEs and ARFs. In total, San Francisco has 43 fewer ALFs in operation today than in 2012. This has resulted in a decrease of 243 ALF beds (a nine percent decline). The scale of this loss varies by licensure:

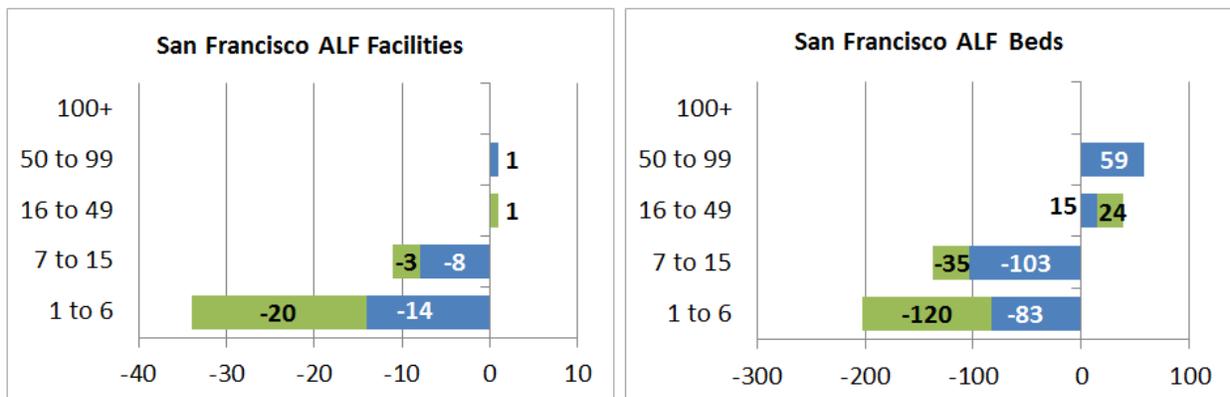
- **RCFE:** Today, San Francisco has 21 fewer RCFE facilities than 2012 – a 26% decline. However, because most of these closures were small facilities, the overall change in number of RCFE beds is small across this time period: a five percent decrease (112 beds).
- **ARF:** Both the supply of ARF facilities and beds has declined precipitously in recent years. Since 2012, there has been a 34% decline in the number of ARF facilities and 22% decline in the number of ARF beds in San Francisco. In total, San Francisco has 131 fewer ARF beds than in 2012.

San Francisco ALF Supply by Licensure: 2012 to 2018

Measure	Total				RCFE				ARF			
	2012	2018	#	%	2012	2018	#	%	2012	2018	#	%
# of Licensed Facilities	144	101	-43	-30%	80	59	-21	-26%	64	42	-22	-34%
# of Beds	2,761	2,518	-243	-9%	2,152	2,040	-112	-5%	609	478	-131	-22%

In both licensure categories, the **decline has been in smaller facilities – the ALFs that have traditionally been more accessible to lower-income residents** (including those supported with City subsidies). The scale of this small-facility loss has been somewhat obscured by growth in larger facilities, particularly on the RCFE side. Since 2012, the City has seen a net loss of 34 homes in the smallest facility category – ALFs with six or fewer beds (often called “board and care homes”). In total, there are 203 fewer beds available in board and care home settings.

Net Change in San Francisco ALF Supply by Facility Size 2012 to 2018



Source: CA Department of Social Services, August 2018

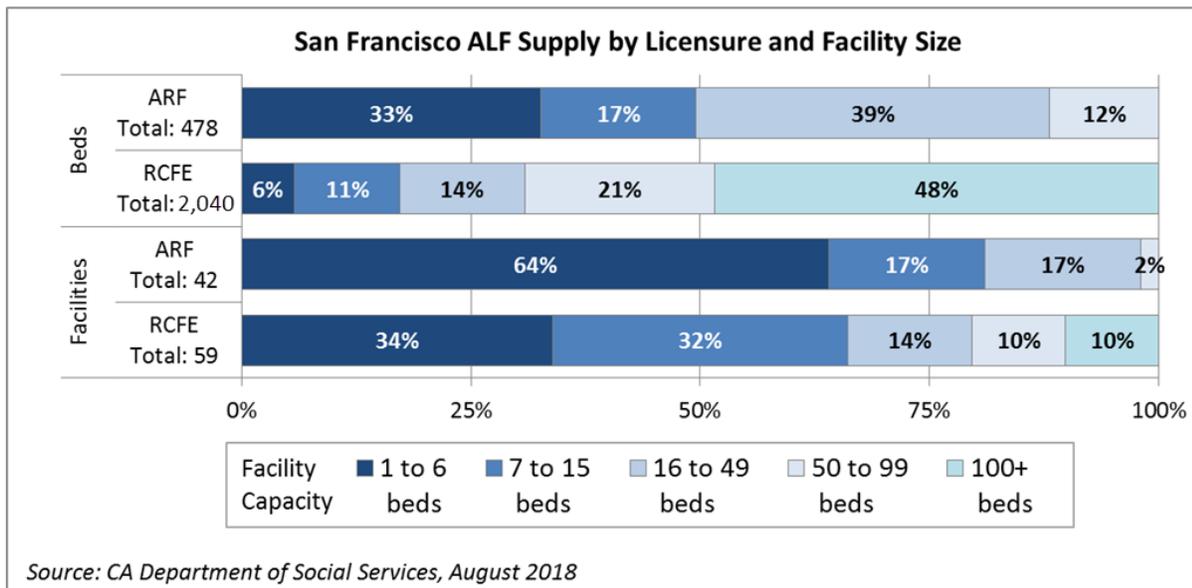
■ RCFE ■ ARF

The **loss of small ALF facilities puts the City’s supply of assisted living for adults under age 60 particularly at risk**. While RCFEs come in a variety of sizes, ARFs are much more likely to be small facilities. Half of the City’s ARF beds are located in facilities with 15 or fewer residents. Conversely, large-scale RCFEs with 100 or more beds account for almost half of ALF beds for seniors age 60 and older. As shown below, about a third of ARF beds (and almost two-thirds of ARF facilities) fall into the smallest facility category, called “board and care homes,” with six or fewer beds. **If the rapid loss of small ALF facilities continues, the City’s ARF supply will be decimated.**

Assisted Living Facilities and Beds by Type in San Francisco, 2018

Facility Size (Total Beds)	Total		RCFE		ARF	
	Facilities	Beds	Facilities	Beds	Facilities	Beds
1 to 6 beds	47	276	20	118	27	158
7 to 15 beds	26	313	19	233	7	80
16 to 49 beds	15	464	8	279	7	185
50 to 99 beds	7	478	6	423	1	55
100+ beds	6	987	6	987	0	0
Total	101	2,518	59	2,040	42	478

Source: CA Department of Social Services, August 2018



Source: CA Department of Social Services, August 2018

This loss in board and care homes results from several factors, particularly increased costs and declining family interest. This is described in greater detail below, beginning with a cost analysis.

As private businesses, ALF costs and rates are typically considered confidential proprietary information, and this information is not made publicly available, making it difficult to identify the true cost of operating a board and care facility. Based on available research literature and reports on assisted living,

the ALF operator survey, and one-on-one consultation with current ALF operators, the ALF Workgroup has attempted to approximate costs and estimate a “break-even” monthly rate for a six-bed ALF.

More specifically, the Assisted Living Workgroup developed three cost estimates to represent a range of ALF ownership and cost scenarios. The first two scenarios below reflect the typical origin of a board and care home, in which a homeowner has opened their private residence up to boarders in order to provide a little extra income or help with mortgage costs. The third model attempts to simulate the cost for a new entity to operate.

- **Scenario A:** Family-owned and operated ALF with property owned outright (i.e., no mortgage). Owner serves as administrator and does not draw a salary. Facility is staffed by 2.0 FTE direct care workers; the administrator pitches in to help out as needed during the day and, since this is her home, lives onsite and addresses any needs that arise overnight. Other family members may also pitch in to help as needed without pay.
- **Scenario B:** Family-owned and operated ALF with property under mortgage. Owner serves as administrator and does not draw a salary. Facility is staffed by 2.0 FTE direct care workers; the administrator pitches in to help out as needed during the day and, since this is her home, lives onsite and addresses any needs that arise overnight. Other family members may also pitch in to help as needed without pay.
- **Scenario C:** Newer ALF with property under mortgage and providing a higher level of staffing: 1 paid administrator and 4.0 FTE direct care workers. This staffing level provides 1.0 FTE active at all times; that is, this model relies on paid staff available 24/7 and does not include free labor.

ALF Annual Cost Estimate and Monthly Break-Even Rate for Six Bed Facility²

ANNUAL EXPENSES	A	B	C
Administrative Costs (e.g., licensing, supplies)	\$30,490	\$30,490	\$30,490
Property Costs (e.g., property tax, mortgage)	\$22,346	\$105,182	\$111,614
Labor Costs (e.g., wages, healthcare)	\$77,330	\$77,330	\$216,711
Staff Development (e.g., training, recruitment)	\$3,685	\$3,685	\$3,770
Resident Supports (e.g., food, transportation)	\$32,240	\$32,240	\$38,080
TOTAL ANNUAL EXPENSES	\$166,091	\$248,927	\$400,665
MONTHLY BREAK EVEN RATE	A	B	C
100% Occupancy	\$2,307	\$3,457	\$5,565
90% Occupancy	\$2,563	\$3,841	\$6,183

Source: Assisted Living Workgroup analysis, see Appendix B for detail

From a business perspective, this cost analysis underscores the difficulty that long-time board and care home operators face in maintaining their business, particularly those that have historically served a low-income population. SSI recipients residing in assisted living receive an enhanced benefit known as the Non-Medical Out of Home Care payment standard. This benefit totals \$1,173 and residents are

² See Appendix B for detail on costs included in each expense category and information source.

permitted to retain \$134, leaving \$1,058 available for ALF operators – less than half the break-even rate. From an ALF operator perspective, **it would not be feasible for a facility to accept the SSI rate for all residents or even a significant portion.** Moreover, for each resident that a facility accepts at a lower monthly rate, the cost difference must be made up in the rates charged to other residents.

Additionally, this analysis highlights that **it is unlikely that new board and care homes will open in San Francisco.** It is simply not a financially sustainable model unless the operator is the homeowner who lives onsite. As outlined in Scenario C, an investor entering the market anew would need to charge about \$6,000 per month to break even. At those rates, an individual could likely purchase a bed in a larger, more upscale facility. From an investment perspective, other private business ventures are more likely to be readily profitable.

Shifting family dynamics and broader economic trends exacerbate these cost issues, particularly related to workforce. Historically, small ALFs have been family businesses with family members helping out and eventually taking over the business. However, through the ALF operator survey, board and care home owners shared that their children are less interested in maintaining the family business, and increased property values offer a lucrative opportunity to cash in on an unexpected retirement windfall. The City's increasingly high cost of living and low unemployment rate make it difficult for ALF operators to find people willing and able to work for minimum wage. But it is difficult for small ALF operators to pay above minimum wage given their slim profit margin and increasing operating costs. A key factor is the local minimum wage increase and its impact on operating costs in comparison to revenue opportunities: since 2012, minimum wage has increased by 46% while the SSI rate for assisted living residents has only increased by 8%.

COST IS – AND WILL REMAIN – A KEY BARRIER

As discussed in the prior section, cost estimates suggest that the **monthly break-even bed rate is over \$2,000 per bed in a board and care home, more than twice what a low-income SSI recipient would be able to pay**. This estimate was based on a minimal cost model in which the ALF administrator is the homeowner who does not take a salary. This cost estimate climbs quickly depending on mortgage status and staffing levels. Additionally, to make a profit, a facility must charge higher rates. While most respondents in the ALF operator survey reported charging under \$4,000 per month for a bed, they noted that their rates are largely defined by the state SSI rate and DPH subsidies. They shared that it is difficult to meet their business expenses, and this rate is not sustainable.

It is unlikely that new ALFs will cater to low-income consumers. As discussed in the prior finding, it is unlikely that many new small board and care facilities will open in future. Larger facilities tend to charge higher rates; they are profit-oriented businesses with all paid professional staff in newer facilities (often with significant costs associated with the building) and can attract a higher-paying clientele. The DAAS-funded Community Living Fund program provides a snapshot of market rate costs: on average, the full monthly rate for ALF placement is \$4,382.³

Monthly ALF Placement Rate Comparison

Rate	Monthly Rate
State-Set SSI Payment for ALF Residents	\$1,058
Board & Care Home Break-Even Estimate	\$2,307
Average ALF Placement Rate*	\$4,382

*Based on DAAS-funded Community Living Fund program (ALF placements in facilities of all sizes, from board and care homes to 100+ bed facilities)

It is evident from this information that **low-income individuals will need a meaningful additional subsidy to secure placement**. Given the disparity between the break-even rate and state funding level for SSI recipients, it is unreasonable to expect the market to provide ALF services for the low-income population – the cost and revenue does not pencil out to keep a facility in the black. In particular, this has implications for DPH. For clients with basic level of care needs, DPH provides a daily subsidy of \$22 per day (\$660 per month). It may be difficult for DPH to maintain access to this type of ALF placement in future. This is discussed further in the subsequent finding.

³ As described in the subsequent finding, the DAAS-funded CLF program provides monthly subsidies to a small number of intensive case management clients who require ALF placement to avoid institutionalization in a skilled nursing facility. This program data provides a small sample of RCFE rates charged for 22 CLF clients placed in San Francisco in June 2018. CLF subsidizes the difference between a client's ability to pay and negotiated facility rate (as detailed later in this report, the average CLF subsidy is \$2,943). Rates tend to be lower in smaller facilities. The maximum rate for a current CLF client is \$6,856; higher cost is based on increased level of care for clients with more complex needs. See Appendix C for more detail.

THE CITY IS A KEY FUNDER OF ASSISTED LIVING

Assisted living is a critical support for San Francisco adults of all incomes and ages. While assisted living is primarily a private pay service, **many low-income individuals and clients enrolled in special programs are supported to secure ALF placement through City and other public programs.** These include:

- 586 locally-funded and managed subsidies:
 - 561 subsidies managed by Department of Public Health (DPH) for persons with behavioral health needs;
 - 25 subsidies managed by Department of Aging and Adult Services (DAAS) for persons at high risk of skilled nursing placement;
- Subsidies provided through the Medi-Cal Assisted Living Waiver program operated by the California Department of Health Care Services;
- 237 consumers supported through other specialized programs, including:
 - 120 placements managed by the Golden Gate Regional Center (GGRC); and
 - 117 clients in the Program for the All-Inclusive Care for the Elderly (PACE) program.

In total, at least 823 San Francisco seniors and adults with disabilities are currently supported with the financial cost of ALF placement. **The 604 clients placed locally in San Francisco account for 24% of ALF beds. This highlights the importance of this assisted living, its unaffordability for many people who need this level of support, and the role that public programs play in securing access to assisted living.**

Through DPH and DAAS programs, the City directly supports 586 placements at an overall cost of approximately \$11.2 million per year.⁴ Of these placements, 367 are in San Francisco facilities, meaning that 15% of San Francisco's ALF beds are supported with a city-funded subsidy. This trend is particularly staggering among ARF beds, which serve adults under age 60: **42% of ARF beds are subsidized by DPH.**

The nature of subsidy supply varies by program. DPH, DAAS, and the Assisted Living Waiver subsidy programs are capped by available funding. When a client transitions off of a subsidy, a new consumer can be placed. The City-funded DPH and DAAS subsidy programs are impacted by placement cost; if subsidy costs increase (e.g., due to rate increase or higher level of care needs), the number of subsidies DPH and DAAS programs can support decreases. The state's Assisted Living Waiver program has a set number of slots to fill.⁵ Conversely, the number of slots supported by GGRC and those whose care cost is paid by PACE is based on the needs of clients enrolled in their programs. Thus, the number of supported ALF placements may fluctuate over time if additional or fewer clients need ALF placement.

The **best opportunity to impact supply of subsidies is through the local and Medi-Cal programs.** The specialized programs are harder to influence and, by their nature, already required to be responsive to client needs. More specifics on these various subsidy programs are provided on the following pages.

⁴ Funding estimate based on subsidy rate alone and does not include administrative or related costs.

⁵ In FY 2018-19, the Assisted Living Waiver increased from 3,744 to 5,744 slots.

DEPARTMENT OF PUBLIC HEALTH

DPH provides **assisted living subsidies for persons with serious mental illness and San Francisco Health Network members with multiple complex characteristics** (e.g., mental health, substance use, medically compromised) with the goal of supporting stability in the most appropriate and least restrictive setting. In total, **561 DPH clients are subsidized for their ALF placements**. DPH spends approximately \$10.2 million on these placements each year; daily subsidy rates are based on the level of care needed.⁶ Most clients receive SSI. They are permitted to retain \$134 per month for personal needs and contribute the remaining \$1,058 of their income to their monthly placement cost. The DPH subsidy is layered on top of this payment. For clients with higher income, DPH funds the cost difference to its negotiated rate.

DPH Placements in ARF/RCFE – All Counties

Level of Care	ARF	RCFE	Total	Daily DPH Subsidy Rate	Monthly DPH Subsidy Rate
Basic	191	68	259	\$22	\$660
Specialty	77	139	216	\$65*	\$1,950*
Enhanced	12	74	86	\$105	\$3,150
Total	280	281	561	.	.

Source: DPH Transitions, August 2018 *San Francisco rate (out of county rate varies)

Notably, **about 39% of DPH-supported ALF placements are in facilities outside of San Francisco**. Out of county placement may occur due to clinical determination (e.g., stability is better supported in a new environment away from factors that encourage destructive behaviors). However, this also indicates a level of demand for higher levels of care that is not met by the current system in San Francisco or is unattainable at current funding levels. Please see Appendix D for additional details, including a breakdown of in and out of county placements by level of care.

DEPARTMENT OF AGING AND ADULT SERVICES: COMMUNITY LIVING FUND

Through the Community Living Fund (CLF) program, DAAS supports **people at risk of institutionalization (e.g., skilled nursing)** to live in the community. Since its creation in 2007, this program has supported 75 individuals to afford ALF placement and avoid or delay skilled nursing placement. In a given month, CLF funds ALF placement for approximately 25-30 clients. Historically, these subsidies have primarily been used to support individuals to transition out of Laguna Honda Hospital and Rehabilitation Center; in recent years, CLF has expanded its work to support transitions out of private skilled nursing facilities. The program focuses on placements in San Francisco.⁷ Each month, CLF spends approximately \$75,000 on ALF placements; in total, the program spent \$926,000 on assisted living in FY 2017-18.

⁶ See Appendix D for level of care definitions.

⁷ Three current clients are placed out of county but were grandfathered in.

In June 2018, there were **25 clients receiving a monthly subsidy for ALF placement through CLF**. Clients receiving a subsidy are permitted to retain \$134 per month (in keeping with the SSI personal needs allowance rate) and contribute the rest of their income to the monthly rate. CLF then patches the difference between the client’s contribution and the ALF rate. The average monthly client contribution is \$1,312, slightly higher than the SSI rate. The table below provides detail about the average subsidy amount funded through CLF for 22 clients placed in San Francisco.

Community Living Fund San Francisco ALF Placements

Subsidy Rate	Average	Minimum	Maximum
Daily	\$98	\$25	\$195
Monthly	\$2,943	\$737	\$5,854

Source: Community Living Fund, June 2018

MEDI-CAL ASSISTED LIVING WAIVER PROGRAM

The Assisted Living Waiver (ALW) is a **Medi-Cal Home and Community-Based Services waiver program that supports individuals who require skilled nursing level of care** to delay placement into a skilled nursing facility and instead reside in a lower level of care, either an assisted living or public subsidized housing setting with appropriate supports. This allows Medi-Cal funding to be used to pay for ALF placement for a limited number of individuals. Daily subsidies range from \$65 to \$102 depending on level of care.

In FY 2018-19, the ALW program capacity will increase by 2,000 new slots for a statewide total of 5,744 slots. The slots are allocated on a first come, first served basis, with 60% of placements reserved for skilled nursing facility residents and 40% for individuals already residing in an ALF or living in another community placement. As of January 2019, there were about 4,000 people on the centralized ALW waitlist managed by the California Department of Health Care Services (DHCS). It currently takes an average of 12-15 months to reach the top of the list. **While DHCS was unable to provide the exact number of San Franciscans currently supported with an ALW subsidy in time for this report’s publication, they did share that 46 San Francisco residents are on the waitlist.**

Individual eligibility is assessed by state-certified Care Coordination Agencies (CCA), which are responsible for developing and implementing each client’s individualized service plan and supporting clients to make decisions regarding their choices of living arrangements. When an individual reaches the top of the waitlist, the CCA that initially assessed the client’s eligibility is responsible to help them secure ALF placement.

Facilities must also undergo a certification process for beds to be designated as ALW eligible. There is no limit on the number of facilities that can apply to become an ALW facility. **Currently, there are five San Francisco ALFs that have ALW-certified beds.** Because all are small board and care homes with six or fewer beds, the current supply of ALW-eligible beds located in San Francisco is relatively limited. An

individual may be placed in a facility outside of San Francisco if there are no available ALW-eligible beds within the City.

GOLDEN GATE REGIONAL CENTER

The Golden Gate Regional Center (GGRC) is a state-funded non-profit organization that serves **individuals with intellectual disabilities**. Per state regulations, GGRC must vendorize or rent out an entire ARF to place clients under age 60 in assisted living. For senior clients age 60 and older, GGRC can vendorize a single bed rather than an entire facility. Facilities must meet specific criteria and requirements to provide residential care to people with developmental disabilities. As the Regional Center for San Francisco, Marin, and San Mateo counties, GGRC places clients in all of these counties. GGRC reports that they no longer vendorize new facilities in San Francisco due to cost and availability issues. In total, **GGRC has approximately 120 San Francisco clients placed in ALFs**.

PROGRAM FOR THE ALL INCLUSIVE CARE FOR THE ELDERLY (PACE)

The Program for the All Inclusive Care for the Elderly (PACE) is a **healthcare program for Medicare and Medicaid clients**. In San Francisco, On Lok Lifeways operates a PACE program, serving individuals aged 55 and older. As a capitated managed care benefit model, On Lok Lifeways provides a comprehensive medical and social service delivery system and is responsible for meeting all of its clients' care needs. PACE clients who require ALF placement typically pay a portion of the monthly rate for room and board; On Lok Lifeways may cover the care-associated costs based on the individual's care plan needs. Currently, there are about **117 PACE clients residing in RCFEs**.

THERE IS UNMET NEED FOR AFFORDABLE ASSISTED LIVING

An individual's **need for assisted living level of care can develop under a variety of circumstances**.

These circumstances may be distinct but also can overlap, including:

- Living in the community but experiencing increasing personal care needs that make independent living no longer a safe option;
- Currently institutionalized or at risk of institutionalization in a skilled nursing facility; and/or
- Experiencing behavioral health challenges and unable to meet basic needs, living in the community, on the street, or in a mental health facility.

The Assisted Living Workgroup has explored many potential data sources in its attempt to identify and quantify demand for ALF placement, but this effort is hindered by a lack of available data. **When a service or support (like assisted living) is not an option, systems are typically not set up to document the need for that service**. Consequently, few programs and organizations track information about individuals who would benefit from ALF placement but for whom it is not an option (i.e., due to cost).

However, even without clear cut data on consumer demand, the **limited available data combined with key informant interviews provide a sense that there is significant unmet need for assisted living placement**. This manifests in a number of trends, including: increasing rates of self-neglect among consumers attempting to live independently longer than is safely feasible; waitlists for ALF subsidies; out of county placements; and delays in client movement between levels of care.

City programs do capture some information on unmet need for *affordable* assisted living. In August 2018, **DPH had 32 clients awaiting placement** and 10 empty beds, the result of a mismatch between client needs and the available level of care in facilities with vacancies. As of June 2018, the **DAAS-funded CLF program had 25 individuals waitlisted for ALF placement** – they need this higher level of support but the program does not have financial resources to subsidize their placement at this time.

There is also **unmet need for the state's Assisted Living Waiver program**. As of October 2018, there are 46 San Francisco residents on the waitlist for this program. It is possible that these individuals will be served through this year's 2,000 slot expansion of the Assisted Living Waiver program authorized by Governor Brown, but it is unclear how these slots will be allocated across counties and how San Francisco may benefit. Moreover, once people see new enrollment through the expansion and even if the waitlist is cleared, it may be the case that new requests will come forward.

Hospitalized individuals who are unable to privately pay for assisted living or ineligible for a subsidy may end up stuck at the hospital without a clear discharge solution. As part of the Post-Acute Care Collaborative, a point-in-time 2017 survey of hospitals found that 50% of 117 hospitalized individuals awaiting discharge needed custodial care and 24% could be accommodated at a lower level in the community. Many of these patients had behavioral health characteristics, including substance use, severe mental illness, and/or dementia, that can make it difficult to find an affordable placement.

RECOMMENDED STRATEGIES

The Assisted Living Workgroup’s Strategies Research Group identified and vetted 16 ways for the City to potentially support ALF capacity in San Francisco. These ideas ranged from business factors to workforce support to models of care and payment. These strategies were evaluated to identify which had the greatest likelihood of meaningfully supporting and/or expanding the City’s supply of assisted living using the following criteria:

- **Cost:** What is the estimated cost or cost scale to implement the strategy?
- **Impact:** What level of impact is this strategy likely to have? For example, how many clients could be impacted? Will the strategy significantly improve the ability of ALF operators to stay in business?
- **Timeframe:** How long will it take to implement the strategy and see impact? Is the timeline: short (within six months), moderate (six to twelve months), or long-term (over a year)?
- **Feasibility:** Given competing priorities and needs in the City and State, how likely is the strategy to be implemented? Is there a clear path forward to implementation?

Based on these criteria, the ideas were prioritized and grouped into four main strategic areas with eight recommendations for specific ideas to support these goals.

Assisted Living Workgroup: Recommended Strategies

Strategy	Recommendation
Sustain existing small businesses	Support business acumen skills
	Develop workforce pipeline
Increase access to existing ALF beds	Increase the rate for City-funded subsidies
	Increase the number of City-funded subsidies
Develop new models	Pilot co-location of enhanced services and affordable housing
	Make space available at low cost for ALF operators
Enhance state Assisted Living Waiver (ALW) program	Increase use of existing ALW slots
	Advocate for ALW expansion (Assembly Bill 50)

The other eight potential strategies identified by the Assisted Living Workgroup’s Strategies Research Group are worth review and continued conversation. Please see Appendix E. These are ideas that hold promise but may be a heavier lift, require additional discussion to ascertain next steps towards implementation, or have lower (but still potentially meaningful) impact. For example, one of these ideas is to develop local property tax breaks for ALFs that accept low-income residents. Further analysis is needed to identify the tax break scale needed to achieve a meaningful impact and to determine local interest in instituting such a policy.

SUSTAIN EXISTING SMALL BUSINESSES

Small facilities are a valuable resource, especially in providing more affordable placements. Particularly given that new board and care homes are unlikely to open in San Francisco, it would behoove the City to continue and expand its efforts to help sustain these businesses. The strategies within this recommendation are intended to empower small ALFs to remain viable for as long as possible by reducing costs and increasing revenue. These actions are all within the City’s purview, can be implemented quickly, and have the potential to immediately provide positive impact while other larger-scale and long-term strategies are pursued.

RECOMMENDATION: SUPPORT BUSINESS ACUMEN SKILLS

Many small ALFs are long-held family businesses – a model based on private residents opening up their home to boarders. Outside of direct experience, many ALF operators do not have a background or formal training in business operation.⁸ Moreover, they have indicated a desire for this type of support; 75% of ALF survey respondents indicated that business consultation support would be a useful resource.

The ALF Workgroup recommends that the City provide business acumen support to empower small ALFs to enhance their business skills and structure their practices to promote the overall viability of these facilities. There is precedent for this type of service. The Office of Economic and Workforce Development’s (OEWD) Small Business Development Center (SBDC) provides training and consulting support to business owners in San Francisco. This resource could potentially be leveraged to develop expertise specifically focused on the field of assisted living, which may be outside the industries with which the SBDC commonly works.

Prioritization Criteria – Business Acumen Skills

Cost	Low	Cost will vary based on scale and format of support (e.g., group training could be lower cost than one-on-one coaching), as well as ability to leverage existing resources, but should be relatively low cost in context of other recommended strategies.
Impact	Moderate	Business strategic support has potential to reduce costs and improve efficiency for small operators with lean budgets. Per ALF survey, ALF operators see value in this type of support and can be expected to make use of it.
Timeframe	Short-term	Support strategies could likely be rolled out within the next fiscal year, particularly if existing resources (e.g., OEWD SBDC) are leveraged.
Feasibility	Moderate	OEWD is available to guide implementation

⁸ As an example, 81% of ALF operator survey respondents indicated a need for help publicizing their business, and about half identified long bed vacancies as a main concern impacting business sustainability. However, few have an online presence or outreach/publicity strategy. When unable to find a new client, ALFs may end up using a placement registry that connects clients to open ALF beds but charges 100%-150% of the first month’s rate for each placement. Using a placement registry three times per year can cost over \$15,000, increasing costs by up to 10% for a business with a very tight margin.

RECOMMENDATION: DEVELOP WORKFORCE PIPELINE

At the same time that long-time ALF operators are aging and becoming more reliant on outside help to provide care to residents, procuring outside labor is becoming increasingly challenging due to minimum wage increases, low unemployment levels, and stricter staffing requirements (particularly for ARF). Having to train new caregiver staff, particularly for facilities experiencing frequent turnover, is an additional burden.

The Assisted Living Workgroup recommends that the City consider opportunities to leverage its workforce development programs to support the ALF industry. Existing job training and wage stipend programs provide a potential opportunity to both address the training needs and also help offset one of the main cost drivers that small ALFs cite as a key threat to their viability. There may be opportunities to build this type of program into a larger caregiver career ladder, such as a partnership with the In-Home Supportive Services program and/or San Francisco City College.

Prioritization Criteria – Develop Workforce Pipeline

Cost	Moderate to High	Cost will vary based on scale. HSA’s Workforce Development Division typically provides a wage stipend for up to six months through the JobsNOW! program for clients participating in public benefit programs (e.g., CalWORKs Welfare-to-Work). Existing program infrastructure can be utilized with minimal additional administrative cost.
Impact	Moderate to High	Labor costs have been cited as a key challenge in business viability. While the wage stipend is time-limited, the cost savings could be quite meaningful for small facilities with a lean operating budget and help buy time while longer-term strategies are implemented. Moreover, this model reduces the burden on ALF operators to train new workers.
Timeframe	Medium-Term	While existing job placement programs can be utilized, it will require time to integrate new training curriculum into the program model and then to train the first cohort(s) of participants for placement.
Feasibility	High	This can likely be built off or implemented within existing workforce development programs.

INCREASE ACCESS TO EXISTING ALF BEDS

As primarily a private pay service, assisted living is financially out of reach from many people who need this level of care. This can result in crisis situations for those unable to meet their needs in the community; it also contributes to capacity issues in higher levels of care, such as hospital and psychiatric beds, when persons ready to transition out are unable to afford assisted living or secure a subsidy. To ensure continued access to assisted living and to meet current demand, the Assisted Living Workgroup recommends a rate increase and also an increase in the number of City-funded subsidies.

RECOMMENDATION: INCREASE RATE FOR CITY-FUNDED SUBSIDIES

The cost estimates included in this report suggest that a minimum monthly break-even bed rate for a small board and care home is over \$2,000 per month. Larger facilities tend to charge closer to \$4,400. However, the state-set rate for SSI recipients living in assisted living provides only \$1,058 per month for the ALF operators, leaving an operating cost gap of over \$1,200 per month. Low-income SSI recipients will need a meaningful subsidy on top of the SSI benefit to procure ALF placement. However, while small ALF operators identified the steadiness or reliability of City-funded subsidies as valuable, they described the rate as unsustainable, particularly for the “basic” level of care. Moreover, larger facilities (that charge higher rates) are unlikely to accept the lowest subsidy rates, particularly as their costs increase.

In particular, the Assisted Living Workgroup recommends that the City consider an additional rate increase for the “basic” level of care supported by DPH. Currently, there are 259 individuals in a basic level of care (all are placed in San Francisco). In July 2018, the subsidy rate was increased from \$19.75 to \$22 per day or \$660 per month as part of a \$1 million two-year budget enhancement from Mayor Breed. Even if this enhanced rate is continued, it will be difficult to continue securing placements at this rate.

The Assisted Living Workgroup does not make a specific recommendation regarding rate levels – leaving this to city policymakers and relevant departments to discuss in further detail – but notes that any rate increase would need to be funded with a new allocation to avoid an overall reduction in the number of subsidies available.

Prioritization Criteria – Increase Rate for City-Funded Subsidies

Cost	Moderate to High	Cost will depend on the number of subsidies impacted and scale of the rate increase. For example, a \$5 rate increase for the 259 current residents with a “basic” level of care would cost approximately \$437,000 per year.
Impact	Moderate to High	Current subsidy rates are the most often cited business challenge for ALFs. An increase would immediately impact all facilities that currently take DPH “basic” level of care placements.
Timeframe	Short-Term	This would support an existing program that could quickly implement a rate increase.
Feasibility	High	The primary challenge is funding availability (the subsidy program, partner facilities, and process for procuring beds are in place).

RECOMMENDATION: INCREASE NUMBER OF CITY-FUNDED SUBSIDIES

Through DPH Transitions placement team and DAAS Community Living Fund, the City supports almost 600 ALF placements for low-income San Franciscans. While it is difficult to develop a comprehensive estimate of unmet need for assisted living due to lack of data, the information that is available suggests at least 103 individuals have expressed a need for affordable ALF placement. This includes 32 DPH clients in need of ALF placement but for whom there is not an appropriate bed that meets their level of care needs, as well as 25 individuals that have been assessed as in need of assisted living by the DAAS-funded CLF program.⁹

The Assisted Living Workgroup recommends that the City provide additional funding to increase subsidies for assisted living placement for low-income individuals. To determine an appropriate number and avenue for distribution will require additional discussion by city policymakers and relevant departments and programs.

Prioritization Criteria – Increase the Number of City-Funded Subsidies

Cost	Moderate to High	Cost depends on number and rate of additional subsidies. For example, the Community Living Fund client population tends to have more complex needs; based on the average subsidy rate, it would cost about \$883,000 annually to support the 25 individuals waitlisted for ALF placement financial support.
Impact	High	This would immediately support consumer access to assisted living.
Timeframe	Short-Term	Existing programs are ready to implement.
Feasibility	High	The primary challenge is funding availability. The subsidy program, partner facilities, and process for procuring beds are in place.

⁹ An additional 46 individuals are on the state’s Assisted Living Waiver waitlist.

DEVELOP NEW MODELS FOR MEETING NEEDS

The loss in smaller ALF facilities is unlikely to be reversed, and the high cost of entry makes it likely that new ALF facilities will be targeted to a higher-income clientele. Even with a subsidy, high-end facilities may be hesitant to bring in residents with more complex behavioral needs or a history of homelessness. Given this, the City should consider alternative strategies to increase affordable assisted living supply beyond funding subsidies in existing facilities, particularly strategies that offer more control over the resident population (e.g., low-income or LGBTQ).

RECOMMENDATION: CO-LOCATE ENHANCED SERVICES WITH AFFORDABLE HOUSING

Assisted living provides a level of support beyond what is typically available in the community, and most residents truly need the supervision and care provided around-the-clock. However, for individuals on the margin of needing assisted living, it may be the case that a more robust and coordinated community-based model of care can adequately meet needs and preempt or delay ALF placement. This diversion would benefit both the consumer (by providing a less restrictive option) and also the broader system of care (by preserving assisted living for those most in need and ultimately supporting client movement between levels of care).

The Assisted Living Workgroup recommends that the City explore and expand preventative models that provide enhanced, targeted, and coordinated long-term care services within the community to support independent living. Many existing services offer key components of the support provided in assisted living. However, to remain stable in the community, individuals on the verge of needing assisted living would benefit from enhanced or hybridized services and more defined coordination beyond what is currently available. These efforts may be: structured similarly to permanent supportive housing (e.g., with enhanced on-site care components); provided as targeted supportive services within a geographical area (e.g., same SRO or affordable housing building); or as a partnership with a specific affordable housing partner. The Assisted Living Workgroup notes that such a program would need to be structured carefully to avoid establishing an unlicensed ALF.

Prioritization Criteria – Co-Locate Enhanced Services with Affordable Housing

Cost	Moderate	Depending on how the model is structured, existing programs may be leveraged to provide key resources (e.g., meal programs, home care through In-Home Supportive Services). However, there will also likely be new costs incurred, such as specialized case management, housing subsidies, and pilot program administration and evaluation.
Impact	Low (initially)	As a pilot program to start, the initial impact will be relatively low. If the pilot is successful, the program could be scaled up or replicated and achieve a higher impact.
Timeframe	Long-Term	It will take time to develop the pilot model, identify an appropriate residential location, and implement.
Feasibility	Moderate	Need to assemble a team to identify tangible next steps, barriers, opportunities to leverage existing programs, and potential funding sources.

RECOMMENDATION: MAKE SPACE AVAILABLE FOR ALF OPERATION AT LOW COST

As with all businesses, a key barrier to entry in San Francisco is real estate; the cost to purchase or rent space can be prohibitively expensive and typically must be recouped through high costs passed on to the consumer. In the ALF world, new facilities are unlikely to be able to accept low-income residents who cannot afford to privately pay high rates for services – if they can afford to open at all.

The Assisted Living Workgroup recommends that the City consider supporting future ALFs (or existing facilities struggling to meet monthly real estate costs) by making space available at low cost to ALF operators. This could be implemented in many ways, such as making use of existing City-owned buildings, purchase of new sites, or including space for assisted living in plans for new developments. This could be modeled after the Mayor’s Office of Housing and Community Development’s Small Sites Program, making use of “in rem” properties available through property tax seizure, or early access to probate buildings. The City could also consider opportunities to partner with a foundation to develop a public-private partnership that supports the availability of low-cost space.

Prioritization Criteria – Make Space Available for ALF Operation at Low Cost

Cost	Moderate to High	Overall cost will be dependent on costs to purchase, lease, and/or rehabilitate properties (all likely at market rates).
Impact	Moderate	Impact will depend on facility size (e.g., greater size will have greater impact).
Timeframe	Long-Term	Based on time to identify buildings, identify and interested ALF operator, carry out contracting process, and outfit space appropriately.
Feasibility	Moderate	It is unclear whether there are currently City-owned properties available and appropriate for this type of use or if there are foundation partners interested in this type of work. Each site would require significant work to identify and, where necessary, procure. The City has many competing priorities and populations for new housing projects and foundation partnerships. However, this may fit well into current or future strategic plans at City agencies. For example, many DPH-ALF clients are formerly homeless, so this may fit into a larger HSH strategic plan.

ENHANCE STATE WAIVER PROGRAM

The Assisted Living Waiver (ALW) program provides a limited number of subsidies to delay skilled nursing placement for Medi-Cal clients. While this year’s addition of 2,000 new slots will help address the current 4,000 person waitlist, there are additional opportunities to maximize utilization of this program locally by increasing the number of San Francisco residents applying for slots coupled with supporting the availability of ALW-eligible beds within the City. The impact of such efforts will increase significantly should the state further expand the ALW program by passing AB 50.

RECOMMENDATION: INCREASE USE OF EXISTING ASSISTED LIVING WAIVER SLOTS

Local ALW participation is driven both by client applications and facility certification of beds as ALW-eligible. As San Francisco residents rise to the top of the statewide ALW waitlist, they will be able to secure an ALW-subsidized placement (that is, the more San Franciscans who apply, the more that will be able to make use of this program). However, their ability to remain in San Francisco is impacted by the availability of ALW-eligible beds in San Francisco facilities. Currently, there are five San Francisco ALFs that have completed the state process to be certified as ALW eligible.

Another key component in the ALW process is the Care Coordinator Agency (CCA) that assesses for eligibility and works with a client to develop and implement an individualized service plan. Currently, there are three CCAs that support San Francisco ALW clients; however, none of these are actually based in San Francisco.

The Assisted Living Workgroup recommends the City develop a targeted strategy for maximizing the utilization of the ALW within San Francisco, both with regard to individual applications and facility certification as ALW eligible. While the immediate impact may be limited due to the current ALW waitlist, this lays a critical foundation for future access; moreover, the impact in San Francisco would be significant should AB 50 pass (see next recommendation).

Prioritization Criteria – Increase use of Existing Assisted Living Waiver Slots

Cost	Low	The cost of ALW subsidy is paid by Medi-Cal. The City may need to provide technical support for ALFs to complete the state certification process.
Impact	Moderate	At minimum, increasing ALF participation within the program could increase the number of available beds. Should AB 50 pass and further increase the number of ALW slots, the impact would increase.
Timeframe	Moderate-Long Term	Further analysis is required to identify next steps, but it will take time for new applicants to reach the top of the waitlist and for ALF facilities to complete the certification process.
Feasibility	Moderate	Need to clarify a few key considerations, including what barriers prevent ALFs from participating within the ALW program and how best to support individual clients to apply for a slot.

RECOMMENDATION: SUPPORT EXPANSION OF THE ASSISTED LIVING WAIVER PROGRAM

The Assisted Living Waiver program reached its capacity of 3,700 participants in March 2017. In FY 2018-19, the program will be expanded by an additional 2,000 slots, authorized by Governor Brown. However, this growth is anticipated primarily to address the existing waitlist, which includes 46 San Francisco residents. Last year, Assemblymember Ash Kalra (AD-27, San Jose) introduced legislation to further expand the Assisted Living Waiver program by an additional 12,800 over five years, which would bring the total number of slots of 18,500. Though the state legislature passed the bill, it was vetoed by Governor Brown on the basis of allowing time for the 2,000 slot expansion to be implemented and assessed. Assemblymember Kalra has reintroduced his legislation this year as Assembly Bill 50.

The Assisted Living Workgroup recommends that the City advocate at the state level for the passage of AB 50. Further, the City should explore options to advocate for a significant number of slots to be assigned to San Francisco and for reimbursement rates to be regionally-based to account for the higher costs in urban counties.

Prioritization Criteria – Support Expansion of the Assisted Living Waiver Program

Cost	Low	Cost depends on scale of advocacy – existing processes and resources can likely be leveraged. If passed, Assisted Living Waiver slots will be funded by Medi-Cal funding and would not require City contribution.
Impact	Moderate	Dependent on the number of Assisted Living Waiver slots allocated to San Francisco but anticipated to increase capacity at some level.
Timeframe	Medium to Long Term	Dependent on 2019 state legislative process and care coordinator agency implementation process.
Feasibility	High	The City has existing advocacy processes and infrastructure that can be utilized for this recommendation.

CONCLUSION

Assisted living facilities (ALFs) are a key component of the City's support network to ensure people are able to age in place and remain in the most independent and community-like setting. In particular, the availability of affordable assisted living is critical for many seniors and people with disabilities who are no longer able to live independently and safely in San Francisco. From a systems perspective, an adequate ALF supply supports the movement of consumers through medical and mental health systems, flowing between levels of support as appropriate for their individual needs.

In recent years, San Francisco has experienced a precipitous decline in smaller facilities, which historically have been a key resource for low-income individuals in need of ALF placement. Operating costs have increased, making the SSI rate for the lowest-income individuals not a viable payment for ALF operators to sustain their business. Shifting family interests and increased property values have interrupted the tradition of family-managed business passing down to younger generations.

The City can and should support the viability of these small facilities for as long as possible through the recommendations outlined in this report. At the same time, to support the long-term availability of affordable assisted living, the City must pursue additional solutions that include increasing access to existing ALF beds through City-funded subsidy programs, developing new models to support people with increased personal care needs, and enhancing the state's Assisted Living Waiver program.

APPENDIX A. ALF OPERATOR SURVEY.

As both the Demand and Supply Research groups began their work, it became evident there was important information that work group members did not have access to, such as the monthly operating budget of ALFs, how operators determine rate models and whether those rates covered their monthly expenses, and what, if any, potential strategies or resources would ALFs be most interested in.

As a result, the workgroup decided to conduct a phone survey of board and care homes (ALFs with six or fewer beds) in San Francisco, as well as some larger ALFs known to accept City-subsidized placements, to better understand several key questions the workgroup had not been able to answer.

METHODOLOGY

A phone survey was conducted with a total of 16 facilities¹⁰ from October through November 2018. The survey consisted primarily of categorical, ordinal, and interval response questions with opportunities for respondents to provide open-ended comments. Respondents included 10 RCFEs (two facilities with 20 or more beds and eight facilities with six or fewer beds) and six ARFs (one facility with 20 or more beds and five facilities with six or fewer beds).

The focus was primarily on the small facilities (6 beds or less) as those facilities tend to serve more low-income residents than larger facilities, particularly those reliant on SSI. The group did decide to also include a small number of larger facilities, primarily to serve as a point of comparison.

SURVEY KEY FINDINGS

Key findings from the survey are highlighted below:

- The majority of small facilities interviewed rely on City funded subsidies, primarily DPH but also CLF, GGRC, and On Lok (PACE Program);
- Finances were the primary concern with regards to financial sustainability, including current rates, staffing costs, and additional business costs such as mortgage, insurance, and required trainings; and
- Most facilities have been open for many years, have two or fewer staff (often bolstered by informal family support), and are operating within residential neighborhoods.

¹⁰ The Assisted Living Workgroup intended to survey a total of 30 facilities (15 RCFEs and 15 ARFs), with a primary focus on small board and care homes. However, the analysts conducting the survey encountered a number of challenges, including that some facilities had already closed or were in the process of closing and administrators who were unresponsive to outreach efforts or unwilling to talk. Still, the information gathered from the 16 facilities surveyed provides valuable insight into the experience of ALF operators in San Francisco.

- The survey confirmed anecdotal information that a majority of board and care homes are long-term family businesses in which operators develop family-like relationships with residents and typically charge much less than larger or newer facilities. Therefore, they generally serve a lower-income population (often times relying only on SSI residents).
- Conversation with ALF operators revealed a number of nuanced challenges or obstacles that are not captured by categorical survey questions. For example, one African-American operator noted the racial discrimination she faced from potential residents and/or their family. Many operators noted that their business was inherited from family but 50% of survey respondents said that there were no plans for future family to continue the business.
- While there are many challenges cited within this specific industry, the vast majority of operators expressed the desire to remain open and even expand if financially feasible.

SURVEY QUESTIONS AND RESPONSES

1. Of your current clients, please estimate what percentages come directly from the following three places: hospital, home or community placement, or formerly homeless.

Placement prior to ALF	Respondents
Home or community	81%
Hospital (short or long term placements)	94%
Formerly homeless	94%

Responses reflect individual facilities responses to former placement, not total number of clients, and responses also differed among ARFs and RCFEs. For example, five out of six ARF operators said that the majority or all of their clients were from hospitals and/or formerly homeless. However, half of the RCFEs received residents primarily (or entirely) from either a community or hospital placement, while the other half received residents from a mix of the three placement locations.

2. Who is your preferred referral source and why?

Referring Agency	Respondents
City/County of San Francisco	50%
No Particular Agency	25%
Hospitals	13%
GGRC	6%
On Lok	6%

Of the four facilities that listed no particular agency as their preferred referral source, only one facility did not receive referrals from any agency. The key takeaway is that the vast majority of facilities interviewed (94%) works with at least one referring agency (of those listed above) to obtain new residents.

3. Have you declined admission to your facility?

A majority (64%) have denied admission of a resident, with the level of care needed by the resident as the most common reason (eight out of 10 operators). The second most common causes were problematic residents or no current openings (two out of 10 operators).

4. Including yourself, how many full-time staff do you employ? And do you have any part-time staff? If so, how many?

Staffing differed quite a bit among facilities. Among the small bed ALFs, 44% reported two staff. In addition to full time staff, 25% also reported relying on part-time staff, family members, or volunteers to supplement their staffing. For example, one RCFE with two full-time staff members also depended on her two adult children to help out but did not include them within the staffing count.

5. How many of your beds are currently vacant? Is this a typical vacancy rate? On average, how long will a bed remain vacant?

Current Vacancy Rate (out of 6 beds)	Respondents
0	54%
1	38%
2	8%

About half of facilities reported at least one vacancy at the time of the survey. However, most facilities (62%) reported that a more typical vacancy rate of zero. About 23% reported a typical vacancy rate of one bed, and 15% (two respondents) reported a typical vacancy rate of two beds.

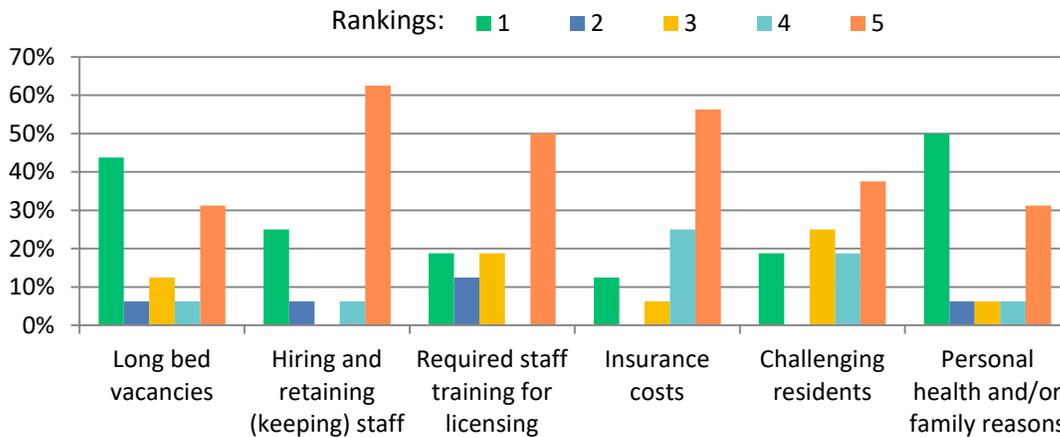
Most commonly, respondents indicated a vacant bed would be filled within a month (43% of board and care home participants). A small number (2) have had beds remain vacant for up to six months. A handful was unable to identify a common trend – vacancy length varies or they do not track this information.

6. Can you describe the challenges experienced, if any, with filling a vacant bed?

Small bed facilities were pretty evenly split between those that experience challenges filling an empty bed (54%) and those that do not (46%). Of the facilities that experience challenges, their reasons all differed and added insight into the unique experiences faced by ALFs. These included:

- Needing to fill a bed by gender;
- Placement varying by season, such as having a lower vacancy rate in the summer and a greater demand for beds during the winter holiday season;
- Relying on referral agencies for placements;
- Not being able to afford to accept SSI clients;
- Resident or family bias about placing in the Bayview District or with an African American operator; or
- Clients not abiding by facility rules or having greater ADL needs than facility could accommodate.

7. Our current research shows six main concerns that impact business sustainability. Operators were asked to rate on a scale of one to five (with one being of little-to-no concern and five being a major concern):



Above are a breakdown of all facility responses and their ranking. The following topics were listed as a primary concern with the highest ranking:

- Hiring and retaining staff (63% ranked as high concern);
- Insurance costs (56% ranked as high concern); and
- Required staff trainings (50% ranked as high concern).

Conversely, below are the issues of lowest concern to ALFs (ranked as a one), which include:

- Personal health and/or family reasons (50% ranked as a low concern); and
- Long bed vacancies (44%).

Notably, topics ranked as low concerns by some facilities were listed as high concerns by other facilities. By analyzing the individual responses, it became clear that all facilities struggle with all of these issues to some degree. This variability highlights that all of these factors have the potential to impact the City’s supply of small ALFs and support our original assumption, that these are the primary concerns faced by operators.

8. Are there any additional barriers or challenges that make it difficult for you to sustain your business?

Survey respondents did not identify any additional concerns beyond what was covered in prior question.

9. On a scale of one to five, how financially stable is your business for the next five years? (one being unstable/unsustainable and five being very stable)

Sustainability Ranking (1 being unstable to 5 being very sustainable)	Respondents
1 (Unstable)	6%
2	31%
3	25%
4	19%
5 (Very Stable)	19%

10. Based on available data, our staff have tried to capture the annual business costs of running a six bed in San Francisco and estimated it to be about \$425,000 a year (OR, costs of running a 20 bed in SF and estimated it to be about \$689,000 a year). Does that amount seem to you to be: Really high, a little high, about right, a little low or really low?

Answers reflect only the 13 small bed facilities:

- Four facilities felt the amount was “about right”
- Three facilities felt the amount was “a little high” or “really high”
- Three facilities felt the amount was “a little low”
- Three facilities skipped, weren’t sure, or had never considered tracking an annual budget

Notably, this was a harder question for which to capture adequate data; generally, respondents were not used to considering their average annual business costs or did not answer.

11. We understand that in the (RCFE/B&C/ARF) world, there are a variety of monthly rate models that facilities charge residents. For example:

- A flat rate or comprehensive fee;
- Base rate with additional costs for add-on services; or
- Tiered fee system based on the level of care a patient requires

From the three models listed what rate structure do you use and/or prefer?

Monthly Rate Model	Respondents
Flat rate system	53%
Tiered fee system	33%
Unclear/didn’t answer	20%

12. What are your minimum and maximum rates for a single and shared room?

The table below highlights responses from board and care operators only:

Monthly Rate Model	Shared Room	Private Room
Less than \$4,000 per month	77%	30%
Between \$4,000-6,000	15%	8%
Between \$6,000-8,000	0%	8%
Declined to State	8%	0%
N/A	0%	54%

This confirms the Assisted Living Workgroup sense that the small ALFs generally charge considerably less than larger facilities.

13. Do these rates cover your business expenses? How frequently do you increase your rates?

Response	Respondents
Rate does cover business expenses	56%
Rate does not cover business expenses	44%

The table below provides the frequency by which ALF operators increase their monthly rates.

6-12 Months	1-2 Years	2-5 Years	5+ Years	Did not respond
6%	31%	6%	13%	44%

14. We are also assessing how current subsidy levels relate to business costs. Therefore I'd like to know if any of your residents receive a subsidy towards their monthly rates:

Agency providing subsidy or patch	Respondents
Department of Public Health	75%
Golden Gate Regional Center	25%
On Lok (PACE Program)	13%
Community Living Fund	13%
Health Plan or Hospital	13%
No Subsidies/patches from any agency	25%

15. If the answer to Question 14 was yes: By your estimate, what percentages of your total residents have a subsidy or monthly patch? If they answered no: is there a specific reason for that?

Below is a summary of the responses specifically of the small bed facilities:

- 30% of facilities noted that a majority of their residents (80% or more) and 15% noted that a minority of their residents (20% or less) receive a subsidy from DPH;
- Only one facility mentioned a mix of subsidies for their residents; and
- 40% of five facilities did not respond.

16. Which of the following resources do you think would be useful to support your business?

Types of Potential Resources	Respondents
Low interest business loans	88%
Help with challenging clients	88%
Publicizing your business	81%
Providing required education and training to administrators and staff	81%
Support related to planning, building, and permitting processes	75%
Business consultation	75%
Workforce programs designed to onboard new staff	75%
Operating your business in a low-rent subsidized facility	44%

Note: There was no limit on the number of resources operators could choose, so many chose more than one.

17. Have you considered, or are you interested in, expanding your business?

Half of respondents (50%) answered yes and the other half (50%) answered no.

18. With regards to your facility, do you own your building, have a mortgage, or rent your building?

Building Ownership	Respondents
Own building (no mortgage)	21%
Own building (with mortgage)	64%
Rent building	14%

19. Do you have any feedback, recommendations, or suggestions about how to best support ALFs in San Francisco? Is there anything else that is important for us to know?

Below are a few additional or unique comments mentioned by facilities:

- Children are resistant to taking over the family business;
- Getting permits takes too long and causes delays in the building processes;
- Would like more places to take residents during the day;
- Need to know how to help clients quickly in an emergency;
- Needing additional support for clients with dementia; and
- SSI payments are not feasible for San Francisco

APPENDIX B. COST ESTIMATES.

This appendix details the methodology underlying the board and care home cost estimates described in this report. As private businesses, ALF costs and rates are typically considered confidential proprietary information, and this information is not made publicly available, making it difficult to identify the true cost of operating a board and care facility. To estimate the cost of operating a small six-bed ALF, the Assisted Living Workgroup primarily drew on a March 2018 Adult Residential Facilities report by the California Behavioral Health Planning Council, the ALF Operator Survey, and one-on-one consultation with board and care home operators.

ALF Cost Estimate Scenarios

Scenario	Description	Mortgage	Property Taxes	Administrator Salary	Direct Care Worker Wages
A	Family-owned and operated ALF with property owned outright (i.e., no mortgage). Owner serves as administrator and does not draw a salary. Facility is staffed by 2.0 FTE direct care workers; the administrator pitches in to help out as needed during the day and, since this is her home, lives onsite and addresses any needs that arise overnight.	\$0	\$9,420	\$0	\$62,400 (2 FTE)
B	Family-owned and operated ALF with property under mortgage. Owner serves as administrator and does not draw a salary. Facility is staffed by 2.0 FTE direct care workers; the administrator pitches in to help out as needed during the day and, since this is her home, lives onsite and addresses any needs that arise overnight.	\$82,836	\$9,420	\$0	\$62,400 (2 FTE)
C	Newer ALF with property under mortgage and providing a higher level of staffing: 1 paid administrator and 4.0 FTE direct care workers. This staffing level would support one paid direct care worker available at all times (that is, 24/7 paid staffing).	\$82,836	\$15,852	\$52,000	\$124,800 (4 FTE)

Assisted Living Six-Bed “Board and Care Home” Cost Estimates by Expense Category and Scenario

EXPENSE	Cost	Notes	Source	A	B	C
Administrative Costs	.	.	.	\$30,490	\$30,490	\$30,490
Contract Services	\$13,200	Includes legal and accounting	Consultation with ALF operators	\$13,200	\$13,200	\$13,200
Insurance (liability/property)	\$7,200	Property, professional, liability, general liability	Consultation with ALF operators	\$7,200	\$7,200	\$7,200
Other Supplies	\$4,380		CA Behavioral Health Planning Council, 2018 ARF report	\$4,380	\$4,380	\$4,380
Office Expenses	\$3,190		CA Behavioral Health Planning Council, 2018 ARF report	\$3,190	\$3,190	\$3,190
Payroll & Bank Fees	\$1,800	Payroll processing and bank fees	Consultation with ALF operators	\$1,800	\$1,800	\$1,800
Facility Licensing Fee	\$495		California Department of Social Services, Community Care Licensing (CDSS-CCL)	\$495	\$495	\$495
Administrator’s Continuing Education Units	\$175	Calculating as 50% of cost (required every 2 years)	Assisted Living CEU programs advertised online	\$175	\$175	\$175
Administrator Certification Fee	\$50	Calculating as 50% of cost (license is valid for 2 years)	CDSS-CCL	\$50	\$50	\$50
Property Costs	.	.	.	\$22,346	\$105,182	\$111,614
Mortgage Payment	varies	Scenario B based on refinanced mortgage; Scenario C based on cost to purchase new property at market rate	Property listings on Zillow	\$0	\$82,836	\$82,836
Property Tax	varies		Property listings on Zillow	\$9,420	\$9,420	\$15,852
Maintenance and Repairs	\$7,670		CA Behavioral Health Planning Council, 2018 ARF report	\$7,670	\$7,670	\$7,670
Utilities	\$5,256	Based on average home costs scaled for increased occupancy	California Public Utilities Commission	\$5,256	\$5,256	\$5,256

EXPENSE	Cost	Notes	Source	A	B	C
Labor Costs	.	.	.	\$77,330	\$77,330	\$216,711
Wages: Direct Care Staff	varies	Based on \$15/hr wage	Consultation with ALF operators	\$62,400	\$62,400	\$124,800
Wages: Facility Administrator	varies	Based on \$25/hr wage	Consultation with ALF operators	\$0	\$0	\$52,000
Worker's Comp	varies	Approximately 12% of wages	CA Department of Insurance, Workers Comp Base Rate	\$7,488	\$7,488	\$21,216
FICA/Medicare	varies	Based on 6.2% Social Security + 1.45% Medicare		\$4,774	\$4,774	\$13,525
Health/Dental/Life Vision Insurance	varies	Assuming \$600 month/employee. Rate is for minimal insurance.	CA Behavioral Health Planning Council, 2018 ARF report	\$1,800	\$1,800	\$3,000
Unemployment Insurance	varies	Max tax of \$344 per employee	CA Employment Development Department	\$868	\$868	\$2,170
Staff Development	.	.	.	\$3,685	\$3,685	\$3,770
Staff Development/Training	\$2,400		Consultation with ALF operators	\$2,400	\$2,400	\$2,400
Staff Recruitment/Advertising	\$1,200		Consultation with ALF operators	\$1,200	\$1,200	\$1,200
Staff Background Check	varies	\$85 per person; assumes half of staff turnover annually	Consultation with ALF operators	\$85	\$85	\$170
Resident Supports	.	.	.	\$32,240	\$32,240	\$38,080
Food		\$8/day x (clients + staff)		\$26,280	\$26,280	\$32,120
Transportation	\$3,360		CA Behavioral Health Planning Council, 2018 ARF report	\$3,360	\$3,360	\$3,360
Telephone/Internet/Cable	\$2,400	\$200 per month	Consultation with ALF operators	\$2,400	\$2,400	\$2,400
Subscriptions	\$200	Magazines, newspapers	Consultation with ALF operators	\$200	\$200	\$200
TOTAL ANNUAL EXPENSES				\$166,091	\$248,927	\$400,655
Break-Even Rate at 100% Occupancy				\$2,307	\$3,457	\$5,565
Break-Even Rate at 90% Occupancy				\$2,563	\$3,841	\$6,183

APPENDIX C. DAAS-SUBSIDIZED ALF PLACEMENTS.

The DAAS-funded Community Living Fund (CLF) program provides monthly subsidies to a small number of intensive case management clients who require ALF placement to avoid institutionalization in a skilled nursing facility. This program data provides a small sample of RCFE rates charged for 22 CLF clients placed in San Francisco.

Clients receiving a subsidy are permitted to retain \$134 of their monthly income – in keeping with the Supplemental Security Income (SSI) personal needs allowance rate – and contribute the rest of their income to the monthly rate; CLF then patches the difference between the client’s contribution and the ALF rate.

The table below provides detail about the average subsidy amount funded through CLF for 22 clients placed in San Francisco. The average client contribution is \$1,312.

Community Living Fund San Francisco ALF Placements

Subsidy Rate	Average	Minimum	Maximum
Daily	\$98	\$25	\$195
Monthly	\$2,943	\$737	\$5,854

Source: Community Living Fund, June 2018

CLF program data also provides a snapshot of the full monthly rate charged by ALFs in San Francisco. These rates are broken down in the table below by facility size. On average, the monthly rate for CLF clients is \$4,382. Rates tend to be lower in smaller facilities. The maximum rate for a current CLF client is \$6,856; higher cost is based on increased level of care for clients with more complex needs.

Community Living Fund San Francisco RCFE Placements: Full Monthly Rate by Facility Size

Facility Size	# Clients	Average	Minimum	Maximum
1 to 6	1	\$2,073	\$2,073	\$2,073
7 to 15	0	.	.	.
16 to 49	3	\$3,597	\$2,790	\$4,000
50 to 99	9	\$4,943	\$2,735	\$6,856
100+	9	\$4,339	\$4,339	\$4,339
Total	22	\$4,382	\$2,073	\$6,856

Source: Community Living Fund, June 2018

APPENDIX D. DPH-SUBSIDIZED ALF PLACEMENTS.

DPH provides assisted living subsidies for persons with serious mental illness and San Francisco Health Network members with multiple complex characteristics (e.g., mental health, substance use, medically compromised) with the goal of supporting stability in the most appropriate and least restrictive setting. In total, 561 clients are subsidized for their ALF placements. This appendix provides information about placements by county (i.e., in and out of county placements) and describes the level of care definitions that govern daily rate.

DPH LEVEL OF CARE DEFINITIONS

- **Basic:** Provides only minimum standard services as laid out in the Title 22 ALF regulations
 - *Examples:* Transport assistance to 1-2 medical appointments per month, basic recreational activities (TV, board games, unstructured access to outdoor space, smoking area)
- **Specialty:** Provides above standard services as laid out in the Title 22 ALF regulations
 - *Examples:* Transport assistance to 3-4 medical appointments per month; accepts clients with moderate behavioral management issues, minimal-to-moderate redirection, medical conditions that require more time to provide med monitor/oversight (e.g., needs clear direction/cuing for blood glucose check/insulin self-administration), verbally abusive or generally loud clients, clients with hygiene issues; and/or hoarding/clutterers who are not resistant to direction.
- **Enhanced:** Provides additional staffing, supervision, and other services to address clients with functional impairment that requires enhanced behavioral supports, which are beyond the above categories and are laid out in the Title 22 ALF regulations.
 - *Examples:* Delayed egress/secure homes, provide unlimited transport assistance, have LVN/RN on staff so can assist with medication administration, most frequently insulin, willing to take O2 concentrators, accept high behavioral clients, such as mod-high redirection/frequent engagements, consistent verbal or threatening behaviors, hospice clients, offer rehab and pre-voc programming on site, offer substance use disorder treatment onsite, high hygiene issues.

DPH PLACEMENTS BY LICENSURE, LEVEL OF CARE, AND COUNTY

DPH Placements in ARF/RCFE – All Counties

Level of Care	ARF	RCFE	Total	Daily Subsidy Rate	Monthly Subsidy Rate
Basic	191	68	259	\$22	\$660
Specialty	77	139	216	\$65*	\$1,950*
Enhanced	12	74	86	\$105	\$3,150
Total	280	281	561	.	

Source: DPH Transitions, August 2018 *San Francisco rate (out of county rate varies)

DPH Placements in ARF/RCFE – San Francisco

Level of Care	ARF	RCFE	Total	Daily Subsidy Rate	Monthly Subsidy Rate
Basic	191	68	259	\$22	\$660
Specialty	8	29	37	\$65	\$1,950
Enhanced	0	49	49	\$105	\$3,150
Total	199	146	345	.	

Source: DPH Transitions, August 2018

DPH Placements in ARF/RCFE – Out of County

Level of Care	ARF	RCFE	Total	Daily Subsidy Rate	Monthly Subsidy Rate
Specialty	69	110	179	\$40 to \$70/day	\$1,774
Enhanced	12	25	37	\$91 to \$191/day	\$3,556
Total	81	135	216	.	.

Source: DPH Transitions, August 2018

APPENDIX E. ADDITIONAL STRATEGIES.

The Assisted Living Workgroup's Strategies Research Group identified and vetted 16 ways that the City could potentially support ALF capacity in San Francisco. These strategies were evaluated to identify which had the greatest likelihood of meaningfully supporting and/or expanding the City's supply of assisted living using the following criteria:

- **Cost:** What is the estimated cost or cost scale to implement the strategy?
- **Impact:** What level of impact is this strategy likely to have? For example, how many clients could be impacted? Will the strategy significantly improve the ability of ALF operators to stay in business?
- **Timeframe:** How long will it take to implement the strategy and see impact? Is the timeline: short (within six months), moderate (six to twelve months), or long-term (over a year)?
- **Feasibility:** Given competing priorities and needs in the City and State, how likely is the strategy to actually be implemented? Is there a clear path forward to implementation?

In total, eight of the strategies were prioritized as immediate recommendations by the Assisted Living Workgroup. Grouped by overarching strategic area, these ideas are discussed in the body of this report.

This appendix describes the other eight potential strategies identified by the Assisted Living Workgroup's Strategies Research Group. These ideas are categorized by type: business factors, workforce supports, and models of care and payment. These strategies hold promise but may be a heavier lift, require additional discussion to ascertain next steps towards implementation, or have lower (but still potentially meaningful) impact. The City and key partners should review and continue to consider opportunities to pursue these ideas.

BUSINESS FACTORS

LICENSING/REGULATORY CHALLENGES

Strategy	Support with licensing and/or permitting processes	
Description	Provide support with state licensing and/or local permitting process, which can be particularly complex for new applicants. A primary burden is the lengthy state approval timeline.	
Considerations	<p>Many possible options to consider:</p> <ul style="list-style-type: none"> a. Support with initial application (e.g., accuracy, business acumen). The CA Department of Social Services-Community Care Licensing Division (CDSS-CCL) has expedited in past for specialty ALFs, such as dementia and non-ambulatory beds. b. Advocate for CDSS-CCL resources to improve processing time. c. Develop and publicize a “how to” guide (could be developed and promoted in partnership with CDSS-CCL, 6Beds Inc, OEWD, small business associations) d. Publicize opportunities and support transfer of existing license <p><i>Note: City services can only advise; business entity remains liable</i></p>	
Key partners	OEWD, DPH, Office of Small Business	
Cost scale/estimate	Low	Cost will vary based on method. One-on-one support may be absorbable through existing programs.
Impact	Low	It is unlikely that many new small facilities will try to newly open – due to large barriers to entry (i.e., cost, processing time) and limited anticipated revenue. The main impact opportunity is likely to support the license transfer process to a new owner, which would provide a big impact for small number of existing residents (option d above).
Timeframe	Short-term	Could be implemented relatively quickly
Feasibility	High	Somewhat dependent on strategy/strategies implemented, but most of these ideas can leverage existing resources.
Priority	Moderate	While unlikely to have significant impact on overall supply, these strategies are relatively low cost and have potential to help at the margin. In particular, the license transfer process (option d) preserves supply for existing clients and mitigates the initial entry barriers.

CAPITAL-RELATED COSTS

Strategy	Develop business and/or property tax breaks	
Description	Explore opportunities to reduce costs through local business and property tax policies.	
Considerations	Potentially would want to limit tax break eligibility by facility size or population served (e.g., facilities that accept X% low income). Requires additional analysis to determine tax break size needed to achieve impact. Board and care (B&C) facilities are exempt from business taxes (such as registration fee, gross receipts, payroll, etc.). ¹¹	
Key partners	Controller's Office	
Cost scale/estimate	Further research required	Further analysis needed to identify scale of tax break needed to have meaningful impact and corresponding cost to City.
Impact	Low	B&C currently receive a business tax break. Property tax break impact dependent on property tax cost; 35% of B&C licensed pre-2000.
Timeframe	Moderate/Long-term	Requires financial analysis (beyond the scope of this project) and then would have to go through political/government process to implement
Feasibility	TBD	Depends on city interest and cost
Priority	Low	Due to potential cost and amount of time needed to implement

Strategy	Make City-owned land available for private ALF development	
Description	Make city-owned land available for businesses to build and operate new ALF	
Considerations	This could be limited to ALF operators who commit to serving certain target populations (e.g., percentage of low income, dementia, and/or non-ambulatory residents)	
Key partners	Dept. of Real Estate; Fly Away Home model; Northern California Community Loan Fund	
Cost scale/estimate	Moderate	Building costs to be incurred by developer/not city, but there is an opportunity cost – what else could land be used for?
Impact	Moderate	Dependent on size of facility (greater size will have greater impact)
Timeframe	Long-term	Requires significant time to identify land and interested builders, navigate city process, and then time to construct
Feasibility	Low	Unclear how much city-owned land is available and appropriate for this type of project (e.g., park space, industrial area). The City has many competing priorities and populations for new development projects, particularly land available for housing construction.
Priority	Low	Due to potential cost, feasibility, and amount of time needed to implement

¹¹ California Community Care Facilities Act, Article 7: Local Regulation 1566.2.

OPERATING-RELATED COSTS

Strategy	Compliance costs related to labor law	
Description	Explore compliance cost of labor laws and opportunities to streamline, minimize, and/or alleviate costs while still fully complying with requirements (e.g., minimum wage, unemployment, other SF specific)	
Considerations	The primary cost is increasing minimum wage ¹² . However, there are other costs that the City could potentially help defray by: <ul style="list-style-type: none"> a. Continuing education requirements: Publicize city-funded opportunities for Continuing Education Units and make available to ALF operators for a low fee b. Background check costs: Subsidize or cover these costs for small facilities 	
Key partners	CCSF	
Cost scale/estimate	Low	CEU estimated cost per year: ¹³ Approximately \$8,400 per year for six beds (\$13,000 per year if all facilities with fewer than 16 beds included)
Impact	Low-Moderate	While these costs (CEU, background check) are not large in comparison to labor and mortgage expenses, could be useful for small ALF with lean budget
Timeframe	Short-term	If funding is made available, funding mechanism could likely be identified relatively easily
Feasibility	Moderate	Cost is low. Funding mechanism would need to be identified.
Priority	Moderate	Low cost for City but could be meaningful for small ALFs with lean operating budget.

Strategy	Joint purchasing power	
Description	Small facilities could potentially benefit from joint purchase agreements to develop economies of scale and reduce costs	
Considerations	ALF Workgroup discussed potential topics (see below) but identified that ALF facilities (through 6Beds, Inc) are best suited to identify needs and helpful strategies. <ul style="list-style-type: none"> --Food: Club/membership model (but how would this be different than Costco?) --Insurance: Small business coalition; some B&C have found Covered CA to be cheapest option; could potentially use 6Beds, Inc as non-profit organization to buy in through Nonprofits Insurance Alliance Group 	
Key partners	TBD	
Cost scale/estimate	Low	
Impact	Low	Low cost options are already available through other sources (e.g., Costco, Covered CA)
Timeframe	Moderate-term	Time required to determine ALF interest and preferred structure, identify facilitator, and establish joint venture.
Feasibility	Moderate	Unclear how this would be facilitated (e.g., establishment of co-op)
Priority	Low	Unlikely to significantly improve on existing systems and resources that provide this type of purchasing power.

¹² This topic is addressed in Workforce category strategies.

¹³ ALF administrators are required to complete continuing education courses every two years. Estimates based on cost estimate of \$350 for 20 in-person and 20 online hours.

WORKFORCE

STAFF HIRING AND RETENTION

Strategy	Sector training/workforce development	
Description	Provide training to prepare current and future staff for home care work, reducing a burden for ALF operators to find and train staff	
Considerations	This could be an opportunity for City College partnership, perhaps as part of a career ladder program. Existing homecare training programs could potentially be leveraged, such as homecare trainings for IHSS providers. Such a program might provide incentive for larger facilities to partner with DPH/DAAS to place clients.	
Key partners	OEWD, HSA Workforce Development Division, IHSS contractors	
Cost scale/estimate	Moderate	May vary based on mechanism but can be anticipated as ongoing cost
Impact	Low-moderate	From the ALF operator survey, most facilities employ small number of staff. Historically, small ALFs have often hired family members. However, this trend may be shifting. Approximately 75% indicated workforce programs designed to onboard new staff would be helpful.
Timeframe	Moderate-term	May vary based on mechanism – leveraging existing training resources would be faster than developing new partnerships and curriculum
Feasibility	Moderate	Potential to leverage existing resources
Priority	Moderate	The strategy to provide subsidized job placement would provide more support

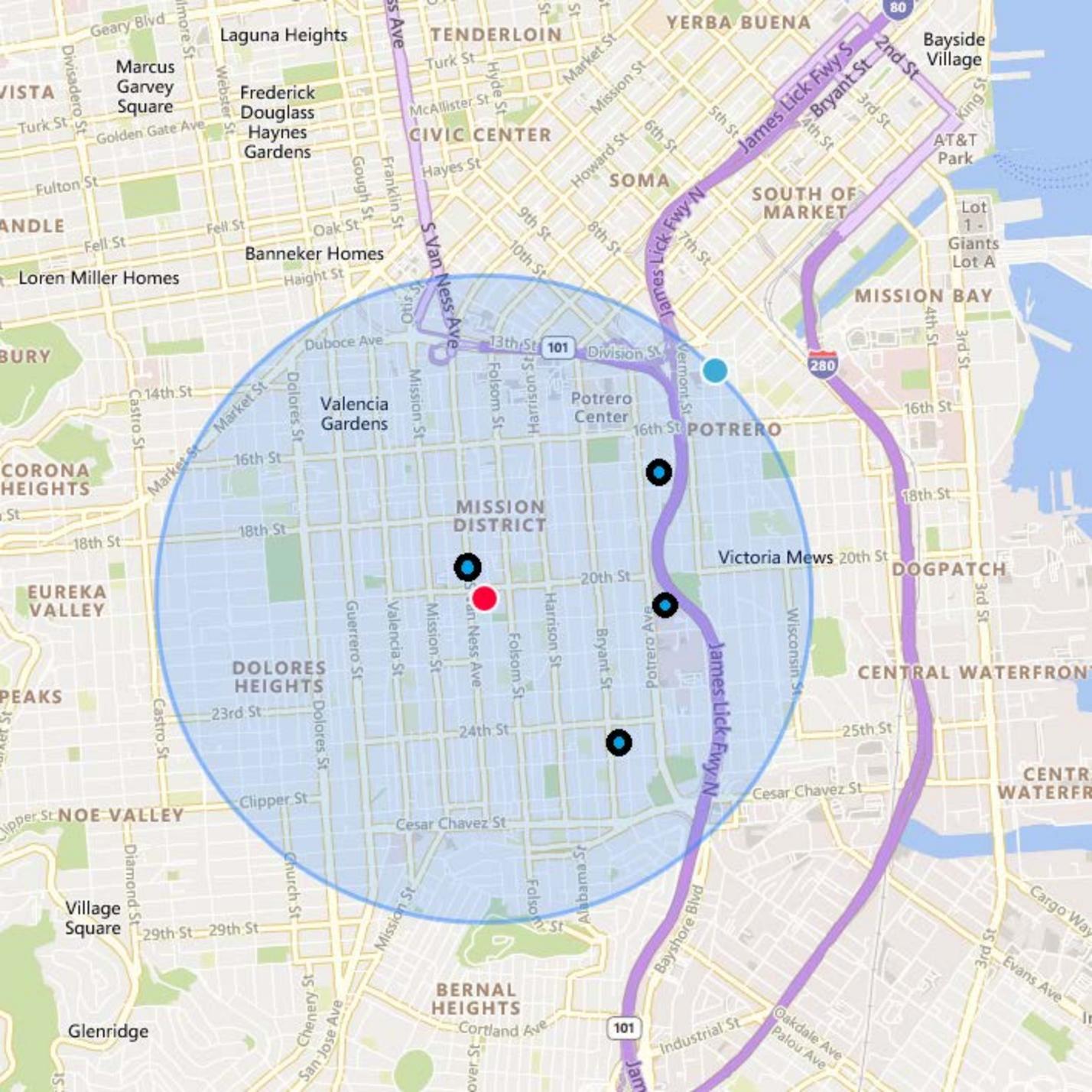
MODELS OF CARE AND PAYMENT

PAYMENT STREAMS AND CLIENTS

Strategy	Identify and advocate for new additional CMS waiver options	
Description	Analyze alternate Medicaid waiver options, including 1915c and 1115, for applicability and assess feasibility for advocating for local application and implementation.	
Considerations	First step will be to research how other states use other waiver programs and assessing their feasibility for California and San Francisco	
Key partners	DHCS, possibly policy bodies such as the California Area Agencies on Aging (C4A), etc	
Cost scale/estimate	Low	The primary cost would be staff time to conduct research. Advocacy for implementation of new waivers could entail new costs. However, as a Medicaid waiver, ALF placement would be covered by Medi-Cal.
Impact	Low	Would not address current residents (likely a 2-4 year time investment, at the very minimum)
Timeframe	Long-term	In addition to the initial research, this effort would likely require advocating for state level policy.
Feasibility	Low	Developing consensus and passage at state level of a separate ALF waiver option would likely be challenging, particularly given existence of ALW program.
Priority	Low	Clear next steps with possible long-term impact but only if an appropriate waiver and a coalition of advocates are identified

Strategy	Insurance Plans as Payers of ALF Placements	
Description	Explore opportunities for residents in need of ALF to utilize existing Life Insurance policies as a means of payment, such as swapping Life Insurance for Long Term Care Insurance, and help publicize this option to increase public awareness.	
Considerations	The City's primary role in this area would be to publicize and potentially help educate individuals about these options. There may be existing advocacy efforts on this topic with which the City could partner.	
Key partners	AARP, Leading Age, and representatives of the insurance industry (such as the SF Insurance Professionals)	
Cost scale/ estimate	Low	Public awareness efforts would likely be low cost. The majority of the cost related to this strategy would be borne by the insurance company or policy holder if/when individuals access benefits.
Impact	Low	It is unclear how many people would benefit from this resource. Those holding insurance policies are likely not low-income, so need may not be as urgent, and this is on the outer bounds of this project scope.
Timeframe	Long-Term	Requires developing partnership with new organizations/ profession to better understand the need and options available. Would require outreach to build awareness and have impact; those impacted would likely be City residents who do not actually need this service yet.
Feasibility	Low	This would require partnering with more experienced agencies or organizations already familiar with insurance.
Priority	Low	A moderate priority if there already exists an option within existing insurance plans to fund ALW and next steps primarily involve increased outreach to existing policy holders. Considered a low priority if option does not currently exist or it is determined that a limited number of SF residents would benefit from this option.

EXHIBIT 2



Laguna Heights

TENDERLOIN

YERBA BUENA

Bayside Village

Marcus Garvey Square

Frederick Douglass Haynes Gardens

CIVIC CENTER

SOMA

SOUTH OF MARKET

AT&T Park

Banneker Homes

Loren Miller Homes

MISSION BAY

Lot 1 - Giants Lot A

Valencia Gardens

MISSION DISTRICT

POTRERO

DOGPATCH

DOLORES HEIGHTS

CENTRAL WATERFRONT

EUREKA VALLEY

Victoria Mews

CENTRAL WATERFRONT

NOE VALLEY

Village Square

Glenridge

BERNAL HEIGHTS

101

80

101

80

From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:SOUTH VAN NESS MANOR
Date: Wednesday, December 23, 2020 3:23:41 PM

This is the facility information you requested.

SOUTH VAN NESS MANOR
822 SOUTH VAN NESS
SAN FRANCISCO, CA. 94110
Licensee Name: PARANGAN, JR., ANDRES BUSINE

Status: Licensed
License Date: 12/4/1981

Phone: (415) 285-1963
Number: 380503766
Capacity: 29
Type: ADULT RESIDENTIAL

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 11
All Visit Dates: 01/07/2020, 12/17/2019, 12/11/2019, 12/02/2019, 11/26/2019, 02/28/2019,
02/02/2018, 02/23/2017, 12/13/2016, 04/04/2016, 03/10/2016

Citations

Type A Citation: 1
Type B Citation: 3

Inspections

of Inspections: 3

Type A Citation: 0
Type B Citation: 0
All Visit Dates: 01/07/2020, 02/28/2019, 02/02/2018

Complaints

Total Complaint Investigations Completed: 2
- Total Allegations Substantiated: 3
- Total Allegations Inconclusive: 1
- Total Allegations Unsubstantiated: 0
Total Type A Citations: 0
Total Type B Citations: 3
- Total Complaint Visits: 4

Complaint Details:

Complaint Investigation Completed: 09/01/2017
- # Allegations Substantiated: 1
- # Allegations Inconclusive: 0
Type A Citations: 0
Type B Citations: 1
of Visits: 1
Dates of Visits: 12/13/2016

Complaint Investigation Completed: 08/12/2016
- # Allegations Substantiated: 2
- # Allegations Inconclusive: 1
Type A Citations: 0
Type B Citations: 2
of Visits: 3
Dates of Visits: 04/04/2016, 04/04/2016, 04/04/2016

Other Visits

of Other Visits: 8
Type A Citation: 1
Type B Citation: 1
Other Visit Dates: 01/07/2020, 12/17/2019, 12/11/2019, 12/02/2019, 11/26/2019, 02/23/2017,
04/04/2016, 03/10/2016

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From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:SAN FRANCISCO ADULT RESIDENTIAL FACILITY
Date: Wednesday, December 23, 2020 3:25:20 PM

This is the facility information you requested.

SAN FRANCISCO ADULT RESIDENTIAL FACILITY
887 POTRERO AVE.
SAN FRANCISCO, CA. 94110
Licensee Name: SAN FRANCISCO DEPT. OF PUBLIC HEALTH

Status: Licensed
License Date: 2/25/2005

Phone: (415) 206-6300
Number: 389210019
Capacity: 55
Type: ADULT RESIDENTIAL

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 22
All Visit Dates: 10/08/2020, 05/28/2020, 04/21/2020, 04/13/2020, 02/12/2020, 10/22/2019,
10/03/2019, 09/10/2019, 09/08/2019, 09/05/2019, 05/03/2019, 01/30/2019, 12/13/2018,
10/02/2018, 07/26/2018, 07/24/2018, 07/13/2018, 06/06/2018, 01/17/2018, 04/05/2017,
02/23/2017, 02/11/2016

Citations

Type A Citation: 5
Type B Citation: 0

Inspections

of Inspections: 4
Type A Citation: 0
Type B Citation: 0
All Visit Dates: 02/12/2020, 09/08/2019, 01/30/2019, 04/05/2017

Complaints

Total Complaint Investigations Completed: 9
- Total Allegations Substantiated: 2
- Total Allegations Inconclusive: 8
- Total Allegations Unsubstantiated: 7
Total Type A Citations: 1
Total Type B Citations: 0
- Total Complaint Visits: 9

Complaint Details:

Complaint Investigation Completed: 11/13/2020
- # Allegations Substantiated: 0
- # Allegations Unsubstantiated: 2
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 10/08/2020

Complaint Investigation Completed: 07/15/2020
- # Allegations Substantiated: 0
- # Allegations Unsubstantiated: 1
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 05/28/2020

Complaint Investigation Completed: 07/09/2020
- # Allegations Substantiated: 0
- # Allegations Unsubstantiated: 1
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 04/21/2020

Complaint Investigation Completed: 07/08/2020
- # Allegations Substantiated: 0
- # Allegations Unsubstantiated: 1
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 04/21/2020

Complaint Investigation Completed: 12/21/2018

- # Allegations Substantiated: 0

- # Allegations Unsubstantiated: 1

Type A Citations: 0

Type B Citations: 0

of Visits: 1

Dates of Visits: 12/13/2018

Complaint Investigation Completed: 10/04/2018

- # Allegations Substantiated: 1

- # Allegations Unsubstantiated: 0

Type A Citations: 1

Type B Citations: 0

of Visits: 1

Dates of Visits: 07/26/2018

Complaint Investigation Completed: 01/27/2018

- # Allegations Substantiated: 0

- # Allegations Unsubstantiated: 1

Type A Citations: 0

Type B Citations: 0

of Visits: 1

Dates of Visits: 01/17/2018

Complaint Investigation Completed: 07/25/2016

- # Allegations Substantiated: 0

- # Allegations Inconclusive: 3

Type A Citations: 0

Type B Citations: 0

of Visits: 1

Dates of Visits: 02/11/2016

Complaint Investigation Completed: 06/30/2016

- # Allegations Substantiated: 1

- # Allegations Inconclusive: 5

Type A Citations: 0

Type B Citations: 0

of Visits: 1

Dates of Visits: 02/11/2016

Other Visits

of Other Visits: 14

Type A Citation: 4

Type B Citation: 0

Other Visit Dates: 04/13/2020, 10/22/2019, 10/03/2019, 09/10/2019, 09/05/2019, 05/03/2019,
12/13/2018, 10/02/2018, 07/24/2018, 07/13/2018, 06/06/2018, 04/05/2017, 02/23/2017,
02/11/2016

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From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:RJ STARLIGHT HOME CORPORATION
Date: Wednesday, December 23, 2020 3:26:27 PM

This is the facility information you requested.

RJ STARLIGHT HOME CORPORATION
2680 BRYANT STREET
SAN FRANCISCO, CA. 94110
Licensee Name: RJ STARLIGHT HOME CORPORATION

Status: Licensed
License Date: 2/9/2006

Phone: (415) 648-2280
Number: 385600340
Capacity: 12
Type: RESIDENTIAL CARE ELDERLY

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 4
All Visit Dates: 02/19/2020, 07/16/2019, 02/21/2019, 04/18/2017

Citations

Type A Citation: 1
Type B Citation: 4

Inspections

of Inspections: 3
Type A Citation: 0

Type B Citation: 2
All Visit Dates: 02/19/2020, 02/21/2019, 04/18/2017

Complaints

Total Complaint Investigations Completed: 0
- Total Allegations Substantiated: 0
- Total Allegations Inconclusive: 0
- Total Allegations Unsubstantiated: 0
- Total Allegations Unfounded: 0
Total Type A Citations: 0
Total Type B Citations: 0
- Total Complaint Visits: 0

Complaint Details:

Other Visits

of Other Visits: 1
Type A Citation: 1
Type B Citation: 3
Other Visit Dates: 07/16/2019

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From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:RUSTAN ADULT RESIDENTIAL CARE HOME
Date: Wednesday, December 23, 2020 3:25:49 PM

This is the facility information you requested.

RUSTAN ADULT RESIDENTIAL CARE HOME
460 UTAH STREET
SAN FRANCISCO, CA. 94110
Licensee Name: RUIZ, PASTOR AND NECITA

Status: Licensed
License Date: 12/5/1988

Phone: (916) 690-0728
Number: 380540303
Capacity: 6
Type: ADULT RESIDENTIAL

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 6
All Visit Dates: 12/09/2019, 12/27/2018, 06/08/2018, 05/16/2018, 12/14/2016, 12/30/2015

Citations

Type A Citation: 3
Type B Citation: 0

Inspections

of Inspections: 1
Type A Citation: 3

Type B Citation: 0
All Visit Dates: 12/09/2019

Complaints

Total Complaint Investigations Completed: 0
- Total Allegations Substantiated: 0
- Total Allegations Inconclusive: 0
- Total Allegations Unsubstantiated: 0
Total Type A Citations: 0
Total Type B Citations: 0
- Total Complaint Visits: 0

Complaint Details:

Other Visits

of Other Visits: 6
Type A Citation: 0
Type B Citation: 0
Other Visit Dates: 12/27/2018, 06/08/2018, 05/16/2018, 12/14/2016, 12/30/2015, 12/30/2015

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EXHIBIT 3

From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:HOLLY PARK FAMILY HOME, INC.
Date: Wednesday, December 23, 2020 3:50:11 PM

This is the facility information you requested.

HOLLY PARK FAMILY HOME, INC.
321 HOLLY PARK CIRCLE
SAN FRANCISCO, CA. 94110
Licensee Name: HOLLY PARK FAMILY HOME INC.

Status: Licensed
License Date: 8/14/2015

Phone: (415) 648-8292
Number: 385600420
Capacity: 6
Type: ADULT RESIDENTIAL

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 5
All Visit Dates: 11/15/2019, 09/19/2018, 06/08/2018, 07/21/2016, 04/11/2016

Citations

Type A Citation: 0
Type B Citation: 0

Inspections

of Inspections: 1
Type A Citation: 0

Type B Citation: 0
All Visit Dates: 11/15/2019

Complaints

Total Complaint Investigations Completed: 1
- Total Allegations Substantiated: 0
- Total Allegations Inconclusive: 1
- Total Allegations Unsubstantiated: 0
Total Type A Citations: 0
Total Type B Citations: 0
- Total Complaint Visits: 1

Complaint Details:

Complaint Investigation Completed: 08/05/2016
- # Allegations Substantiated: 0
- # Allegations Inconclusive: 1
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 04/11/2016

Other Visits

of Other Visits: 3
Type A Citation: 0
Type B Citation: 0
Other Visit Dates: 09/19/2018, 06/08/2018, 07/21/2016

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From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:LADY OF PERPETUAL HELP RFE #1
Date: Wednesday, December 23, 2020 3:45:37 PM

This is the facility information you requested.

LADY OF PERPETUAL HELP RFE #1
476 FAIR OAKS STREET
SAN FRANCISCO, CA. 94110
Licensee Name: GREPO, CEASAR

Status: Licensed
License Date: 10/19/1999

Phone: (415) 648-9533
Number: 380504039
Capacity: 15
Type: RESIDENTIAL CARE ELDERLY

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for further information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 4
All Visit Dates: 03/02/2020, 03/20/2019, 02/14/2018, 02/07/2018

Citations

Type A Citation: 5
Type B Citation: 0

Inspections

of Inspections: 2
Type A Citation: 0

Type B Citation: 0
All Visit Dates: 03/20/2019, 02/07/2018

Complaints

Total Complaint Investigations Completed: 0
- Total Allegations Substantiated: 0
- Total Allegations Inconclusive: 0
- Total Allegations Unsubstantiated: 0
- Total Allegations Unfounded: 0
Total Type A Citations: 0
Total Type B Citations: 0
- Total Complaint Visits: 0

Complaint Details:

Other Visits

of Other Visits: 3
Type A Citation: 5
Type B Citation: 9
Other Visit Dates: 03/02/2020, 02/14/2018, 02/14/2018

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From: cclwebmaster@dss.ca.gov
To: [Brett Schweinberg](#)
Subject: Facility Info:MERCED THREE RESIDENTIAL CARE FACILITY
Date: Wednesday, December 23, 2020 3:46:30 PM

This is the facility information you requested.

MERCED THREE RESIDENTIAL CARE FACILITY
1420 HAMPSHIRE STREET
SAN FRANCISCO, CA. 94110
Licensee Name: HAFCO ELDER CARE, INC.

Status: Licensed
License Date: 7/14/2005

Phone: (415) 285-7660
Number: 385600349
Capacity: 33
Type: RESIDENTIAL CARE ELDERLY

State Licensing Office Contact Information

Address:
851 TRAEGER AVE., SUITE 360
SAN BRUNO, CA. 94066

Phone: (650) 266-8800

Contact the State Licensing Office for futher information on this facility or if there are corrections you think should be made.

All Visits

of Visits: 7
All Visit Dates: 01/16/2020, 02/21/2019, 01/24/2018, 11/08/2017, 07/13/2017, 09/09/2016,
08/18/2016

Citations

Type A Citation: 1
Type B Citation: 6

Inspections

of Inspections: 1

Type A Citation: 1
Type B Citation: 3
All Visit Dates: 02/21/2019

Complaints

Total Complaint Investigations Completed: 1
- Total Allegations Substantiated: 0
- Total Allegations Inconclusive: 0
- Total Allegations Unsubstantiated: 4
- Total Allegations Unfounded: 0
Total Type A Citations: 0
Total Type B Citations: 0
- Total Complaint Visits: 1

Complaint Details:

Complaint Investigation Completed: 02/04/2020
- # Allegations Substantiated: 0
- # Allegations Unsubstantiated: 4
- # Allegations Unfounded: 0
Type A Citations: 0
Type B Citations: 0
of Visits: 1
Dates of Visits: 01/16/2020

Other Visits

of Other Visits: 6
Type A Citation: 0
Type B Citation: 1
Other Visit Dates: 01/24/2018, 11/08/2017, 07/13/2017, 09/09/2016, 09/09/2016, 08/18/2016

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EXHIBIT 4

Application Instructions for A Facility License



CDSS
CALIFORNIA
DEPARTMENT OF
SOCIAL SERVICES

Community Care Licensing Division

This contains the instructions for the following:

- ADULT RESIDENTIAL FACILITIES
- GROUP HOMES
- SMALL FAMILY HOMES
- RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE)
- RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL (RCF-CI)
- SOCIAL REHABILITATION FACILITIES
- ADULT DAY PROGRAMS
- FOSTER FAMILY AGENCIES
- ADOPTION AGENCIES
- TRANSITIONAL HOUSING PLACEMENT PROGRAM
- COMMUNITY TREATMENT FACILITY

Community Care Licensing Division (CCLD) Application Booklet for Facility License

INTRODUCTION — These instructions are intended to help you file an application for a facility license for the facility types listed on the cover. Attached are the instructions for filing the application. Before a license can be issued, the licensing agency must review information that you meet the minimum requirements for the license.

The application fee plus section A and B documents must be completed and sent to the licensing agency as a packet. **The application fee is non-refundable.** Your application cannot be started until all the forms are filed with the licensing agency. The page entitled, "Section A, Forms by Type of Facility" has links that will take you directly to each licensing form. If you need additional forms, our website is www.cclld.ca.gov or contact our licensing agency. By printing out forms online, you are assured of using the most current licensing form.

Submit the Section A and B documents in the same sequence as they are in the application booklet. If the forms are incomplete, the licensing agency will return the entire packet to you. To prevent delays, be sure that you have all the necessary information completed, properly signed, with original signatures, and dated. Make a photocopy of your application before you give it to the licensing agency.

REGULATIONS — The regulations that govern the licensing of all facility categories covered by these application instructions are under the California Code of Regulations, Title 22, Division 6. Copies of the regulations and amendments can be downloaded from <http://www.cdss.ca.gov/inforesources/CDSS-Regulations-Home-Page>.

For information on purchasing regulations with an update service, contact:

Barclays West Group
1-800-888-3600

RESIDENTIAL CARE FACILITY FOR THE CHRONICALLY ILL — If you are applying for an RCF-CI license, your application must contain all of the items in Sections A and B plus some additional items. Refer to California Code of Regulations, Title 22, Division 6, Chapter 8.5, Section 87818 (the RCF-CI Regulations) for detailed information on the additional required items.

INFORMATION PRACTICE ACT: — This information is requested by the Department of Social Services in compliance with Title 22, Division 6 of the California Code of regulations and Section 1500 and 1569 et. Seq. of Health and Safety Code. Submission of the information is mandatory. The local licensing office is responsible for maintaining the information. Access to this information will be provided unless prohibited by the Information Practice Act of 1977. Certain authorized public and private agencies may have access to this information including county Welfare Departments, Department of Justice, Regional Centers, the Department of Developmental Services and the Department of Mental Health.

Section A
Forms by Type of Facility

Forms required to be completed by the applicant for licensure by type of facility are listed below:

LICENSING FORMS CLICK BELOW TO ACCESS EACH FORM	Group Home Community Treatment Facility	Adult Residential Social Rehabilitation Facility Adult Day Programs RCFE RCF-CI	Small Family Home	Foster Family Agency Adoption Agency Transitional Housing Placement Program
A1. Application (LIC 200)	Required	Required	Required	Required
A2. Applicant Information (LIC 215)	Required	Required	Required	Required
A3. Designation of Administrative Responsibility (LIC 308)	Required	Required	Required	Required
A4. Administrative Organization (LIC 309)	Required	Required	—	Required
A5. Affidavit Regarding Client Cash Resources (LIC 400)	Required	Required	Required	Required
A6. Surety Bond (LIC 402)	Required	Required	Required	Required
A7. Monthly Operating Statement (LIC 401)	Required	Required	—	Required
A8.a Supplemental Financial Information (LIC 401a)	Required	Required	—	Required
A8.b Balance Sheet (LIC 403)	Required	Required	—	Required
A8.c Balance Sheet Supplemental Schedule (LIC 403a)	Required	Required	—	Required
A9. Financial Information Release and Verification (LIC 404)	Required	Required	—	Required
A9.A Budget Information (LIC 420)	—	—	Required	—
A10. Personnel Report (LIC 500)	Required	Required	Required	Required
A11. Personnel Record (LIC 501)	Required	Required	Required	Required
A12. Health Screening Report - Facility Personnel (LIC 503)	Required	Required	Required	Required
A13. Criminal Record Statement (LIC 508, LIC 508D)	Required (LIC 508)	Required (LIC 508)	Required (LIC 508D)	Required (LIC 508)
A14. Emergency Disaster Plan (LIC 610C, LIC 610D, LIC 610E)	Required (LIC 610C)	Required (LIC 610D) (RCFE only LIC610E)	Required (LIC 610C)	Required (LIC 610C)
A15. Facility Sketch (LIC 999)	Required	Required	Required	Required
A16. Fire Inspection (LIC 9054)	Required	Required	Required	Required
A17. Board of Director Statement (LIC 9165) Contained in PUB 326	Required	—	—	—

A1. LIC 200 - APPLICATION FOR A COMMUNITY CARE FACILITY OR RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSE.

- Make sure the form is filled out completely.
- All applicants must sign the application, including each general partner.
- The application should contain original signatures. The licensing agency will not accept photocopied signatures on this form.
- If the application indicates that the applicant previously held a license for a facility, the licensing agency will compare the Applicant Information Form (LIC 215), and verify that the applicant is not subject to disciplinary action.
- Signatures should match applicant's name, unless the application is a corporation or limited liability company. *(See below)*.
- If a corporation is applying for the license, all persons signing the application must be authorized by the Board resolution and the Board resolution must be submitted with this form.

NOTE: For partnerships, corporations and limited liability companies – See SECTION B. criteria for additional information below.

A2. LIC 215 - APPLICANT INFORMATION

- There should be a form completed by each applicant.
 - If the applicant previously held a license, held a beneficial ownership of 10 percent or more or was an administrator, general partner, corporate officer or director of a licensed facility, the licensing agency will research to determine if the applicant is subject to disciplinary action.
 - This form will be used as necessary to verify qualifications when an applicant also intends to be the Administrator/Director.
 - The form must contain original signatures. The licensing agency will not accept photocopied signatures on this form. Reference statements must be current and should not be from relatives.
-
-

A3. LIC 308 - DESIGNATION OF FACILITY RESPONSIBILITY

- At least one individual must be designated as the authorized person of the facility to act in the licensee's absence. A LICENSEE CANNOT DESIGNATE HIM OR HERSELF. More than one staff person may be designated on a form.
 - If the applicant is a corporation or a limited liability company, a resolution must authorize the delegation and be submitted with this form.
 - The form must contain the original signatures of the applicants/licensees. The licensing agency will not accept photocopied signatures on this form.
-
-

A4. LIC 309 - ADMINISTRATIVE ORGANIZATION

- Individual applicants are NOT required to complete this form.
 - This form must be completed if the applicant is a corporation, public agency, partnership, or limited liability company.
 - Make sure the information matches that on the application (LIC 200).
 - Terms of office should match articles/bylaws.
-
-

**WHAT A CREDIT REPORT
DOES AND DOES NOT
SAY ABOUT YOU.**

DOES SAY

Your Name.

Your Address.

Your Social Security Number.

Payment History.

If You Have Any Bankruptcies Or Liens.

If Any Businesses Have Looked At Your File.

Any Comments You've Added To Your File.

DOES NOT SAY

How Much You Have In The Bank.

What Your Race Is.

What Your Religion Is.

What Your Investments Are.

If You've Had Any Criminal Arrests.

If You Have Any Traffic Tickets.

Merchandise Purchased.

Anything About Your Medical History.

The purpose of a consumer credit report is to report your credit history and whether or not you repay loans on time for the things you buy.

Your rights of privacy are protected by law. The Department of Social Services obtains credit reports per Section 604 of the Fair Credit Reporting Act:

“A consumer reporting agency may furnish a consumer report under the following circumstances and no other:....(3) To a person which it has reason to believe...(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status:...

Your consumer credit report is maintained in the confidential section of your facility file which is maintained in your local regional office.

A5. LIC 400 - AFFIDAVIT REGARDING CLIENT CASH RESOURCES

- Make sure the form is completed and the appropriate box is checked.
- Make sure a bond is obtained if needed.
- This form must contain original signatures. The licensing agency will not accept photocopied signatures on this form.
- Not required for Foster Family Agencies.

A6. LIC 402 - SURETY BOND

- Make sure the bonding agency uses the language found on the LIC 402, if the form itself is not used. The State of California must be identified as the beneficiary and there must be an effective date and an expiration date.
- The document must contain original seals and signatures. The licensing agency will not accept photocopied signatures on this form.
- Compare the LIC 402 to ensure that the bond is in the amount indicated on the LIC 400.
- This is not required for Foster Family Agencies.
- The following are examples of situations when a bond is needed. (Because a licensee, or facility employee is handling client cash resources.)
 - The licensee/facility employee cashes a client's check at the bank and returns the money to the client. In this situation, the licensee/facility employee has handled the client's money.
 - The licensee/facility employee keeps client money in a safe place, including a bank or other financial institution, and controls its distribution (i.e., hands out the money).

A7. LIC 401 - MONTHLY OPERATING STATEMENT

- Instructions are found on the reverse side of the form.
- Make sure the number of clients corresponds with the requested capacity.
- Other facility income must be clear and documented.
- All facility operating costs must be indicated and reasonable (i.e., salaries are shown as at least minimum wage).
- Approximately 25 percent of the salaries should normally be added for fringe benefits. If fringe benefits are not applicable, the application should so state and explain why.
- Make sure rent amount corresponds with lease/rental agreement/mortgage payment.
- If the applicant is the licensee of another facility, a separate LIC 401 must also be submitted for each licensed facility. For facilities in operation, this information must reflect the actual operating budget, not an estimate. At the top of the LIC 401, the applicant is to indicate whether the information contained on the form is estimated or actual.
- Make sure the form contains both the name of the preparer and the original signature of the applicants. The licensing agency will not accept photocopies of signatures on this form.
- Not required for Small Family Homes.

THE FOLLOWING FINANCIAL FORMS ARE NECESSARY IN ORDER TO CAPTURE THE OVERALL FINANCIAL STATUS OF THE APPLICANT AND TO DETERMINE IF THE APPLICANT HAS SUFFICIENT FINANCIAL RESOURCES TO OPERATE THE FACILITY (I.E. MEET EXPENSES). THESE FORMS AND A CREDIT REPORT WILL BE REVIEWED IN CONJUNCTION WITH ONE ANOTHER.

A8 (a) LIC 401a - SUPPLEMENTAL FINANCIAL INFORMATION

- Instructions are found on the reverse side of the form.
 - Part I is to reflect all other income and expenses, excluding the facility income.
 - Part I is to be completed by individual applicants and each general partner.
 - Part II is to be completed by all applicants.
 - Make sure the form contains both the name of the preparer and the applicant's original signature. The licensing agency will not accept photocopied signatures on this form.
-
-

A8(b) LIC 403 -BALANCE SHEET

- **STOP: THE LIC 403A SHOULD BE COMPLETED BEFORE FILLING OUT THIS FORM.**
 - Instructions are found on the reverse side of the form.
 - The information provided is to reflect assets and liabilities concerning all activities of the owners, not just those related to the operation of the facility.
 - Figures must be "realistic".
 - Life insurance amount must be the cash value or surrender value, not "face value", (normally the amount to be paid upon death).
 - If the applicant is the sole owner, real estate listed should indicate both the purchase price and the market value of property. If the applicant is a partnership or corporation, the cost of the real estate should be indicated, not the appraised value.
 - On site furnishings and equipment listed should indicate the market value.
 - Only cash and cash equivalents should be considered for meeting the three month start-up funds requirement. Cash equivalents are those assets which are readily converted to cash in one week or less.
 - Make sure the form contains both the name of the preparer and the original signature of the applicants. The licensing agency will not accept photocopied signatures on this form.
 - Not required for Small Family Homes.
-
-

A8(c) LIC 403a -BALANCE SHEET SUPPLEMENTAL SCHEDULE

- This is a detailed balance sheet to be completed prior to completing the LIC 403.
- Instructions are found on the reverse side of the form.
- Cash in the bank will be verified with the use of the LIC 404.
- The licensing agency verifies liabilities by obtaining a credit report on the applicant.
- Make sure the form contains both the name of the preparer and the original signature of the applicants. The licensing agency will not accept the photocopied signatures on this form.
- Not required for Small Family Homes.

A9. LIC 404 - FINANCIAL INFORMATION RELEASE AND VERIFICATION

- This information is used to verify approximately three months operating funds.
- If readily accessible, a verifiable line of credit from a reputable financial institution (i.e., a bank, savings and loan, credit union or major credit card) is acceptable for use as start-up funds. The credit check process requires certain past debts be brought current.
- The licensing agency will take into account that the applicant is purchasing an already licensed and operational facility.
- Start-up funds should not be consumed on renovation or repair work to the facility.
- The licensing agency will send this form to the financial institution. The verification must be sent by the financial institution directly to the licensing agency.
THE LICENSEE CANNOT HAND CARRY IT.
- One form or set of forms is required for each bank.
- All persons listed on an account must sign the form. Bank accounts must be in the applicant's name.
- The licensing agency will NOT accept photocopied signatures on this form.
- Not required for Small Family Homes.

A9.A LIC 420 - BUDGET INFORMATION

- To be completed by Small Family Home applicants only.
- Must contain original signature(s). Cannot be photocopied.

A10. LIC 500 - PERSONNEL REPORT

- All planned employee positions are to be shown on this form. Include days and hours staff will be scheduled for duty. The licensing agency will review to ensure there is required staff coverage for all hours of operation.
- The Director/Administrator and any staff hired at the time of the application should be on the form. Other positions with staff not yet hired must be listed as "to be hired" and designated by position title.
- The licensing agency will make sure anyone designated as EXEMPT from fingerprinting requirements is appropriate pursuant to Health and Safety Code Sections 1522 and 1569.17.
- Ensure that the reverse side of the LIC 500 is signed by the applicant/licensee or designated representative if there are exempt personnel at the facility.
- If the applicant is the licensee of another facility, a separate LIC 500 must also be submitted for each licensed facility.
- The licensing agency will **NOT** accept photocopied signatures on this form.

A11. LIC 501 - PERSONNEL RECORD

- Only those who do not complete an LIC 215 should complete this form.
- This form is to be signed and submitted to the licensing agency with the application only for directors/administrators or Group Home program managers who are not licensees. All other staff forms are to be kept on file for review at the facility.
- Verification of education and experience will be done against official transcripts and/or references.

A12. LIC 503 - HEALTH SCREENING REPORT

(This form is not required, under certain circumstances, of persons who are adherents of a well-recognized church relying solely upon prayer or spiritual means of healing. Facilities must, however, present satisfactory evidence to the licensing agency that individuals are free from any communicable disease. Such evidence shall be a written statement from a practitioner recognized by this religion for the purpose of healing.)

- One form each is required for the applicant or designee and administrator.
- Health screening, at time of application, must be less than six months old for applicants for Residential Care Facilities for the Elderly and one year old for all other categories.
- If the applicant has other licensed facilities, or the administrator worked at another facility with the same licensee and there is an exam on file, a new health exam is not required unless there are obvious health problems.
- The LIC 503 must be signed and dated by a qualified medical professional. The licensing agency will NOT accept photocopied signatures on this form.
- The Tuberculosis (TB) test portion of the form must be filled out, including result, or a separate test verification is needed.

A13. LIC 508 or LIC 508D - CRIMINAL RECORD STATEMENT

- One form each is required for the applicant or designee and administrator, if applicable to the licensing category (i.e. facility is required to have an administrator).

A14. LIC 610C, LIC 610D or LIC 610E - EMERGENCY DISASTER PLAN

- The plan must show two relocation sites away from the facility that are able to accommodate the number of clients/children in the facility.
- If the property is not currently occupied by the applicant, the use of the relocation site requires authorization from the agency or person currently in possession. This authorization should be verified in writing.

A 15. LIC 999 - FACILITY SKETCH

- Sketch must give dimensions of all rooms and designate their use.
- Door and window exits must be shown. Indicate exit routes by number as shown on the LIC 610/LIC 610A Emergency Disaster Plan.
- Rooms to be used by non-ambulatory clients/residents and staff should be identified.
- A facility sketch is required for all indoor and outdoor space including driveways, fences, storage areas, gardens, recreation areas and other space used by clients/residents.
- For facilities with multiple buildings on a single site, submit separate sketches for indoor and outdoor space for each building and one sketch showing entire facility and relationship between indoor and outdoor spaces of all buildings, as well as any other use of the building.
- Sketch of outdoor space must show dimensions and location of major equipment and swimming pools. Sketch must also identify utility shut-off locations.

Section B
Forms by Type of Facility

Forms required to be completed by the applicant for licensure by type of facility are listed below:

SUPPORTIVE DOCUMENTS	Group Home Community Treatment Facility	Adult Residential Social Rehabilitation Facility Adult Day Programs RCFE RCF-CI	Small Family Home	Foster Family Agency Adoption Agency Transitional Housing Placement Program
B1. Partnership Agreement/Articles of Incorporation/Articles of Organization	Required	Required	—	Required
B2. Verification of Administrator Qualifications and Certification	Required	Required	—	Required
B3. Verification of Social Worker Qualifications	Required	—	—	Required
B4. Job Description - each position	Required	Required	—	Required
B5. Personnel Policies	Required	Required	—	Required
B6. In service Training for Staff	Required	Required	—	Required
B7. Facility Program Description	Required	Required	Required	Required
B8. Rules of Discipline/Personal Rights	Required	Required	Required	Required
B9. Admission Policies	Required	Required	Required	Required
B10. Sample Menu	Required	Required	Required	—
B11. Control of Property	Required	Required	Required	Required
B12. Bacteriological Analysis of Private Water Supply (When Water for Human Consumption is from a Private Source)	Required	Required	Required	Required
B13. Insurance Information	—	RCFE Only		
B14. Theft & Loss Policy	—	RCFE Only	—	—
B15. Neighborhood Complaint Policy – Applicable to non-resident owner community care facilities providing residential care for six or fewer persons ONLY.	Required	Required	—	—
B16. First Aid Card	Required	Required	Required	Required
B17. Orientation Certification	Required	Required	Required	Required
B18. Group Home and Foster Family Agency Program Statement for rate setting purposes	Required	—	—	Foster Family Agency ONLY

B1. - PARTNERSHIP AGREEMENT, ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION

Information contained in a partnership agreement, articles of incorporation or articles of organization gives the licensing agency information concerning who is ultimately responsible for which functions in the facility. This information is especially necessary when there are unresolved problems needing attention. The licensing agency must know who to contact regarding the operation of the facility.

PARTNERSHIP AGREEMENT

- A written agreement is not necessary for licensing purposes when the partners are husband and wife. However, two individuals not related by marriage are required to provide a partnership agreement.
- For licensing purposes, it is necessary to determine if the partnership is a general or limited partnership. If it is a limited partnership, only the general partner(s) are to be on the license. However, the names and addresses of the limited partners are also needed. Limited partners need not sign the application, submit fingerprints (except when living at or performing care or supervisory duties in the facility), etc.
- All general partners need to be on the license and sign the application.
- Name & business address of each general partner is needed.
- A description of the obligations and duties of each general partner and whether or not each can act on behalf of the others. (This is necessary in order for the licensing agency to know who is in charge and responsible for what.) It should be noted that in a partnership, ultimately, each partner is responsible and liable for the obligations of the license.

ARTICLES OF INCORPORATION:

The Articles of Incorporation are used to establish that the applicant is, in fact, a valid corporation and qualified as such to do business in the State of California. The articles should have attached, a seal from the state where incorporated. Foreign (out-of-state) corporations must also provide a Certificate of Qualification from the California Secretary of State to establish that the corporation is qualified to do business in California. Pursuant to regulation, the following information must also be provided as part of, or in support of, the Articles of Incorporation.

- Constitution and by-laws (day-to-day operation). This is viewed only to ensure that no licensing regulations are violated.
- Board Resolution (to determine who are the agents acting on behalf of the Corporation).

Authorization to apply for a license and the person authorized and delegated by board resolution to sign and act on behalf of the corporation should be included in the board resolution. This may be the Chief Executive Officer, Board President, Board Member, or an individual from the corporate executive office.

- Directors' and officers' names, titles, business and phone numbers.
- Name and address of 10 percent shareholders

B1. - (Continued)

ARTICLES OF ORGANIZATION:

The Articles of Organization, stamped by the Secretary of State, establish that a limited liability company (LLC) applicant is validly formed and qualified to do business in the State of California. If the Articles of Organization were filed in another state, the LLC is a "foreign limited liability company" and must also submit a Secretary of State Form LLC-5 (Limited Liability Company Application for Registration), stamped by the California Secretary of State, to demonstrate that the foreign LLC has registered in California and is qualified to do business in this state. Similar to the information required for corporate applicants, a LLC applicant must provide the following information:

- Operating Agreement. All LLC's must have an operating agreement. Operating agreements specify who will manage the business, who the owners are, how decisions will be made, and much more.
- The names, titles, business addresses, and phone numbers of all managing members, managers, and non-managing members holding a 10 percent or more interest in the LLC.

NOTE: Generally, no resolution or other authorization from the LLC is necessary to identify who has authority to act on behalf of the applicant. The operating agreement should specify who has such authority and typically managers and managing members may act for the LLC. If the application is signed by an individual who is not identified in the operating agreement as a manager or a managing member (or the individual does not have the authority in the operating agreement to act on behalf of the LLC), **then a proper written delegation of authority, consistent with the terms of the operating agreement is necessary.**

B2. VERIFICATION OF ADMINISTRATOR / DIRECTOR QUALIFICATIONS

Administrator/Director qualifications and duties are found in licensing regulations. When applicable, these requirements must be verified by the following means by the applicant/licensee and provided to the licensing agency as part of SECTION B:

COMMUNITY CARE FACILITIES (CCF'S) / ADULT RESIDENTIAL CARE FACILITIES (ARF'S) AND RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE)

For ARF only: Proof of registration in a 35-hour ARF certification program should be submitted with the application. A Department issued certificate verifying completion of the 35-hour ARF certification is required prior to licensure.

For RCFE only: Proof of registration in a 40-hour certification program should be submitted with the application. A Department issued certificate verifying completion of the 40-hour RCFE certification program by an approved vendor is required prior to licensure.

For GH only: Proof of registration in a 40-hour certification program should be submitted with the application. A Department issued certificate verifying completion of the 40-hour GH certification program by an approved vendor is required prior to licensure.

Education:

Transcripts from an accredited school, when required.

Out-of-Country school - In order to determine that the appropriate classes and number of units have been completed, the applicant/licensee should obtain a copy of the class descriptions or college catalog describing the class or obtain certification from a local college regarding class equivalency. All state universities have an international programs office which may be contacted to determine the status of courses offered by foreign colleges and universities.

Experience:

Written references are to be obtained by the applicant/licensee and submitted to the licensing agency. References are used solely to determine that the experience requirement is met (i.e., the person worked there, in the particular capacity, the specific duties performed, for a specified period of time). If it is not possible to obtain a written reference (i.e., the person is out of business and there is no means of contact), the applicant/licensee may submit a declaration signed by the Administrator stating why written references are not able to be obtained, that he/she worked in a particular capacity at a particular place/facility, the specific duties performed, and for a specified period of time.

VERIFICATION OF EXPERIENCE FOR AN APPLICANT APPLYING FOR A ONE TO SIX BED ARF OR RCFE IS NOT NECESSARY.

B3. VERIFICATION OF SOCIAL WORK STAFF

Transcripts from an accredited school.

Experience, when required.

B4. JOB DESCRIPTIONS

As part of the operation of the facility, the applicant must establish staff positions that will be responsible for specific tasks or duties. The applicant must provide the licensing agency with a job description for each of these classifications. The descriptions should be clear, concise and relevant to the position for which the person is being hired. Additionally, job descriptions will be compared to the Personnel Report (LIC 500) and there must be a job description for each classification listed on the LIC 500.

The following areas must be addressed in each job description: Staff positions must correspond to those listed on all personnel reports.

- Duties and responsibilities:
- Minimum qualifications that correspond to licensing requirements. This is to include any special licenses or certificates or special skills needed to perform the job.
- Lines of supervision (This is to include supervision given and to whom, as well as supervision received and from whom).

B5. PERSONNEL POLICIES

Personnel policies are to describe those regulatory requirements commonly associated with personnel practices/policies such as staff coverage, staff qualifications, work schedules and conditions of employment.

The following areas are to be included in this section.

- Work hours/shifts for documentation of positions to provide coverage with competent staff. To correspond with staff positions and work days and hours listed on all personnel reports.
- Abuse reporting procedures. Documentation must indicate that employees will be informed of their responsibilities to report to the licensing agency as well as to the police and child/adult protective agency.
- Hiring practices: Including screening of employees for necessary education and experience and informing employees that conditions of their employment include fingerprint clearance, statement of prior criminal convictions, TB clearance, physical examination/health questionnaire, child abuse index check. (This is to ensure that employees are competent and aware that they have to meet these conditions for initial and continued employment).

Other federal and state agencies have requirements that businesses must adhere to in relation to personnel practices, such as minimum wages, Workers' Compensation and Fair Employment Practices. These agencies monitor the business' compliance with their regulations. CCLD does not enforce other agencies regulations. It is important, however, that applicants contact these agencies in order to determine that established practices are not in conflict with laws or regulations.

B6. IN-SERVICE TRAINING FOR STAFF

As part of the plan of operation of the facility, the applicant must establish a plan for in-service training for staff and submit the plan to the licensing agency at the time of application.

The plan must address the following:

- New employee training:

A description of the training. Please state who will be conducting the training.

- Ongoing training:

Topics to be covered in the training. The training list should include administrator continuing education units. Plan must include how often the training will be given and how the training will be documented. It must include topics specified in the regulation sections listed below:

80065	General Regulations
84065	Group Home Regulations
85065	Adult Residential Facilities Regulations
87565	Residential Care Facilities for the Elderly Regulations

B7. COMMUNITY CARE FACILITIES/RESIDENTIAL CARE FACILITIES FOR THE ELDERLY PROGRAM DESCRIPTION

The program description should be a general overview of the program philosophies, services provided and activities in the facility. A pamphlet or brochure advertising the facility is also acceptable providing all of the following elements are included:

- Brief statement of the purpose, goals and program methods (program philosophy).
- **Days and hours of operation.
- Daily schedule of activities to be provided by the facility. This should state who plans, conducts and assists clients in participating in these activities.
- A one month schedule of planned social, educational and recreational activities. This should state who plans, conducts, and assists clients in participating in these activities.
- **Description of the basic services provided by the facility. NOTE:

See Admission Guideline (LIC 604 or 604A) for a list of basic services.

- **Description of the optional services provided in the facility as listed in the admission agreement.
- Description of how the facility is going to handle medical emergencies if a client becomes ill or injured.
- Procedure for handling and assisting clients / residents with self-administered medications.
- Transportation arrangements.
- Description of community resources and consultants to be used by the facility.
- Each facility shall provide a procedure (approved by the licensing agency for immediate response to incidents and complaints).

[Information requested in areas designated by **may also appear in **Section B10** - Admission Policies].

B8. DISCIPLINE POLICIES

PERSONAL RIGHTS APPLIES TO ALL FACILITY CATEGORIES

GROUP HOMES AND FOSTER FAMILY AGENCIES ONLY

The applicant shall describe the types of discipline that will be used and under what conditions each type will be used. The discipline policies shall also address the following, when appropriate:

Types of discipline not permitted

NO CORPORAL PUNISHMENT/VIOLATION OF PERSONAL RIGHTS

Provisions for contact with parents/placement representatives (conferences)

Grounds for dismissal/eviction/relocation/removal from placement

NOTE: Prone containment and like techniques shall not be included as part of the facilities discipline policy nor written into individual client's needs and services plan. Such techniques are not to be a planned step in modifying behavior. They are considered to be only last resort emergency physical control techniques designed to prevent injury to bystanders, the assaultive client, other clients, and staff.

The Department will evaluate the discipline policies to ensure that these policies do not violate personal rights and that there is a clear statement that there will be no corporal or unusual punishment used. If there is reason to believe that the applicant does not understand what constitutes corporal punishment or a violation of personal rights, or the statements have not been made clear, then further information may be requested.

B9. ADMISSION POLICIES

The admission policies must provide information relevant to the category of clients accepted for care. In addition, they must provide ages of the clients, rates and refund policies, acceptance and retention limitations, pre-admission appraisals, needs and services plans, medical assessments and an admission agreement which contains the typical information a client or his/her authorized representative would need to know prior to entering a facility. A description of the following items must be included in this section.

- Persons accepted for care, including age range and compatibility determination process, when necessary.
- Intake procedures for placement in group homes.
- Criteria for assessing appropriateness of placement given an individual client's needs (i.e., interviews, procedures for obtaining and developing the necessary paperwork, etc.)
- Needs and services plan.
- Client's Rights/Personal Rights. (At a minimum there should be a statement that clients/residents will be informed of their rights and that client's/resident's rights will not be violated).
- Medical assessment.
- Pre-admission appraisal plan.
- Emergency information.
- Sign-in and sign-out procedures.
- Immunization requirements.
- Physical examination requirements (including TB testing).

B10. SAMPLE MENU

It is important for the licensing agency to verify that the applicant is familiar with the provisions of balanced meals, acceptable portion sizes and general principals of good nutrition. A sample menu is needed in order to meet this requirement.

The sample menu will include:

- Planned meals and snacks for one week, foods used should be from the four basic food groups.
- Portion sizes.
- Times meals served.

B11. CONTROL OF PROPERTY

It is necessary for the licensing agency to determine that the applicant/licensee has control over facility property. Once licensed, the licensee must be able to ensure that the facility and grounds are maintained and are in compliance with regulations (i.e., repairs made to physical plant, swimming pools fenced, etc.).

- Name and address of the owner must be provided.
- A copy of the lease agreement or rental agreement must be provided. (There are no requirements related to length of the lease or rental agreement.)

If the agreement precludes the use of the property as a facility, prevents the applicant/licensee from achieving compliance with regulations, or the operation of a facility is contrary to the terms of the agreement, the license must be denied/withdrawn as the licensee would not have adequate control over the property (i.e., the agreement states that Susie and Mary are to be the persons residing in the house and anyone else needs to be approved or the agreement states that the property cannot be used for business purposes and the applicant wishes to operate a facility for more than six persons).

- Proof of ownership must be provided if the applicant is the owner of the property.

The licensing agency can verify this by a Property Tax bill, Deed or other related document. The documents provided must contain the facility street address within the document or its' attachments.

B12. BACTERIAL ANALYSIS OF WATER

This form is to be completed **ONLY** if the facility gets water from a well or other private source.

This is required of all categories at initial licensure if water for consumption is from a private source, regardless of the number of clients served. Submit evidence of on-site inspection of the source of the water and a bacteriological analysis by a local or state health department or other qualified laboratory which establishes the safety of the water. If the analysis provided gives only a chemical/bacteriological analysis and not a specific statement as to whether or not the water is safe to drink, the licensing agency will request that the applicant get such a statement from the laboratory.

The analysis must be signed by a qualified agency representative.

B13. INSURANCE INFORMATION (APPLIES ONLY TO RESIDENTIAL CARE FACILITIES FOR THE ELDERLY)

A statement concerning whether or not there will be insurance covering the facility operation. If there is insurance coverage, what type of coverage and with whom. If there is no insurance coverage, a statement of such is sufficient.

B14. THEFT AND LOSS POLICY

This policy shall include the provisions for inventory of personal property at the time of admission, modification of the inventory, practices used to safeguard personal property upon the death of the resident, documentation and reporting of loss of personal property, method of marking personal property, and method for providing a secure area for safekeeping of resident personal property.

B15. NEIGHBORHOOD COMPLAINT POLICY

Facilities shall establish procedures for immediate response to incidents and complaints. The procedures must include a time when the owner, licensee or designee will be available to meet with neighborhood residents. Applicable to non-resident owner community care facilities providing residential care for six or fewer persons **ONLY**.

B16. FIRST AID CARD

Staff responsible for providing direct care and supervision shall receive training in first aid from persons qualified by agencies including but not limited to the American Red Cross.

Copies of first aid cards for applicant/administrators must be submitted.

COPIES OF FIRST AID CARDS WILL BE VERIFIED.

B17. ORIENTATION CERTIFICATE

Proof of attendance **MUST** be submitted with application.

B18. GROUP HOME PROGRAM STATEMENT

- For complete instructions refer to Group Home Program Statement - General Instructions (LIC 9106).
- Applicants should be aware that written statements of support from host counties social services or probation departments are required before AFDC-FC rates may be funded.
- Applicants may substitute the Group Home Program Statement for all SECTION B documents except Section B5, Personnel Policies and Section B16, Neighborhood Complaint Policy. Attach Section B5 and Section B16 to the back of the program statement.
- Applicants must submit two sets of Group Home Application documents unless program is not requesting a Foster Care Rate Setting.:
 - One set will be sent to Rate Setting
 - One set will be kept by the Licensing Agency
- The licensing agency will not accept photocopied signatures on required documents.
- Applicants should make a third set of Group Home Application documents for their own files.

Send the completed application packet to the licensing agency serving your area. Make sure you keep a photocopy of your application for your records before you forward it to the licensing agency.

HAVE YOU REMEMBERED THE FOLLOWING:

- Have you attended an orientation for your facility type and have you submitted a copy of your orientation certificate(s)?
- Is your application (LIC 200) signed and dated by all applicants?
- Do you have an Emergency Disaster Plan (LIC 610)?
- Do you have a Facility Sketch (LIC 999) showing indoor/outdoor space as well as all exits?
- Have you completed all Financial Information to operate your facility?
- If you are an RCF-CI applicant, have you checked regulation Section 87818 for additional required information and included it with this package?
- Have you enclosed your application fee?
- To prevent delays in your application, be sure that you have all the necessary information completed, properly signed (original signature) and dated.

EXHIBIT 5

1 [Interim Zoning Controls - Conditional Use Authorization for Conversion of Residential Care
2 Facilities to Other Uses]

3 **Resolution imposing interim zoning controls for 18 months to require a Conditional**
4 **Use authorization and specified findings for a proposed change of use from a**
5 **Residential Care Facility; affirming the Planning Department’s determination under the**
6 **California Environmental Quality Act; and making findings of consistency with the**
7 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7 authorizes the Board of Supervisors to
10 impose interim zoning controls to provide time for the orderly completion of a planning study
11 and the adoption of appropriate legislation, and to ensure that the legislative scheme which
12 may be ultimately adopted is not undermined during the planning and legislative process by
13 changes of use or approval actions which will conflict with that scheme; and

14 WHEREAS, Residential Care Facilities, as defined in Planning Code, Sections 102 and
15 890.50(e) and established with or without the benefit of any permits required under City law,
16 provide lodging, board, and care for 24 hours or more to persons in need of specialized aid by
17 State-licensed personnel, and include board and care homes, family care homes, long-term
18 nurseries, orphanages, rest homes or homes for the treatment of addictive, contagious or
19 other diseases, or psychological disorders; and

20 WHEREAS, The Department of Public Health, the Human Services Agency, the
21 Department of Aging and Adult Services, and the San Francisco Long-Term Care
22 Coordinating Council are actively assessing the current availability of Residential Care
23 Facilities in San Francisco for aging populations and those in need of long-term mental health
24 care; developing strategies to establish additional, economically sustainable Residential Care
25

1 Facilities for City residents; and considering potential zoning amendments as one of the policy
2 approaches to address these issues; and

3 WHEREAS, It is necessary for the City to further study and assess the establishment
4 and sustainability of Residential Care Facilities as a critical component of the City's ability to
5 serve populations with additional, long-term needs, as part of the City's future development;
6 and

7 WHEREAS, San Francisco has the highest percentage of seniors and adults with
8 disabilities of any urban area in California, and the number of seniors is steadily increasing,
9 especially those over the age of 85; and

10 WHEREAS, Over 40% of San Francisco's seniors live without adequate support
11 networks, in part because their families cannot find affordable housing in the City or because
12 they do not have children; and

13 WHEREAS, In January 2019, the San Francisco Long-Term Care Coordinating
14 Council's Assisted Living Workgroup issued a report regarding affordable assisted living in the
15 City, which is on file with the Clerk of the Board of Supervisors in File No. 190908, and which
16 found:

- 17 • There are 101 assisted living facilities with a total of 2,518 assisted living beds
18 and since 2012, the City has lost 43 assisted living facilities which had provided
19 243 assisted living facility beds;
- 20 • The number of assisted living facilities in the City has decreased, and the
21 decrease has primarily occurred through the closure of small facilities,
22 particularly the board and care homes with six or fewer beds, that are generally
23 more affordable;

- 1 • Assisted living facilities in the City face economic challenges, such as slim profit
2 margins and difficulty in finding employees that make it difficult for them to
3 continue to operate; and
- 4 • There is unmet need for affordable assisted living facility placements, and that
5 as of January 2019, available waitlist data indicates that at least 103 persons
6 require such placements; and

7 WHEREAS, The Board of Supervisors (“Board”) has considered the impact on the
8 public health, safety, and general welfare if the interim zoning controls proposed in this
9 resolution are not imposed; and

10 WHEREAS, The Board has determined that the public interest will best be served by
11 imposition of these interim zoning controls at this time, to ensure that any legislative scheme
12 that may ultimately be adopted to regulate conversion of Residential Care Facility Uses will
13 not be undermined during the planning and legislative process; and

14 WHEREAS, The Board finds that these interim controls are consistent with the General
15 Plan, in that they satisfy Objective 4 to “foster a housing stock that meets the needs of all
16 residents across lifecycles” and that they do not conflict with any other aspects of the General
17 Plan; and

18 WHEREAS, The Board finds that these interim zoning controls advance Planning
19 Code, Section 101.1(b)’s Priority Policy No. 2, “That existing housing and neighborhood
20 character be conserved and protected in order to preserve the cultural and economic diversity
21 of our neighborhoods,” and Priority Policy No. 3, “That the City’s supply of affordable housing
22 be preserved and enhanced,” in that these interim zoning controls seek to control the
23 conversion of Residential Care Facility Uses, which would provide City policy-makers with the
24 opportunity to develop legislative proposals that would allow seniors and other populations
25 with needs to find affordable housing options in San Francisco, thus preserving the cultural

1 and economic diversity of the City’s neighborhoods; and the Board also finds that these
2 interim zoning controls do not have an effect on and therefore are consistent with Priority
3 Policy Nos. 1, 4, 5, 6, 7, and 8 of Planning Code, Section 101.1; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this resolution comply with the California Environmental Quality Act (Pub. Res. Code Sections
6 21000 *et seq.*), which determination is on file with the Clerk of the Board in File No. 190908
7 and is incorporated herein by reference, and the Board affirms this determination; now,
8 therefore, be it

9 RESOLVED, That any proposed change of use from a Residential Care Facility, as
10 defined in Sections 102 and 890.50(e) of the Planning Code, shall require Conditional Use
11 Authorization while these interim zoning controls are in effect; and be it

12 FURTHER RESOLVED, That, in addition to the findings required pursuant to Planning
13 Code, Section 303, any consideration of a Conditional Use Authorization for a change of use
14 from a Residential Care Facility to another use shall take into account the following factors:

- 15 1) Any findings by the Department of Public Health, the Human Services Agency,
16 the Department of Aging and Adult Services, or the San Francisco Long-Term Care
17 Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the
18 population served, and the nature and quality of services provided;
- 19 2) The impact of the change of use on the neighborhood and community;
- 20 3) Whether there are sufficient available beds at a licensed Residential Care
21 Facility within a one-mile radius of the site; and
- 22 4) Whether the Residential Care Facility Use to be converted will be relocated or
23 replaced with another Residential Care Facility Use; and be it

1 FURTHER RESOLVED, That these interim controls shall remain in effect for 18
2 months from the effective date of this Resolution, or until the adoption of permanent
3 legislation, whichever first occurs; and be it

4 FURTHER RESOLVED, That these interim zoning controls become effective when the
5 Mayor signs this resolution, the Mayor returns the resolution unsigned, or the Board overrides
6 the Mayor's veto of the resolution.

7
8 APPROVED AS TO FORM:

9 DENNIS J. HERRERA
10 City Attorney

11 By 

12 ANDREW SHEN
Deputy City Attorney

13 n:\eganalas2019\2000077\01389912.docx



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190908

Date Passed: October 01, 2019

Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for a proposed change of use from a Residential Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

September 23, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 23, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

October 01, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190908

I hereby certify that the foregoing Resolution was ADOPTED on 10/1/2019 by the Board of Supervisors of the City and County of San Francisco.

for Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/11/2019

Date Approved

EXHIBIT 6



Secretary of State
Certificate of Dissolution
(California Stock Corporation ONLY)

DISS STK

IMPORTANT — Read Instructions before completing this form.

There is **No Fee** for filing a Certificate of Dissolution - Stock

Copy Fees – First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

FILED DB
Secretary of State
State of California

SEP 05 2017

This Space For Office Use Only

1. Corporate Name (Enter the exact name of the Corporation as it is recorded with the California Secretary of State.)

LORNE HOUSE INC.

2. 7-Digit Secretary of State File Number

1967595

3. Election

The dissolution was made by a vote of **ALL** of the shareholders of the California corporation.

Note: If the above box is not checked, a **Certificate of Election to Wind Up and Dissolve** (Form ELEC STK) must be filed prior to or together with this Certificate of Dissolution. (California Corporations Code section 1901.)

4. Debts and Liabilities

(Check the applicable statement. Only **one** box may be checked. If second box is checked, must include the required information in an attachment.)

The known debts and liabilities have been actually paid or paid as far as its assets permitted.

The known debts and liabilities have been adequately provided for in full or as far as its assets permitted by their assumption. Included in the **attachment** to this certificate, incorporated herein by this reference, is a description of the provisions made and the name and address of the person, corporation or government agency that has assumed or guaranteed the payment, or the depository institution with which deposit has been made.

The corporation never incurred any known debts or liabilities.

5. Required Statements (Do not alter the Required Statements – **ALL** must be true to file Form DISS STK.)

- a. The Corporation has been completely wound up and is dissolved.
- b. All final returns required under the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.
- c. The known assets have been distributed to the persons entitled thereto or the corporation acquired no known assets.

6. Read, Verify, Date and Sign Below (See Instructions for signature requirements.)

The undersigned is the sole director or a majority of the directors now in office. I declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

8/17/2017 *Maë Clark*
Date Signature

MAE CLARK
Type or Print Name

Date Signature

Type or Print Name

Date Signature

Type or Print Name

1 [Interim Zoning Controls - Extending and Modifying Requirements for Conditional Use
2 Authorization for Conversion of Residential Care Facilities to Other Uses]

3 **Resolution extending for six months and modifying interim zoning controls enacted in**
4 **Resolution Nos. 430-19 and 539-19 to require a Conditional Use Authorization and**
5 **specified findings for a proposed change of use from a Residential Care Facility;**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **Quality Act; and making findings of consistency with the General Plan, and the eight**
8 **priority policies of Planning Code, Section 101.1.**

9
10 WHEREAS, Planning Code Section 306.7 authorizes the Board of Supervisors to
11 impose interim zoning controls to provide time for the orderly completion of a planning study
12 and the adoption of appropriate legislation, and to ensure that the legislative scheme which
13 may be ultimately adopted is not undermined during the planning and legislative process by
14 changes of use or approval actions which will conflict with that scheme; and

15 WHEREAS, Residential Care Facilities, as defined in Planning Code Sections 102 and
16 890.50(e) and established with or without the benefit of any permits required under City law,
17 provide lodging, board, and care for 24 hours or more to persons in need of specialized aid by
18 State-licensed personnel, and include board and care homes, family care homes, long-term
19 nurseries, orphanages, rest homes or homes for the treatment of addictive, contagious or
20 other diseases, or psychological disorders; and

21 WHEREAS, San Francisco has the highest percentage of seniors and adults with
22 disabilities of any urban area in California, and the number of seniors is steadily increasing,
23 especially those over the age of 85; and

24 WHEREAS, Over 40% of San Francisco’s seniors live without adequate support
25 networks, in part because their families cannot find affordable housing in the City or because

1 they do not have children, and that this need is especially acute among LGBTQ seniors; and

2 WHEREAS, In January 2019, the San Francisco Long-Term Care Coordinating
3 Council's Assisted Living Workgroup issued a report regarding affordable assisted living in the
4 City, which is on file with the Clerk of the Board of Supervisors in File No. 210147, and which
5 found:

- 6 • As of August 2018 there were 101 assisted living facilities with a total of 2,518
7 assisted living beds and since 2012, the City had lost 43 assisted living facilities
8 which had provided 243 assisted living facility beds;
- 9 • The number of assisted living facilities in the City has decreased, and the
10 decrease has primarily occurred through the closure of small facilities,
11 particularly the board and care homes with six or fewer beds, that are generally
12 more affordable;
- 13 • Assisted living facilities in the City face economic challenges, such as slim profit
14 margins and difficulty in finding employees that make it difficult for them to
15 continue to operate; and
- 16 • There is unmet need for affordable assisted living facility placements, and that
17 as of January 2019, available waitlist data indicates that at least 103 persons
18 require such placements; and

19 WHEREAS, On October 1, 2019, the Board of Supervisors adopted Resolution No.
20 430-19, which imposed interim controls for an 18-month period to require Conditional Use
21 Authorization and specified findings for a proposed change of use from a Residential Care
22 Facility; and

23 WHEREAS, The circumstances that caused the Board to adopt the interim controls in
24 Resolution No. 430-19 and to modify those controls in Resolution No. 539-19 continue to
25 exist, with preliminary data provided by the Human Services Agency showing the loss of an

1 additional 11 assisted living facilities as of January 2021, accounting for a loss of 226 assisted
2 living facility beds in facilities of fewer than 100 beds; and

3 WHEREAS, The Planning Department issued a report dated January 29, 2021, which
4 found since the effective date of Resolution No. 430-19 on October 11, 2019:

- 5 • Two Conditional Use applications have been filed for the removal of a
6 Residential Care Facility, with one application seeking to convert a previously
7 closed facility with five assisted living beds into a single-family home having
8 been withdrawn, and the second application to convert a facility with six
9 assisted living beds that had closed in 2015 into two residential units currently
10 pending before the Planning Commission;
- 11 • Three Residential Care Facilities for people living with HIV/AIDS managed by
12 the Mayor’s Office of Housing and Community Development are being
13 considered for delicensing and conversion to affordable group housing
14 buildings, but have not yet filed Conditional Use applications for conversion;
- 15 • Two applications have been approved to create new Residential Care Facilities,
16 and two applications have been approved to expand existing facilities for a total
17 increase of 107 assisted living beds approved; and
- 18 • Residential Care Facilities are considered an Institutional Use that is permitted
19 in Residential zoning districts, with the exception of the RH-1 and RH-2 zoning
20 districts, where new Residential Care Facilities of seven or more beds are
21 Conditionally permitted; are not permitted in PDR districts; are not permitted on
22 the ground floor in the North Beach and Folsom Street Neighborhood
23 Commercial Districts and Regional Commercial Districts, and are Conditionally
24 permitted on the upper floors in those districts; and are Conditionally permitted
25 in the Pacific Avenue Neighborhood Commercial District; and

1 WHEREAS, The Department of Public Health, the Human Services Agency, the
2 Department of Aging and Adult Services, and the San Francisco Long-Term Care
3 Coordinating Council continue to actively assess the current availability of Residential Care
4 Facilities in San Francisco for aging populations and those in need of long-term mental health
5 care; to develop strategies to establish additional, economically sustainable Residential Care
6 Facilities for City residents; and to consider potential zoning amendments as one of the policy
7 approaches to address these issues; and

8 WHEREAS, It is necessary for the City to further study and assess the establishment
9 and sustainability of Residential Care Facilities as a critical component of the City’s ability to
10 serve populations with additional, long-term needs, as part of the City’s future development;
11 and

12 WHEREAS, Planning Code Section 306.7(h) authorizes the body that imposed the
13 interim controls to extend the interim controls up to a time period not to exceed 24 months;
14 and

15 WHEREAS, The Board of Supervisors (“Board”) has considered the impact on the
16 public health, safety, and general welfare if the interim zoning controls proposed in this
17 resolution are not extended and modified; and

18 WHEREAS, The Board has determined that the public interest will best be served by
19 extension and modification of these interim zoning controls at this time, to ensure that any
20 legislative scheme that may ultimately be adopted to regulate conversion of Residential Care
21 Facility Uses will not be undermined during the planning and legislative process; and

22 WHEREAS, The Board finds that the extension and modification of these interim
23 controls is consistent with the General Plan, in that the controls satisfy Objective 4 to “foster a
24 housing stock that meets the needs of all residents across lifecycles” and that they do not
25 conflict with any other aspects of the General Plan; and

1 WHEREAS, The Board finds that the extension and modification of these interim
2 zoning controls advances Planning Code Section 101.1(b)'s Priority Policy No. 2, "That
3 existing housing and neighborhood character be conserved and protected in order to preserve
4 the cultural and economic diversity of our neighborhoods," and Priority Policy No. 3, "That the
5 City's supply of affordable housing be preserved and enhanced," in that these interim zoning
6 controls seek to control the conversion of Residential Care Facility Uses, which would provide
7 City policy-makers with the opportunity to develop legislative proposals that would allow
8 seniors and other populations with needs to find affordable housing options in San Francisco,
9 thus preserving the cultural and economic diversity of the City's neighborhoods; and the
10 Board also finds that these interim zoning controls do not have an effect on and therefore are
11 consistent with Priority Policy Nos. 1, 4, 5, 6, 7, and 8 of Planning Code Section 101.1; and

12 WHEREAS, The Planning Department has determined that the actions contemplated in
13 this resolution comply with the California Environmental Quality Act (Pub. Res. Code Sections
14 21000 *et seq.*), which determination is on file with the Clerk of the Board in File No. 210147
15 and is incorporated herein by reference, and the Board affirms this determination; now,
16 therefore, be it

17 RESOLVED, That the interim controls imposed by Resolution No. 430-19 and modified
18 by Resolution No. 539-19 are hereby extended and modified to revert to the interim controls
19 established by Resolution No. 430-19, and shall remain in effect until October 11, 2021, or
20 until the adoption of permanent legislation, whichever first occurs; and be it

21 FURTHER RESOLVED, That any proposed change of use from a Residential Care
22 Facility, as defined in Sections 102 and 890.50(e) of the Planning Code, shall require
23 Conditional Use Authorization while these interim zoning controls are in effect; and be it

24 FURTHER RESOLVED, That, in addition to the findings required pursuant to Planning
25 Code Section 303, any consideration of a Conditional Use Authorization for a change of use

1 from a Residential Care Facility to another use shall take into account the following factors:

2 1) Any findings by the Department of Public Health, the Human Services Agency, the
3 Department of Aging and Adult Services, or the San Francisco Long-Term Care Coordinating
4 Council regarding the capacity of the existing Residential Care Facility Use, the population
5 served, and the nature and quality of services provided;

6 2) The impact of the change of use on the neighborhood and community;

7 3) Whether there are sufficient available beds at a licensed Residential Care Facility
8 within a one-mile radius of the site; and

9 4) Whether the Residential Care Facility Use to be converted will be relocated or
10 replaced with another Residential Care Facility Use; and be it

11 FURTHER RESOLVED, That the extension and modification of these interim zoning
12 controls becomes effective when the Mayor signs this resolution, the Mayor returns the
13 resolution unsigned, or the Board overrides the Mayor's veto of the resolution.

14 FURTHER RESOLVED, The Clerk of the Board of Supervisors is hereby directed to
15 place a copy of this resolution in File No. 190908 for Resolution No. 430-19 and File No.
16 191085 for Resolution No. 539-19, and to make a notation cross-referencing this resolution
17 where Resolution Nos. 430-19 and 539-19 appear on the Board of Supervisors website as
18 legislation passed.

19 APPROVED AS TO FORM:

20
21 DENNIS J. HERRERA
22 City Attorney

23 By /s/ Victoria Wong
24 VICTORIA WONG
25 Deputy City Attorney

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210147

Date Passed: April 06, 2021

Resolution extending for six months and modifying interim zoning controls enacted in Resolution Nos. 430-19 and 539-19 to require a Conditional Use Authorization and specified findings for a proposed change of use from a Residential Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

March 15, 2021 Land Use and Transportation Committee - CONTINUED

March 22, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 22, 2021 Land Use and Transportation Committee - CONTINUED AS AMENDED

April 05, 2021 Land Use and Transportation Committee - RECOMMENDED

April 06, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210147

I hereby certify that the foregoing Resolution was ADOPTED on 4/6/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

4.16.21

Date Approved