

**From:** [Calpin, Megan \(CPC\)](#)  
**To:** [Lindsay, Ashley \(CPC\)](#); [CTYPLN - CITY PLANNING EVERYONE](#)  
**Cc:** [Sabory, Julia \(CPC\)](#); [Salvadori, Ilaria \(CPC\)](#); [DCP, Reception \(CPC\)](#); [Sanders, Micheal \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Lane, Emily \(CPC\)](#); [Amindarbari, Reza \(CPC\)](#); [Wendt, Christopher \(CPC\)](#); [Hughen, Will \(CPC\)](#); [Resnick, Alexander \(CPC\)](#); [Craciun, Florentina \(CPC\)](#); [Sanchez, Diego \(CPC\)](#); [Taylor, Michelle \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Chinchilla, Mariah \(CPC\)](#); [Puri, Elizabeth \(CPC\)](#); [DiSanto, Thomas \(CPC\)](#); [Hiller, Lauren \(CPC\)](#); [Schuett, Rachel \(CPC\)](#); [Sucre, Richard \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Fordham, Chelsea \(CPC\)](#); [Sanders, Deborah \(CPC\)](#); [Rachna, Rachna \(CPC\)](#); [Ajello, Laura \(CPC\)](#); [Thibodeau, Martin \(CPC\)](#); [Pollak, Josh \(CPC\)](#); [Cespedes, Sydney \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Langlie, Michelle \(CPC\)](#); [Conner, Kate \(CPC\)](#); [Agrawal, Surbhi \(CPC\)](#); [Gordon-Jonckheer, Elizabeth \(CPC\)](#); [Hicks, Bridget \(CPC\)](#); [Moore, Elena \(CPC\)](#); [Chandler, Mathew \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Craigie, Iris \(CPC\)](#); [Cook, Lorabelle \(CPC\)](#); [Yim, Fiona \(CPC\)](#); [Cooper, Rick \(CPC\)](#); [Gunther, Gretel \(CPC\)](#); [Albericci, Allison \(CPC\)](#); [Woods, Mary \(CPC\)](#); [Tong, Reanna \(CPC\)](#); [Smith, Maggie \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Hall, Alessandro \(CPC\)](#); [Durandet, Kimberly \(CPC\)](#); [Lam, Judy \(CPC\)](#); [Langlois, Lily \(CPC\)](#); [Chion, Miriam \(CPC\)](#); [Edmondson, Scott \(CPC\)](#); [Webster, Michael \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Enchill, Charles \(CPC\)](#); [Samonsky, Ella \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Atoyebi, Tolu \(CPC\)](#); [Kaiser, Jacquelyn \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#); [Hernandez-Gomez, Oscar \(CPC\)](#); [Boldrick, John \(CPC\)](#); [Look, Jessica \(CPC\)](#); [de Mesa, Carla \(CPC\)](#); [Bishop, Melanie \(CPC\)](#); [Grande, Oscar \(CPC\)](#); [Yong, Kelly \(CPC\)](#); [Kwiatkowska, Natalia \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Agnihotri, Kalyani \(CPC\)](#); [Wilborn, Katherine \(CPC\)](#); [Wong, Wesley \(CPC\)](#); [Hallman, Jordan \(CPC\)](#); [Tran, Tam \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Samuels, Heather \(CPC\)](#); [Alexander, Christy \(CPC\)](#); [Ferguson, Shannon \(CPC\)](#); [Spycher, Dakota \(CPC\)](#); [Feeney, Claire \(CPC\)](#); [Vimr, Jonathan \(CPC\)](#); [Ogidi, Kamene \(CPC\)](#); [Landis, Deborah \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Mohtadi, Tara \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Jimenez, Sylvia \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Laush, Maggie \(CPC\)](#); [Corrette, Moses \(CPC\)](#); [Eng, Michael \(CPC\)](#); [Sacchi, Joseph \(CPC\)](#); [George, Sherie \(CPC\)](#); [Ajello Hoagland, Linda \(CPC\)](#); [Russell, Erica \(CPC\)](#); [Westhoff, Alex \(CPC\)](#); [Baeza, Rogelio \(CPC\)](#); [Liu, Bella \(CPC\)](#); [Hamlat, Sandra \(CPC\)](#); [Balba, Ryan \(CPC\)](#); [Leon-Farrera, Malena \(CPC\)](#); [Small, Maia \(CPC\)](#); [Ngo, Danielle \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Looper, Malik \(CPC\)](#); [May, Christopher \(CPC\)](#); [Wong, Kelly \(CPC\)](#); [Huggins, Monica \(CPC\)](#); [Vu, Tiffany \(CPC\)](#); [Chen, Josephine \(CPC\)](#); [Flores, Claudia \(CPC\)](#); [Thompson, Matthew \(CPC\)](#); [Zushi, Kei \(CPC\)](#)  
**Subject:** Re: Equitable and Inclusive Hiring and Recruitment Policy and Guidelines  
**Date:** Thursday, July 21, 2022 12:45:24 PM  
**Attachments:** [Equitable and Inclusive Hiring and Recruitment Policy and Guidelines July 2022 v1.pdf](#)

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Friendly reminder - this session will be starting in 15 minutes and will be hosted on WebEx, via the link below.

The session will be recorded for those who cannot attend.

### Meeting Objectives – Hiring and Recruitment Priority Actions:

- Share information about the department’s equitable and inclusive hiring and recruitment policy and guidelines with current and new staff.

### Agenda

1. Background
2. Presentation Equitable and Inclusive Hiring and Recruitment Policy and Guidelines
3. Q&A and Discussion

**To join please see links with instructions below:**

**Join from the meeting link**

<https://ccsf.webex.com/ccsf/j.php?MTID=m0e294d75eba8a19d2afe651927431370>

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**From:** Lindsay, Ashley (CPC)  
**Sent:** Tuesday, July 12, 2022 12:16 PM

**Subject:** Equitable and Inclusive Hiring and Recruitment Policy and Guidelines

**When:** Thursday, July 21, 2022 1:00 PM-2:00 PM.

**Where:** <https://ccsf.webex.com/ccsf/j.php?MTID=m0e294d75eba8a19d2afe651927431370>

Hello Everyone - Come learn about the Planning Department's Equitable and Inclusive Hiring and Recruitment Policy and Guidelines!

The department will use these guidelines for hiring and recruitment processes going forward.

All Planning Department staff are invited to the meeting, but it is especially relevant for those who will soon participate as a non-applicant in the hiring and recruitment process (e.g., as the hiring manager, interview panelist, exam scorer, etc.)

We will record the presentation and archive it for later viewing.

**To join please see links with instructions below:**

**Join from the meeting link**

<https://ccsf.webex.com/ccsf/j.php?MTID=m0e294d75eba8a19d2afe651927431370>

**Join by meeting number**

Meeting number (access code): 2497 874 0635

Meeting password: wbJjWxaE343

**Tap to join from a mobile device (attendees only)**

[+1-415-655-0001,,24978740635##](tel:+1-415-655-0001,,24978740635##) United States Toll 1

[+1-408-418-9388,,24978740635##](tel:+1-408-418-9388,,24978740635##) United States Toll

**Join by phone**

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[Global call-in numbers](#)

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You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <https://help.webex.com>

**From:** [Andrew Chapman](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Andrew Chapman  
**Date:** Thursday, July 21, 2022 12:45:08 PM

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Jul 21, 2022

To whom it may concern,

I'm writing in support of the renovation plans and intended use of the Castro Theatre to modernize this historic venue and ensure that it **survives and thrives for another 100 years and more.**

**The proposed renovation plans are critical to preserving the Castro Theatre for generations to come.** Upgrades and repairs to the historic marquee and blade, interior preservation of beloved murals and the historic proscenium, full restoration of the magnificent ceiling, upgrades to seating, ADA accessibility to create a more inclusive space for the community, backstage dressing rooms, heating and ventilation systems that will provide improved air quality, state-of-the-art sound, lighting, production and concession areas will help to modernize the functionality of the space.

**It's critical for a venue to be a flexible space in order to survive in our current market.** This includes being able to present and accommodate a variety of events **from community functions, film festivals and screenings, organ recitals, comedy, music, LGBTQ+ events and more.**

Venues are anchor tenants and economic drivers to neighborhoods. A recent study by Chicago Loop Alliance found that for every \$1 spent at a venue \$12 is generated in the local economy at neighboring restaurants, bars, lodging, transportation and retail shops. This economic activity will be so important for the Castro District.

Additionally, Another Planet Entertainment is a trusted local independent small business with a long history of preserving and restoring historic venues such as the Fox Theatre in Downtown Oakland. APE is the right team for this job and I've already seen the care and effort they've put into this project.

As the letter from the Nasser Family, owners of the Theatre, mentions, **"We fully support the proposed changes by APE that allow the Theatre to have versatile programming and upgraded seat configurations which will hopefully stave off the fate of so many other theaters of this era that have closed, been developed into other occupancies or converted to retail shops."**

For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Andrew Chapman

**Zip:** 94117

**Date/Time:** Jul 21, 2022 at 12:44:55 PM

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**From:** [Monica Moran](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Monica Moran  
**Date:** Thursday, July 21, 2022 12:45:01 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Monica Moran

**Zip:** 95391

**Date/Time:** Jul 21, 2022 at 12:44:45 PM

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**From:** [Jesse Medina](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Jesse Medina  
**Date:** Thursday, July 21, 2022 12:42:44 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Jesse Medina

**Zip:** 95747

**Date/Time:** Jul 21, 2022 at 12:42:30 PM

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**From:** [Katie St Clair](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Katie St Clair  
**Date:** Thursday, July 21, 2022 12:42:35 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Katie St Clair

**Zip:** 95240

**Date/Time:** Jul 21, 2022 at 12:42:23 PM

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**From:** [Cathleen Alexander](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Cathleen Alexander  
**Date:** Thursday, July 21, 2022 12:42:11 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Cathleen Alexander

**Zip:** 94960

**Date/Time:** Jul 21, 2022 at 12:41:56 PM

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**From:** [Robert James](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Robert James  
**Date:** Thursday, July 21, 2022 12:41:20 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Robert James

**Zip:** 94159

**Date/Time:** Jul 21, 2022 at 12:41:01 PM

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**From:** [david.marglin](mailto:david.marglin)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - david marglin  
**Date:** Thursday, July 21, 2022 12:39:50 PM

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Jul 21, 2022

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Sincerely,

**Name:** david marglin

**Zip:** 94133

**Date/Time:** Jul 21, 2022 at 12:39:40 PM

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**From:** [Bruce Wagman](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Bruce Wagman  
**Date:** Thursday, July 21, 2022 12:39:34 PM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Bruce Wagman

**Zip:** 94970

**Date/Time:** Jul 21, 2022 at 12:39:21 PM

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**From:** [Amanda Van West](#)  
**To:** [Jonas.Ionin@sfgov.org](mailto:Jonas.Ionin@sfgov.org)  
**Subject:** Re: Support for the Castro Theatre Renovation Plans - Amanda Van West  
**Date:** Thursday, July 21, 2022 11:38:06 AM

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Jul 21, 2022

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For these reasons, I urge your support for the Castro Theatre renovation plans as proposed by APE.

Sincerely,

**Name:** Amanda Van West

**Zip:** 94610

**Date/Time:** Jul 21, 2022 at 11:37:49 AM

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**From:** [CPC-Commissions Secretary](#)  
**Cc:** [Merlone, Audrey \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)  
**Subject:** FW: Support 2022-001032PCA [Board File No. 220130]  
**Date:** Thursday, July 21, 2022 9:37:22 AM

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**Commission Affairs**

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7343 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Carolyn Kenady <[carolynkenady@gmail.com](mailto:carolynkenady@gmail.com)>  
**Sent:** Thursday, July 21, 2022 9:36 AM  
**To:** CPC-Commissions Secretary <[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)>  
**Subject:** Support 2022-001032PCA [Board File No. 220130]

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To the Planning Commissioners: I am unable to give public comment during today's meeting. I want to register my support for 2022-001032PCA [Board File No. 220130]. Tenants comprise 64% of our City's residents. They should have a voice in the planning process including appeal of Planning Commission decisions to the Board of Supervisors.

Please vote in favor of this proposed legislative change to the appeal process. Thank you!  
Carolyn

Carolyn Kenady  
[carolynkenady@gmail.com](mailto:carolynkenady@gmail.com)  
408-218-3115  
<http://www.linkedin.com/in/ckenady>

**From:** [Office of Cannabis \(ADM\)](#)  
**To:** [Bridget Maley](#)  
**Cc:** [Stefani, Catherine \(BOS\)](#); [Donovan, Dominica \(BOS\)](#); [Office of Cannabis \(ADM\)](#); [CPC-Commissions Secretary](#); [Tanner, Rachael \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Ruiz, Gabriella \(CPC\)](#); [Agnihotri, Kalyani \(CPC\)](#)  
**Subject:** RE: 2030 Union Street Cannabis Retail Establishment  
**Date:** Thursday, July 21, 2022 9:35:42 AM

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Dear Bridget,

Thank you for your note. Your feedback has been recorded.

Warmly,

SF Office of Cannabis

---

**From:** Bridget Maley <bridget.maley@gmail.com>  
**Sent:** Tuesday, July 12, 2022 1:24 PM  
**To:** Agnihotri, Kalyani (CPC) <kalyani.agnihotri@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Donovan, Dominica (BOS) <dominica.donovan@sfgov.org>; Office of Cannabis (ADM) <officeofcannabis@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Ruiz, Gabriella (CPC) <gabriella.ruiz@sfgov.org>  
**Subject:** 2030 Union Street Cannabis Retail Establishment

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

To Whom it May Concern:  
Re: 2021-012952 CUA

I am opposed to the establishment of another Cannabis Retail Store in Cow Hollow at 2030 Union Street between Buchanan and Webster Streets. According to the City of San Francisco's Office of Cannabis there are NINE cannabis retail operations approved or in the works for the area between Van Ness and the Presidio and Chestnut and Union Streets and an additional ONE operating illegally (1782 Union) that has taken months for the city to shut down. This is TOO MANY.

Concerns include:

- 1) Crime – It is known that Cannabis businesses accept cash making them easy targets for crime, including potentially violent crime.

- 2) Good Neighbor Policy – Includes nothing about security plans for the business and when pressed to share the security plan and include it in the Good Neighbor Policy the applicant refused.
- 3) Distance between businesses – The mandated 600 feet between businesses is not enough and this business will only have one full block (Union Between Buchanan and Laguna) between it and an already operating cannabis enterprise at 1861 Union.
- 4) Cumulative impacts - These businesses should NOT be considered and approved in isolation of each other. NINE of these enterprises in our neighborhood, and one operating illegally, is too many and the impact on public safety should be understood prior to approving this or any other of these businesses.
- 5) Displacing existing businesses – The proposed project at 2030 Union Street displaces an existing, viable business that provides services (barber shop) to the neighborhood.
- 6) Inadequate neighborhood outreach – This project sponsor held a neighborhood meeting on December 23, 2021, then tried to claim this was adequate neighborhood outreach. Working with Supervisor Stefani's office, the Planning Commission hearing that was originally scheduled for May 26, 2022, was delayed until the applicant held another neighborhood meeting on June 22, 2022.

As an almost thirty year resident of the Marina and Cow Hollow, I oppose this project and others like it in our neighborhood.

Sincerely,  
Bridget Maley  
Resident 1700 Block Green Street and Office Tenant 2000 Block Union

--

Bridget Maley  
[bridget.maley@gmail.com](mailto:bridget.maley@gmail.com)

**From:** [Office of Cannabis \(ADM\)](#)  
**To:** [maureen@ddmhww.com](mailto:maureen@ddmhww.com)  
**Cc:** [Agnihotri, Kalyani \(CPC\)](#); [Stefani, Catherine \(BOS\)](#); [Office of Cannabis \(ADM\)](#); [Donovan, Dominica \(BOS\)](#); [CPC-Commissions Secretary](#); [Tanner, Rachael \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Ruiz, Gabriella \(CPC\)](#)  
**Subject:** RE: Opposition to yet ANOTHER Cannabis business in the neighborhood  
**Date:** Thursday, July 21, 2022 9:34:23 AM

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Dear Maureen,

Thank you for your note. Your feedback has been recorded.

Warmly,

SF Office of Cannabis

---

**From:** maureen@ddmhww.com <maureen@ddmhww.com>  
**Sent:** Tuesday, July 12, 2022 2:07 PM  
**To:** Agnihotri, Kalyani (CPC) <kalyani.agnihotri@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Office of Cannabis (ADM) <officeofcannabis@sfgov.org>; Donovan, Dominica (BOS) <dominica.donovan@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@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>; Ruiz, Gabriella (CPC) <gabriella.ruiz@sfgov.org>  
**Subject:** Opposition to yet ANOTHER Cannabis business in the neighborhood

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

Project Planner at SF Planning Dept = Kalyani Agnihotri - [kalyani.agnihotri@sfgov.org](mailto:kalyani.agnihotri@sfgov.org)  
Supervisor Stefani = [catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)  
Supervisor Stefani aide = Dominica Donovan - [dominica.donovan@sfgov.org](mailto:dominica.donovan@sfgov.org)  
Office of Cannabis - [officeofcannabis@sfgov.org](mailto:officeofcannabis@sfgov.org)  
Planning Commission Secretary – [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)  
Rachael Tanner, Commission President – [rachael.tanner@sfgov.org](mailto:rachael.tanner@sfgov.org)  
Kathrin Moore, Commission Vice President – [kathrin.moore@sfgov.org](mailto:kathrin.moore@sfgov.org)  
Sue Diamond, Commissioner – [sue.diamond@sfgov.org](mailto:sue.diamond@sfgov.org)  
Frank S. Fung, Commissioner – [frank.fung@sfgov.org](mailto:frank.fung@sfgov.org)  
Joel Koppel, Commissioner – [joel.koppel@sfgov.org](mailto:joel.koppel@sfgov.org)  
Theresa Imperial, Commissioner – [theresa.imperial@sfgov.org](mailto:theresa.imperial@sfgov.org)  
Gabriella Ruiz, Commissioner – [gabriella.ruiz@sfgov.org](mailto:gabriella.ruiz@sfgov.org)

To ALL Who It Concerns:

I am opposed to the establishment of **YET ANOTHER** Cannabis Retail Store in Cow Hollow at 2030 Union Street between Buchanan and Webster Streets. According to the City of San Francisco's Office of Cannabis there are **NINE** cannabis retail operations approved



or in the works for the area between Van Ness and the Presidio and Chestnut and Union Streets and an additional ONE operating illegally (1782 Union) that has taken months for the city to shut down. This is **WAY TOO MANY**. This is a mixed neighborhood of professionals, retirees and families. There are multiple pre-schools, elementary schools, middle schools, young kids, impressionable tweens and teens, seniors, places of worship. We need neighborhood resources like stores, supermarkets, pharmacies, NOT storefronts which provide cannabis and like products to people from outside the neighborhood who are hanging out in front of these stores disrupting foot traffic and partaking of their purchased products along the same sidewalks as residents of the neighborhood.

We have many concerns, not the least of which is the sheer number of these businesses that have opened (legally or illegally) in the neighborhood or are slated to open. Concerns about this specific business at 2030 Union Street between Buchanan and Webster Streets include:

Crime – It is known that Cannabis businesses accept cash making them easy targets for crime, including potentially violent crime. There's a reason guards are positioned at the front door of these businesses.

Good Neighbor Policy – Includes nothing about security plans for the business and when pressed to share the security plan and include it in the Good Neighbor Policy the applicant refused.

Distance between businesses – The mandated 600 feet between businesses is not enough and this business will only have one full block (Union Between Buchanan and Laguna) between it and an already operating cannabis business at 1861 Union.

Cumulative impacts - These businesses should NOT be considered and approved in isolation of each other. **NINE** of these enterprises in our neighborhood, and one operating illegally, is too many and the impact on public safety should be thoroughly understood prior to approving this or any other of these businesses.

Displacing existing businesses – The proposed project at 2030 Union Street displaces an existing, viable business that provides services (barber shop) to the neighborhood.

Inadequate neighborhood outreach – This project sponsor held a neighborhood meeting on December 23, 2021, then tried to claim this was adequate neighborhood outreach. Very few people attended this meeting intentionally called 2 days before Christmas when there would be poor attendance. Working with Supervisor Stefani's office, the Planning Commission hearing that was originally scheduled for May 26, 2022, was delayed until the applicant was required to hold another neighborhood meeting on June 22, 2022.

I oppose this project and others like it in this neighborhood. How much is too much? Nine is already ridiculous and there do not appear to be any constraints in place to prevent many more from trying to establish a foothold in this neighborhood.

Sincerely,  
Maureen Holt  
maureen@ddmhww.com

From: [Schulz](#)  
To: [General Public Comment](#), [Sue](#), [21](#), [2022](#)  
Subject: [Thursday, July 21, 2022 7:26:13 AM](#)  
Date: [0000072106-000-0000-1100000119500.pdf](#)  
Attachments: [IMG\\_0645.JPG](#), [IMG\\_0646.JPG](#), [IMG\\_0647.JPG](#), [IMG\\_0648.JPG](#), [IMG\\_0649.JPG](#), [IMG\\_0650.JPG](#), [IMG\\_0651.JPG](#)

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Dear Commissioners,

Good morning.

Below is some info on an "Alteration" project of a SFH that just sold at the end of June 2022 for **\$6.15 million**.

*This is one of the many projects in Noe Valley that probably should have been approved as a Demolition and has added to the spiraling price increases in housing since coming out of the Great Recession when speculation really started to take off in 2011.*

*And illustrative of why the Demo Cals should have been and still should be adjusted as the Commission is empowered to do under Section 317 (b) (2) (D).*

Here is the story:

The first sale prior to the site permit application was in 2014 for **\$1.7 million**.

There were two more sales of the project entitlement prior to the **CFC being issued on 2/15/19**.

One sale for **\$2.150 million** in December 2016 and a second sale for **\$4.715 million** in January 2018.

After the CFC was issued in February 2019, the project sold again one month later on March 15, 2019 for **\$4,988 million**.

And now the recent sale for **\$6.15 million**.

The sales history from Redfin is below.

(This Redfin ad also shows the interiors both before and after. The house in 2014 was perfectly livable by any normal objective standard like most of these spec "alteration" projects).

Google Earth photos of the project that show the exterior of the site through the years are also below.

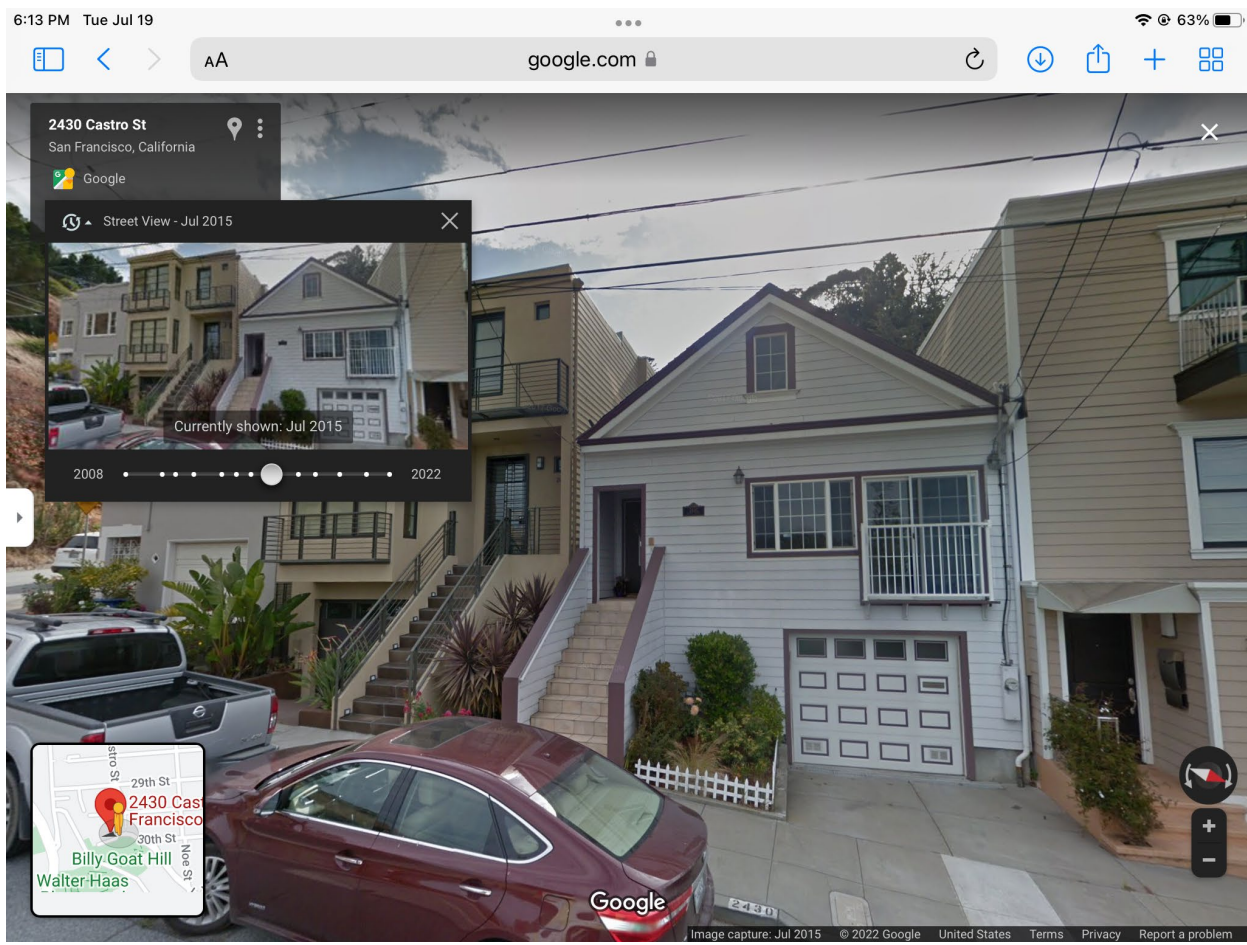
Also attached immediately below is a pdf of the Demo Cals. This is an exact copy as they appeared on the plans with the DBH Records Department. (There were no plans on the SFPIM).

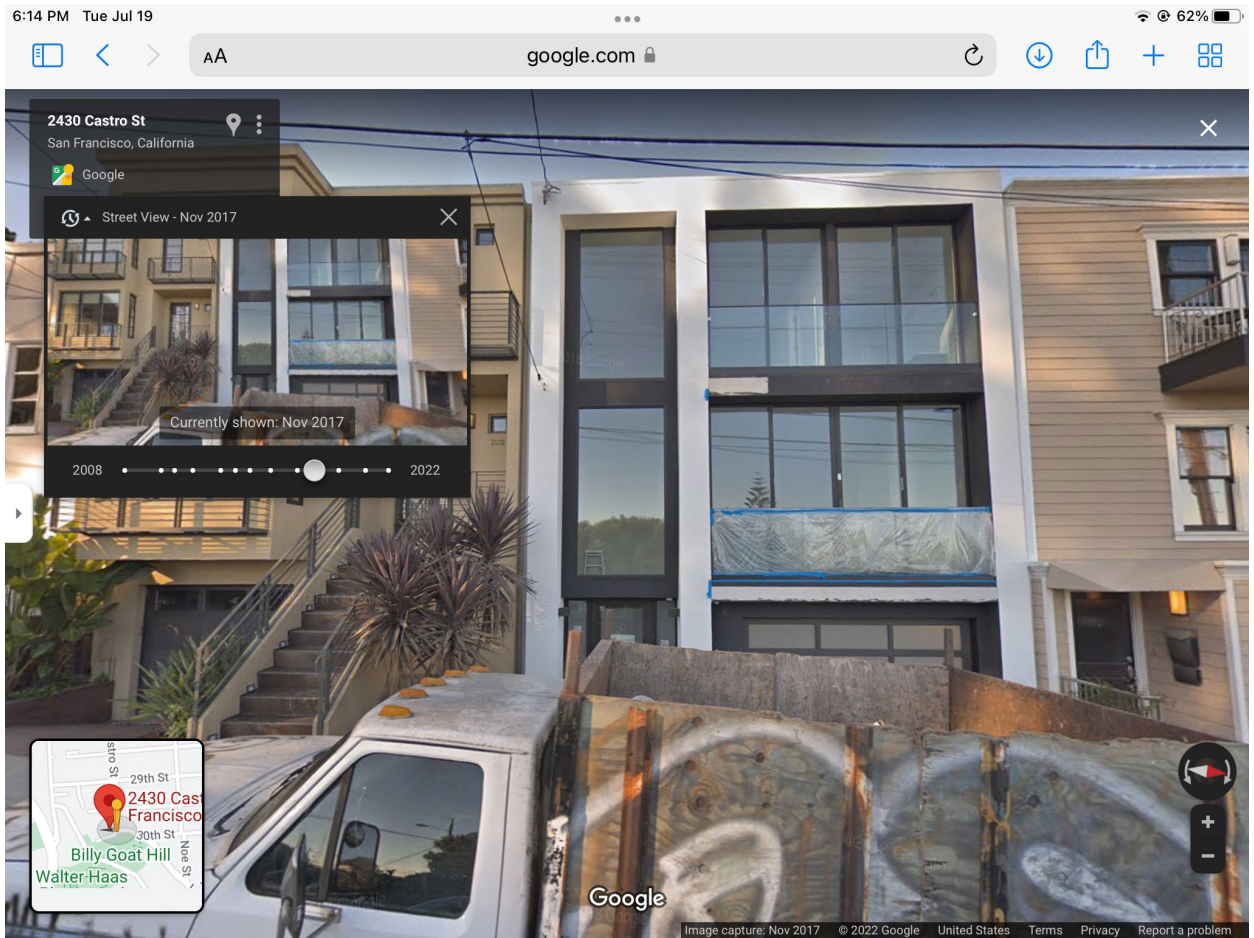
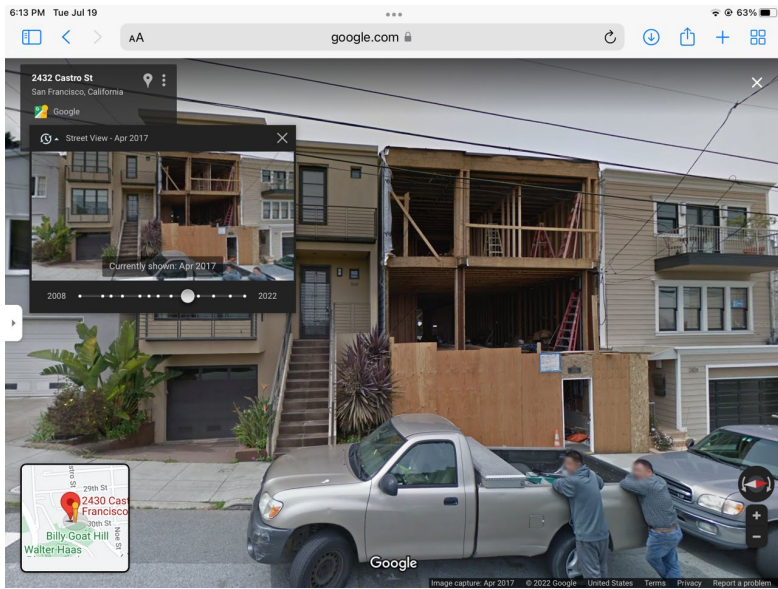
These Cals are hard to fathom, plus they do not conform to the template of how to display the Cals on the plans as shown in the §317 Code Implementation Document (CID) of which there were three versions in 2009, 2010 and 2014. (The most recent CID was in 2020).

The site permit was filed on March 19, 2015 and was issued in November 2016. There were two permits for just interior changes and reconfigurations in 2017.

There was actually a Request for DR that was heard on July 28, 2016 because adjacent neighbors were concerned about the roof deck and stair penthouse. The Commission did take DR and found that the roof deck and stair penthouse were E & E because of privacy issues and removed them under DRA 0473. The roof deck was not necessary to meet the open space requirement of the Planning Code.

Thank you,  
Georgia Schuttish







AA

google.com

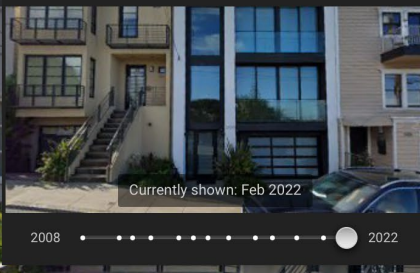


2430 Castro St

San Francisco, California



Street View - Feb 2022



Currently shown: Feb 2022

2008

2022



Google

### Sale & Tax History for 2430 Castro St

Sale History Tax History

<b>Today</b>		
Jun 28, 2022 Date	Sold (MLS) (Closed) San Francisco MLS #422665466	\$6,150,000 Price
Jun 21, 2022 Date	Pending San Francisco MLS #422665466	— Price
Jun 16, 2022 Date	Contingent (Contingent - Show) San Francisco MLS #422665466	— Price
Jun 2, 2022 Date	Listed (Active) San Francisco MLS #422665466	\$5,898,000 Price
<b>Mar 2019, Sold for \$4,988,000</b>		
Mar 15, 2019 Date	Sold (Public Records) Public Records	\$4,988,000 (5.1%/yr) Price
<b>Jan 2018, Sold for \$4,715,000</b>		
Jan 24, 2018 Date	Sold (Public Records) Public Records	\$4,715,000 (106.0%/yr) Price

### Is this your home?

Claim this home to track its value and nearby sales activity

I'm the owner

Sell your home for more, pay a 1% listing fee when you sell and buy

Estimated sale price  
**\$5.83M - \$6.43M**

Schedule selling consultation

It's free, with no obligation - cancel anytime

Jan, 2018

Jan 24, 2018 Date	Sold (MLS) (Closed) San Francisco MLS #465789	\$4,715,000 Price
Jan 17, 2018 Date	Pending San Francisco MLS #465789	— Price
Jan 4, 2018 Date	Listed (Active) San Francisco MLS #465789	\$4,395,000 Price



Listing provided courtesy of San Francisco Association of Realtors (SFARMLS)

With its dramatic modern architecture, bold design, gorgeous views, and incredible floor plan, this stunning new renovation achieves a new level for luxury modern homes. Spanning three levels and showcasing incredible scale and volume, this amazing home [Continue reading](#) v

Dec 2016, Sold for \$2,150,000

Dec 23, 2016 Date	Sold (Public Records) Public Records	\$2,150,000 (12.4%/yr) Price
Dec, 2016		
Dec 23, 2016 Date	Pending San Francisco MLS #452285	— Price

Is this your home?

Claim this home to track its value and nearby sales activity

I'm the owner

Sell your home for more, pay a 1% listing fee when you sell and buy

Estimated sale price \$5.83M - \$6.43M

Schedule selling consultation

It's free, with no obligation - cancel anytime

Dec 23, 2016 Date	Sold (MLS) (Closed) San Francisco MLS #452285	\$2,150,000 Price
Dec 13, 2016 Date	Contingent (Contingent - Show) San Francisco MLS #452285	— Price
Nov 30, 2016 Date	Relisted (Active) San Francisco MLS #452285	— Price
Nov 30, 2016 Date	Price Changed San Francisco MLS #452285	\$2,195,000 Price
Nov 22, 2016 Date	Delisted San Francisco MLS #452285	— Price
Nov 2, 2016 Date	Listed (Active) San Francisco MLS #452285	\$2,395,000 Price

### Is this your home?

Claim this home to track its value and nearby sales activity

I'm the owner

Sell your home for more, pay a 1% listing fee when you sell and buy

Estimated sale price  
**\$5.83M - \$6.43M**

Schedule selling consultation

It's free, with no obligation - cancel anytime



Listing provided courtesy of San Francisco Association of Realtors (SFARMLS)

Gracious Noe Valley Single Family Home located on a prime flat block. The home features 3BR, 4BA, on 2 levels and comes with a fully approved site permit for an expansion/renovation for a spectacular modern, 3 level home with a coveted floor plan and [Continue reading](#)

Dec 2014, Sold for \$1,700,000

Dec 19, 2014 Date	Sold (Public Records) Public Records	\$1,700,000 Price
<b>Dec, 2014</b>		
Dec 19, 2014 Date	Sold (MLS) (Closed) San Francisco MLS #424717	\$1,700,000 Price
Nov 13, 2014 Date	Pending (Contingent - Show) San Francisco MLS #424717	— Price
Oct 30, 2014 Date	Price Changed San Francisco MLS #424717	\$1,745,000 Price
Sep 29, 2014 Date	Price Changed San Francisco MLS #424717	\$1,795,000 Price
Aug 29, 2014 Date	Listed (Active) San Francisco MLS #424717	\$1,895,000 Price
<b>Jul, 2014</b>		
Jul 26, 2014 Date	Delisted San Francisco MLS #420600	— Price
Jul 14, 2014 Date	Price Changed San Francisco MLS #420600	* Price
May 13, 2014 Date	Listed (Active) San Francisco MLS #420600	* Price

### Is this your home?

Claim this home to track its value and nearby sales activity

**I'm the owner**

Sell your home for more, pay a 1% listing fee when you sell and buy

Estimated sale price  
**\$5.83M - \$6.43M**

**Schedule selling consultation**

It's free, with no obligation - cancel anytime



DEMOLITION PLAN 8/1/2016 PLANS

FROM SHEET A1.B ↘

2430 CASTRO ST.

TOTAL WALL FLOOR AREA TO BE  
DEMOLISHED ON FIRST FLOOR — 22 SQ FT

TOTAL EXISTING FLOOR AREA ON  
FIRST FLOOR — 1,725 SQ FT

TOTAL WALL TO BE DEMOLISHED ON  
FIRST FLOOR 1%

TOTAL WALL TO BE DEMOLISHED ON  
SECOND FLOOR 50 SQ FT

TOTAL EXISTING FLOOR AREA ON  
SECOND FLOOR 1,725 SQ FT

TOTAL WALL TO BE DEMOLISHED ON  
SECOND FLOOR 2%

SHEET A1.0 SCOPE OF WORK

REMODELING OF EXISTING FIRST AND SECOND  
FLOOR REMODELING OF EAST, WEST, NORTH,  
SOUTH ELEVATION REMOVING GABLE ROOF AND ATTIC  
SPACE AND BUILDING NEW THIRD FLOOR AND FLAT ROOF →

ON TOP:



**From:** [Thomas Schuttish](#)  
**To:** [Tanner, Rachael \(CPC\)](#); [mooreurban@aol.com](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Ruiz, Gabriella \(CPC\)](#)  
**Cc:** [Bintliff, Jacob \(BOS\)](#); [CPC-Commissions Secretary](#); [Ionin, Jonas \(CPC\)](#); [Merlone, Audrey \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Hillis, Rich \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Sucre, Richard \(CPC\)](#); [Jimenez, Sylvia \(CPC\)](#); [YANG, AUSTIN \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [PEARSON, AUDREY \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Low, Jen \(BOS\)](#); [Jennifer Fieber](#)  
**Subject:** July 21, 2022 Planning Commission Hearing Item No. 7 #2021-012246PCA  
**Date:** Tuesday, July 19, 2022 8:37:28 PM  
**Attachments:** [#2021-012246PCA.pdf](#)

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

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

Attached are comments with seven pages of attachments for Supervisor Safai's Four-Plex/Six-Plex legislation scheduled to be heard on Thursday.

It was a surprise to see it on the advance agenda a few weeks ago since the other version from Supervisors Mandelman and Melgar was already approved by the Board.

Thank you.

Sincerely,  
Georgia Schuttish

## QUESTION #1

Sometimes overlooked in all the discussions about increasing density in the RHD's is the statement on page 14 (attached) of the Staff's October 21, 2021 analysis of SB 9. This is true for this PCA as well. [How can this bad outcome be prevented?](#) Here is the statement:

*"Without City investment in programs that support owner-occupied development, such as construction loans or funding prioritized for owners of color or low-income owners, the more straightforward option would be for existing owners to sell their property, or "cash out," and leave San Francisco for areas with lower home costs".*

## QUESTION #2

This PCA proposes getting rid of 311 Notification, Discretionary Review and Section 317. All three allow for transparency and full participation of the public whether tenants or property owners.

The published Century Urban Feasibility Studies do not explicitly analyze getting rid of these in the analyses with the Staff Reports. According to the May 6, 2022 Staff Report it states that the assumption is one year for the project to be completed. And also, that the fees will be limited to no more than \$10K. In fact in some of the emails between Staff last year, it was stated that Century Urban was reluctant to factor in ministerial review into their analysis. [Is this so?](#)

### Here are some more questions:

1. *On average how much does 311 Notification cost a developer?*
2. *How many 311 Notifications lead to Discretionary Review?*
3. *How many Discretionary Reviews are withdrawn before the hearing?*
4. *How often does Discretionary Review either find or correct "errors" in a project?*
5. *What is the housing policy rationale for Section 317?*
6. *What is the intent of the conditions in Conditional Use regarding the outcome of a project?*

Attached is an article from the San Francisco Chronicle which offers conflicting statements about densification. On the one hand the problem is the physical constraints of building four units, but on the other hand, regardless of the physical limitations in designing a four-plex on the typical San Francisco lot, the real problem is too much process! [How can it be both?](#)

Also attached are annotated printouts of five multi-unit projects with entitlements that are now for sale. This illustrates the speculative fever (or commodification) in housing and the issue raised in [Question #1](#) above. Please note the asking price for these entitlements. [Is this now the market?](#) Four of the five could have been "refreshed" to provide housing these past years.

## QUESTION #3

Century Urban writes that the most financially feasible outcome may be to preserve, and not demolish, an existing SFH and add a unit creating a duplex in an SB9 scenario. (Again this has ramifications for the "cashing out" issue in [Question #1](#)). See the Century Urban studies for January 31st (page 4) and May 6th (page 3) attached to the Staff Reports in the agenda packet. [Has the Commission had an update on the details of the project applications under SB 9 and should such an update also include an update on the Residential Flat Policy and any mergers of dwelling units per Section 317 \(b\) \(7\)?](#)

SB 9 does not produce below-market-rate (BMR) units, without a substantial increase in supply, it will not realistically assist moderate, low, or extremely low income households (below 120% AMI) obtain housing.

Many areas of the city with lower land values, high percentages of households of color, and/or with lower outcomes in health, wealth, and life expectancy also have high rates of owner-occupied single family housing, for example, the Bayview (73%), Visitation Valley (70%), and Outer Mission (75%). SB 9 may offer these homeowners the opportunity to add units for extended families or to generate rental income, or gain wealth through lot splits. However, there are significant hurdles to realize these gains. Acquiring financing for project development, navigating a complex permitting process, and having the resiliency to manage the significant disruption and take financial risks of construction are major barriers facing existing homeowners in communities of color and low-income communities. Without City investment in programs that support owner-occupied development, such as construction loans or funding prioritized for owners of color or low-income owners, the more straightforward option would be for existing owners to sell their property, or “cash out,” and leave San Francisco for areas with lower home costs. While the bill includes a provision that the applicant of an SB 9 lot split is required to occupy one of the housing units as their principal residence for a minimum of three years from the date of the lot split approval, it does not apply to SB 9 project without the lot split. And while selling may financially benefit an individual household, this practice has been incrementally devastating to communities of color, Cultural Districts, and areas of the city where residents have a common sense of cultural identity, and a historic and major loss to San Francisco as a whole.

### Additional Considerations

Beyond the issues addressed above, there are unintended consequences for any legislation and these conditions can be difficult to study and anticipate. Some property owners or developers may use SB 9 to streamline the redevelopment of smaller, existing homes into larger, more expensive single family homes with a small additional unit that may never be rented, undermining the intent of creating more housing stock. Renters are protected by SB 9, but may be vulnerable to unscrupulous landlords due to a variety of circumstances, like being undocumented, in a dire financial state, or otherwise exploited. While the city must implement projects that meet the requirements of SB 9, and other state requirements such as SB 330, the Housing Accountability Act, and others, it may also consider allowable measures to tailor SB 9 through local implementation such as creating owner-occupied development programs that prioritize households of color and low income households, unit parity requirements that balance housing unit size, or others new programs.

### SB 10 Summary

Senate Bill 10 (Wiener)<sup>7</sup> authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance if the parcel is located in a transit-rich area or an urban infill site. Specifically, this bill:

---

<sup>7</sup> The legislative history and full text of the bill is available at [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB10](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10)

# San Francisco

SFCHRONICLE.COM | Sunday, February 27, 2011

## unlikeliy housing c

Zoning from page A1

2,700 square feet — which doesn't allow much room to shoehorn four units. And vacant lots are rare, as are "tear downs," small and outdated homes that don't have much value.

Sean Kieghran, president of San Francisco's Residential Builders Association, said he supports getting rid of single-family only zoning but doesn't think it will result in many new units. Kieghran said that building fourplexes requires either two staircases or a staircase and an elevator, which takes up too much of the site.

And, unless the city streamlined the process of building a fourplex on a single-family lot, builders would run into too many bureaucratic obstacles, Kieghran said. "With how long it takes to get through planning and fire and DPW and all the other red tape it's not likely we are going to see anybody building fourplexes anytime soon," he said.

Before the late 1960s, San Francisco developers regularly built two-, three-, and four-unit buildings. Stacked flats were the bread and butter of San Francisco's housing stock. But in the late 1960s and 1970s a series of laws changed that, and the majority of the city, especially the west side, was rezoned to prohibit anything but single-family homes.

One of the few architects to design fourplexes on single-family sized lots in the last few decades is Daniel Solomon, who has worked on three such projects. One of those is at 247 27th Ave., a

## Effort to add housing praised, scorned

### Zoning changes unlikely to end Bay Area crisis

By J.K. Dineen

quar that roof-c Golde yond. into a typical triet — homes, or three apartment corner.

"These ects, but fl big dent in Solomon sa a tool to cre duction is a completely f because som ted doesn't n It's very hard lot or tear do would work." He said the designed and itable, but bare took as much t and execute as complexes his f known for.

"You would ne developer willing an architect who e plan update. After the damage," he said. Berkeley vote, Council complicated little p the absolute opposi omy of scale."

While lots are big East Bay, there are s of obstacles, accordin Anthony, a veteran C builder. Land is expe neighbors unreceptiv velopment, and curre quirements — 12-foot ways, open space reqt ments, parking minim would make four units sible unless it's a large

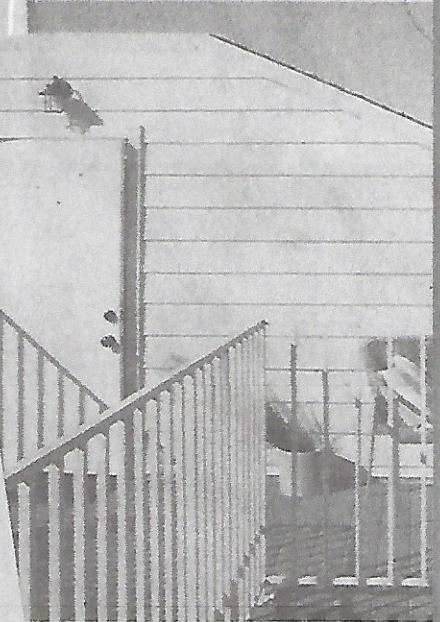
And the projects wo expensive — four 1,250-

The national movement to eliminate exclusionary single-family zoning is picking up steam in the Bay Area as cities explore the benefits of getting rid of a land use policy designed to keep people of color and working class families out of certain neighborhoods.

Last week, the city councils in Berkeley and South San Francisco took steps to end single-family zoning, with Berkeley promising to get rid of it within a year and South City initiating a study as part of its general plan update. After the Berkeley vote, Council Member Terry Taplin, one of the authors of the resolution, called it a "historical moment for us in Berkeley."

But while the movement to allow multifamily buildings in zones previously limited to single-family homes is being embraced as a correction of past discriminatory policies — Sacramento, Oregon and Minneapolis have passed such laws — the question of whether it will actually increase housing production is a lot more complicated, according to builders and architects.

In particular, building "fourplexes" — the four-unit building type that has been promoted as a more democratic, sustainable and affordable alternative to the single-family homes — is challenging in fully built centers such as



of 247 27th Ave. in San Francisco. The Most single-family lots in the city are t



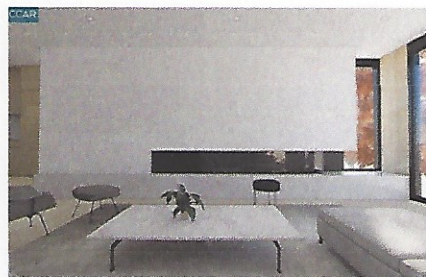
One of bedroom the thii floor o 27th A- moven end zo for sin family is gain steam the Ba

likely million, s, loan g it es, ce of pro- ed to a or

much to qualify for sul housing. To hit the mis middle in San Francisco units would have to be able to households ma between 80% to 120% median income, which family of four is betwe \$102,500 and \$153,700

Opponents to the u fear that it could lead placement. South San co Mayor Mark Addie developers could targ single-family rentals t vide some of the city's affordable housing.

"I am fearful that t houses to be gobbled developers might be



565 29th St, San Francisco, CA 94131

\$2,290,000

Buy with Redfin: \$2,284,128 >

6 Beds

5 Baths

4,270 Sq Ft



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Tour schedule for Thursday 14, Friday 15, and Saturday 16 of July.

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APPROVED AS ALTERATION W/ 2ND UNIT APPLIED 5/2019 - SITE PERMIT APPVD - 12/2020 ADVERTISED AS SFH UNOCCUPIED SINCE 2018?

About This Home

Shovel Ready! Build your own dream home! Great investment opportunity! 587 29th street sold for \$6,005,000

Listed by Fiona Zhao • DRE #01996841 • HomeSmart Optima Realty, Inc Redfin last checked: 12 minutes ago | Last updated July 13, 2022

• Source: bridgeMLS, Bay East AOR, or Contra Costa AOR #41001360

Home Facts

Table with columns: Status, Property Type, Year Built, Lot Size, Price Insights, List Price, Redfin Estimate, Time on Redfin, Baths, Community, MLS#, Est. Mo. Payment, Price/Sq.Ft.

Handwritten notes: 8 hours 'PENDING' SALE 2020 - \$1.895M 'ACTUALLY' SOLD 2021 - \$1.788M LISTED 2/22 - \$2.31M REMOVED 5/22 RE-LISTED 7/22 - \$2.29M

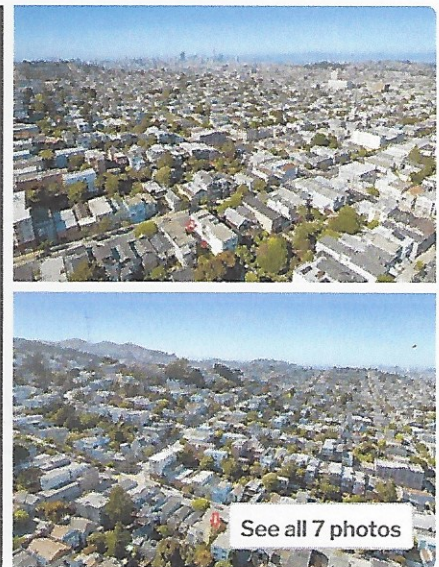
Search

Overview

Property Details

Sale & Tax History

Schools



461 29th St, San Francisco, CA 94131

**\$2,669,000**

Est. \$14,876/mo [Get a custom quote](#)

— Beds

— Baths

**2,848**

Sq Ft (Lot)



### Go tour this home

SATURDAY 16 JUL

SUNDAY 17 JUL

MONDAY 18 JUL

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APPROVED AS CWA — 1/2020  
 SITE PERMIT ISSUED — 2/2021  
 OLD BUILDING DEMOLISHED — 6/2021

### About This Home

Rare Fully Entitled and shovel ready development site. Build 2 brand new luxury condos and 1 ADU on a vacant view lot in desirable Noe Valley. The design includes is 2 story over garage approximately 6100 square feet with private roof deck for units 2 & 3, (2 Car Garage Parking). Unit 1 consists of 3Br + Office /2.5Ba, 1800 sq. ft. with ample outdoor space. Unit 2 consists of 2Br/2Ba, 1508 sq.ft. with private roof deck. Unit 3 consists of 3Br + Office/2.5Ba, 1458 sq. ft. with private roof deck. The property is located in the heart of Noe Valley with views of downtown San Francisco skyline and beyond, within walking distance to Noe Valley, shops, restaurants, and transportation. Plans are available upon request.

#### Show Less ^

Listed by Gary Tribulato • DRE #01220884 • Corcoran Global Living  
 Listed by Gregory Tribulato • DRE #01763336 • Corcoran Global Living  
 Redfin last checked: [9 minutes ago](#) | Last updated July 15, 2022

• Source: San Francisco MLS #422678386

#### Home Facts

Status	Active	Time on Redfin	4 hours
Property Type	Vacant Land	Community	San Francisco
Lot Size	2,848 Sq. Ft.	MLS#	422678386

SOLD 11/2017 — \$1.2M  
 SOLD 12/2017 — \$1.475M  
 LISTED 6/2021 — \$2.495M  
 LISTED 7/2022 — \$2.669M

4234 24th Street

San Francisco, CA 94114

☆ Save

➔ Share

**\$3,249,000** Price | **6** Beds | **4** Baths | **1 1/2** Bath | **5,100** Sq. Ft. | **\$637** per Sq. Ft.

Overview | Location | Property Info | Property History | Public Records | Schools | Similar Homes



LISTING UPDATED: 05/31/2022 11:52 AM

Status	Coming Soon
MLS #	422659869
Days on Compass	-
Taxes	-
HOA Fees	-
Condo/Co-op Fees	-
Compass Type	Single Family
MLS Type	Residential / Single Family Residence
Year Built	-
Lot Size	0.07 AC / 2,944 SF
County	San Francisco County

\*Entitled Plans\* for a 4-level New Construction compound in the best Noe Valley location. A flexible floor plan featuring sophisticated modern interiors, iconic hillside views, flat walk-out yard, and stately kitchens designed for indoor/outdoor entertaining. Warm natural light fills the voluminous living spaces through oversized windows, with each level enjoying access to the outdoors. Complete with an elevator, this home will provide generous possibilities to exceed the needs of individuals, couples, families, and entertainers alike. The 2nd dwelling allows for flexibility of use while providing privacy for each family member or occupant. Neighborhood staples at your doorstep include the Noe Playground with hoops and tennis, Philz Coffee, Firefly Restaurant, + Rin's Thai, along with Whole Foods and popular cafes and eateries. \*Photos are architectural renderings.

Collapse ▲

UNOCCUPIED SINCE 2019?

CONTACT AGENT(S)

Name

Email

Phone

I would like more information about 4234 24th Street.

Send Message

SOLD 7/2019 — \$1.85  
 APPLIED 9/2019  
 CUA - 7/2021  
 PERMIT ISSUED - 7/2022  
 LISTED JUNE 2022 - \$3.249M



Search

Overview

Property Details

Sale & Tax History

Schools



Street View



See all 12 photos

4250 26th St, San Francisco, CA 94131

\$3,989,000

Est. \$22,233/mo Get a custom quote

6

Beds

6.5

Baths

—

Sq Ft



Go tour this home

Calendar navigation for tour dates: SATURDAY 16 JUL, SUNDAY 17 JUL, MONDAY 18 JUL

Tour options: Tour in Person, Tour via Video Chat

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PER DBI TRACKING NOT ALL DRAWINGS SUBMITTED AS OF 12/2021 UNOCCUPIED SINCE 2017?

About This Home

Nestled in the heart of San Francisco's Noe Valley is an unparalleled development opportunity. This collaborative project culminates four years of design planning, architectural development and neighborhood outreach. 4250 26th Street is a rare extra wide lot (40 feet), single family home and ADU with unobstructed panoramic views designed by award winning, EDMONDS + LEE Architects. The plans include 4 stories, 6 bedroom, 6.5 bathrooms, 2 car garage, elevator, access yard, several decks, and 6000 sq ft. All of the levels have been designed to have high ceiling heights with large rear over-sized windows. The new house and ADU has been approved by the Planning Department. 4250 26th Street is a remarkable and special building opportunity rarely found in The City. This makes 4250 26th Street a unique property that is ready to start building with a team that will support your vision. Noe Valley is one the best neighborhoods to live in. Close to Douglass Park and Downtown.

Show Less

Listed by Amy Lui • DRE #01381559 • Compass Redfin last checked: 8 minutes ago | Last updated June 14, 2022

Source: San Francisco MLS #422669251

Home Facts

Table with 4 columns: Status (Active), Time on Redfin (31 days), Property Type (Single Family Residential), Year Built (1929)

LISTED 5/2017 - \$1.449M SOLD 6/2017 - \$2.3M ORIGINAL PERMIT APPLICATION AS ALTERATION IN 2018 CHANGED APPLICATION TO DEMO - 2A APPROVED 7/2020 & DR REQUESTS COMMISSION TOOK DR + APPROVED 7/2021 LISTED 6/2022 - \$3.989M



4152 - 4154 24th St, San Francisco, CA 94114

\$3,675,000

Est. \$20,483/mo Get a custom quote

12

Beds

11.5

Baths

6,512

Sq Ft



Go tour this home

Calendar navigation showing dates: SATURDAY 16 JUL, SUNDAY 17 JUL, MONDAY 18 JUL

Tour options: Tour in Person, Tour via Video Chat

Schedule Tour

It's free, with no obligation — cancel anytime.

OR

Start an Offer

Buy with a Redfin Agent and get \$9,242 back.

Ask a Question (415) 234-4215

About This Home

EXISTING HOUSE UNOCCUPIED SINCE 2017?

Fully entitled 5 unit residential condominium project in the heart of Noe Valley. Developers dream! Permit is ready to pick up to begin work immediately. 4 units in the front building. Large cottage in the back. Back cottage is 3Bd/3.5 Bath. Front building is 3 2Bd/2Bath Units and 1 3Bd/2Bath Unit. Listed by Amir Hardy • DRE #01797731 • Compass Redfin last checked: 9 minutes ago | Last updated June 30, 2022

• Source: San Francisco MLS #422645674

Home Facts

Table with 4 columns: Field, Value 1, Value 2, Value 3. Includes Status (Active), Property Type (Single Family Residential), Community (San Francisco), Lot Size (2,850 Sq. Ft.), and MLS# (422645674).

Price Insights

Table with 4 columns: Field, Value 1, Value 2, Value 3. Includes List Price (\$3,675,000), Price/Sq.Ft. (\$564), Est. Mo. Payment (\$20,483).

LISTED 4/2015 - \$1.248M  
SOLD 4/2015 - \$1.95M  
APPLIED AS DEMO  
BUT WITHDRAWN  
312 ISSUED 7/18  
APPLIED AS ALTERATION 9/18  
ISSUED 10/2019  
VARIANCE APPROV BY ZA FOR  
REAR BUILDING 9/2018  
LISTED 6/30 - \$3.675M



**From:** [CPC-Commissions Secretary](#)  
**Cc:** [Feliciano, Josephine \(CPC\)](#)  
**Subject:** FW: Community Tenants' Association Letter Supporting Discretionary Review for 45-49 Bernard (2020-005176DRP)  
**Date:** Monday, July 18, 2022 1:27:18 PM  
**Attachments:** [CTA 45-49 Bernard.pdf](#)

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### Commission Affairs

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7343 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Maggie Dong <maggie.dong@chinatowncdc.org>  
**Sent:** Monday, July 18, 2022 12:42 PM  
**To:** CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Winslow, David (CPC) <david.winslow@sfgov.org>  
**Subject:** Community Tenants' Association Letter Supporting Discretionary Review for 45-49 Bernard (2020-005176DRP)

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

Dear Planning Commissioners,

On behalf of the Community Tenants' Association, I am submitting a letter to support the discretionary review request for the 45 Bernard Street project. This project was originally scheduled to be heard on Thursday, July 21, 2022.

Sincerely,

**Maggie Dong** (she/her)

Planner

Chinatown Community Development Center

669 Clay Street, San Francisco, CA 94111

Phone: 415-935-2472 | Email: [maggie.dong@chinatowncdc.org](mailto:maggie.dong@chinatowncdc.org)



July 21, 2022

Rachael Tanner  
President  
San Francisco Planning Commission  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103

Dear Planning Commissioners,

I am writing this letter on behalf of the Community Tenants Association (CTA) to support the Discretionary Review filed by the Upper Chinatown Neighborhood Association for the project at 45-49 Bernard St. The Community Tenants Association was formed in 1987 and has a membership of over 2,500 members, most of whom are low-income tenants living in Chinatown. Our mission is to defend the rights of low-income tenants throughout San Francisco. CTA focuses on tenants' rights, preservation of affordable housing, protection of existing tenants from displacement, and awareness on issues impacting the city's most vulnerable immigrant populations.

Throughout the pandemic, eleven Chinese immigrants were evicted at 45-49 Bernard St. Eight of the former residents are elderly and/or disabled. Nob Hill is home to a significant Chinese American population due to its proximity to Chinatown. However, with the influx of owner move in evictions and the condoization of formerly affordable multifamily homes, we are concerned that the last renter at 49 Bernard will face indirect displacement.

We strongly urge the Planning Commission move forward with the Discretionary Review Request for the project at 45-49 Bernard St.

Sincerely,

Wing Hoo Leung, President  
Community Tenants Association

**From:** [CPC-Commissions Secretary](#)  
**Cc:** [Feliciano, Josephine \(CPC\)](#)  
**Subject:** FW: We need your help  
**Date:** Monday, July 18, 2022 7:50:47 AM

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**Commission Affairs**

San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7343 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Dennis Hong <dennisjames888@yahoo.com>  
**Sent:** Friday, July 15, 2022 5:17 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; George, Sherie (CPC) <sherie.george@sfgov.org>; Foster, Nicholas (CPC) <nicholas.foster@sfgov.org>  
**Subject:** We need your help

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

Dear Honorable members of the San Francisco Board of Supervisors and everyone. Last night I was able to see what was on your agenda for July 19, 2022. I trust you are all doing well and that my email here makes it in time for your 7/19/2022 meeting. But as always they are just some of my rambling notes I had on my 2do list. But we need your help. So lets get started.

Most of this is below is a copy and paste from your 7/19/2022 Agenda:

Please support the following, its good business:

**46. 211232** [Administrative Code - Housing Innovation Program] Sponsors: Melgar; Mar and Mandelman Ordinance amending the Administrative Code to create the Housing Innovation Program to develop, finance, and support certain additional housing opportunities for low-income and moderate-income residents, including loans and technical assistance for certain low-income and moderate-income property owners to construct accessory dwelling units or other new units on their property, subject to certain conditions, loans for certain low-income and moderate-income tenants who are at risk of displacement and licensed childcare providers, and grants for organizations to create marketing and educational materials about wealth-building and homeownership for residents who have been historically disadvantaged and to

develop creative construction design prototypes for low-income and moderate-income residents. Question: Shall this Ordinance be PASSED ON FIRST READING?

**57. 220631** [Charter Amendment, Initiative Ordinance, and Policy Declaration - Affordable Housing Production Act] Sponsors: Chan; Walton, Peskin, Preston, Ronen and Mar Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco to provide for accelerated review and approval of eligible 100% affordable housing projects, educator housing projects, and market-rate projects that provide significant increased affordability, and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; to amend the Administrative Code to provide for an Annual Affordable Housing Allocation Report as part of the City's budget

**63. 220636** [Charter Amendment and Ordinance - Additional Density and Height; Rent-Control] Sponsors: Peskin; Chan, Preston and Walton Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to set forth a requirement that when the City amends the Planning Code to allow for additional residential numerical density or height, that developers agree to subject the new residential units in the development, other than Affordable Housing Units, to rent control; to amend the Administrative Code to establish as the residential numerical density and height limits those controls in effect as of November 8, 2022, and to allow the Board of Supervisors to amend the Planning Code to exceed those limits if the ordinance requires a regulatory agreement to subject all dwelling units in development projects, other than Affordable Housing Units, to rent control; to

**from your 7/12/2022 mtg:**

What is the scope of work covered in the fund and accountability/s?

220690 Sponsor: Mayor Resolution approving the Fiscal Years (FYs) 2022-2023 and 2023-2024 Expenditure Plan for the Department of Homelessness and Supportive Housing Fund. Supervisor Walton, seconded by Supervisor Melgar, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of July 19, 2022. The motion carried by the following vote: Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**My Current issues:**

**One Oak Project:** I mention to the SF Planning Commissioners on 7/14/200 in support of the One Oak project:

- a. I have been in support of this since mid 2017 and still do.
- b. Because of both recent articles in the SF Business times, the SF Chronicle and the

YIMBY, including several other reports. It was confusing as to what's next. If and when it comes up on your agenda again, please keep in mind it's a wonderful housing project that we all need and I hope you will all support it. I do not know much about all the CA SB's and AB's, etc. referencing these all too many complicated Housing rules/legislation, etc but I do know, we need all the housing we can get and because as I understand it doing nothing here may cause some heavy fines. Please understand these items when voting with the housing issues. They are great tools in your box to use.

c. In my opinion, the current population explosion that needs all the housing is not really our fault. But somehow it needs our support.

d. But the One Oak seems to have part of this nailed, its apartments and not (really) housing pe/se. It's a two way issue.

e. Please continue to support all the CA, fed etc. housing mandates, etc. or suffer the recoil/s.

f. We need your support with the SF Plannings DEIR - Housing Element 2022 when it comes

to you for your approval, case no 2019-016230CWP, think there was another case no. to this original one.

g. As requested, I have had a chance to chime in on the DEIR (both volumes I and II (2022) and to send in my comments, which I did, you were cc'd on my email of June 9, 2022. The DEIR was another professional spot on Document.

### **Several other interesting issues – my opinion:**

a. Fining, penalizing, taxing property owners on vacant houses, store fronts, housing is not a way to go, but be fixable. Why blame the property owners? Business' are having a hard time justifying doing business in SF, including living in the city.

b. Now I hear that there is even the possibility of expediting these business, permit process may not be passed and it may be part of the Nov ballot (TBD). If that were the case that is a real shame. That is a key part of this process that is needed for the SBA folks. These folks really need help with this process. As it is now it is too hard to navigate the current process. They are not really tech savvy. Hold their hand.

c. Thanks for the legislation on the Mental Health program. I have not read it fully yet, but it was long over due and in my opinion is the part of the root cause of homeless.

d. What ever happened to that wonderful SF Homeless Connect program that our former Mayor Gavin Newsom started? It was a good program. Well it looks like it has lost some steam. Why keep reinventing the wheel?

Dennis is a native of San Francisco, (seventy five+ years). Property owner in District 7. Worked in the city for fifty+ years. Had many years in District 3.

In closing, thanks to all for reading my rambling emails. Sorry for my redundant comments. My current system and access to the internet has been weak at best, with

even all the large pdf/down loads. Would really like it if anyone could respond here with your thoughts good or bad.

Lets see who will be the first to respond to me. Too be continued.

All the best  
BXXSafe

**Dennis** is at [dennisjames888@yahoo.com](mailto:dennisjames888@yahoo.com).



**From:** [CPC-Commissions Secretary](#)  
**Cc:** [Tran, Tam \(CPC\)](#); [Feliciano, Josephine \(CPC\)](#)  
**Subject:** FW: Rescind measure to create third-party (TNC) dispatch as part of the Taxi Upfront Fare Program.  
**Date:** Monday, July 18, 2022 7:50:40 AM  
**Attachments:** [Sierra Club SF Group Letter Expressing Concerns About Uber-Flywheel legislation 2022-04-23.pdf](#)  
[SFMTA CAC Motion 220707.01 \(1\). Urging MTA Board of Directors to Rescind Third-Party Dispatch.odt](#)  
[TNC Memo to the Planning Commission 06-30-2022.pdf](#)  
[Jane Doe v. Uber 07-13-2022.pdf](#)

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### Commission Affairs

San Francisco Planning  
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Direct: 628.652.7343 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

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**From:** Sue Vaughan <[selizabethvaughan@gmail.com](mailto:selizabethvaughan@gmail.com)>  
**Sent:** Friday, July 15, 2022 9:31 PM  
**To:** MTABoard <[MTABoard@sfmta.com](mailto:MTABoard@sfmta.com)>; Breed, Mayor London (MYR) <[mayorlondonbreed@sfgov.org](mailto:mayorlondonbreed@sfgov.org)>; Chan, Connie (BOS) <[connie.chan@sfgov.org](mailto:connie.chan@sfgov.org)>  
**Cc:** CPC-Commissions Secretary <[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)>; CAC <[cac@sfmta.com](mailto:cac@sfmta.com)>  
**Subject:** Rescind measure to create third-party (TNC) dispatch as part of the Taxi Upfront Fare Program.

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

Dear Directors:

I oppose the "third-party (TNC) dispatch" Taxi Upfront Fare Pilot Program, and I urge you to rescind the April 5, 2022 directive authorizing the pilot. The pilot program will benefit Uber but be a detriment to the cab industry, passengers, the creation of a livable city, and the planet. Uber is an exploitative and polluting company that seeks a global monopoly – democracy, equality, and the fate of the planet be damned. This program allows this bad actor to become a parasite of our locally regulated cab industry without any of its liabilities, such as vehicle insurance or vehicle maintenance. This program also empowers Uber to eliminate publicly regulated and transparent meter fares for any cabs booked through the Uber app. Uber and its fellow transportation network company operator, Lyft, already underpay their drivers and exacerbate our climate emergency.

Of note: San Franciscans opposed their statewide Proposition 22 ballot measure to convert their employees into contractors by 59.51 percent.

The San Francisco Planning Department has even come out with a recent report detailing the negative impact of Uber and Lyft on the City. Uber and Lyft are also financially failing. Uber stays alive through investments, including from the murderous and undemocratic Saudi Arabian regime (one member of Uber's Board of Directors is Yasir Al-Rumayyan, of the Saudi Public Investment Fund).

Now Uber is seeking another lifeline through becoming a parasite of San Francisco taxi cabs. Lyft could be looking for a similar lifeline. This should be stopped immediately. Please rescind the creation of the third-party (TNC) dispatch Taxi Upfront Fare Pilot Program and cancel the pilot. Please also see the attached resolution, passed by the MTC CAC on Thursday, July 7, 2022, the Sierra Club Letter of Concern, and the SF Planning Department memo regarding TNCs.

Please also note that on July 13, 2022, a suit was filed against Uber by hundreds of anonymous plaintiffs claiming sexual assault by Uber drivers. The brief is attached. Please note that, according to the brief, ***the assaults have continued*** in the eight years since Uber, as a business, became aware of the sexual assaults in 2014.

Please note additionally that Uber's unscrupulous business practices are well-documented in the recent series of articles in The Guardian and other publications party to the [International Consortium of Investigative Journalists](#).

Thank you,  
Sue Vaughan  
District 1  
<https://burning-planet.org/>



**San Francisco Group, SF Bay Chapter**  
Serving San Francisco County

April 23, 2022

**Board of Directors**  
San Francisco Municipal Transportation Agency

**Subject:** Expressing concerns about the recent enactment of legislation (Transportation Code Amendment - Taxi Upfront Fare Pilot) establishing a financial relationship between Uber (a "third-party entity") and Flywheel Technologies, and that eliminates SFMTA regulation of taxi fares booked through third-party entities

**Dear Directors:**

The Sierra Club has concerns about legislation passed on April 5, 2022, enacting a pilot program that creates a troubling relationship between the San Francisco Municipal Transportation Agency and transportation network companies, in particular Uber.

The Union of Concerned Scientists has evaluated transportation network company operations and determined that they exacerbate the climate emergency by increasing the number of cars congesting city streets and adding to vehicle miles traveled. Uber and Lyft also compete with public transportation for passengers to the detriment of the environment. In 2018, the SFMTA promoted itself as the greenest transportation agency in the nation. And at one point prior to the advent of Uber and Lyft, San Francisco had the greenest taxi fleet in the nation. These environmental gains are eroded by every penny that Uber and Lyft earn through the vehicle-miles-traveled that they depend on.

The legislation passed on April 5 gives Uber – which is a financially failing corporation that is kept alive by investments, including from the Saudi Arabian Public Investment Fund – a life line by allowing it to become a taxi parasite. Through a private deal between Flywheel Technologies and Uber, passengers will be able to book cab rides using the Uber app. In exchange, Uber will get a cut of taxi fares without the trouble of owning and maintaining vehicles or purchasing insurance. Lyft, which is also financially failing, could offer a similar app and also become a parasite of the cab industry.

The SFMTA needed to legislate this deal because through the deal, the SFMTA gives up the right to regulate taxi fares for any fares booked through the Uber app. Any fare booked through the Uber app could be lower than regulated cab fares – or they could

surge. Considering the fact that it is the goal of Uber to have every taxi in the world using its app by 2025, this is alarming. Uber's goal has also been to out compete with public transportation globally, the fate of the planet notwithstanding.

In addition, this legislation was not properly vetted and lacks an environmental impact report. Prior to passage, the proposed legislation was not brought to the SFMTA Citizens Advisory Council, the Mayor's Disability Council, or neighborhood and political organizations. This was a flagrant lapse of responsibility in the face of the most pressing crisis that humanity has ever faced – the climate crisis.

Sincerely,

**Becky Evans**

Chair, Executive Committee  
The San Francisco Group

**Susan Vaughan**

Former Chair, Executive Committee  
The San Francisco Group

CC:

Mayor London Breed  
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WHEREAS the San Francisco Planning Department has recently issued a report highlighting the socio-economic and environmental problems associated with transportation network companies (TNCs, e.g., Uber and Lyft), including the exacerbation of the global climate emergency and widening divisions between those who can afford ride hail services and those who cannot

WHEREAS Uber is a financially failing company propped up by investments from various funds, including the Saudi Arabian Public Investment Fund, making Uber an extension of the fossil fuel industry

WHEREAS 59% of San Franciscans who voted in the November 2020 election voted NO on Proposition 22 to convert Uber and Lyft drivers, among others, from employees with benefits ranging from minimum hourly pay and Workmen's Compensation to private contractors.

WHEREAS the San Francisco Charter requires the San Francisco Municipal Transportation Agency (SFMTA) to ensure "roads that are not gridlocked with congestion"

WHEREAS the San Francisco Charter requires the SFMTA to provide "A transportation sector that promotes environmental sustainability and does not contribute to global warming"

WHEREAS the San Francisco Charter gives the SFMTA "exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel that it has over the Municipal Railway"

WHEREAS the Taxi Upfront Fare Pilot Program requires the SFMTA to give up the power to regulate taxi meter fares for all cab rides booked through third-party dispatch systems and to transfer that power to the third-party dispatch companies

WHEREAS Uber has stated that it has a goal of having all taxis globally on its platform by 2025, thereby converting all taxi drivers globally into Uber contract gig workers

WHEREAS TNC participation is not an essential component of the Taxi Upfront Fare Pilot Program

THEREFORE, BE IT RESOLVED that the San Francisco Municipal Transportation Agency Citizens' Advisory Council urges the San Francisco Municipal Transportation Agency Board of Directors to remove third-party (TNC) dispatch from the Taxi Upfront Fare Pilot Program.



## MEMO TO THE PLANNING COMMISSION

**HEARING DATE: June 30, 2022**

**Project Number:** 2018-002072OTH  
**Project Name:** Transportation Network Companies (TNCs) and Land Use Planning: Effects on The San Francisco General Plan, Planning Code, and Environmental Review  
**Staff Contact:** Tam Tran, tam.tran@sfgov.org, 628-652-7473  
**Reviewed by:** Wade Wietgreffe, wade.wietgreffe@sfgov.org, 628-652-7565

**Recommendation:** None (Information Item)

Planning Department staff will present an overview of its recently published Transportation Network Companies and Land Use Planning study (attached), including next steps for policy options. The study is one of several City-led studies looking at the effects of transportation network companies on San Francisco.

### Background

**Ridehailing (or ridesourcing)** services match riders with drivers on demand. **Transportation network companies** (TNCs, like Lyft and Uber) are an example of ridehailing. To use a TNC service, people use their smart phones to summon a car that provides taxi-like transportation services and to also pay for this service. These companies provide a direct and convenient mode of transportation that is similar to an individual driving their own private car but without the associated costs of private vehicle ownership or parking inconveniences.

First appearing in 2010 in San Francisco, ridehailing has grown substantially here and in other cities around the world due to their convenience and sometimes lower cost compared to taxis. In San Francisco, TNC trips made up about 15% of all intracity vehicle trips in 2017.<sup>1</sup> See Figure 1 on the next page. Because these services are relatively new and pervasive, these services have outpaced public regulatory authority and policy framework, including San Francisco.

The results of TNCs operating outside of existing public policy and regulation have been significant. Studies show that TNCs shift people away from other means of travel, including walking, bicycling, and transit. TNCs induce more car trips than what would otherwise have occurred.<sup>2</sup> Research has shown that TNCs circulate on streets frequently with few or no passengers,<sup>3</sup> and compete with public transit, instead of supplementing it.<sup>4</sup> All these effects result in more vehicle miles traveled (VMT) and congestion on roads, even when accounting for multi-passenger (i.e., shared) TNC options.<sup>5</sup> In San Francisco, it is estimated that TNCs accounted for approximately 50% of the increase in congestion between 2010 and 2016.<sup>6</sup> See Figure 2 on the next page.

Figure 1. Average Weekday Intracity Vehicle Trips by Mode in San Francisco (2017)

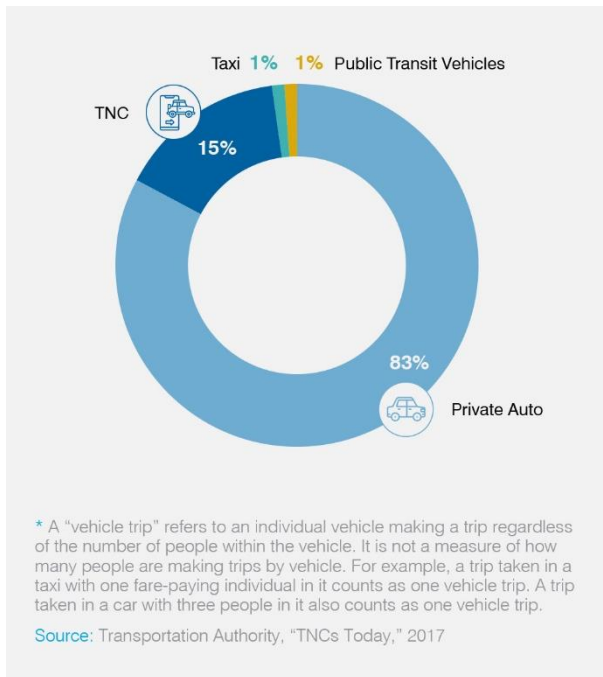
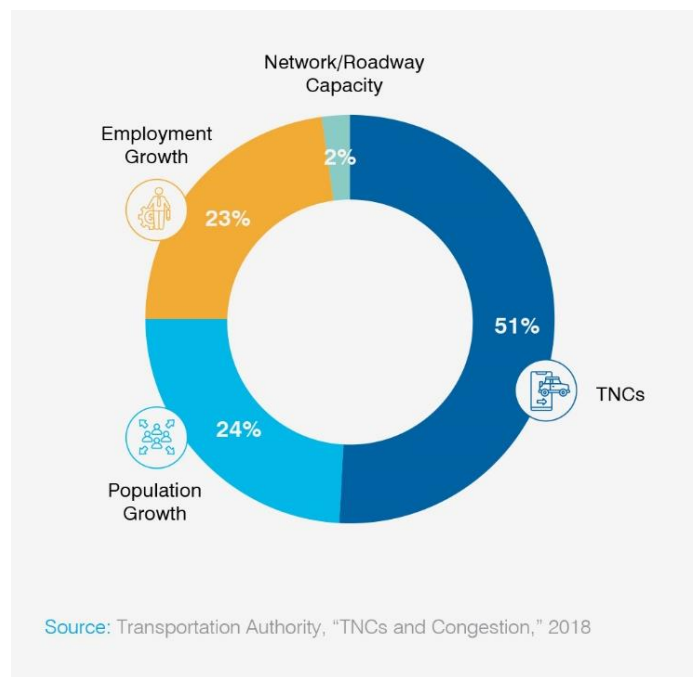


Figure 2. Factors that Contributed to Traffic Delay in San Francisco (2010-2016)



There are also racial and social implications related to TNCs. Some people simply may not be able to afford to pay for ridehail services. Research finds that some TNC drivers turn down ride requests from neighborhoods with communities of color and low-income households.<sup>7</sup> Service discrepancies also exist for people with disabilities. In San Francisco, TNCs did not provide vehicles accessible to people using wheelchairs, charged higher fares for users requesting wheelchair-accessible vehicles, and relied on mobile applications and websites that were not accessible by screen readers or assistive devices.<sup>8</sup>

The Planning Department conducted the attached study because there is less research on TNCs' effects on land use planning. Staff often faced questions at Planning Commission and Board of Supervisors hearings about the amount of TNC activity and impacts associated with proposed land uses, such as housing and office buildings. Staff have observed an increased level of permit activity for TNC-related land uses. Given the relative newness of TNCs, classifying such land uses is imprecise and clumsy given the existing Planning Code definitions. Planning Commissioners and staff need additional information to guide development in response to anticipated TNC activity (e.g., loading, parking).

The Planning Department anticipates TNC trips to return to their pre-pandemic levels as the economy recovers and possibly grow through other emerging ridehailing technologies (e.g., passenger travel provided by autonomous vehicles), even despite recent cost increases in TNC trips. An indication of increased TNC activity is the significant rise in the total collection of taxes collected for TNC rides in July and August 2021 compared to the prior 2020-2021 fiscal year.<sup>9</sup> (This tax was approved by San Francisco voters in 2019 (Proposition D)).

These discussions and observations informed the study’s scope. The study explores the following four questions and identifies policy options to address potential impacts.

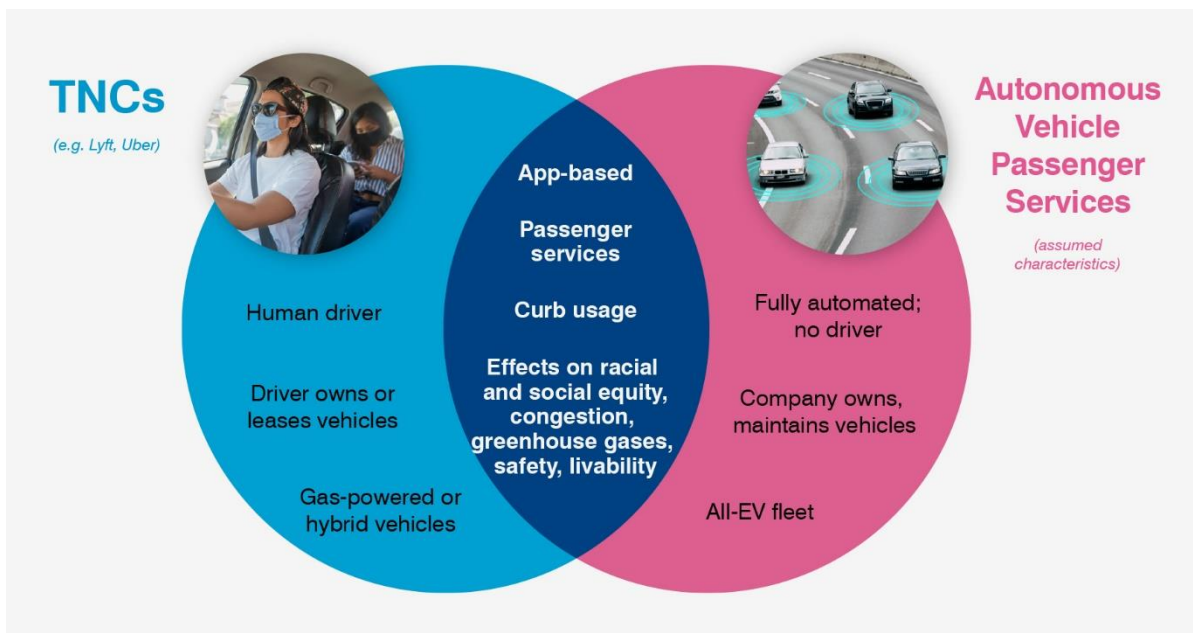
1. Are some land uses and densities associated with more TNC activity than others?
2. What other built environment features are associated with TNC activity?
3. Do TNCs create new or alter existing land uses?
4. How is the development community reacting to TNCs?

This study may also inform land-use impacts of other **emerging mobility services and technology** (emerging mobility). These are modes, technology, or any type of transportation device or service that automate three or more of the following features: driving, routing, reservations/orders, vehicle tracking, billing, customer feedback, matching/sharing, crowdsourced routing, and locking and unlocking.<sup>10</sup> Emerging mobility includes ridehailing (TNCs), autonomous vehicles, bikeshare, carshare, e-scooters, and others.

The connection between TNCs and autonomous vehicles is important. Autonomous vehicles (sometimes referred to as robot cars, driverless cars, or self-driving cars) are currently being used for passenger services, like TNCs. While they are not identical, TNCs and the presumed characteristics of AV passenger services have many similarities. See Figure 3.

Given the lack of a model of how autonomous vehicle passenger services will operate, the study team assumes that the effects of AV passenger services could be like the effects of TNCs. Practitioners (e.g., public employees, such as planners, transit operators, and airport staff), academics, and others who study emerging mobility have also made this observation.<sup>11</sup>

Figure 3. Characteristics of TNCs (existing) and Passenger Services Provided by Autonomous Vehicles (anticipated)



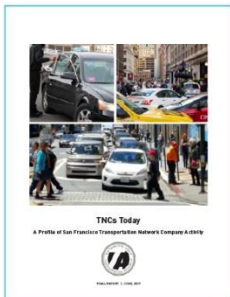


Autonomous vehicles have the potential to radically change human behavior and cities on the same scale that technologies such as the internet and the conventional automobiles have. Once considered new, these technologies have so thoroughly embedded themselves in people’s lives that it is nearly inconceivable to imagine how daily living could happen without them. This similar potential with emerging mobility makes them worth studying, so that San Francisco can encourage and leverage their positive impacts as well as manage and attempt to avoid or minimize their downsides.

## Prior San Francisco Agency Studies about TNCs

The effects of TNCs span other aspects of life in San Francisco, as safety and mobility are vital components of how people live their lives and conduct their business. City agencies have worked together to produce several studies to explore how TNCs affect people and travel patterns in San Francisco. These studies piece together a larger picture of how TNCs operate in San Francisco and identify certain problematic parts of their operations – increased congestion, decreased mobility for people with disabilities, and other effects.

SFMTA’s study about people with disabilities’ access to TNCs contained policy options for decisionmakers to consider and implement. These included options for the public sector to more robustly implement SB 1376: TNC Access for All (2018)<sup>12</sup> and to leverage the expertise of local agencies and consumers to implement and enforce regulations related to TNCs.<sup>13</sup>



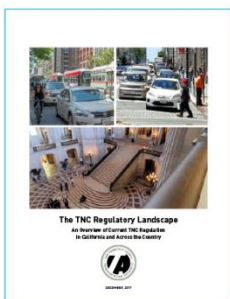
**Transportation Authority, “TNCs Today”** describes the characteristics of ridesourcing companies in San Francisco, including the number, location, and timing of trips.

*Released: June 2017*



**Transportation Authority, “TNCs and Congestion”** provides the first comprehensive analysis of how TNCs collectively affect roadway congestion in San Francisco.

*Released: October 2018*



**Transportation Authority, “The TNC Regulatory Landscape”** provides an overview of existing state and local TNC regulatory frameworks across the country and within California.

*Released: December 2017*



**SFMTA, “TNCs and Disabled Access”** identifies opportunities and barriers that TNCs present for people with disabilities.

*Released: April 2019*

## Methodology and Results

Table 1 summarizes the methodologies used for each study question and the results. Given the wide-ranging nature of the questions, a variety of methodologies were used to explore each question.

Table 1: Land Use Planning Study Questions and Research Methodologies

Study question	Methodology	Results
1. Are some land uses and densities associated with more TNC activity than other uses?	Regression analysis	<ul style="list-style-type: none"> <li>• Significant positive associations for: <ul style="list-style-type: none"> <li>○ Visitor, retail, residential, and cultural, institutional, and educational land uses</li> <li>○ Higher-density areas (e.g., northeast quadrant of San Francisco)</li> </ul> </li> </ul>
2. What other built environment features are associated with TNC activity?	Regression analysis	<ul style="list-style-type: none"> <li>• Significant positive association for: <ul style="list-style-type: none"> <li>○ Higher daily parking costs and lack of access to a vehicle</li> </ul> </li> <li>• Slight positive association for: <ul style="list-style-type: none"> <li>○ Proximity to a BART station</li> </ul> </li> </ul>
3. Do TNCs create new or alter existing land uses?	Focus groups, online survey, review of Planning Department applications	<ul style="list-style-type: none"> <li>• Land uses by TNC and autonomous vehicle providers do not fit neatly under existing Planning Code</li> </ul>
4. How is the development community reacting to TNCs?	Interviews	<ul style="list-style-type: none"> <li>• Less parking</li> <li>• Expanded loading areas to accommodate TNCs and other loading activities</li> <li>• Increased demand for other transportation amenities (e.g., bike lockers, electric vehicle chargers)</li> </ul>

## Key Findings and Policy Options

In response to these results, the Planning Department presents key findings with associated potential policies in Table 2. The policy options are organized around the Planning Department’s responsibilities. The Department will be advancing these policy options in FY 2022-2023 in collaboration with stakeholders.

Table 2: Policy Options

Key Finding	Policy Option
1. Convenience typically wins.	1. Maintain General Plan policies that are consistent with the City’s Transit First policy and update the General Plan to identify the ways emerging mobility can advance City goals (e.g., climate action, safety, access) and/or take steps to manage and attempt to avoid or minimize conflicts with City goals.
2. Demand for curb space is high and will likely increase as emerging mobility usage grows.	2. Update the General Plan to establish (a) priorities for curb space by land use and (b) policies to address the ongoing loading effects from emerging mobility.
3. The Planning Code may not appropriately or fully consider land use impacts by emerging mobility services and companies.	3. Update the Planning Code to classify land uses involving emerging mobility (e.g., autonomous vehicles).

Key Finding	Policy Option
4. Ridesourcing could counter some of the benefits of the Transportation Demand Management Program that is codified to encourage sustainable travel.	4. Continue to regularly monitor the effectiveness of the City’s Transportation Demand Management program.
5. Developers and building owners/managers are challenged to respond to TNCs and anticipated autonomous vehicle passenger services, particularly for existing developments.	5. Provide guidance for developers and building owners/managers to respond to emerging mobility, including TNCs and autonomous vehicle passenger services.
6. The Department appropriately considers TNC activity in its environmental review process (e.g., the analysis accounts for TNC impacts such as number of trips and loading activity).	6. Align environmental review with any future adopted policy or regulations concerning emerging mobility and monitor and integrate reputable emerging mobility evidence into reviews.

A full description of the study’s approach, results, and findings are attached. Appendices can be found on the project’s website: [www.sfplanning.org/TNCs](http://www.sfplanning.org/TNCs)

## Conclusion and Next Steps

Research has shown that TNCs increase vehicle travel.<sup>14</sup> Without changes to the current trend lines, San Francisco’s transportation system will be less safe and more congested with increased pollution. Technology-based transportation services will be available for a select segment of able-bodied people who can afford them, compounding the socioeconomic and ability-based inequities that we see today. The Planning Department, in collaboration with agency partners, should set the public policy foundation so that TNCs and other emerging mobility providers respond to the principles and expectations of San Franciscans, especially those related to racial and social equity; climate action; Transit First; and safety, including Vision Zero.

To be clear, San Francisco welcomes new technology and services. From the building of the Golden Gate Bridge to the invention of television, San Francisco has long been the home of innovation. The City welcomes innovation – as long as it serves the goals of the people in San Francisco and the Bay Area and not the reverse. The City’s streets are a vital, limited resource that must serve people – residents, workers, and visitors – and not private companies and vehicles.

The Planning Department will continue work with agency partners on the policy responses outlined in Table 2. The findings from this study will inform updates to the General Plan, including the Transportation Element, which is anticipated to be presented to the Planning Commission for consideration in 2024.

The Planning Department will kick off a process this fall to develop new Planning Code controls for emerging mobility. The process will engage stakeholders in the development of the definitions for these land uses and controls such as preferred locations, and the types of associated controls such as site design and intensity. The Planning Code updates could inform guidance for developers. The Planning Department will continue to monitor TNC research and update the City’s transportation demand management program and environmental review practices, as needed.

## Required Commission Action

**Recommendation:** None (Information Item)

Attachment: “Transportation Network Companies (TNCs) and Land Use Planning: Effects on The San Francisco General Plan, Planning Code, and Environmental Review”

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### ENDNOTES

<sup>1</sup> San Francisco County Transportation Authority. (2017). “TNCs Today: A Profile of San Francisco Transportation Network Company Activity.” [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Today\\_112917.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_112917.pdf)

<sup>2</sup> Ward, J. W., Michalek, J. J., Samaras, C., Azevedo, I. L., Henao, A., Rames, C., & Wenzel, T. (2021). “The impact of Uber and Lyft on vehicle ownership, fuel economy, and transit across U.S. cities.” <https://www.sciencedirect.com/science/article/pii/S2589004220311305>

<sup>3</sup> Studies show that deadheading, or when TNCs operate without a paying passenger in the vehicle, accounted for 50% of TNC’s vehicle miles traveled in New York and 20% in San Francisco. These studies include:

Schaller, B. (2017). “Unsustainable? The Growth of App-Based Ride Services and Traffic, Travel, and the Future of New York City.” <http://www.schallerconsult.com/rideservices/unsustainable.pdf>

Fehr & Peers. (2019). “Estimated TNC Share of VMT in Six U.S. Metropolitan Regions (Revision 1).” Research funded by Uber. <https://drive.google.com/file/d/1FIUskVkj9lsAnWJQ6kLhAhNoVLjFdx3/view>

San Francisco County Transportation Authority. (2017). “TNCs Today: A Profile of San Francisco Transportation Network Company Activity.” [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Today\\_112917.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_112917.pdf)

<sup>4</sup> Studies show that TNCs compete with public transportation as riders (especially non-car owners) consider the service as a replacement for transit. These studies include:

Erhardt, G. D., Mucci, R. A., Cooper, D., Sana, B., Chen, M., & Castiglione, J. (2021.) “Do transportation network companies increase or decrease transit ridership? Empirical evidence from San Francisco.” *Transportation* 49, 313–342. <https://link.springer.com/article/10.1007/s11116-021-10178-4>

Rayle, L., Dai, D., Chan, N., Cervero, R., & Shaheen, S. (2016). “Just a better taxi? A survey-based comparison of taxis, transit, and ridesourcing services in San Francisco.” *Transportation Policy* 45, 168–178. <https://doi.org/10.1016/j.tranpol.2015.10.004>

Shaheen, S., Totte, H., & Stocker, A. (2018). “Future of Mobility.” UC Berkeley, Institute of Transportation Studies, <https://escholarship.org/uc/item/68g2h1qv>

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<sup>5</sup> A study examining the effectiveness of shared (or pooled) Lyft and Uber services in reducing VMT found that pre-pandemic levels of pooling led to at least a doubling of VMT when comparing ride-hail trips with travelers' previous modes, with increases of 97% in Chicago, 118% in San Francisco, and 157% in Boston. (Source: Schaller, B. (2021). "Can sharing a ride make for less traffic? Evidence from Uber and Lyft and implications for cities." *Transport Policy*, 102, 1–10. <https://doi.org/10.1016/j.tranpol.2020.12.015>)

<sup>6</sup> San Francisco County Transportation Authority. (2018). "TNCs and Congestion." [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Congestion\\_Report\\_181015\\_Final.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Congestion_Report_181015_Final.pdf)

<sup>7</sup> Brown, A. (2019). "Prevalence and Mechanisms of Discrimination: Evidence from the Ride-Hail and Taxi Industries." *Journal of Planning Education and Research*. <https://doi.org/10.1177/0739456X19871687>

<sup>8</sup> San Francisco County Transportation Authority. (2018). "Emerging Mobility Evaluation Report." <https://www.sfcta.org/projects/emerging-mobility-evaluation-report>

<sup>9</sup> San Francisco County Transportation Authority. (2021). Executive Director's Report. <https://www.sfcta.org/sites/default/files/2021-09/EDR%2009.28.21FINAL.pdf>

<sup>10</sup> *ibid.*

<sup>11</sup> Bergal, J. (2017). "Uber, Lyft Cut Into Parking Revenue That Keeps Airports Running." *Governing Magazine*. <https://www.governing.com/archive/sl-uber-lyft-airports.html>

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Allen, W. (2019). "How AVs, TNCs and public transit will shape the future of transportation." *Metro Magazine*. <https://www.metro-magazine.com/10002899/how-avs-tncs-and-public-transit-will-shape-the-future-of-transportation>

<sup>12</sup> SB 1376: TNC Access for All (2018) requires the state Public Utilities Commission to establish an accessibility program for persons with disabilities as part of its regulation of TNCs.

<sup>13</sup> San Francisco Municipal Transportation Agency. (2019). "TNCs and Disabled Access." [https://www.sfmta.com/sites/default/files/reports-and-documents/2019/05/tnc\\_and\\_disable\\_access\\_whit\\_paper\\_rev11\\_2.pdf](https://www.sfmta.com/sites/default/files/reports-and-documents/2019/05/tnc_and_disable_access_whit_paper_rev11_2.pdf)

<sup>14</sup> Clewlow, R. R. & Mishra, G.S. (2017). "Disruptive Transportation: The Adoption, Utilization, and Impacts of Ridehailing in the United States." Institute of Transportation Studies, UC Davis, Research Report UCD-ITS-RR-17- 07

Schaller, B. (2021). "Can sharing a ride make for less traffic? Evidence from Uber and Lyft and implications for cities." *Transport Policy*, 102, 1–10. <https://doi.org/10.1016/j.tranpol.2020.12.015>



# TNCs and Land Use Planning

EFFECTS ON THE SAN FRANCISCO GENERAL PLAN,  
PLANNING CODE, AND ENVIRONMENTAL REVIEW



San Francisco  
**Planning**

JUNE 2022

# Acknowledgements

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**San Francisco**  
**Planning**

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Photo by Jeremy Menzies, SFMTA

# Executive Summary

**Emerging mobility services and technology have the potential to radically change human behavior and cities on a scale that other transformative technologies have similarly done. San Francisco is not prepared for this.**

Emerging, app-enabled transportation services, such as ridesourcing services provided by transportation network companies (TNCs) (e.g., Lyft, Uber), caught cities off-guard, including San Francisco. The results of being caught off-guard for TNCs have been significant.

Studies show that TNCs shift people away from other means of travel, including walking, bicycling, and transit and that TNCs generate more car trips.<sup>1</sup> TNCs circulate on streets frequently with few or no passengers, induce travel, and compete with public transit, instead of supplementing it.<sup>2</sup> All these effects result in more vehicle miles traveled (VMT) and congestion on roads, even when accounting for multi-passenger (i.e., shared) TNC options.<sup>3</sup>

In San Francisco, it is estimated that TNC trips made up about 15% of all intracity vehicle trips in 2017.<sup>4</sup> TNCs accounted for approximately 50% of the increase in congestion between 2010 and 2016 in San Francisco.<sup>5</sup>

Less has been studied about TNCs' effects on land use planning and the built environment. This includes how location and densities of land uses could interact with the demand, supply, and operations of ridesourcing (also known as ridehailing) services.

This San Francisco Planning Department (Planning Department) study examined the potential effects of TNCs on land use planning in San Francisco and recommends policy options for the City to take based on the results.

Using a combination of regression analyses, interviews, focus groups, online surveys, and research on development applications submitted to the City and County of San Francisco (the City), the Planning Department made the following findings in relation to the study's research questions.

### Are some land uses and densities associated with more TNC activity than others?

- **Visitor, retail, residential, and cultural, institutional, and educational land uses showed significant positive association with TNC activity.** Regression analyses showed that, of the five land use categories examined, visitor-related uses, such as hotels and other lodging, had the most significant positive association with TNC activity followed by residential land uses. This was true when variables such as time of day and density were controlled. (These findings resulted from regression analyses, which can show a relationship – or an association – between two variable and assess the strength of the relationship. Regression analyses cannot determine causality or directionality.)
- **Higher-density areas showed significant positive association with more TNC activity.** Regression analyses showed that areas in San Francisco with the highest density had the greatest correlation with TNC activity. These areas include neighborhoods in the northeast quadrant of the city, including downtown, Financial District, South of Market, and North Beach.

### What other built environment features are associated with TNC activity?

- **High daily parking costs and lack of access to a vehicle were associated with more TNC activity.** Of the nine built environmental features examined, research findings indicated that high daily parking costs had the most significant positive association with increased TNC activity. The share of households without a vehicle were also significantly associated with more TNC activity.
- **Proximity to a BART station was slightly associated with increased TNC activity.** Findings showed that areas closer to a BART station had a positive association with TNC activity, although the strength of that association was minor. This is consistent with previous research conducted through the "TNCs and Congestion" study (2018), which found that TNCs were associated with vehicle delay in the downtown core.

### Do TNCs create new or alter existing land uses?

- **The impact of TNCs on new or existing land uses is evolving.** Two separate efforts were employed to answer this study question. The Planning Department administered online surveys and focus groups with drivers to understand their routine and needs while they are driving for a TNC and how their behavior may impact land uses. The Department found no apparent patterns whether ridesourcing operations are changing land uses.

The Planning Department also reviewed applications involving TNCs and/or autonomous vehicles (AVs). (While the subject of this study is TNCs, AVs were included in this review as TNCs and mobility companies have cited using such vehicles for ridehailing purposes.) The review found several applications that proposed changes in use of some properties, such as using parking or maintenance sites for fleet-operated, AV passenger services. Given that these uses would be new ones for San Francisco (if not other jurisdictions) and that the Planning Department believes that TNCs will be followed by AV passenger services, this strongly suggests existing land uses are being re-shaped.

### How is the development community reacting to TNCs?

- **Many developers perceive a reduced demand for off-street parking and/or private vehicle ownership because of ridesourcing services.** They see this reduced demand, most notably in office and multifamily residential developments, as they observed many young professionals have shifted how they get to and from work, especially if those places are in high-priced parking areas. In response, many developers plan to build less parking in the future due to this perceived decline in parking demand and are instead increasing loading spaces to accommodate TNCs. In existing buildings, some developers have adaptive reuse plans for what may become extraneous parking.

In response to these results, the Planning Department determined key findings and their potential policies for consideration by City decisionmakers. These include:

<p><b>KEY FINDING</b></p> <p><b>1</b></p> <p><b>Convenience typically wins.</b></p>	<p><b>KEY FINDING</b></p> <p><b>2</b></p> <p><b>Demand for curb space is high and will likely increase as emerging mobility usage grows.</b></p>	<p><b>KEY FINDING</b></p> <p><b>3</b></p> <p><b>The Planning Code may not appropriately or fully consider land use impacts by emerging mobility services and companies.</b></p>
<p><b>POLICY OPTION</b></p> <p>Maintain General Plan policies that are consistent with the City's Transit First policy and update the General Plan to identify the ways emerging mobility can advance City goals (e.g., climate action, safety, access) and/or take steps to manage and attempt to avoid or minimize conflicts with City goals.</p>	<p><b>POLICY OPTION</b></p> <p>Update the General Plan to establish (a) priorities for curb space by land use and (b) policies to address the ongoing loading effects from emerging mobility.</p>	<p><b>POLICY OPTION</b></p> <p>Update the Planning Code to classify land uses involving emerging mobility.</p>
<p><b>KEY FINDING</b></p> <p><b>4</b></p> <p><b>Ridesourcing could counter some of the benefits of Planning Code provisions that encourage sustainable travel.</b></p>	<p><b>KEY FINDING</b></p> <p><b>5</b></p> <p><b>Developers are challenged to respond to TNCs and anticipated AV passenger services, particularly for existing developments.</b></p>	<p><b>KEY FINDING</b></p> <p><b>6</b></p> <p><b>Environmental review appropriately considers TNC activity.</b></p>
<p><b>POLICY OPTION</b></p> <p>Continue to regularly monitor the effectiveness of the Transportation Demand Management Program.</p>	<p><b>POLICY OPTION</b></p> <p>Provide guidance for developers in responding to emerging mobility, including TNCs and AV passenger services.</p>	<p><b>POLICY OPTION</b></p> <p>Align environmental review with any future adopted policy or regulations concerning emerging mobility and monitor and integrate reputable emerging mobility evidence into reviews.</p>

The Planning Department does not expect TNC impacts and issues to go away, especially as ride-sourcing becomes available using AVs, as recently permitted by California law. In many ways, TNCs preview what may come from AV passenger services. If and when AVs will be widely available, accepted, and used by the public is unknown. Yet, the stakes are high if TNCs are a preview of impacts to come.

Without further government intervention, it is unlikely San Francisco will meet its safety, equity, and climate goals. Given TNCs' tendency to increase vehicle travel, we will instead see more cars on the road, which will have dire consequences on air quality, health, economic prosperity, and safety.

Additionally, technology-based transportation services will be available for a select segment of able-bodied people who can afford them, which will compound the socioeconomic divisions and inequities that we see today.

The City should set the policy foundation for TNCs and other emerging mobility providers to respond to its principles and rules instead of the other way around. It must be the City, through its residents, community representatives, and elected representatives who should manage the City's public streets.

To be clear, San Francisco welcomes new technology and services. From the building of the Golden Gate Bridge to the invention of television, San Francisco has long been the home of innovation. The City welcomes innovation – as long as it serves the goals of the people in San Francisco and the Bay Area and not the reverse. The City's streets are a vital, limited resource that must serve people – residents, workers, and visitors – and not private entities and vehicles.

The Planning Department, specifically, needs to work with stakeholders to affect land use planning policy locally, including through the General Plan and Planning Code, and to influence various regulations at other levels.

Through this study, the Planning Department adds to previous research conducted by City agencies by analyzing the impact of TNCs on land use planning and identifying policy options on how those impacts can be addressed. The Planning Department, Transportation Authority, and San Francisco Municipal Transportation Agency (SFMTA) collaborated to look at the impacts of TNCs and published several studies, including “TNCs Today” (2017), “The TNC Regulatory Landscape” (2017), “TNCs and Congestion” (2018), and “TNCs and Disabled Access” (2019).

Other cities may have limited to no emerging mobility services now. But these technologies will likely come to their cities, and they may find the need to follow San Francisco's lead in planning for the future instead of reacting to it.

#### Notes:

**COVID-19 pandemic:** The Planning Department anticipates TNC trips to return to their pre-COVID-19 levels as the economy recovers and possibly grow through other emerging ridesourcing technologies (e.g., AV passenger services) without new regulations or court decisions, even despite recent increases in TNC trip prices.<sup>6</sup> Thus, the Planning Department anticipates the key findings and policy options herein to remain valid, although the study team largely conducted the research for this study prior to the onset of the pandemic.

#### Assumptions related to TNCs and AV passenger service:

Much has been written and anticipated about how AVs will affect transportation. While the technology is moving rapidly and much remains unknown and assumed, the Planning Department anticipates that the public arrival and use of AVs will be in the form of passenger services. Some observers have referred to these services as “robo-taxis.” While they are not identical, TNCs and the presumed characteristics of AV passenger services have many similarities (e.g., app-based; curb usage; potential effects on equity, congestion, air quality, greenhouse gases). Given the lack of a model of how AVs in general and AV passenger services will operate, the study team assumes that the effects of AV passenger services could be like the effects of TNCs. Practitioners and others who study emerging mobility services and technology have also made this connection.<sup>7</sup>

# Key Terms / Glossary

**Autonomous vehicle:** A vehicle equipped with technology that has the capability of performing the entire driving task on a sustained basis without the active control and supervision of a human driver. This includes capabilities called conditional driving automation, high driving automation and full driving automation, as outlined by the Society of Automotive Engineers. (See <https://www.sae.org/news/2019/01/sae-updates-j3016-automated-driving-graphic>.) Cars with driving assistance features that depend on the presence of an active and attentive human driver are not AVs.

## **Autonomous vehicle passenger services or autonomous vehicle ridehailing:**

Pre-arranged, on-demand transportation services in an autonomous vehicle offered under permits. In California, the California Public Utilities Commission issues these permits.

**Built environment:** Physical, human-made structures or systems (as opposed to the “natural environment”). This includes any physical facilities and infrastructure that supports people’s everyday activities. Examples include houses, schools, shopping centers, streets, freeways, and utilities. (Source: US EPA, <https://www.epa.gov/smm/basic-information-about-built-environment>)

**Density:** In planning, density is considered the amount or intensity of a unit within an area or site. These units can be people, households, workers/jobs, residential units, buildings, or another type of activity or physical development.

**Emerging mobility services and technology:** Transportation service or technology that uses public service and sidewalks and automates at least three of the following characteristics: driving, vehicle tracking, matching/sharing, routing, billing, crowd-source routing, reservations/orders, customer feedback, and vehicle locking/unlocking.

Examples include bike sharing, ridesourcing/ridehailing, microtransit, AV passenger services, and others. (Source: Transportation Authority, [https://www.sfcta.org/sites/default/files/2019-02/Emerging%20Mobility%20Studies\\_11.pdf](https://www.sfcta.org/sites/default/files/2019-02/Emerging%20Mobility%20Studies_11.pdf))

**Land use:** Land use generally refers to how land or a structure, or both, is used. Land use regulations could specify that only certain categories of uses or operations may occur on a piece of land (e.g., residential, office, retail). Land use also often refers to size, shape, density, and features of the use or structure on the land.

Land use regulations often vary by geography. Land use activities can be affected by transportation systems and can affect the natural environment and human health. Similarly, there are human activities and natural phenomena (e.g., earthquakes) that could affect land use. Land use planning can respond to these various items. (Source for portions: US EPA, <https://www.epa.gov/report-environment/land-use>)

**Planning:** For the purposes of this study, planning refers to the San Francisco Planning Department’s responsibilities of guiding growth and development.

This is accomplished through processes and policies such as preparing and reviewing amendments to the General Plan, the guiding document for the future physical development of the city; guiding land use projects through the building permit and entitlement process to ensure compliance with the General Plan, Planning Code, zoning regulations, and design guidelines; administering and enforcing the Planning Code; and reviewing projects, including land use and transportation projects and policies, for potential environmental impacts pursuant to the California Environmental Quality act (CEQA). It may also refer to the Planning Department’s coordination with other agencies on these or other agencies’ planning efforts.

## **Ridesourcing or ridehailing:**

Ridesourcing or ridehailing services use smartphone apps to connect TNC drivers with passengers. See also definition of transportation network companies.

**Traffic analysis zone (TAZ):** A unit (usually geographic area) used in models for transportation analyses and other planning purposes. Traffic analysis zones vary in size, ranging from single city blocks in the downtown core to multiple blocks in outer neighborhoods to even larger zones in historically industrial areas.

## **Transportation network companies (TNC):**

These companies provide prearranged transportation services for compensation using an online-enabled application or platform (such as smart phone apps) to connect drivers using their personal vehicles with passengers. These services are referred to as ridesourcing or ridehailing and are regulated at the state level by the California Public Utilities Commission (CPUC), unlike taxis which are regulated locally.

TNCs are further distinguished from taxis in the following ways: they may not accept street hails, only prearranged rides; there is no regulatory limit on the number of vehicles allowed to operate simultaneously; and fares are not regulated. (Source: CPUC, <https://www.cpuc.ca.gov/tncinfo>, and UC Berkeley Transportation Sustainability Research Center, [http://innovativemobility.org/wp-content/uploads/2015/11/SharedMobility\\_WhitePaper\\_FINAL.pdf](http://innovativemobility.org/wp-content/uploads/2015/11/SharedMobility_WhitePaper_FINAL.pdf))

**Vehicle miles traveled (VMT):** This measurement of all the miles that are driven in a personal, private vehicle. In transportation planning, this usually measures the amount of travel for all vehicles in a geographic region (e.g., San Francisco) over a given period of time (e.g., one weekday or one-year period).

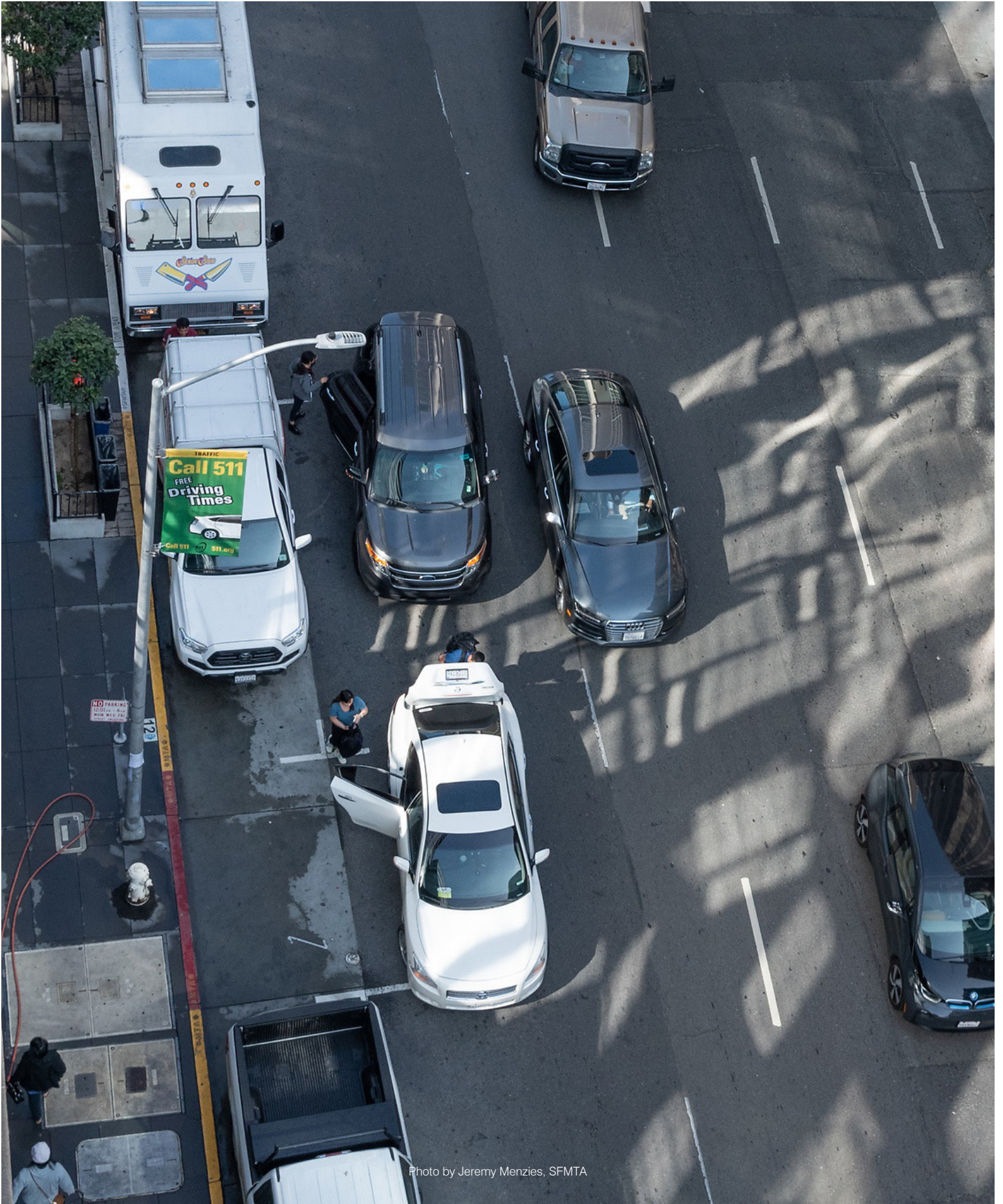


Photo by Jeremy Menzies, SFMTA

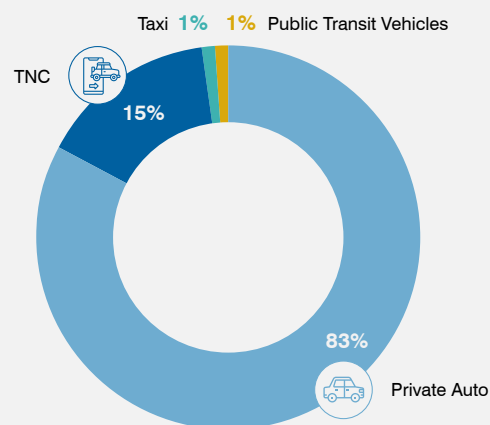
# 1. Introduction

## Background

The use of ridesourcing services offered by transportation network companies (TNCs) has grown substantially in recent years in San Francisco and many cities around the world.<sup>8</sup> These companies, (like Lyft and Uber) provide a direct and convenient mode of transportation that is similar to an individual driving their own private car but without the associated costs of private vehicle ownership or parking inconveniences. In San Francisco, the San Francisco County Transportation Authority (Transportation Authority) estimated TNC trips to be about 15% of vehicle trips within San Francisco in 2016.<sup>9</sup> See Figure 1.

Researchers have attributed ridesourcing growth largely to its convenience for the individual user, such as TNC point-to-point services.<sup>10</sup> These services are like taxis but often with lower and/or more variable costs, shorter wait times, and more convenient or easy-to-use/summon for passengers. Similarly, these services can provide mobility equivalent to an individual driving their own vehicle but without all the associated private vehicle ownership costs or parking inconveniences. These services may also result in shorter wait and travel times and/or a more direct route than public transit, bicycling, walking, or taxis.<sup>11</sup> For some people, the TNCs' mobile applications are also easy to use to reserve and pay for rides.

**Figure 1. Average Wednesday Intracity Vehicle Trips\* by Mode in San Francisco (2017)**



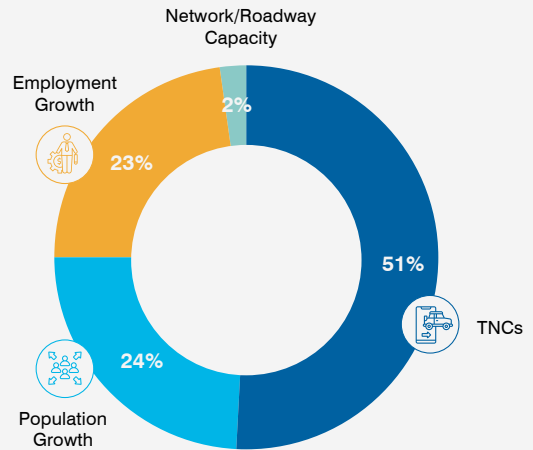
\* A "vehicle trip" refers to an individual vehicle making a trip regardless of the number of people within the vehicle. It is not a measure of how many people are making trips by vehicle. For example, a trip taken in a taxi with one fare-paying individual in it counts as one vehicle trip. A trip taken in a car with three people in it also counts as one vehicle trip.

Source: Transportation Authority, "TNCs Today," 2017





**Figure 2. Factors that Contributed to Traffic Delay in San Francisco (2010-2016)**



Source: Transportation Authority, "TNCs and Congestion," 2018

In addition, the Transportation Authority noted the increased use of TNCs in San Francisco is “in part an outcome and reflection of relatively light regulatory requirements under which TNCs operate relative to taxis and other for-hire vehicles.”<sup>12</sup> This differs from the heavy regulatory requirements under which taxis operate. The California Public Utilities Commission (CPUC) is responsible for regulating most aspects of TNCs. The CPUC does not restrict the number of TNCs that may operate in San Francisco, nor has it publicly shared data that TNCs provided them despite decisions requiring its release.

Researchers have studied TNCs’ effects on individuals’ travel behavior and congestion, among other factors (e.g., safety, labor). Their findings show that TNCs shift people away from other means of travel, including walking, bicycling, and transit. TNCs also generate more car trips, thereby increasing congestion.<sup>13</sup> TNCs circulate on streets frequently with few or no passengers, induce travel, and compete with public transit, instead of supplementing it.<sup>14</sup> This, in turn, results in increased vehicle miles traveled (VMT) and congestion, even when accounting for multi-passenger (i.e., shared) TNC options.<sup>15</sup>

In San Francisco, TNCs accounted for approximately 50% of the increase in congestion between 2010 and 2016. See Figure 2. This led to decreasing average travel speeds, delays for transit, and increasing greenhouse gas emissions. TNC trips that occurred during peak periods in dense areas of San Francisco likely had greater effects on congestion than trips that occurred during off-peak periods in less dense areas.<sup>16</sup>

Many of these TNC effects undermine the City’s goals, including those related to climate action. San Francisco has set a target to have 80% of trips be on sustainable modes by 2030, specifically those taken on foot, bike, and transit. Achieving this target will reduce emissions and is imperative given our climate crisis. The target is also instrumental to reducing congestion on City streets.

However, it will be challenging to reach this milestone given TNCs’ tendencies to induce vehicle travel. It will be critical for TNC vehicles to become electric, as deadheading (when TNC vehicles are driving around without a paying passenger onboard) produces more

emissions per passenger mile than a private car owners' vehicle.<sup>17</sup> In fact, one study found that 35% of miles traveled in a TNC in San Francisco did not include passengers in the TNC vehicle, as the TNCs were driving around waiting or searching for their next fare-paying passenger.<sup>18</sup>

More vehicles and associated VMT on the streets may also result in more collisions,<sup>19</sup> which would undercut the City's ability to meet its Vision Zero goal of eliminating traffic fatalities by 2024.

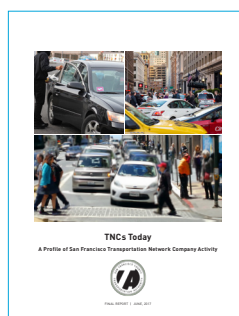
There is also evidence that competition with public transit is part of TNCs' business model. Uber has acknowledged it must compete with public transportation to grow. The company wrote in its registration filing with the U.S. Securities and Exchange Commission in 2019 that its "growth depends on a number of factors, including our ability to ...reduce the costs of our Personal Mobility offering to better compete with ... other low-cost alternatives like public transportation, which in many cases can be faster or cheaper than any other form of transportation."<sup>20</sup>

While competition is not unwelcome, TNCs providing services that public agencies currently provide raises serious questions of accountability and equity, including lack of local regulatory authority over TNCs and lack of access to ongoing service data. TNCs like Lyft and Uber, as publicly held companies, are beholden to private interests, such as shareholders and the stock market, and may not provide services to all segments of society as mandated by local, state, and federal mandates (e.g., Title VI).

An example of accountability and equity concerns includes TNC services not being provided to certain groups of people or locations. Research findings suggest TNC drivers turn down ride requests from neighborhoods with communities of color and low-income households.<sup>21</sup> Service discrepancies also exist for people with disabilities. In San Francisco, the Transportation Authority's Emerging Mobility Evaluation Report (2018) found that TNCs did not provide vehicles accessible to people using wheelchairs, charged higher fares for users requesting wheelchair-accessible vehicles, and relied on mobile applications and websites that were not accessible by screen readers or assistive devices.<sup>22</sup>

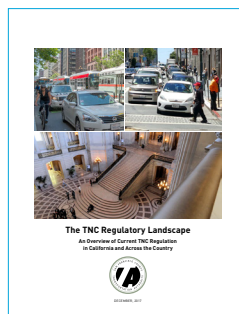
## Prior San Francisco Agency Studies About TNCs

City agencies have conducted several studies to explore how TNCs affect people and travel patterns in San Francisco. The Transportation Authority and the San Francisco Municipal Transportation Agency (SFMTA) prepared prior TNC studies, some in collaboration with the San Francisco Planning Department.



**Transportation Authority, "TNCs Today"** describes the characteristics of ridesourcing companies in San Francisco, including the number, location, and timing of trips.

*Released: June 2017*



**Transportation Authority, "The TNC Regulatory Landscape"** provides an overview of existing state and local TNC regulatory frameworks across the country and within California.

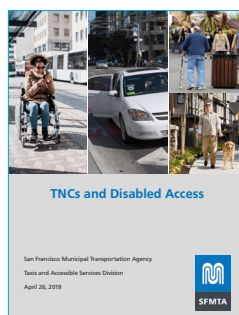
*Released: December 2017*



**Transportation Authority, "TNCs and Congestion"**

provides the first comprehensive analysis of how TNCs collectively affect roadway congestion in San Francisco.

*Released: October 2018*



**SFMTA, "TNCs and Disabled Access"** identifies opportunities and barriers that TNCs present for people with disabilities.

*Released: April 2019*

## Are TNCS a Preview of Robo-Taxis?

Much has been written and anticipated about how fully autonomous vehicles (AVs) will affect transportation. While the technology is moving rapidly and much remains unknown and assumed, the Planning Department anticipates that the public arrival and use of AVs will be in the form of passenger services. Some observers have referred to these services as “robo-taxis” – on-demand services that can be summoned using a smart phone app and provided by a fully AV.

In 2021, the California Public Utilities Commission gave permits to two companies (Cruise and Waymo) to provide AV passenger services with some caveats. In March 2022, these same companies obtained another permit from the commission to charge passengers for rides.

While they are not identical, TNCS and the presumed characteristics of AV passenger services have many similarities. See Figure 3. Given the lack of a model of how AVs in general and AV passenger services will operate, the study team assumes that the effects of AV passenger services could be like the effects of TNCS. Practitioners (e.g., public employees, such as planners, transit operators, and airport staff), academics, and others who have studied emerging mobility services and technology have also made this observation.

Throughout the 2010s, San Francisco and other cities were caught off guard with the appearance of various emerging mobility services and technologies, including electric kick scooters and even TNCS. Public discussions (sometimes heated) ensued along with temporary bans, permit programs, and regulatory requirements. Government entities were responding reactively, as they did not forecast the entry of these new transportation services and technologies.

The difference with AVs is that cities should be aware about their potential deployment, given the press they have received and, in San Francisco, frequent sightings of driverless cars being road-tested on City streets. Municipalities should think about the role they want AVs to play to meet their goals and to proactively develop local policies or influence various regulations at other levels to meet them.

San Francisco must leverage its experience and knowledge of TNCS on City streets (including curbs) and land use to formulate policies and parameters for how AV passenger services operate, including those described in the policy options in this study. The City should start these actions soon before the technology gets ahead of and potentially out of alignment with the City’s goals.

**Figure 3.**  
Characteristics of TNCS (existing) and AVs (anticipated)

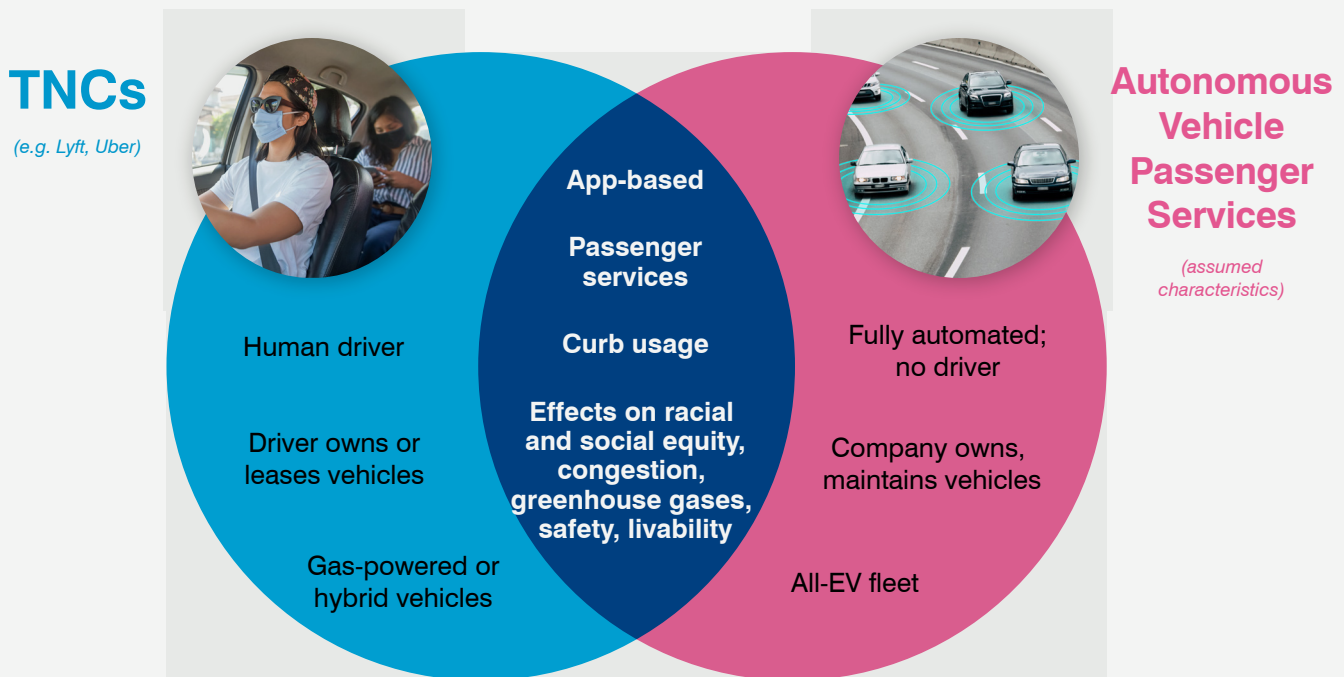




Photo by Jeremy Menzies, SFMTA

## 2. Study Overview

### Why Land Use Planning?

TNCs may directly and indirectly affect land use planning. Land use generally refers to how land or a structure, or both, is used. Land use regulations could specify that only certain categories of uses or operations can occur on a piece of land (e.g., residential, office, retail). Land use also often refers to size, shape, density, and features of the use or structure on the land. Land use regulations often vary by geography or location.

Land use and transportation are interdependent. People travel to and from land uses, including (but not limited to) where they live, work, and visit. This travel occurs on a transportation system, such as sidewalks, streets, and transit. The number of trips from a land use and the ways people travel between land uses is dependent on several factors, including the activities found at the location (e.g., hospitals, offices, schools), number of people (size and density) and the convenience, cost, and safety of different travel options.

Transportation agencies consider land use in their decision-making. For example, they can increase transit service to serve people at major activity

centers or allocate curb space differently near a new high-density land use. Another example is the requirement of impact fees on the new land use to offset a portion of increased transportation needs and impacts by the new land use.

Land use agencies consider transportation in their decision-making. For example, they can increase density in locations that have high-capacity or high-frequency transit service (e.g., near Muni Rapid lines or regional rail service, like BART and Caltrain). Or they can set land use regulations that incentivize residents, employees, and visitors in these locations to choose transit over driving (e.g., transportation demand management tools such as free transit passes or carpooling).

As TNCs may directly and/or indirectly affect land uses, TNC activity can influence the decisions that transportation and land use agencies make on these issues. This can happen if some land use categories are associated with more TNC activity, if certain land use features influence TNC activity, or if TNC activity is altering existing land uses or creating land uses that the agencies had not considered.

## San Francisco Planning Department's Role

The Planning Department is responsible for land use in San Francisco. It guides growth and development through processes and policies, such as:

- Preparing and reviewing amendments to the General Plan, the guiding document for the physical development of the city, including land use and transportation;
- Guiding land use projects through the building permit and entitlement process to ensure compliance with the General Plan, Planning Code, zoning regulations, and design guidelines;
- Administering and enforcing the Planning Code; and
- Reviewing projects, including land use and transportation projects and policies, for potential environmental impacts pursuant to the California Environmental Quality Act (CEQA).

The Planning Department is often involved in discussions with the community and appointed and elected officials about the impacts of San Francisco's growth, including transportation. In recent years, discussions have included the amount of TNC activity associated with a proposed land use, such as housing, office building, or a grocery store, and how developers should respond to anticipated TNC activity (e.g., if/how to provide loading or parking).

Additionally, the Planning Department is charged with establishing policies that outline how transportation in San Francisco can move people safely, efficiently, and equitably. These include a range of activities, from making determinations about how to classify land uses associated with the amount of trips they are anticipated to generate to developing long-range transportation policies.

By extension, the City can set the policy foundation for TNCs and other emerging mobility providers to respond to its principles and rules instead of the other way around. It must be the City, through its residents, community representatives, and elected representatives, who should manage the City's public streets. The City needs to develop and leverage policy and other tools to shape how technology can serve San Francisco and not the reverse.

The Planning Department does not expect TNC impacts and issues to go away, especially if AV passenger services become a viable travel option. In many ways, TNCs preview what may come from AV passenger services, as companies seek to use these vehicles for ridesourcing, and recent California law updates allow for their operations. If and when AVs will be widely available, accepted, and used by the public is unknown. Yet, the stakes are high if TNCs are a preview of impacts to come.

**Note about COVID-19 pandemic:** The Planning Department anticipates TNC trips to return to their pre-COVID-19 pandemic levels as the economy recovers and possibly grow through other emerging ridesourcing technologies, even with recent increases in TNC trip prices.<sup>23</sup> Thus, the Planning Department anticipates the findings and policy options in this study to remain valid, even though the study team largely conducted the research prior to the onset of the pandemic.

## What is the San Francisco General Plan and the Planning Code?

The General Plan is the embodiment of San Francisco's vision for the future, serving to guide the City's evolution and growth over time. It provides a comprehensive set of objectives and policies that influence how we live, work, and move about, as well as the quality and character of the City.

The General Plan has several elements, including transportation, air quality, environmental protection, housing, recreation and open space, and others. Each of these elements strive to respond to the many complex and pressing challenges facing San Francisco, including:

- How will we move about the City safely and reliably?
- Where and how much housing will get built? Who will it serve?
- How can we prepare for and mitigate the impacts of coming climate-related and other disasters?
- How can we promote health in communities of color and low-income communities that face higher pollution levels and other health risks?
- How do we cultivate inclusive communities where all members have the resources they need to thrive?

The San Francisco Planning Department is responsible for the development of the General Plan. For more information about San Francisco's General Plan, visit <https://generalplan.sfplanning.org/>

The **Planning Code** is adopted to "promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the following more particularly specified purposes: (a) To guide, control and regulate future growth and development in accordance with the General Plan..."<sup>24</sup>

The **Zoning Administrator** administers and enforces the City's Planning Code. Amongst other duties, this individual hears and makes determinations on variance applications and provides written interpretations and clarifications of the Planning Code, such as Letters of Determination.

## Study Questions

This study addresses the following four questions about TNCs and land use planning.

1. Are some land uses and densities associated with more TNC activity than others?
2. What other built environment features are associated with TNC activity?
3. Do TNCs create new or alter existing land uses?
4. How is the development community reacting to TNCs?

The results from these questions will assist the Planning Department respond to inquiries from the public and officials about the impacts of TNCs (and as possibly an extension, AV passenger services). The last section of this report outlines policy options that the Planning Department and the City can consider and adopt to address those impacts.



Photo by Jeremy Menzies, SFMTA



# 3. Methodology and Results

## Overview

This section summarizes the methodology and results for each study question. More information is available in the appendices, which consists of the technical memorandum prepared for each study question. Analyses and discussion of the findings are provided in Section 4.

The Planning Department worked with multiple partners and used several methods to provide breadth and depth in its research and understanding of the study questions. It contracted with a consultant for research and analysis and consulted with the Transportation Authority and SFMTA on the research questions and conclusions.

The study team (consisting of Department staff and consultant) explored several data sources for its quantitative analysis. As shown in Table 1, the team used data from the “TNCs Today” study for the regression analysis used for Study Questions 1 and 2.<sup>25</sup> The team also collected qualitative data through focus groups with TNC drivers, an online survey for TNC drivers, review of related land use applications submitted to the Planning Department, and individual phone interviews with developers. The team examined and summarized the qualitative data by theme for Study Questions 3 and 4.

**Table 1: Research Methodologies**

<p><b>Study Question 1.</b> Are some land uses and densities associated with more TNC activity than others?</p> <p><b>Methodology:</b> Regression analysis</p>
<p><b>Study Question 2.</b> What other built environment features are associated with TNC activity?</p> <p><b>Methodology:</b> Regression analysis</p>
<p><b>Study Question 3.</b> Do TNCs create new or alter existing land uses?</p> <p><b>Methodology:</b> Focus groups, online survey, Planning Department research</p>
<p><b>Study Question 4.</b> How is the development community reacting to TNCs?</p> <p><b>Methodology:</b> Interviews</p>

## Methodology and Results for Each Study Question

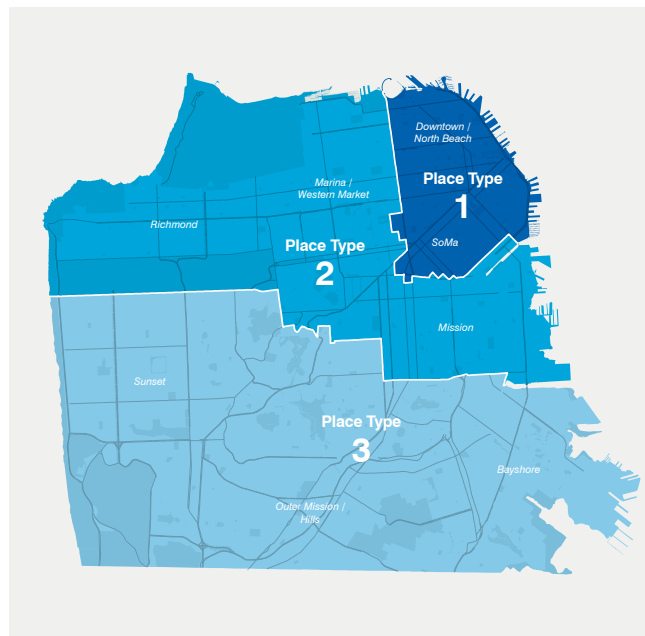
### Study Question 1: Are some land uses and densities associated with more TNC activity than others?

The team analyzed if some land uses are associated with more TNC activity than others. The team used data from the “TNCs Today” study (2017) and conducted regression analyses to understand the correlation between TNC activity (a combined measure of pick-ups and drop-offs) and various land use categories. The team used household and employment density as a proxy for different land use categories. For example, the team used concentrations of jobs in retail sectors to represent retail land uses. In total, the team analyzed seven different land use categories, as shown in Table 2.

**Table 2: Land Use Categories Used in Regression Analysis**

Land Use Category	Metric
Residential uses	Households per acre
Production distribution and repair (e.g., wholesale trade, manufacturing and materials processing, repair)	Production, distribution, or repair jobs per acre
Cultural, institutional, and educational (CIE) uses (e.g., museum, zoo, college, theater)	Cultural, institutional, or education jobs per acre
Office uses (e.g., management, information, and professional activities such as business, legal, public administration)	Management, information, or professional jobs per acre
Retail uses (e.g., shopping, direct consumer services, restaurants, bars)	Retail jobs per acre
Visitor uses (e.g., hotels and other lodging)	Visitor jobs per acre
Medical uses (e.g., medical center, hospital)	Medical jobs per acre

**Figure 4. Place Types**



Source: SF Planning, Transportation Impact Analysis Guidelines, 2019

The team also analyzed three contiguous geographic areas that share similar mode shares for vehicle use, also known as place types in the Planning Department’s Transportation Impact Analysis Guidelines for Environmental Review (2019).

- **Urban High-Density, Place Type 1:** Financial District, South of Market;
- **Urban Medium-Density, Place Type 2:** Mission, Marina, Western Addition, Richmond; and
- **Urban Low-Density, Place Type 3:** Sunset, Outer Mission/Hills, Bayshore.

Figure 4 geographically displays these place types.

The team controlled for land use density on various land uses and vice versa to account for the tendency of certain land uses to be clustered in Urban High-Density areas. Key results are described below.

**Visitor, retail, residential, and cultural, institutional, and educational land uses showed significant positive association with TNC activity**

Visitor-related land uses, such as hotels and other lodging, were associated with the most significant positive correlation with TNC activity. See Table 3. These land uses are concentrated in the densest areas of the City, namely the northeast quadrant.

The team conducted several iterations of the regression analysis for each land use type to consider time-of-day variations during the weekday (Tuesday, Wednesday, and Thursday) timeframe. The category remained the most significantly correlated with high TNC activity after controlling for land use density.

**Table 3: Results from Regression Analysis of Land Uses and TNC Activity (for a 24-hour period)**

Variable	Coefficient	T-statistic	P-value is 5% or less
Visitor uses	224.0	9.19	Yes
Residential uses	131.0	6.62	Yes
Cultural, institutional, and educational uses	123.0	4.18	Yes
Retail uses	97.1	5.79	Yes
Medical uses	13.0	0.37	No
Office uses	1.76	1.41	No
Production, distribution, and repair uses	-24.3	0.61	No

- = positive coefficient, significant
- = positive coefficient, not significant
- = negative coefficient, not significant

**Coefficient:** The value by which the variable is multiplied to generate an estimate of TNC activity

**T-statistic:** A statistical measure of the level of confidence in the coefficient estimate

**P-value:** A value that tells the level of confidence that each variable has some correlation with the independent variable. A p-value of 0.05 or less signifies that the null hypothesis can be rejected (i.e., that there is no association).

**Statistical significance** indicates if a research result or research finding is due to the cause or relationship being studied or if it is due to chance. A low level of statistical significance (or insignificance) suggests that a relationship is not likely.

Residential land uses were associated with the second most significant positive correlation with weekday TNC activity across all time periods. When conducting another analysis solely for the evening commute period (3 pm to 6 pm), residential land uses were the third most strongly associated with TNC activity during the weekday evening commute period.

Retail land uses were associated with the third most significant positive correlation with weekday TNC activity across all time periods. Retail land uses were the second most strongly associated with TNC activity during the weekday evening commute period (3 pm to 6 pm), just ahead of residential land uses. Cultural, institutional, and education related uses were the only land use category with significant positive correlation across all weekday time periods but not significant when only considering the weekday evening commute period (3 pm to 6 pm).

The remaining land uses considered in the regression analysis were associated with insignificant differences with TNC activity: office, medical, and production, distribution, and repair.<sup>26</sup>

**Higher-density areas showed significant positive association with more TNC activity**

The analysis also found that the Urban High-Density place type (which is used in the Department’s transportation impact analysis guidelines) had significant positive correlation with TNC activity. The results indicate that the Urban High-Density place type is a suitable indicator for predicting increased TNC activity.



Photo by Jeremy Menzies, SFMTA

## Study Question 2: What other built environment features are associated with TNC activity?

The team analyzed if some built environment features are associated with more TNC activity, in addition to employment and household density which were examined in Study Question 1. The built environment refers to physical elements built by people (e.g., housing, offices, stores, etc.).

Using data from “TNCs Today,” the team conducted a regression analysis to understand the correlation between TNC activity (a combined measure of pick-ups and drop-offs) and the built environment features shown in Table 4.

Key results are described below.

### Higher daily parking costs and lack of access to a vehicle showed significant positive association with more TNC activity

Daily parking costs were associated with the most significant positive correlation with TNC activity. The share of households without a vehicle were also associated with significant positive correlation with TNC activity.

### Proximity to a BART station showed slight positive association with TNC activity

Proximity to BART stations was associated with slight positive correlation with TNC activity. Transportation

**Table 4: Built Environment Characteristics used in Regression Analysis**

Built Environment Feature	Metric	Source
<b>Residential parking ratios</b>	Estimated ratio of the number of residential units divided by the estimated number of residential parking spaces	SFCTA
<b>Non-residential parking ratios</b>	Ratio of non-residential square feet divided by the number of non-residential parking spaces	SFCTA
<b>Share of zero automobile households within 400 feet of the transportation analysis zone centroid</b>	Number of households that do not have access to a vehicle divided by the total number of households	U.S. Census Bureau, American Community Survey 2013-2017 5-year estimates
<b>Daily parking cost in dollars per hour</b>	Estimate of the cost to store a vehicle for a day	SFCTA, Parking Supply and Utilization Study, 2016
<b>Distance in feet to the nearest Bay Area Rapid Transit (BART) station</b>	Estimate of the distance to access the nearest BART station, which provides regional rail service	BART stations shapefile from Caltrans; distance for each TAZ centroid was generated in R
<b>Number of jobs accessible within 45 minutes on transit</b>	Estimate of the number of jobs which can be reached within 45 minutes on public transportation	ConnectSF - estimate generated by SF-CHAMP model, 2018
<b>Share of land zoned for neighborhood commercial transit (NCT) use</b>	Percentage of each transportation analysis zone that has mixed-use districts that support neighborhood-serving commercial uses on lower floors and housing above (San Francisco Planning Code)	SF Planning
<b>Share of land zoned for neighborhood commercial (NC) use</b>	Percentage of each transportation analysis zone that is low-to high-density mixed-use neighborhoods of varying scale established around historical neighborhood commercial centers (San Francisco Planning Code)	SF Planning
<b>Large hotel indicator</b>	Indicator variable that takes a value of one if the transportation analysis zone includes a hotel with over \$5 million in annual revenue. The variable’s value is zero where annual revenue is less than \$5 million.	Dun and Bradstreet, 2019

analysis zones closer to BART stations were associated with a slight increase in TNC activity and zones located further from BART stations were associated with slightly less TNC activity. The study team did not examine proximity to other major transit stations although every BART station in San Francisco, except Glen Park, also serves as a major Muni station. The analysis did not find significant associations with other built environment features and TNC activity.

### **Study Question 3: Do TNCs create new or alter existing land uses?**

The team analyzed if and how land uses are evolving with TNC operations. For the purposes of this study, land uses here are a general reference to the land use definitions found in the San Francisco Planning Code.

The methodologies and results for this study question covered two efforts:

- A) TNC driver behaviors and needs because they may indicate a land use demand or need.
- B) Review of applications submitted to the Planning Department involving TNCs or AV passenger services.<sup>27</sup>

#### **Survey of TNC driver behavior and needs**

To learn more about drivers' behaviors and needs while they are driving for a TNC, the study team used qualitative methods (focus groups and an online survey) to query TNC drivers who drive primarily in San Francisco.<sup>28</sup> The team held two focus groups to get an initial sense of driver behaviors and needs and to inform the development of the online survey questions. Fourteen TNC drivers participated in two focus groups. The online survey included multiple-choice and open-ended questions about driving behaviors (e.g., number of hours worked for a TNC, time of day worked), and 547 people submitted responses. Results are described below.

#### **Most survey respondents lived in the Bay Area**

Approximately 96% of respondents lived in the Bay Area, including 29% in San Francisco. (n=388)

These results correspond to the "TNCs Today" study. That study also showed that 29% of drivers are San Francisco residents but showed a slightly higher proportion of TNC drivers living entirely outside the Bay Area (10% compared to 4%).

#### **Most survey respondents also drove in other parts of the Bay Area**

In addition to San Francisco, more than half of respondents also drove for TNCs in the East Bay and in the Peninsula (56% and 51%, respectively). (n=547)

#### **Most survey respondents drove more than five days per week and more than seven hours per shift for a TNC**

Approximately 77% of respondents drove five or more days a week, with 53% driving six or more days per week. Only 5% of respondents drove one or two days a week. (n=538)

#### **Most survey respondents drove during morning and evening peak hours**

Most survey respondents drove during the morning peak hours (6 am-10 am) and evening peak hours (4 pm-8 pm) – 59% and 63%, respectively.

These results align with the "TNCs Today" study, which found that most TNCs trip occurred during morning and afternoon peak periods (pre-pandemic). The number of respondents that drove among other time periods (40 to 45%) were evenly distributed, except fewer drivers indicated they drove between 12 am and 6 am (23%). (n=547)

#### **Some survey respondents spent the night in San Francisco instead of driving home, and some sleep in their cars where parking is available**

Twenty-two percent of respondents spent the night in San Francisco, instead of driving home. (n=498, which includes respondents who live in San Francisco) Of those, 44% drove overnight or slept in their car, 35% spent the night at a friend's or relative's home, and 11% spent the night at a hotel, motel, or hostel.

Of the respondents who drove overnight or slept in their car, 85% indicated that they parked on the street or in a parking lot during this period. Survey respondents often indicated specific locations for sleeping in parking lots, which included 24-Hour Fitness (gym), gas stations, airport, Ocean Beach, Safeway (grocery store), or a park.

**Survey respondents stop to eat at places where convenience appears to be the main factor**

Seventy-seven percent of respondents 77% noted that they stopped for food during the day while they are driving for a TNC. Their choice or reasons where to stop for food varied, with the survey question asking respondents to select all options that applied to them. Forty-seven percent stated location was a factor, and 31% to 36% of respondents indicated that parking availability, cost, and if the restaurant had a drive-thru window were other factors. (n=448)

**Most survey respondents do not drive electric vehicles**

Only one survey respondent marked that they drive an electric vehicle, while a small number (eight) noted they drove hybrid vehicles. (n = 250)

**Where survey respondents fuel or charge their vehicles is unclear**

Responses to where survey participants typically purchased gas was unclear, although 30% said they did not do so in San Francisco. (n = 409)

**Most survey respondents use TNC driver hubs**

TNC driver hubs provided by Lyft and Uber are intended to be resource centers for TNC drivers. Approximately 65% of survey respondents stated they used the TNC driver hubs, and 35% of survey respondents stated they did not. (n=416)

Of those who used hubs, survey respondents went to ask questions and talk to company staff, use the bathroom, get oil changes, take a break or nap, or meet other drivers. Respondents who did not use the driver hubs were asked why. Responses included not knowing of their availability, not knowing where they

are located, not having time to use them, or that they were not useful/are generally not needed.

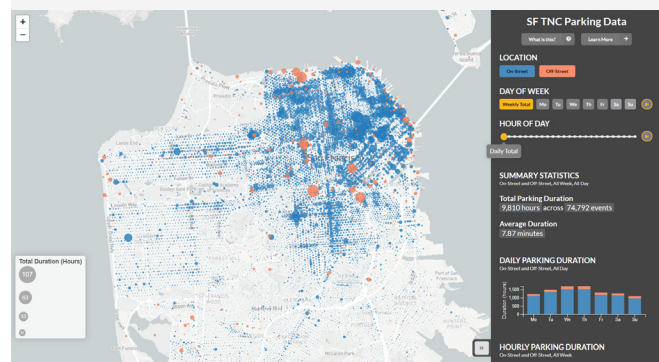
**Open-ended responses from survey respondents dealt with publicly available restrooms and loading**

Survey respondents frequently noted the need for clean, publicly available restrooms that they could use during their shifts. Other respondents noted the need for places to park and rest. Survey respondents also brought up the need for curb areas to safely idle and to drop off or pick up passengers.

**Where TNCs park in San Francisco**

The Transportation Authority prepared a visualization tool of “TNCs Today” data in relation to where TNCs park on- or off-street: <https://tncparking.sfcta.org/>. This tool became available after completion of this study. The following briefly summarizes observations of the data in relation to this paper’s study questions and other related work. These observations are not intended to be detailed statistical analyses.

- On-street parking by TNCs appears to correspond with some land uses and densities associated with significant positive association shown in results for Study Question 1: Visitor, retail, and cultural, institutional, and education land uses and higher-density locations. But the data in the visualization tool also shows a lot of TNC on-street parking on specific neighborhood commercial corridors (e.g., Valencia, Polk) that did not show significant positive association for Study Question 2.
- Off-street parking by TNCs appears to correspond with what respondents in the driver survey (Study Question 3) reported about where they stop to eat or sleep, namely areas with parking lots and parking availability.



## Review of Planning Department Applications

The study team researched applications submitted to the Planning Department involving TNCs or AVs, including AV passenger services. (AVs were included in this review as TNCs and mobility companies have cited using such vehicles to provide ridehailing services.<sup>29</sup>) This research included determinations by the City's Zoning Administrator about how to classify land uses associated with TNCs and AVs. The study team intended to identify if and how land uses are evolving with such vehicles and/or the services they provide. The research was not intended to be comprehensive.

### Driver hubs operated by TNCs

An existing TNC-related land use includes driver hubs. At the time of this writing, Lyft operates one driver hub or center in San Francisco.<sup>30</sup> It had previously operated a second one in San Francisco, which is currently shut. More information about both are as follows:

- **615 Bayshore Boulevard (currently operational):** Lyft refers to this as a driver center, which includes vehicle service and disinfection.<sup>31</sup> In 2017, the Planning Commission approved a conditional use authorization at this site for change of use from wholesale/retail to auto repair facility within the Production, Distribution, and Repair-2 district<sup>32</sup> and the Bayshore Boulevard Home Improvement Special Use District.<sup>33</sup>
- **2300 26th Street (now closed):** Lyft referred to this location as a driver hub, which included dedicated vehicle service time between 9 and 10 am, snacks, and support center.<sup>34</sup> In 2016, the Planning Department approved a building permit from production, distribution, and repair to general office use at this location.<sup>35</sup>

Uber does not operate any hubs in San Francisco. Its driver hub closest to San Francisco is located in Daly City.

## Land uses by TNCs and AV providers create challenges to classify their operations under existing Planning Code definitions

The Planning Department's Zoning Administrator issued a Letter of Determination for each of the following TNCs and/or AV land uses. A Letter of Determination results from requests by property owners, developers, architects, and land use attorneys about the zoning regulations for specific development proposals. These letters offer guidance to requesting parties as to whether a proposed project, such as a new building, an addition to an existing building, or a use change, conform to the Planning Code.

- **1201 Bryant Street/530 10th Street:** GM Cruise LLC, an automobile engineering company that develops AVs, proposed to develop, prototype, and test its AV platform and automobile componentry, including vehicle maintenance and control installation; machine shop and 3-D printing; test production space; showroom; and engineering and development lab at this location. In 2016, the Zoning Administrator determined that Cruise's proposal is classified as Laboratory use under the Planning Code, and more specifically, an engineering laboratory use. As of the letter date, a Laboratory use was principally permitted (or a use permitted as of right) at the site under the Planning Code.<sup>36</sup>
- **333-345 Brannan Street:** GM Cruise LLC proposed to use a portion of its corporate headquarters parking area (25%) at the property to securely park, charge, maintain, and store its fleet of AVs for employee trips. In 2020, the Zoning Administrator determined that Cruise's proposal may be classified as accessory parking under the Planning Code. The Zoning Administrator also determined that if more than 25% of the spaces at this overall site are not used for Cruise's AV parking for employee trips or if Cruise converts the AV program to a commercial passenger service program (e.g., to provide public passenger trips like a TNC), then the use of the

site will be considered a Private Parking Garage under the Planning Code. As of the letter date, a Private Parking Garage required a Conditional Use Authorization at this site under the Planning Code.<sup>37</sup>

- **350 Pacific Avenue:** EVgo proposed to add 25 electric vehicle charging stalls to an existing public parking lot. EVgo estimated five charging stalls would be available to the public, and 20 charging stalls would be reserved for a “private fleet partner” that would operate under a TNC license and provide rides to the public. In 2021, the Zoning Administrator determined that the proposed facility is considered as a Utility Installation under the Planning Code, as the proposed facility will primarily serve private fleet vehicles and will not primarily operate as a retail use serving the ultimate consumer or end user. If the facility were to serve as a retail use through the publicly accessible charging stalls, the Zoning Administrator determined that the proposed facility may be classified as a Gas Station per the Planning Code, as the proposed number of spaces and desire to change over time represent a context beyond what would be considered an accessory use. As of the letter date, both uses were principally permitted under the Planning Code at this site.<sup>38</sup>

In addition, the Department reviewed or is currently reviewing the following applications:

- **201 11th Street:** In 2018, GM Cruise LLC received approval for legalizing a change of use of an existing 29,000 square foot building from Retail to Light Manufacturing for an AV repair facility.<sup>39</sup>
- **1300 Bryant Street:** In 2019, Zoox, a subsidiary of Amazon, received building permit approval for renovation to an existing 42,000 square foot building and change in use from garment warehouse to Light Manufacturing for an AV repair facility.<sup>40</sup>
- **201 Toland Street:** In 2020, Waymo LLC, a subsidiary of Alphabet Inc., received building permit approval for renovation of an existing

30,000 square foot building to change its use from Truck Terminal to Light Manufacturing for autonomous electric vehicle repair and maintenance space and to establish a Private Parking Lot (159 total spaces) for vehicle charging.<sup>41</sup>

- **640-800 Cesar Chavez Street:** GM Cruise LLC is proposing to change the use of a 60,000 square foot building from Warehouse to Light Manufacturing for a new AV fleet maintenance and repair facility and to continue the Private Parking Lot use for vehicle charging.<sup>42</sup>
- **855 Geary Street:** GM Cruise LLC may propose to convert a public parking garage to park and charge autonomous, ridehailing vehicles (75 spaces).<sup>43</sup>
- **2860 16th Street:** EVgo is proposing to add 26 electric vehicle charging stalls to an existing parking lot. EVgo estimated eight charging stalls would be available to the public, and 18 charging stalls would be reserved for a “fleet organization”.<sup>44</sup>
- **3865 Irving Street:** EVgo is proposing to add 14 electric vehicle charging stalls to a site with an existing automotive repair shop. EVgo estimated 10 charging stalls would be available to the public, and four charging stalls would be reserved for a “fleet organization”.<sup>45</sup>

Lastly, the Planning Department is currently reviewing applications for logistics and parcel delivery facilities.<sup>46</sup> For the purposes of this report, logistics facilities refer to locations that consolidate and store packages from outside of San Francisco or the Bay Area prior to delivery to their destination in San Francisco, such as residences or office buildings. While these packages are currently distributed to end users by standard delivery vehicles, it is possible that TNC drivers or AVs may deliver the packages in the future.

These results show a growing number of permit applications in approximately the last five years seeking to use and/or convert space in San Francisco to functions that involve AV operations, repair, maintenance, and/or storage.





### Initial Steps to Classify Charging Sites for Electric Vehicles in San Francisco

In January 2022, San Francisco Mayor London Breed introduced legislation that incorporates electric vehicle charging sites in the Planning Code for the first time ever. The draft legislation would add three new definitions to the Planning Code: “Electric Vehicle Charging Location”, “Electric Vehicle Charging Station”, and “Fleet Charging.” It would also revise zoning control tables to reflect these new definitions.

The Mayor created the proposal to facilitate the adoption of electric vehicles, which is one of the City’s Climate Action Plan’s goals related to transportation: Increase vehicle electrification to at least 25% of all registered private vehicles by 2030 and to 100% of all such vehicles by 2040. TNCs or AV passenger services proposed as fleets on private property could meet the definition of “Fleet Charging” in the draft legislation, such as proposals described on the previous page for EVgo.

While the draft legislation considers some impacts from TNC and AV passenger services fleets in its zoning control table (e.g., geographies for permissibility of “Fleet Charging”), its scope is not intended to broadly address emerging mobility services and technology. It is also not intended to address some specific impacts from TNC or AV passenger services fleets that operate with or without electric vehicles, such as those impacts described elsewhere in this study.

Photo by Jeremy Menzies, SFMTA

### Study Question 4: How is the development community reacting to TNCs?

The study team analyzed if and how TNCs are affecting developers’ thinking and plans for development by conducting one-on-one interviews with developers who have built or are building multiple developments in San Francisco. These interviews included representatives from real estate investment and development companies that represent a broad range of characteristics, including local and national firms, for-profit and non-profit organizations; and entities with portfolios of varying sizes across residential, commercial, and mixed-use development sectors (collectively referred to as “developers” for the purposes of this study).

The study team completed 15 interviews with 19 people. (In some cases, multiple people from one development entity participated in an individual interview). The interview format consisted of free-flowing discussion based on pre-established interview questions and other items that may have arisen from the discussion. The interviews focused on if and how developers were responding to issues related to TNCs, their perceptions of TNCs, and what they saw as emerging needs and priorities for the City, including parking areas, pick-up and drop-off space, charging infrastructure, loading and unloading zones, and potential partnerships.<sup>47</sup>

Findings related to this study question are described below.

#### Developers see positive and negative aspects of TNCs

Developers’ perceived positive aspects of TNCs include increased mobility, ease of getting around, lower demand for off-street parking, and increased accessibility to projects that are not close to transit. Developers’ perceived negative aspects of TNCs include increased demand for passenger loading areas, unsafe loading activity, congestion outside of their building sites, and increased traffic in the region.

### **Developers see location as a more important factor than land use in considering impacts from TNCs**

Developers noted location as a more important factor when asked which land use/development categories (e.g., office, retail, residential, etc.) are seeing more impacts from TNCs.

### **Many developers see a reduced demand for off-street parking and/or private vehicle ownership**

Many developers perceived a reduced demand for off-street parking and/or private vehicle ownership and perceived the prevalence of TNCs as a key contributor to this decline in demand. They noted this reduced demand, especially in office and multifamily residential developments.

Developers whose firms focus on office developments noted a major shift in the way tenants get to and from work, as they perceived young professionals increasingly making use of new mobility modes, such as TNCs, and driving vehicles much less. Many interviewees noted that AVs will likely further the trend away from privately owned vehicles in the future.

Despite the availability of TNCs, developers noted that a site's location remains an important determinant to parking demand and/or private vehicle ownership, as they perceived that factors such as proximity to transit, increased parking costs, and congestion also coincided with decreased demand and/or ownership.

### **Most developers plan to build less parking in the future**

Most developers stated they plan to build less parking in the next ten years due to their perceived decline in parking demand due to tenants' changing travel behaviors (brought on by factors such as the availability of TNCs) and the City's elimination of minimum parking requirements for new developments. Commercial developers noted that tenants are less

likely to require dedicated parking. Some developers said that they would continue to consider parking as a commodity for residential condominium development.

### **Developers find converting existing parking to other uses to be challenging, but adaptive reuse may be possible for future parking areas**

If parking demand decreases, as developers perceived per finding above, most developers noted that converting existing parking to other land uses is challenging due to cost and design constraints and are seeking alternate solutions. These solutions include sharing underused parking with neighboring buildings or renting underused parking to the public through third party companies. Other solutions include converting the parking into retail space, gyms, tenant storage, community spaces, or other types of uses. One developer noted that they plan to build new parking in their buildings and is considering creative adaptive reuse designs that would allow parking to be converted to non-parking uses in the future.

### **Most developers cited expanded loading areas as the most prevalent and basic solution to accommodate TNCs and other loading activities**

Most developers plan to expand loading for new developments as they noted safety and congestion concerns from increased loading operations and limited curb space. Developers generally agreed that off-street loading would be ideal, but they will not always be able to provide it due to lack of space, stringent design requirements, cost, and prioritization of other amenities. Thus, most developers cited expanded on-street loading zones as a desired solution when designing new developments. They mentioned various suggestions for the City to help them convert or design loading zones. One developer suggested they could work with TNCs to identify specific locations where TNCs can load and unload for a given development would increase safety and familiarity for TNC drivers and passengers.

**Most developers did not have partnerships or programs with TNCs**

Most developers did not have existing partnerships or programs with TNCs. One developer's company provided a subsidy for TNC trips for their tenants to certain locations as part of the amenities for one of their projects. Another developer operated a discounted TNC program as a marketing tool in areas outside of San Francisco.

Some interviewees expressed concerns about partnerships with TNCs, including the ongoing cost to operate a program and vehicle trip generation. Instead, some developers indicated that they intend or preferred to prioritize transportation demand management programs.

**Developers noted increased demand for other transportation amenities**

Most developers noted that there has been an increased demand for other transportation amenities (e.g., bicycle facilities, electric vehicle charging infrastructure), as they perceive tenants' preferred travel choices changing in recent years. However, developers cited cost and space as barriers, particularly for charging infrastructure for electric vehicles.

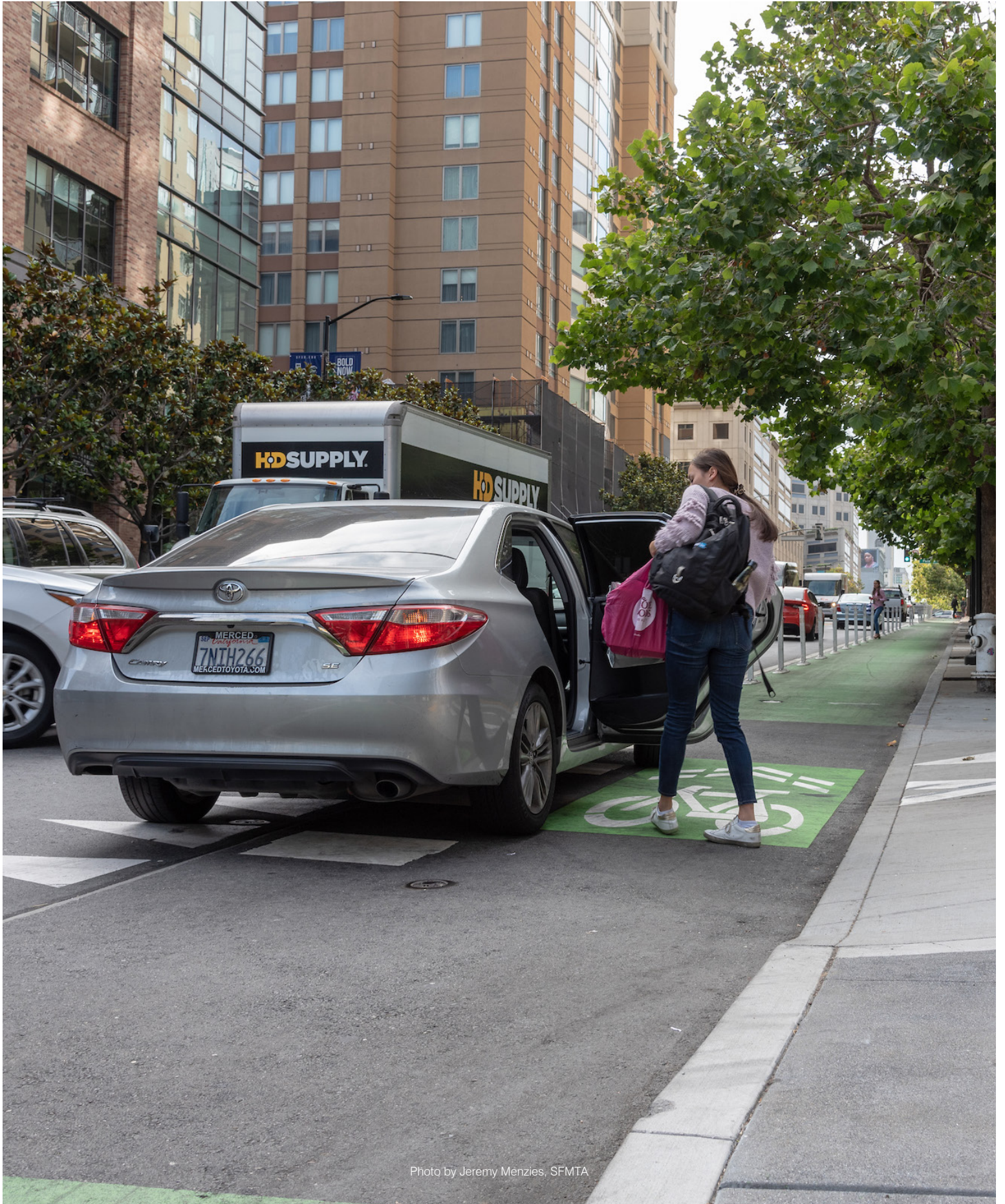


Photo by Jeremy Menzies, SFMTA

## 4. Discussion

This section describes key findings and policy options organized around the San Francisco Planning Department's responsibilities in the City. They are identified as policy options, as the Department and other City agencies will need direction from officials and resources to advance these options with other stakeholders. The policy options are guided by goals set by the City and policy bodies, including the Planning Commission, Environment Commission, and others. In turn, staff from various City agencies prepare plans and policies intended to reach these goals.

These goals include ConnectSF's vision and goals of equity, economic vitality, environmental sustainability, safety and livability, and accountability and engagement.<sup>48</sup> The ConnectSF vision and goals are consistent with the Planning Commission's adopted resolution to center planning on racial and social equity;<sup>49</sup> City-adopted policies like Better Streets,<sup>50</sup> Vision Zero,<sup>51</sup> Transit First,<sup>52</sup> and greenhouse gas emissions targets;<sup>53</sup> and the City's 10 guiding principles for emerging mobility.<sup>54</sup>

The Planning Department unifies various City agencies strategies and policies, such as those above, into the General Plan and, as relevant, into the Planning Code and other reviews. Land use planning can be leveraged to achieve these goals. For example, in 2020, San Francisco's Planning Commission unanimously approved a resolution calling for the Planning Department to center racial and social equity in its work products and processes.

These goals and policies provide direction on what the City wants from TNCs and AV providers. San Francisco must use policy and other tools to shape how technology can serve the City and not the reverse. It must be the City, through its residents, elected representatives, and publicly vetted policies and plans, that manages what happens on its streets, including how TNCs and successor services – as well as the business models they are predicated on – use them. Streets are public resources that should be used to benefit residents, workers, and visitors. To not do so would run counter to City goals, principles, and the public trust.

### General Plan

#### **Key Finding 1: Convenience typically wins.**

As noted in the Introduction, researchers have largely attributed TNCs' growth to its convenience for the individual user, such as point-to-point services. Here, convenience refers to reliability, total travel time, and cost. Results from Study Question 2 are consistent with this prior research as they indicate the convenience or inconvenience of TNCs compared to other travel options.

- High daily parking costs showed significant positive association with more TNC activity. This result indicates TNCs are more convenient than driving a car where parking costs are high.

## Key Findings and Policy Options

<p><b>1</b></p> <p><b>KEY FINDING</b></p> <p><b>Convenience typically wins.</b></p> <p><b>POLICY OPTION</b></p> <p>Maintain General Plan policies that are consistent with the City's Transit First policy and update the General Plan to identify the ways emerging mobility can advance City goals (e.g., climate action, safety, access) and/or take steps to manage and attempt to avoid or minimize conflicts with City goals.</p>	<p><b>2</b></p> <p><b>KEY FINDING</b></p> <p><b>Demand for curb space is high and will likely increase as emerging mobility usage grows.</b></p> <p><b>POLICY OPTION</b></p> <p>Update the General Plan to establish (a) priorities for curb space by land use and (b) policies to address the ongoing loading effects from emerging mobility.</p>	<p><b>3</b></p> <p><b>KEY FINDING</b></p> <p><b>The Planning Code may not appropriately or fully consider land use impacts by emerging mobility services and companies.</b></p> <p><b>POLICY OPTION</b></p> <p>Update the Planning Code to classify land uses involving emerging mobility.</p>
<p><b>4</b></p> <p><b>KEY FINDING</b></p> <p><b>Ridesourcing could counter some of the benefits of Planning Code provisions that encourage sustainable travel.</b></p> <p><b>POLICY OPTION</b></p> <p>Continue to regularly monitor the effectiveness of the Transportation Demand Management Program.</p>	<p><b>5</b></p> <p><b>KEY FINDING</b></p> <p><b>Developers are challenged to respond to TNCs and anticipated AV passenger services, particularly for existing developments.</b></p> <p><b>POLICY OPTION</b></p> <p>Provide guidance for developers in responding to emerging mobility, including TNCs and AV passenger services.</p>	<p><b>6</b></p> <p><b>KEY FINDING</b></p> <p><b>Environmental review appropriately considers TNC activity.</b></p> <p><b>POLICY OPTION</b></p> <p>Align environmental review with any future adopted policy or regulations concerning emerging mobility and monitor and integrate reputable emerging mobility evidence into reviews.</p>

For example, the cost of parking downtown for a few hours may be equivalent to the cost of taking a TNC for round-trip travel to/from other parts of the City, without the added time to find parking, pay for parking, walking to the destination, and additional maintenance and fuel cost from personal vehicle ownership. In such a situation, people may opt to take a TNC to travel to downtown.

- There was significant positive association between the share of households without a vehicle and more TNC activity. This association indicates that

TNCs may be an additional travel option for these people in addition to biking, taking transit, etc. and/or may replace these travel options – if individuals can afford the price, they have a time-sensitive trip, or if the City does not make the necessary investments to make walking, biking, or taking transit convenient and otherwise competitive with TNCs.

- Proximity to a BART station showed slight positive association with TNC activity. This association suggests that people who live and/or work near a BART station may prefer taking TNCs over other modes of transportation and is consistent with

findings from other studies that indicate TNCs compete with transit and other modes and that TNCs contribute to vehicle delay in the downtown core, where many BART stations are located.

The study team did not examine TNC association in proximity to major Muni, Caltrain, or ferry stations and hypothesizes that a similar association with TNC activity could occur in those locations.

These results have serious implications for the City in meeting its ConnectSF vision and goals, especially if TNCs preview the impacts from AV passenger services. The following are examples of these potential implications. They are not intended to be comprehensive or conclusive:

- **Equity:** TNCs and AV passenger services could create a two-tier transportation system, where younger, able-bodied, and/or more affluent people use them. Meanwhile, others would contend with congested, polluted, and less safe streets and slower surface transit, all of which result from additional vehicles in the City.

The individuals who would most likely suffer a disproportionate amount of these negative effects are people from communities of color, people with low incomes, people with disabilities, and/or essential workers. As an example, the SFMTA's "TNCs and Disabled Access" study (2019) showed that the benefits that have drawn people to TNCs (e.g., ease of payment, cheaper fares, and shorter wait times) are not readily available to individuals with disabilities. Additionally, the study noted that the rapid expansion of TNCs has also degraded the quality and availability of on-demand transportation access for riders who require a wheelchair-accessible vehicle by upending the existing taxi industry.

To unduly burden persons with disabilities and people who rely on transit is unjust on its own and also runs counters to the City's efforts towards racial and social equity. These negative effects can compound, as reliable, safe, affordable transportation can serve as a pathway to opportunities, services, amenities, as well as connections to family and friends..

- **Economic vitality:** High-capacity vehicles such as public buses and trains are the most efficient way to move large amounts of people. It's a geometric fact. At the same time, it is also a necessity for the City's economic vitality and supports sustainable high-density and mixed-use land use patterns.

Reliable, easy access to jobs, commerce, and goods movement are critical for San Francisco's economic competitiveness and desirability. Muni has a high economic benefit-cost ratio<sup>55</sup>, and the City may lose its economic vitality if access to jobs substantially decreases as a result of more private vehicles on the road as this will delay public transit.

The City could see substantial car activity in neighborhoods with new emerging mobility facilities. However, these facilities may not generate many new jobs if vehicle automation accelerates. San Francisco could also become a global center for the development of AV technology and lead to further increases in technology and corporate-related office jobs (e.g., engineering).

Additional economic considerations from their uses are the loss of driving jobs generally due to automation and, although not the focus of this study, land value loss in the City if privately owned AVs make longer commutes more acceptable for people (i.e., sprawl).

- **Environmental sustainability:** Increased VMT from TNCs and AV passenger services increase air and noise pollution and greenhouse gas emissions.<sup>56</sup> Most TNC drivers who responded to the online survey for this study drive gasoline-fueled vehicles. Additionally, with most drivers living outside of San Francisco, their commute to and from the City to drive for TNCs also ramps up VMT, air pollution, emissions, and adds to congestion.
- **Safety and livability:** More car travel creates higher crash exposure.<sup>57</sup> Many people are seriously injured or die on San Francisco's streets every year from crashes. San Francisco saw 30 traffic-related deaths in 2020 and 27 traffic-related deaths in 2021, which are about a 3% increase since 2019 and 11% above the annual average since 2014.<sup>58</sup>

The AV industry has a stated vision of improving road safety. There is reason for optimism that AVs will be able to avoid collisions now caused by speeding and reckless driving. However, to date, there is little agreement on how to measure the comparative safety performance of automated vs. human driving. Moreover, there is little experience from which to identify *different driving errors* that may be caused by automated driving. And there is little agreement about how safe vehicles are expected to be when the human tasks of driving are integrated into the vehicle itself. As a result, it is completely unknown whether there will be any significant change in the relationship between the volume of travel and human injuries and fatalities.

- **Accountability and engagement:** Private industry is generally held accountable by their private boards and shareholders and disclose limited data to local governments, if any. They may not consider the various policy issues an appointed and elected board considers. Additionally, they do not have mandates to provide service to all people, as public agencies do. In fact, research has found that some TNCs discriminate against people of color, people who live in low-income neighborhoods, and women.<sup>59</sup> Additionally, because they are regulated by state agencies, these companies may not recognize or comply with local policies.

**Policy Option 1: Maintain General Plan policies that are consistent with the City’s Transit First policy and update the General Plan to identify the ways emerging mobility can advance City goals.**

The Planning Department could work with stakeholders to consider General Plan policy options that advance the convenience – and desirability – of walking, bicycling, and public transit and specifically advance the convenience of ridesourcing in certain contexts and discourage it in others, such as :

- Policies that identify and encourage investments in high-quality walking, bicycling, and public transit networks. This may include policies that encourage separated, dedicated facilities for people bicycling and riding transit; encourage new funding streams

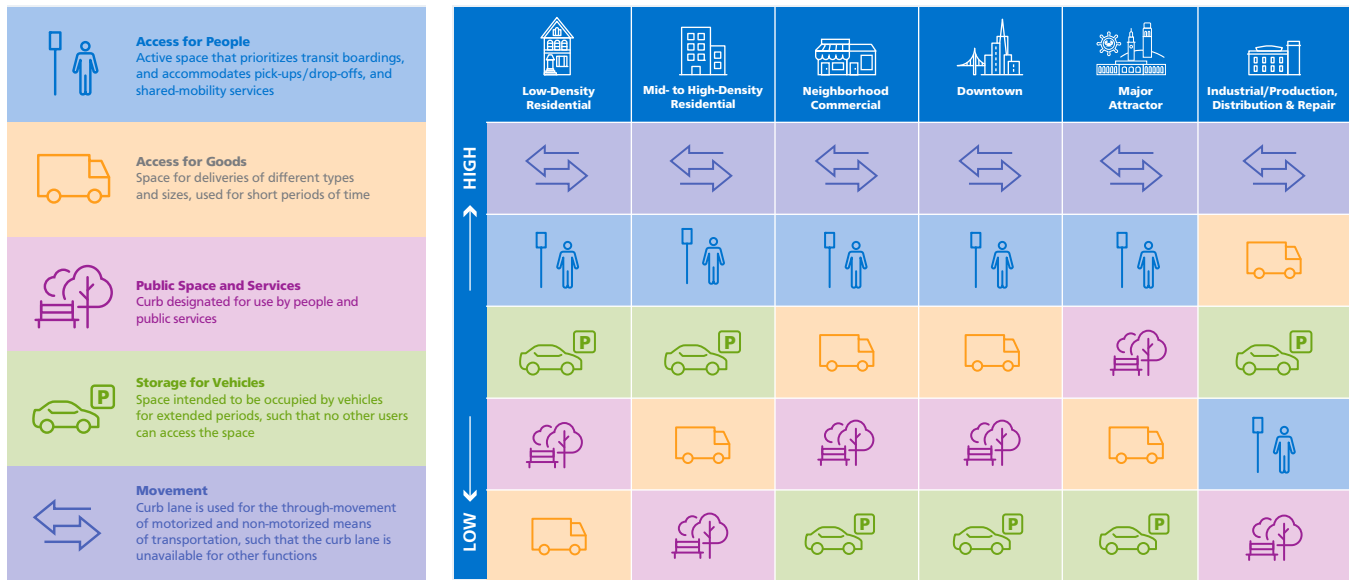
to construct and operate such facilities; and encourage affordability for public transit.

- Policies that identify ways ridesourcing and taxis can advance San Francisco’s goals. This may include policies that encourage ridesourcing in situations that improve accessibility and mobility for those who cannot use or access high-frequency or high-capacity transit (e.g., Muni Rapid network, regional rail) due to time-of-day, geographic, or mobility limitations; encourage carpooling to reduce emissions; and encourage safety from TNCs and AV passenger services (e.g., prioritize vulnerable users, low speeds).
- Policies that identify incentives or disincentives to allow for the above bullets, such as improved transportation demand management for existing and new buildings; restrictions on geography, time period, and/or amount of ridesourcing vehicles that can operate on City streets; reduced trip fees for high-occupancy vehicles (e.g., carpools) but not to a point that the cost reduction would compete with public transit fares; increased trip fees for empty passenger vehicles; zero emission vehicles; and technologies that prioritize the most vulnerable road users (e.g., people walking and bicycling).

For this and subsequent policy options, the Planning Department should seek to encourage the tremendous potential the emerging mobility industry has in advancing City goals, including job growth and supporting sustainable living, while regulating the potential for negative impacts. This may require the Planning Department to continue to track applications related to emerging mobility industry, including actual or projected job growth at sites used by emerging mobility providers.



**Figure 5. Curb Functions Priorities by Land Use**



Source: SFMTA Curb Management Strategy, February 2020

**Key Finding 2: Demand for curb space is high and will likely increase as the City grows and new mobility usage increases.**

For this study, TNCs drivers and developers consistently noted a desire for more designated on-street curb space for loading and unloading. In addition, results for Study Question 1 showed that TNC activity tended to be higher near certain land uses and in areas of greater land use density. This may indicate a higher demand for on-street loading curb spaces near these land uses and in denser areas. These

areas are likely to see more people and travel activity (e.g., pedestrians, bicyclists, drivers).

This demand for on-street loading can create conflicts between people and vehicles in these areas. AVs, when available, will also likely increase demands for on-street areas for drop-offs and pick-ups and that can create tensions with City efforts to redesign streets to allow more room for bicycles and pedestrians.<sup>60</sup>

Demand for curb space, particularly in denser areas of the City. It is also not new for developers to seek public space from the City to facilitate better access

**Table 5: Trip Generation from Select Land Uses**

Land Use	Daily Motorized Trip Generation <sup>a</sup>	Transportation Sustainability Fee (per gross square feet) <sup>b</sup>
Production, distribution, and repair (PDR) <sup>c</sup>	7	\$9.78
Autonomous vehicle facility <sup>d</sup>	17 to 64	\$9.78
Logistics facility – parcel delivery portion <sup>e</sup>	13 to 14	\$9.78
Non-residential (excluding PDR and hospitals and health services) <sup>c</sup>	25	\$23.18 to \$26.25 (Varies based on size)

a. Motorized vehicle trip refers to transit and auto trips to and from a land use site. It does not include trip length.

b. San Francisco Planning Code Section 411A, development impact fee register, January 11, 2021, <https://sfplanning.org/resource/development-impact-fee-register>.

c. Robert D. Spencer, Urban Economics, San Francisco Transportation Sustainability Fee Nexus Study, May 2015, Table A-4, [https://default.sfplanning.org/plans-and-programs/emerging\\_issues/tsp/TSF\\_NexusStudy\\_May2015.pdf](https://default.sfplanning.org/plans-and-programs/emerging_issues/tsp/TSF_NexusStudy_May2015.pdf).

d. A low and high end are provided based on preliminary data for a proposed facility with a wide range to indicate the potential maximum use of the site.

e. A low and high end are provided based on preliminary data for a proposed facility. This range is based on trip counts at existing sites with similar uses as that in the proposed facility and it does not assume AVs.

to their developments. What is new is the City's population is at its highest levels (2019),<sup>61</sup> and the City and businesses have expanded treatments to curbside lanes (e.g., shared spaces).<sup>62</sup> The amount of pick-up and drop-off activity is also at its highest levels, including from TNCs and goods deliveries. This has created greater competition for the finite, shared space that is the curb.

The Planning Department expects this competition for curb space to increase as the City recovers from the effects of the COVID-19 pandemic, as the City and businesses continue to expand treatments to curbside lanes, and as emerging mobility grows. Studies involving TNCs and AVs often advocate for a greater proportion of the curb be designated for passenger loading.

**Policy Option 2: Update the General Plan to identify curb function priorities by land use and operational policies for different land uses and emerging mobility.**

The Planning Department could work with partner agencies and other stakeholders to update the General Plan to:

- Incorporate curb function priorities by land use (see Figure 5, which is excerpted from SFMTA's Curb Management Strategy) into policies and code;
- Develop operational policies for land uses, such as a driveway and loading operations plan for new development;<sup>63</sup>
- Identify operational policies for emerging mobility such as geofencing (which directs emerging mobility riders and drivers to specific pick-up and drop-off points), data sharing, and fees for access to the curb, especially if replacing existing parking meter revenue that funds public transit.<sup>64</sup>

The updates should be consistent with the City's Transit First Policy and the various policy options described in Policy Option 1. The General Plan is a comprehensive planning document that guides City decision-making. Thus, the Planning Department could update implementing codes and procedures to align with updated General Plan policy (e.g.,

environmental review, Planning Code, street design review of new developments). The Department should also consider such policies in the design of neighborhood or area planning processes.<sup>65</sup>

## Planning Code

**Key Finding 3: The Planning Code may not appropriately or fully consider land use impacts by emerging mobility services and companies.**

Emerging mobility development proposals may be inappropriate or inconsistent with existing Planning Code definitions. These proposals may include uses that are common or familiar today (e.g., fueling a vehicle) but do not fit well with numerous Planning Code definitions like Automotive Repair, Gas Station, Laboratory, Private or Public Parking Garages or Lots, Retail Use, Utility Installation, or Vehicle Storage Garage or Lot.

As a result, emerging mobility development proposals may have substantially different impacts than that assumed for existing Planning Code definitions. These impacts could include but are not limited to the following: more vehicle trips in certain neighborhoods; overall or more pollution (e.g., air quality, fuels used for maintenance or repair) than anticipated under existing code; and others. This could lead to these proposals paying less transportation impact fees than warranted. See Table 5. Further, officials may determine, under a new Planning Code definition, that these proposals may require conditional authorizations that have new provisions to address their impacts or officials may determine that they are not permitted at all in the use district (i.e., zoning).

**Policy Option 3: Update the Planning Code to classify land uses involving emerging mobility.**

The Planning Department could work with stakeholders on the following areas:

- **Land use classification:** Create new (or alter existing) Planning Code definitions for land uses involving emerging mobility, such as TNCs, AV passenger services, and logistics facilities;

- **Performance measures:** Identify appropriate performance-based provisions<sup>66</sup> for the new Planning Code definitions overall and by use district, which should consider geographic, time-of-day, TNC driver needs (e.g., bathrooms), and loading considerations consistent with General Plan policy;
- **Impact fees:** Identify if development impact fees should provide for the new Planning Code definitions in their fee schedules (e.g., transportation sustainability fee) and if such fees should consider factors such as vehicular trip length; and
- **Transportation demand management:** Identify if the Transportation Demand Management Program (see Policy Option 4) should have different requirements for new Planning Code definitions.

The Planning Department should consider the trade-offs of geographic restrictions of such new land uses. These trade-offs include racial and social equity, trip length, and/or delaying or preventing a site from being used for another purpose. As examples:

- **Racial and social equity:** Consolidated parking, charging, maintenance, and logistics facilities could concentrate in locations experiencing higher levels of air and noise pollution and vehicular traffic today. These locations are oftentimes where people of color, low-income households, and other burdened communities live (e.g., Mission and Bayview), raising questions of environmental justice and equitable development. The emerging mobility land use could reduce impacts through performance measures or measures mentioned above (e.g., electric vehicles, time-of-day provisions).
- **Trip length:** Restricting a new emerging mobility land use in San Francisco could increase the trip length when the vehicle is driving around without a passenger if:
  - » Emerging mobility activity will happen regardless of the location of the land use (e.g., TNC drivers or AV passenger service providers will inevitably need to park and receive maintenance or re-fuel, no matter where the facility is located);
  - » Emerging mobility companies establish the uses in an adjacent jurisdiction (e.g., Uber has a driver hub in Daly City); and
  - » Emerging mobility vehicle operations are concentrated in San Francisco.

In these examples, San Francisco would not be able to collect development impact fees from the use, even although the vehicular impacts would be concentrated in San Francisco. However, allowing a new emerging mobility land use centered on vehicular travel in San Francisco could induce vehicular travel and its associated impacts.

- **Deferral or preclusion of land conversion to future other uses:** Allowing a new emerging mobility land use at an underdeveloped site may preclude the conversion of the site to other uses. For example, allowing a substantial amount of off-street electric vehicle charging spaces at an existing parking lot or garage for use by a TNC or AV passenger services company near a transit hub could defer or preclude conversion of that space to housing.

#### **Key Finding 4: Ridesourcing could counter some of the benefits of Planning Code provisions that encourage sustainable travel.**

Many Planning Code provisions encourage sustainable travel by incentivizing such travel (e.g., bicycle parking) or disincentivizing car travel (e.g., auto parking maximums, parking pricing). For example, San Francisco's Transportation Demand Management Program (Planning Code Section 169) is a comprehensive program applicable to most new developments that includes both incentives and disincentives. The program includes 26 measures. Each measure is assigned a number of points that reflect its relative effectiveness to reduce VMT from the new development and is grounded in literature review, local data collection, best practices research, and/or professional transportation opinion.

The program's literature review indicates that more off-street vehicular parking is linked to more driving and that people without dedicated vehicular parking spaces are less likely to drive. The standards assign a reduced parking supply as the second most effective measure to reduce VMT and assigns points to parking pricing. The standards do not include TNC-related measures, as evidence shows TNCs increase VMT.

TNCs, and future AV passenger services, could counter some of the benefits from these Planning Code provisions. Study Question 2 results found that daily parking costs were associated with the most significant positive correlation with TNC activity. The results also found that the share of households without a vehicle were also associated with significant positive correlation with TNC activity. Thus, some residents, employees, and visitors associated with development that have little to no vehicular parking spaces and/or high-priced parking could result in more VMT than assumed by the literature today. For example, some residents may replace their own private vehicle trip with a TNC trip, which on a per-trip basis has more VMT than a private vehicle trip due to TNCs circulating with few or no passengers in them.<sup>67</sup>

Further, developers may seek more partnerships or programs with TNCs or AV passenger services companies. Although most developers interviewed did not have existing partnerships or programs with TNCs, some do, and TNCs may market such ideas to developers.<sup>68</sup>

Lastly, many developers interviewed perceived a reduced demand for off-street parking and/or private vehicle ownership and perceive the prevalence of TNCs as a key contributor to this decline in demand. If this perception is true, it is possible that when people replace their own private vehicle trip with a TNC trip, this could result in less vehicular travel overall. On balance, this scenario could support more sustainable travel pattern, especially if those individuals' TNC trips are not concentrated during peak periods and do not take place along routes well-served by public transit. Currently, this and other studies' findings do not support such a scenario.

#### **Policy Option 4: Continue to regularly monitor the effectiveness of the Transportation Demand Management Program.**

The Planning Department should continue to work with the SFMTA and the Transportation Authority to monitor the effectiveness of the City's Transportation Demand Management Program and update it to reflect new research, if necessary. This includes the City further studying the relationship between vehicular parking policies and VMT and potentially private vehicle ownership.

Many policy papers predict a decrease in parking "demand"<sup>69</sup> when AVs become available,<sup>70</sup> like many predicted with TNCs. It is unclear to the Planning Department if parking "demand" will decrease universally because of AVs in San Francisco, as it is unclear that it has occurred because of TNCs.<sup>71</sup> If parking demand does decrease, it is not clear what the consequences may be.

The Planning Department presumes that car manufacturers' motives will be to sell cars and potentially monetize data collected from new technologies. Cars require temporary storage if they are not circulating 24 hours a day, seven days a week. It may be possible that parking demand drops for those who can access such technologies for some trip purposes (e.g., visitor and retail, as indicated in results from Study Question 1 that found certain land uses having significant positive association with TNC activity).

The Planning Department should continue to study these effects and encourage policies that align with City goals (e.g., Policy Option 1), including potentially redirecting developers' cost savings (from not having to build parking spaces) to the City's priority investments if parking demand decreases (Policy Option 3).

### **Key Finding 5: Developers are challenged to respond to TNCs and AV passenger services, particularly for existing developments.**

Developers interviewed noted the potential for reducing parking supply in new developments and providing more loading space, particularly on-street, to respond to TNC usage.

For existing developments, most developers said that converting existing parking to other land uses is challenging due to cost and design constraints and are seeking alternate solutions. Other ideas included sharing underused parking with neighboring buildings or renting underused parking to the public through third party companies.

#### **Policy Option 5: Provide guidance for developers in responding to emerging mobility, including TNCs and AV passenger services.**

The Planning Department could create a guidance document for developers to respond to emerging mobility that considers the following topics:

- **Transit First:** Centers development and building guidance on the City's Transit-First Policy and identifies how TNCs and AV passenger services can advance this policy and other City goals.
- **Loading:** Located to avoid conflicts with pedestrians, transit, bicyclists, in compliance with the City's Transit First policy; maximizes reliance of on-site loading spaces to accommodate new loading demand, including passenger and freight vehicles; and ensure that off-site loading activity is considered in the design of new buildings (e.g., Planning Code Section 155(u)), especially to prevent conflicts with pedestrians, bicyclists, and transit vehicles.
- **Transportation demand management:** How emerging mobility can reduce VMT.
- **Parking adaptation:** Ways to design existing or new buildings to accommodate other uses besides parking<sup>72</sup>, and code requirements concerning conversion of accessory parking to public parking use.

This guidance could take the format of guidelines or other informational document that would be available online or as a hand-out. It could also be used to inform other Planning Code updates (e.g., Policy Option 3).

### **Environmental Review**

#### **Key Finding 6: Environmental review appropriately considers TNC activity.**

The Planning Department reviews projects for potential impacts on the physical environment, a process known as environmental review. The Department conducts environmental review pursuant to CEQA. As part of environmental review, staff reviews background technical studies, such as transportation impact studies, to assess a project's effects on the physical environment.

To assist in the preparation of transportation impact studies, the Planning Department provides to consultants and City staff a guidance document called the Transportation Impact Analysis Guidelines, which was last updated in 2019.<sup>73</sup> Prior to 2019, the Planning Department previously comprehensively updated the guidelines in 2002. At that time, TNCs did not exist, and the 2002 guidelines did not include quantitative estimates of TNC activity at or near development sites. A lot of other changes occurred between 2002 and 2019, which led the Department to comprehensively update the guidelines in 2019. The update was completed after the commencement of this TNCs and Land Use Study but prior to the team's analysis of the study's results.

In mid-2016, the Planning Department contracted with a consulting firm to develop a methodology for collecting data and updating the travel demand<sup>74</sup> methodology used in the guidelines. The contractor collected and analyzed counts, intercept surveys (i.e., ask passersby in public areas to complete a survey), and commercial and passenger loading at San Francisco development sites in 2016 and 2017 and analyzed 2012 California Household Travel Survey data. The contractor completed its scope in mid-2018.

A major conclusion from the 2019 guidelines update was that the data the Department used to previously estimate trips generally *overestimated* the number of vehicle trips to and from a site, even accounting for the increase of TNCs. For the ways people travel (also known as mode split), taxi and TNC activity comprised a relatively small portion of the overall trip activity at three of four different land use categories during the PM peak period (3 PM to 7 PM), including: residential, office, and retail. Hotel land uses showed a higher portion of the overall trip activity. (See Table 6.)

**Table 6: Taxi/TNC Mode Split Data in San Francisco (2019)**

Land Use Category	Taxi/TNC Mode Split (%) by Place Type during PM peak period (3 to 7 pm)		
	Urban High-Density	Urban Medium-Density	Urban Low-Density
Residential	6%	4%	4%
Office	6%	11%	2%
Retail	5%	1%	1%
Hotel	20%	16%	7%

Source: San Francisco Planning Department, Transportation Impact Analysis Guidelines (2019)

The 2019 guidelines results cannot be directly compared to the results for Study Questions 1 and 2, given differences in methodology<sup>75</sup>. However, the 2019 guidelines are still useful for estimating TNC activity at development sites because the travel demand and mode split patterns used in the 2019 guidelines are consistent with the findings from this study. For example, this study found that visitor-related land uses, such as hotels, had the highest positive correlation with TNC activity and that TNC activity tended to be higher in higher-density areas. Similarly, as shown in Table 6, hotels exhibited the greatest amount of TNC activity amongst the four land use categories. Additionally, the Urban High-Density place type exhibited the highest percentage of taxi and TNC activity compared to medium- and low-density areas.

One potential difference between the 2019 guidelines data and this study relates to office uses. While the 2019 guidelines suggests that there is a relationship between office uses and TNC activity, particularly

in medium- and high-density neighborhoods, some results from this study suggests that office uses do not have a strong association with TNC activity. However, developers interviewed for this study and whose firms focus on office developments noted a major shift in the way tenants get to and from work, as they perceived young professionals increasingly making use of new mobility modes, such as TNCs, and driving vehicles much less.

**Policy Option 6: Align environmental review with any future adopted policy or regulations concerning emerging mobility and monitor and integrate reputable emerging mobility evidence into environmental reviews.**

The Planning Department could align environmental review with future adopted policy or regulations concerning emerging mobility, such as developing travel demand estimates for new land uses defined in the Planning Code (Policy Option 3). The Planning Department's Environmental Planning division could inform policy or regulations for these new land uses based on their knowledge in reviewing past projects environmental impacts so that future projects can avoid or reduce impacts as part of their project formation (e.g., as the developers are drawing up plans for them), instead of after the fact (e.g., as an imposed CEQA mitigation or alternatives developed later in the project review process).

Additionally, the Planning Department could continue monitoring and integrating reputable emerging mobility evidence into its environmental review, including travel demand estimates and modeling forecasts by land use category; transportation impacts on VMT, transit, and loading; and non-transportation impacts such as energy. New evidence can also inform the City in its approach to other policies herein.

**Additional Areas of Interest**

This report focuses on key findings and policy options organized around the Planning Department's responsibilities in the City. However, there are other results that may be of interest to the public, other government agencies, and elected officials. This includes additional issues around equity, enforcement, and labor. It was beyond this study's scope to analyze these other issues.

## Conclusion

TNCs are a part of the transportation landscape in San Francisco. They provide a direct and convenient mode of transportation for some, while increasing vehicle trips and congestion in the City. This report examines if and how TNCs impact land use planning and the built environment. It showed that certain land uses and densities are associated with more TNC activity than others, particularly in areas that are high-density (e.g., visitor, retail, and residential uses). It also demonstrated that some built environment features are positively or negatively associated with TNC activity – those that make TNCs more convenient for passengers are associated with more TNC activity and those that provide a comparative transportation substitute are associated with less TNC activity.

Land uses may be shaped by TNCs, which may be a prelude to AV passenger services as these services are likely to use a similar app-based, ridesourcing platform that TNCs do. Permitting activity has shown growing demand for converting or using land for ridesourcing operations. Developers stated they are also reacting to TNCs by providing less parking on private property and more loading space in the public right-of-way.

The future of TNCs and emerging mobility is unknown. The longevity and financial sustainability of the current business model for TNCs is questionable, as their convenience comes at a cost, which is higher than the price passengers pay for it; venture capital is not likely a stable long-term funding source; and fair labor practices and conditions have not been established.

Additionally, the externalities of TNCs are costly. Studies find that TNCs generate additional vehicle trips, which increases congestion; and shift people away from other means of travel, including walking, bicycling, and transit, which are less environmentally harmful than how TNCs currently operate.

Despite their unknowns and shortcomings, it is likely that TNCs will remain on the menu of transportation choices in San Francisco. Also likely is that other new transportation technologies will appear and will have similar – as well as different – impacts on the City.

San Francisco welcomes new technology and services. From the building of the Golden Gate Bridge to the invention of television, San Francisco has long been the home of innovation. The City welcomes innovation – as long as it serves the goals of the people in San Francisco and the Bay Area and not the reverse.

However, at the time of this writing, San Francisco is not fully prepared for existing and emerging transportation services and technology, like TNCs and AVs. As such, it is critical for policymakers to assess and prepare for their potential and actual impacts and establish policies to manage their operations. This is imperative to achieve the type of transportation system that would benefit people who live, work, or otherwise spend time in San Francisco.

The City has the opportunity to help shape how people interact with TNCs (and emerging, related technologies) by considering and adopting land use planning policies in conjunction with findings in this report. This includes updating the General Plan and Planning Code to prioritize transit and equity as new mobility options emerge, continuing to monitor congestion through the Transportation Demand Management program, providing guidance to developers on how to prepare for TNCs and AV passenger services, and aligning the environmental review process with new mobility services as they arise.

The Planning Department intends for San Francisco to continue to be a leader in addressing land use, transportation, and related issues. Without further government intervention, it is unlikely San Francisco will meet its various housing, equity, and climate goals. Instead, we will have more cars on the road, which will have dire consequences on air quality, health, economic prosperity, and safety. If technology-based transportation services are primarily available for a select segment of people who can afford to use them, it would compound the socioeconomic divisions and inequities that we see today.

Other cities may have limited to no emerging mobility now. But these technologies will likely come to their cities, and they may find the need to follow San Francisco's lead in planning for the future it wants to see instead of reacting to it.



## Study Limitations

The study team based its findings and policy options on results from research into the study questions. Those results are based on qualitative and quantitative methodologies that have limitations, like any methodological approach. Those limitations include:

- The data used for Study Questions 1 and 2 was gleaned from the “TNCs Today” analysis. City requests to the CPUC, Lyft, and Uber for data to validate the findings were declined to supplement the analysis in “TNCs Today.”
- Findings for the first two study questions were conducted using regression analysis, which can show a relationship – or an association – between two variables and assess the strength of the relationship. Further research with a different methodology would be needed to establish causality or directionality.
- It is not possible to incorporate all the potential factors contributing to changes in congestion. For example, visitor traffic in San Francisco may have increased significantly during the period studied and may have been a factor in increased congestion but was not accounted for in the regression analysis.
- The regression analysis used proxies to estimate the correlation between TNCs and the built environment. For example, areas with high visitor uses (e.g., hotels and other lodging) were represented by visitor jobs per acre. These proxies may not always capture every effect of the land use category or built environment feature.
- The online survey of TNC drivers was administered at the beginning of the COVID-19 pandemic and retrofitted after the stay-at-home orders were issued. Ridesourcing activity declined substantially for several months at this time. As a result, the study may not have captured a representative sample of TNC drivers or typical pre-pandemic responses.



# Endnotes

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- 8 Studies typically show that TNC users tend to be younger, more educated, and more affluent than other populations. Example studies include:  
  
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- 9 San Francisco County Transportation Authority. (2017). TNCs Today: A Profile of San Francisco Transportation Network Company Activity. [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Today\\_112917.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_112917.pdf)
- 10 Studies show that the convenience of TNC services is a major factor of its growth and popularity. For example, the Pew Research Center found that 86% of ride-hailing users feel that these services save their users time and stress. Smith, A. (2016). *The New Digital Economy: Shared, Collaborative and On Demand*. Pew Research Center: Internet, Science & Tech. <https://www.pewresearch.org/internet/2016/05/19/the-new-digital-economy/>
- 11 Studies show that TNC services may provide user benefits, including increasing the convenience of planning spontaneous rides and decreasing user uncertainty around wait times. For example, one study showed that in San Francisco, 90% of TNC rides occurred within 10 minutes of the request at all times of the day, compared to with only 35% of taxi rides during the day.
- 12 San Francisco County Transportation Authority. (2017). TNCs Today: A Profile of San Francisco Transportation Network Company Activity. [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Today\\_112917.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_112917.pdf)
- 13 Ward, J. W., Michalek, J. J., Samaras, C., Azevedo, I. L., Henao, A., Rames, C., & Wenzel, T. (2021). The impact of Uber and Lyft on vehicle ownership, fuel economy, and transit across U.S. cities."

- 14 Studies show that TNCs also competes with public transportation as riders (especially non-car owners) consider the service as a replacement for transit. Example studies include:
- Erhardt, G. D., Mucci, R. A., Cooper, D., Sana, B., Chen, M., & Castiglione, J. (2021.) "Do transportation network companies increase or decrease transit ridership? Empirical evidence from San Francisco." *Transportation*. <https://link.springer.com/article/10.1007/s11116-021-10178-4>
- Rayle, L., Dai, D., Chan, N., Cervero, R., & Shaheen, S. (2016). "Just a better taxi? A survey-based comparison of taxis, transit, and ridesourcing services in San Francisco." *Transportation Policy* 45, 168–178. <https://doi.org/10.1016/j.tranpol.2015.10.004>
- Shaheen, S., Totte, H., & Stocker, A. (2018). "Future of Mobility." UC Berkeley: Institute of Transportation Studies UC Berkeley, <https://escholarship.org/uc/item/68g2h1qv>
- 15 A study examining the effectiveness of shared (or pooled) Uber and Lyft services in reducing VMT found that pre-pandemic levels of pooling led to at least a doubling of VMT when comparing ride-hail trips with travelers' previous mode, with increases of 97% in Chicago, 118% in San Francisco, and 157% in Boston.
- Schaller, B. (2021). Can sharing a ride make for less traffic? Evidence from Uber and Lyft and implications for cities. *Transport Policy*, 102, 1–10. <https://doi.org/10.1016/j.tranpol.2020.12.015>
- 16 San Francisco County Transportation Authority. (2018). TNCs and Congestion. [https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs\\_Congestion\\_Report\\_181015\\_Final.pdf](https://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Congestion_Report_181015_Final.pdf)
- 17 California Air Resources Board. (2019). Clean Miles Standard: 2018 Base-Year Emissions Inventory Report. <https://ww2.arb.ca.gov/resources/documents/2018-base-year-emissions-inventory-report>
- 18 Fehr & Peers. (2019). Estimated TNC Share of VMT in Six U.S. Metropolitan Regions (Revision 1). Research funded by Uber. <https://drive.google.com/file/d/1FIUskVkj9IsAnWJQ6kLhAhNoVLjifDx3/view>
- 19 California Office of Planning and Research. (2016). Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA. [https://opr.ca.gov/docs/Revised\\_VMT\\_CEQA\\_Guidelines\\_Proposal\\_January\\_20\\_2016.pdf](https://opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf)
- 20 Uber Technologies, Inc. (2019). Amendment No. 1 to Form S-1 Registration Statement under The Securities Act of 1933 to United States Securities and Exchange Commission. <https://www.sec.gov/Archives/edgar/data/1543151/000119312519120759/d647752ds1a.htm>
- 21 Brown, A. (2019). Prevalence and Mechanisms of Discrimination: Evidence from the Ride-Hail and Taxi Industries. *Journal of Planning Education and Research*. <https://doi.org/10.1177/0739456X19871687>
- 22 San Francisco County Transportation Authority. (2018). Emerging Mobility Evaluation Report. <https://www.sfcta.org/projects/emerging-mobility-evaluation-report>.
- 23 An indication of increased TNC activity is total collection of the San Francisco voter-approved TNC tax (Proposition D) increased significantly in July and August 2021 compared to the prior 2020-2021 fiscal year. Source: San Francisco County Transportation Authority. (2021). Executive Director's Report. <https://www.sfcta.org/sites/default/files/2021-09/EDR%2009.28.21FINAL.pdf>
- 24 San Francisco Planning Code, Section 101, Purpose.
- 25 Regression analyses demonstrate if a relationship exists (i.e., if a variable is associated with an event or trend) and cannot demonstrate causation.
- 26 *Statistical significance* indicates if a research result or research finding is due to the cause or relationship being studied or if it is due to chance. A low level of statistical significance (or insignificance) suggests that a relationship is not likely.
- 27 The methodology for this research (Part B) is only included in this report. Further details are not available in Appendix D, which provides a methodology for the online survey.
- 28 The study team conducted focus groups with TNC drivers in October 2019. The online survey of TNC drivers was administered from January through June 2020.
- 29 San Francisco Chronicle. (2021). Waymo is offering robo taxi rides in S.F., if you're selected for its test program. <https://www.sfchronicle.com/tech/article/Waymo-is-offering-robo-taxi-rides-in-S-F-if-16408340.php>
- PR Newswire. (2021). Motional and Lyft To Launch Fully Driverless Ride-Hail Service In Las Vegas In 2023. <https://www.prnewswire.com/news-releases/motional-and-lyft-to-launch-fully-driverless-ride-hail-service-in-las-vegas-in-2023---will-mark-first-city-in-multimarket-deployment-301419623.html>
- 30 San Francisco Planning Department, Case No. 2016-003640PRJ, <https://sfplanninggis.org/pim/>.
- 31 Lyft website. The Hub: California Service Locations & Hours. <https://www.lyft.com/hub/hours/california>.
- 32 The Production, Distribution, and Repair-2 zoning district includes a wide range of light and contemporary industrial activities. For a full definition of this zoning district, see [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_planning/0-0-0-20123](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-20123) and "Industrial Land in San Francisco: Understanding Production, Distribution, and Repair," [https://sfplanning.org/sites/default/files/resources/2019-06/Industrial\\_Land\\_in\\_San\\_Francisco\\_PDR\\_SF\\_2002.pdf](https://sfplanning.org/sites/default/files/resources/2019-06/Industrial_Land_in_San_Francisco_PDR_SF_2002.pdf)
- 33 San Francisco Planning Department, Case No. 2016-008074CUA. <https://sfplanninggis.org/pim/>.
- 34 Lyft website. The Lyft Hub. <https://sites.google.com/lyft.com/powerdrivers/home>
- 35 San Francisco Planning Department, Case No. 2016-003640PRJ, <https://sfplanninggis.org/pim/>.
- 36 San Francisco Planning Department, Case No. 2016-010221ZAD, <https://sfplanninggis.org/pim/>.
- 37 San Francisco Planning Department, Case No. 2018-013267ZAD, <https://sfplanninggis.org/pim/>.
- 38 San Francisco Planning Department, Case No. 2020-009198ZAD, <https://sfplanninggis.org/pim/>.
- 39 San Francisco Planning Department, Case No. 2018-002794ENF, <https://sfplanninggis.org/pim/>.
- 40 San Francisco Planning Department, Case No. 2019-012091PRL, <https://sfplanninggis.org/pim/>.
- 41 San Francisco Planning Department, Case No. 2020-0011000PRL, <https://sfplanninggis.org/pim/>.

- 42** San Francisco Planning Department, Case No. 2021-001111PRJ, <https://sfplanninggis.org/pim/>.
- 43** San Francisco Planning Department, Case No. 2021-011363PRV, <https://sfplanninggis.org/pim/>.
- 44** San Francisco Planning Department, Case No. 2021-009982PRJ, <https://sfplanninggis.org/pim/>.
- 45** San Francisco Planning Department, Case No. 2021-010435PRJ, <https://sfplanninggis.org/pim/>.
- 46** Examples of these logistics facility applications are at 749 Toland Street and 2000 McKinnon Avenue, San Francisco Planning Department, Case No. 2015-012491PRJ; 1313 Armstrong Avenue, San Francisco Planning Department, Case No. 2020-010684PRJ; and anticipated at 900 7th Street, San Francisco Planning Department, Case No. 2021-001762PPA.
- 47** The study team conducted these interviews in 2019, prior to the COVID-19 pandemic. The team did not follow up with developers later.
- 48** ConnectSF is a multi-San Francisco agency collaboration process to conduct long-range transportation planning. <https://connectsf.org/about/about-connectsf/>
- 49** The San Francisco Planning Commission adopted Resolution No. 20738 on June 11, 2020 to center the Planning Department's work on racial and social equity. The resolution includes a statement to ensure that "plans, policies and programs actively address and redress structural and institutional racism."
- 50** The Better Streets Plan, which implements the associated policy, creates a unified set of standards, guidelines, and implementation strategies to govern how San Francisco designs, builds, and maintains its pedestrian environment. The Planning Code requires certain new development projects to make changes to the public right-of-way that it is consistent with the Better Streets Plan. <https://www.sfbetterstreets.org/>
- 51** Vision Zero refers to an action plan to reduce traffic fatalities to zero by 2024 through engineering, education, and enforcement. The Transportation and Urban Design Elements of the San Francisco General Plan make reference to Vision Zero.
- 52** The City Charter includes a Transit First policy. The San Francisco General Plan incorporates this policy, and the policy requires all City boards, commissions, and departments to implement principles that, among others, encourage people walking, bicycling, and riding public transit on public rights-of-way above the use of the personal automobile.
- 53** In 2021, the San Francisco Board of Supervisors adopted targets to reduce San Francisco greenhouse gas emissions, including reducing transportation-related emissions by at least 90% compared to 1990 levels and sequestering any residual emissions. To accomplish this, the Board of Supervisors identified transportation goals to increase low-carbon trips and the adoption/use of electrification of vehicles.
- 54** The agencies have adopted these principles to serve as a framework for evaluating EMST, identifying ways to meet City goals and shaping future studies, policies, and programs. See <https://www.sfmta.com/reports/guiding-principles-emerging-mobility-services-and-technologies-0> and <https://www.sfcta.org/policies/emerging-mobility#panel-guiding-principles>
- 55** San Francisco Municipal Transportation Authority. (2015). SFMTA Transit Economic Benefits Study. <https://www.sfmta.com/sites/default/files/agendaitems/2015/8-18-15%20Item%2012%20Transit%20Economic%20Benefits%20Study.pdf>
- 56** Local vehicular emissions may be less of a concern due to recent changes to California state law. California Governor Newsom signed Senate Bill 500 in 2021, which will require zero emissions from new autonomous vehicles of a certain size with deployment permits starting January 1, 2030. Deployment permits have the potential for the most vehicular travel. This bill expands upon a prior California Senate bill adopted in 2018 (1014 - Clean Miles Standard) that will set greenhouse gas reduction targets for particular kinds of passenger service.
- 57** Governor's Office of Planning and Research. (2016). Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA. Page III:40 cites several studies to support this statement.
- 58** San Francisco Municipal Transportation Authority. (2021). Vision Zero Traffic Fatalities: 2020 End-of-Year Report. [https://www.visionzerosf.org/wp-content/uploads/2021/03/Vision-Zero-2020-End-of-Year-Traffic-Fatality-Report\\_1.0.pdf](https://www.visionzerosf.org/wp-content/uploads/2021/03/Vision-Zero-2020-End-of-Year-Traffic-Fatality-Report_1.0.pdf)
- 59** National Bureau of Economic Research. (2016). Racial and Gender Discrimination in Transportation Network Companies. <https://www.nber.org/papers/w22776>.
- 60** Elliott, Donald. (2017). Getting Ready for Driverless Cars. American Planning Association, Zoning Practice Series. Issue Number 12.
- 61** It was estimated that San Francisco's population in December 2021 was 855,550 residents. (Source: San Francisco Chronicle, "California and Bay Area populations decline, with state deaths increasing. Here are the places shrinking the most," December 17, 2021.) U.S. Census data shows that the population was 776,700 in 2000 and 805,200 in 2010 (Source: MTC/ABAG, <http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty.htm>)
- 62** These treatments include dedicated bus lanes, protected bike lanes, sidewalk extensions, and shared spaces on curb sidelanes (i.e., parklets). In 2021, the San Francisco Board of Supervisors adopted a permanent Shared Spaces program that allows public and commercial operations in fixed or movable structures in the curbside lane. <https://sf.gov/information/making-shared-spaces-program-permanent>
- 63** The purpose of this plan is to reduce potential conflicts between driveway and loading operations, including passenger and freight loading activities, and pedestrians, bicycles, and vehicles, to maximize reliance of on-site loading spaces to accommodate new loading demand, and to ensure that off-site loading activity is considered in the design of new buildings. Development projects of more than 100,000 net new gross square feet in Central SoMa and Van Ness & Market Residential special use districts are subject to such provisions in Planning Code Section 155(u).
- 64** Changes to state law may be required prior to implementing some policies.
- 65** For example, the Central SoMa Plan Environmental Impact Report has a mitigation measure for the SFMTA to develop a curb management strategy in this area. City agencies could develop such a strategy earlier in an area planning process and consider area-wide off-street strategies such as consolidation centers funded by new development.

- 66 Performance-based provisions, or provisions that regulate the performance or outcomes of the use, would allow flexibility as such emerging mobility technologies evolve. For example, a performance-based provision could mandate zero emissions from a development's indirect source of pollutions, which includes the vehicles traveling to and from the development site. The City could seek an outcome of zero emissions, regardless of the vehicles' technology, as opposed to defining the vehicle technology which could change over time.
- 67 Fehr & Peers. (2019). Estimated TNC Share of VMT in Six U.S. Metropolitan Regions (Revision 1). <https://drive.google.com/file/d/1FIUskVkj9lsAnWJQ6kLhAhNoVLjfFdx3/view>
- 68 For example, Uber's Texas group reached out to real estate management companies across Houston to identify pick-up spots at their buildings and may partner with apartments to offer residents Uber credit in exchange for not having parking spots. <https://www.houstonchronicle.com/business/real-estate/article/Uber-deal-to-simplify-pickups-at-Houston-11150142.php>
- 69 People demand access to destinations. There is no inherent demand for parking, per se. This report uses the term to be consistent with common language in the planning and transportation fields.
- 70 For example, refer to Metropolitan Transportation Commission, et. al, "Autonomous Vehicles Perspective Paper, June 2018, [https://mtc.ca.gov/sites/default/files/2018-06-25\\_Autonomous\\_Vehicles\\_Perspective\\_Paper.pdf](https://mtc.ca.gov/sites/default/files/2018-06-25_Autonomous_Vehicles_Perspective_Paper.pdf), Section 2.2.
- 71 For example, aggregate level data of household vehicles between 2012 and 2016 from several U.S. cities, including San Francisco, showed no such household vehicle availability decrease. Source: Schaller, B. (2018). The New Automobility: Lyft, Uber and the Future of American Cities. Table 10. <http://www.schallerconsult.com/rideservices/automobility.pdf>
- 72 For example, refer to parking facility design considerations in American Planning Association. (2018). PAS Report 592: Planning For Autonomous Mobility.
- 73 San Francisco Planning Department. (2019). Transportation Impact Analysis Guidelines for Environmental Review and associated Summary of Changes Memorandum. <https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update>.
- 74 Travel demand refers to the number, type, and location of trips to and from a development or site.
- 75 For example, the 2019 TIA guidelines collected data at the site level for a few land uses, whereas this study assessed data at the transportation analysis zone level, which is greater in size and encompasses more land uses.

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Deputy Clerk

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN FRANCISCO**

9 JANE DOE SSS 14, an individual;  
10 JANE DOE SSS 15, an individual;  
11 JANE DOE SSS 16, an individual;  
12 JANE DOE SSS 17, an individual; and  
13 JANE DOE SSS 18, an individual,

14 Plaintiffs,

15 v.

16 UBER TECHNOLOGIES, INC., a  
17 Delaware Corporation; RASIER, LLC, a  
18 Delaware Limited Liability Company; and  
19 DOES 1 through 50, Inclusive,

20 Defendants.

Case No. \_\_\_\_\_ **CGC-22-600694**

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

1. **GENERAL NEGLIGENCE**
2. **NEGLIGENT HIRING, RETENTION,  
AND SUPERVISION**
3. **COMMON CARRIER NEGLIGENCE**
4. **NEGLIGENT FAILURE TO WARN**
5. **VICARIOUS LIABILITY/LIABILITY  
FOR THE TORTS OF UBER'S DRIVERS**
6. **VICARIOUS LIABILITY FOR SEXUAL  
ASSAULT**
7. **VICARIOUS LIABILITY FOR SEXUAL  
BATTERY**
8. **VICARIOUS LIABILITY FOR FALSE  
IMPRISONMENT**
9. **INTENTIONAL MISREPRESENTATION**
10. **NEGLIGENT MISREPRESENTATION**
11. **NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**
12. **BREACH OF CONTRACT**
13. **STRICT PRODUCT LIABILITY –  
DESIGN DEFECT**
14. **STRICT PRODUCT LIABILITY-  
FAILURE TO WARN**

1 Jane Doe SSS 14, Jane Doe SSS 15, Jane Doe SSS 16, Jane Doe SSS 17, and Jane Doe SSS  
2 18 (collectively, “Plaintiffs”), by and through their attorneys of record, for causes of action against  
3 Uber Technologies, Inc. (“Uber”), a corporation with its principal place of business in San  
4 Francisco, California, Rasier, LLC (“Rasier”), a corporation with its principal place of business in  
5 San Francisco, California, and Does 1 through 50, inclusive, and each of them, complain and allege  
6 the following:

7  
8 **INTRODUCTION**

9 1. Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely  
10 imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver with whom they had  
11 been paired with through the Uber Application (“App”). This action stems from these attacks as  
12 well as the toxic-male culture at Uber that caused these sexual attacks. A culture which started at  
13 the very top of Uber by placing profits and growth over safety above all else and, in the process,  
14 exploited, endangered, and injured women and girls, including Plaintiffs. This culture was put in  
15 place by Uber’s officers and directors, including Travis Kalanick, and it was put in place with  
16 conscious disregard to the rights and safety of Uber passengers, particularly female Uber passengers  
17 such as Plaintiffs.

18 2. Uber is a transportation company headquartered in San Francisco, California which,  
19 beginning in 2009, pioneered an App-based transportation system that has been implemented around  
20 the world, including across the entire United States.

21 3. As early as 2014, Uber became aware that Uber drivers were sexually assaulting and  
22 raping female passengers. In the eight years since, sexual predators driving for Uber have continued  
23 to sexually assault, harass, kidnap, physically assault, and/or rape Uber’s passengers, including  
24 Plaintiffs. Complaints to Uber by female passengers who had been attacked by Uber drivers,  
25 combined with subsequent criminal investigations by law enforcement, clearly establish that Uber  
26 has been fully aware of these continuing attacks by sexual predators driving for Uber. Uber’s  
27 response to these ongoing sexual assaults by Uber drivers has been slow and inadequate.

28 4. While Uber has, in recent years, publicly acknowledged this sexual assault crisis,  
including the publication of Uber’s U.S. Safety Report, in December 2019, Uber has failed to

1 implement basic safety measures necessary to prevent these serious sexual assaults, which continue  
2 to occur to this day.

3 5. As more fully set forth herein, Plaintiffs were each kidnapped, sexually assaulted,  
4 sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber  
5 driver each Plaintiff was led to believe would give her a safe ride to her destination. Each Uber ride  
6 at issue was ordered by or for Plaintiff through the ride-sharing software application owned and  
7 controlled by Uber (the “Uber App”). At all relevant times, Defendants Uber and Rasier  
8 (collectively referred to as “Uber”) operated and controlled the Uber App. Each Uber driver, while  
9 in the course and scope of his employment for Uber and while otherwise working on behalf of Uber,  
10 kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or  
11 otherwise attacked the respective Plaintiff, as set forth below.

12 6. Each Plaintiff named herein, individually, brings this civil action against Uber to  
13 recover damages for the injuries she suffered as a result of being kidnapped, sexually assaulted,  
14 sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber  
15 driver during an Uber ride.

16 7. Uber is a common carrier under California law. Because of Defendants’ acts and  
17 omissions, Plaintiffs have each suffered damages that far exceed the jurisdictional floor of this  
18 Court.

19 8. This is an unlimited action. The amount in controversy with respect to each Plaintiff  
20 exceeds \$25,000.00. *See* Cal. Code Civ. P. § 85.

21 **PARTIES**

22 9. Plaintiff Jane Doe SSS 14 is over the age of 18 and is a Virginia resident. The incident  
23 took place in the State of California.

24 10. Plaintiff Jane Doe SSS 15 is over the age of 18 and is a California resident. The  
25 incident took place in the State of California.

26 11. Plaintiff Jane Doe SSS 16 is over the age of 18 and is an Illinois resident. The incident  
27 took place in the State of Illinois.

28 12. Plaintiff Jane Doe SSS 17 is over the age of 18 and is a Pennsylvania resident. The

1 incident took place in the State of Pennsylvania.

2 13. Plaintiff Jane Doe SSS 18 is over the age of 18 and is a Massachusetts resident. The  
3 incident took place in the Commonwealth of Massachusetts.

4 14. Plaintiffs file this action under a pseudonym because, as a victim of sexual assault,  
5 they need anonymity to protect their privacy in this sensitive and highly personal matter. Plaintiffs  
6 proceed in this manner to protect their legitimate privacy rights. Disclosure of their full name would  
7 expose them to stigmatization, invade their privacy, and make them vulnerable to retaliation. For  
8 these reasons, Plaintiffs' needs for anonymity outweigh both the prejudice to Defendants and the  
9 public's interest in knowing their identities. Counsel for Plaintiffs will inform Defendants of  
10 Plaintiffs' true name and the circumstances surrounding these causes of action. Plaintiffs further  
11 anticipate seeking concurrence from Defendants for entry into a protective order to prevent the  
12 unnecessary disclosure of Plaintiffs' real names in the public record.

13 15. Defendant Uber Technologies, Inc. is a Delaware corporation with its corporate  
14 headquarters, principal office, and principal place of business at 1515 3rd Street, San Francisco, San  
15 Francisco County, California, 94158. Defendant Uber Technologies, Inc. has been served with  
16 process through its registered agent, CT Corporation System.

17 16. Defendant Rasier, LLC is a Delaware limited liability company. Upon information  
18 and belief, Rasier is a wholly owned subsidiary of Uber Technologies, Inc. Rasier maintains its  
19 corporate headquarters, principal office, and principal place of business at 1515 3<sup>rd</sup> St., San  
20 Francisco, California, 94158. Defendant Rasier has been served with process through its registered  
21 agent, CT Corporation System.

22 17. Unless otherwise specified, this Complaint refers to Defendants Uber Technologies,  
23 Inc. and Rasier, LLC collectively as "Uber."

24 18. The true names and capacities, whether individual, plural, corporate, partnership,  
25 associate, or otherwise, of Does 1 through 50, inclusive, are unknown to Plaintiffs who therefore  
26 sue said Defendants by such fictitious names. The full extent of the facts linking such fictitiously  
27 sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereon allege,  
28 that each of the Defendants designated herein as a Doe was, and is, negligent, or in some other  
actionable manner, responsible for the events and happenings hereinafter referred to, and thereby



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negligently, or in some other actionable manner, legally caused the hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this Complaint to show the Defendants' true names and capacities after the same have been ascertained.

19. Plaintiffs are informed and believe, and on that basis allege, that at all times herein mentioned, each of the Defendants herein was the agent, servant, licensee, employee, assistant, consultant, or alter ego, of each of the remaining defendants, and was at all times herein mentioned acting within the course and scope of said relationship when Plaintiffs were injured as set forth herein. Plaintiffs are informed and believe that each and every Defendant, when acting as a principal, was negligent in the selection, hiring, supervision or retention of each and every other Defendant as an agent, servant, employee, assistant, or consultant. Plaintiffs are further informed and believe, and thereon allege, that at all times herein mentioned, each business, public entity or corporate employer, through its officers, directors, supervisors and managing agents, and each individual defendant, had advance knowledge of the wrongful conduct, psychological profile, and behavior propensity of said agents, servants, licensees, employees, assistants, consultants, and alter egos, and allowed said wrongful conduct to occur and continue to occur, thereby ratifying said wrongful conduct, and, after becoming aware of their wrongful conduct, each public entity, and corporate defendant by and through its officers, directors, supervisors and managing agents, and each individual defendant, authorized and ratified the wrongful conduct herein alleged.

20. Defendants are liable for the acts of each other through principles of *respondeat superior*, agency, ostensible agency, partnership, alter-ego and other forms of vicarious liability.

21. In the instance of each sexual assault described below, the Uber driver who perpetrated each assault described herein (“Uber Driver(s)”) was an agent, servant, and employee of Uber.

22. This Complaint refers to Defendant Uber Technologies, Inc., Defendant Rasier, LLC, and Does 1 through 50, inclusive, as “Defendants.”

**JURISDICTION & VENUE**

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23. California Superior Court has subject-matter jurisdiction over this action, pursuant to California Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other trial courts.”

24. Each Plaintiff named herein, individually seeks relief that is within the jurisdictional limits of this Court.

25. California Superior Court has personal jurisdiction over Defendants Uber and Rasier because both have their principal places of business in California and intentionally avail themselves of the benefits and protection of California law such that the exercise of jurisdiction by the California courts is consistent with traditional notions of fair play and substantial justice.

26. Venue is proper in the Superior Court of the County of San Francisco, California, pursuant to California Code of Civil Procedure §§ 395(a) and 395.5. Defendant Uber has its principal place of business at 1515 3rd Street, San Francisco, CA 94158 and at all times relevant has been doing business within the County of San Francisco.

27. Uber’s corporate decision-making with respect to policies and procedures for training and supervising drivers regarding sexual assault, rape, or harassment are centered at its corporate headquarters in San Francisco. Uber’s corporate decision-making with respect to how it responds to complaints of sexual assault, rape, or harassment is centered at its corporate headquarters in San Francisco. Uber’s corporate decision-making with respect to how it chooses to stonewall and fail to cooperate with law enforcement investigating assaults, rapes, and harassment of their drivers is centered at Uber’s corporate headquarters in San Francisco. Further, decisions with respect to the vetting of Uber drivers and the supervision of Uber drivers (or lack thereof) are made and implemented in its San Francisco headquarters. Corporate decision-making with respect to Uber’s decision not to report assaults that they are aware of to law enforcement and other ride sharing companies that employ the assailants is centered at Uber’s corporate headquarters in San Francisco. Decisions with respect to the design of the Uber App and implementation of changes with the Uber App that effect passenger safety are made and implemented in its San Francisco headquarters. Corporate decision-making with respect to Uber’s policies and procedures to allow reported sexual predators to continue to drive for Uber is centered at Uber’s corporate headquarters

1 in San Francisco. Decisions regarding Uber’s contract with Uber customers specifies that the  
2 agreement should be governed by California law. Finally, executive decision making on the part of  
3 Uber regarding its marketing campaigns and representations to passengers regarding its safety occur  
4 in San Francisco, California.

5 28. All other jurisdictional prerequisites and conditions precedent to suit have been  
6 satisfied.

7 29. This case is not removable. Some of the Plaintiffs named herein are domiciled in,  
8 and are citizens of, California. Both named Defendants, Uber and Rasier are citizens of California,  
9 as both have a principal place of business in San Francisco, California. As such, there is not complete  
10 diversity between the parties, so there is no federal jurisdiction under 28 U.S.C. section 1332.  
11 Defendants, therefore, cannot avail themselves of snap removal – alleging they removed the case to  
12 federal court before a defendant was properly joined or served. Plaintiff is not relying on 28 U.S.C.  
13 section 1441(b)(2) to oust federal court jurisdiction. Federal-court jurisdiction never existed, and,  
14 by its terms, section 1441(b)(2) does not apply because there is no diversity jurisdiction under  
15 section 1332.

## 16 FACTUAL ALLEGATIONS

### 17 **A. Uber’s Sexual Assault Problem Started at the Top**

18 30. Uber is a transportation company. One of its founders, Travis Kalanick, became its  
19 second chief executive officer and, at one time, its largest shareholder. Uber drivers and Uber split  
20 the fare Uber charges riders for the riders’ trips.

21 31. In 2014, Uber’s executives in San Francisco started charging Uber passengers an  
22 extra \$1 fee for each trip. Uber called this a *Safe Rides Fee*. When Uber announced the Safe Rides  
23 Fee, it told the public that the “[f]ee supports our continued efforts to ensure the safest possible  
24 platform for Uber riders and drivers, including an industry-leading background check process,  
25 regular motor vehicle checks, driver safety education, development of safety features in the app, and  
26  
27  
28

1 insurance.”<sup>1</sup> The Safe Rides Fee was not split with drivers.<sup>2</sup> So it was pure revenue for Uber. Uber  
2 gave hundreds of millions of rides with the Safe Ride Fee attached to them and made hundreds of  
3 millions in revenue from the fee.<sup>3</sup> But it never earmarked the money for improving safety or spent  
4 it on safety.<sup>4</sup> Instead, it pocketed the money it told the world it was going to directly towards  
5 enhancing safety. As a former Uber employee said “[w]e boosted our margins saying our rides were  
6 safer.”<sup>5</sup> It “was obscene.”<sup>6</sup>

7 32. Rider safety was never Uber’s concern. Growth was. To increase growth, which  
8 required not only new riders, but new drivers, Travis Kalanick and the executives at Uber made it  
9 as easy as possible for Uber drivers to sign up. They used a background-check system designed to  
10 get drivers approved as quickly and conveniently as possible.<sup>7</sup> Uber hired Hirease, Inc. to do its  
11 background checks.<sup>8</sup> Hirease brags that it can vet drivers within 36 hours.<sup>9</sup> To have such a short  
12 turnaround, Uber eschewed industry standards used by other taxi companies and livery services. For  
13 example, it abandoned fingerprinting — which takes weeks — and running applicant drivers against  
14 private databases, such as FBI records.<sup>10</sup> These shortcuts might have led to growth for Uber, but  
15 they also put people, including Plaintiffs, in danger. Indeed, Uber was so fixated on growth that it  
16 began mailing cell phones to applicant drivers, so they could begin driving, before Uber’s cursory  
17 background check was even complete.<sup>11</sup>

18 33. Travis Kalanick made the decision that Uber was not going to fingerprint its drivers  
19 and that it was not going to scrub applicant drivers against FBI records. Rather, the decision was  
20 made to use a fast and shallow background check process.

21 34. Travis Kalanick also made the decision not to interview drivers or train drivers to

22 <sup>1</sup> Uber, *What is the Safe Rides Fee*, <https://web.archive.org/web/20148420053019/http://support.uber.com/hc/en-us/articles/201950566>. (last visited March 10, 2021).

23 <sup>2</sup> Mike Isaac, SUPER PUMPED: THE BATTLE FOR UBER 136 (2019) (“The drivers, of course, got no share of the extra buck.”).

24 <sup>3</sup> *See id.*

25 <sup>4</sup> Isaac, *supra* note 4, at 136.

26 <sup>5</sup> *Id.*

27 <sup>6</sup> *Id.*

28 <sup>7</sup> Isaac, *supra* note 4, at 115 (“Uber made it as easy as possible for drivers to sign up.”).

<sup>8</sup> Mike Isaac, *Uber’s System for Screening Drivers Draws Scrutiny*, N.Y. TIMES, Dec. 9, 2014, at A1 (available at <https://www.nytimes.com/2014/12/10/technology/ubers-system-for-screening-drivers-comes-under-scrutiny.html?searchResultPosition=1>.)

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Isaac, *supra* note 4, at 218.

1 ensure Uber’s drivers understood their responsibilities and what was appropriate and inappropriate  
2 when interacting with passengers. Mr. Kalanick decided not to implement policies to protect  
3 passengers from sexual assault—policies such a zero-tolerance policy with respect to fraternizing  
4 or making sexual advances towards passengers, and most certainly with respect to sleeping with or  
5 touching the passengers they pick up in a sexual manner.

6 35. Mr. Kalanick had actual knowledge that these decisions would put passengers in  
7 greater danger. As such, he acted with conscious disregard for the rights and safety of female  
8 passengers, including Plaintiffs named herein.

9 36. Travis Kalanick intentionally performed the act of hiring drivers without  
10 fingerprinting them, without running them through the FBI databases, and using fast and or shallow  
11 background checks. When he took these actions, he knew or should have known that it was highly  
12 probable that harm would result. When Uber’s current Chief Executive Officer, Dara  
13 Khosrowshahi, took over as Uber’s top executive in August 2017, he continued the policy of hiring  
14 drivers without biometric fingerprinting to be run through the FBI database. This was a very  
15 intentional and thought-out decision, evidenced by Uber’s active lobbying and resistance against  
16 municipalities or regulatory bodies implementing any kind of biometric fingerprinting requirement  
17 for drivers.

18 37. Uber’s greed and complete disregard for rider safety or the rule of law is  
19 breathtaking. Uber’s policy is that it will not report any criminal activity it learns of to law-  
20 enforcement authorities.<sup>12</sup> That includes allegations of sexual assault.<sup>13</sup> Thus, Uber’s policy is that  
21 if it learns from an Uber rider, such as Plaintiff, that she was sexually assaulted, Uber will not report  
22 this sexual assault to law enforcement.<sup>14</sup> Uber is proud of this policy and feels “very strongly” that  
23 it is not Uber’s job to go to the to the police on behalf of customers when an Uber driver rapes an  
24 Uber passenger.<sup>15</sup>

25 38. This policy has been supported by Uber’s current Chief Executive Officer, Dara

26 <sup>12</sup> Greg Bensinger, *Uber Says Safety is its First Priority. Employees Aren’t so Sure*, WASH. POST (Oct. 1, 2019)  
27 (available at <https://www.washingtonpost.com/podcasts/post-reports/uber-says-safety-is-its-first-priority-employees-arent-so-sure/>.)

28 <sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Bensinger, *supra*, note 14.

1 Khosrowshahi. When he took the action of intentionally embracing this policy, he knew or should  
2 have known that it was highly probable that harm would result. After all, drivers will feel less  
3 constrained to commit sexual assault if they know it is less likely that law enforcement will be  
4 informed.

5 39. Uber's greed, parochial focus on growth, and misogyny has had tragic consequences.  
6 In December 2014, a 26-year-old finance worker hailed an Uber to take her home from a work  
7 dinner near New Delhi, India.<sup>16</sup> When she fell asleep in the car, her Uber driver moved to the  
8 backseat and raped her.<sup>17</sup> The driver had previously been detained for rape.<sup>18</sup> The rape caused an  
9 international imbroglio and New Delhi temporarily banned Uber.<sup>19</sup> Uber dealt with the situation by  
10 attacking the victim.

11 40. Eric Alexander was president of Uber in the Asia-Pacific region; he was Uber's  
12 "number three" and Kalanick's fixer.<sup>20</sup> He secured, possibly illegally, the New Delhi rape victim's  
13 medical records through a law firm.<sup>21</sup> The records contained the medical examination that doctors  
14 performed within hours of her rape.<sup>22</sup> Alexander shared these records with Mr. Kalanick and Uber's  
15 number two at the time, Emil Michael.<sup>23</sup> Many other Uber executives here in San Francisco either  
16 saw the records or learned of them.<sup>24</sup> Mr. Kalanick latched on to the fact that the victim's hymen  
17 was still intact.<sup>25</sup> (This despite two people pointing out to him that the victim could have been anally  
18 raped.<sup>26</sup>) He began cultivating and sharing a bizarre conspiracy that the woman was not raped; the  
19 whole incident was a plot against Uber by Olga, Uber's major ride-sharing competitor in India.<sup>27</sup>  
20 No matter that the Uber driver had a history of sexual assault and had confessed the assault to

21 <sup>16</sup> Ellen Barry and Suhasini Raj, *Uber Banned in India's Capital After Rape Accusation*, N.Y. TIMES, Dec. 8, 2014, at  
22 A4 (available at [https://www.nytimes.com/2014/12/09/world/asia/new-delhi-bans-uber-after-driver-is-accused-of-rape.html?\\_r=0&module=inline](https://www.nytimes.com/2014/12/09/world/asia/new-delhi-bans-uber-after-driver-is-accused-of-rape.html?_r=0&module=inline)); Isaac, *supra* note 2, at 149.

23 <sup>17</sup> Isaac, *supra* note 4, at 149.

24 <sup>18</sup> Barry and Raj, *supra* note 2, at 149.

25 <sup>19</sup> *See id.*

26 <sup>20</sup> Isaac, *supra* note 4, at 260.

27 <sup>21</sup> Kara Swisher and Johana Bhuiyan, *A Top Uber Executive, Who Obtained the Medical Records of a Customer Who  
28 was a Rape Victim, Has Been Fired*, VOX (June 7, 2017), <https://www.vox.com/2017/6/7/15754316/uber-executive-india-assault-rape-medical-records>.

29 <sup>22</sup> Isaac, *supra* note 4, at 261.

30 <sup>23</sup> Swisher and Bhulyan, *supra* note 23.

31 <sup>24</sup> *Id.*

32 <sup>25</sup> Isaac, *supra* note 4, at 261.

33 <sup>26</sup> *Id.* at 262.

34 <sup>27</sup> *Id.* At 261; Swisher and Bhulyan, *supra* note 23.

1 police.<sup>28</sup>

2 41. Mr. Kalanick and Uber’s leadership and board were the fountainhead of Uber’s  
3 culture of reckless growth, misogyny, and lawlessness.<sup>29</sup> When Uber customers accused Uber  
4 drivers of sexual assault, something that happened with increasing frequency as Uber grew — given  
5 its lax supervision and shoddy background checks — Mr. Kalanick would pace around Uber  
6 headquarters, not wondering about how to improve rider safety but repeating the bromide, legally  
7 correct but a bromide nonetheless, “innocent until proven guilty.”<sup>30</sup> When law enforcement decided  
8 not to bring criminal charges against an Uber driver accused of sexual assault because it felt it did  
9 not have enough evidence for a criminal conviction, “a round of cheers would ring out across the  
10 fifth floor of Uber HQ.”<sup>31</sup>

11 42. At a cocktail and dinner party with journalists in New York City, Mr. Michael  
12 attacked journalists who criticized Uber.<sup>32</sup> He was particularly angry with Sarah Lacy who had, in  
13 a recent story, accused Uber of “sexism and misogyny” and had said she was going to delete her  
14 Uber app because she feared for her safety because of Uber’s drivers.<sup>33</sup> Mr. Michael said that if any  
15 woman deleted her Uber app because of Ms. Lacy’s story and was sexually assaulted, Ms. Lacy  
16 “should be held personally responsible.”<sup>34</sup>

17 43. The actions of Uber’s executives and board members demonstrate Uber’s contempt  
18 for women and myopic focus on profits. Uber only cares about growth. This culture permeates the  
19 entire company and endangers Uber’s female riders. Sarah Fowler wrote an explosive blog post,  
20 describing how pervasive this culture was at Uber.<sup>35</sup> Ms. Fowler was hired by Uber as a site-  
21 reliability engineer in 2016.<sup>36</sup> On her first day on the job, post-training, her manager sent her a  
22 message over the Uber chat system.<sup>37</sup> He said that he “was in an open relationship . . . and his

23 <sup>28</sup> Barry and Raj, *supra* note 18.

24 <sup>29</sup> Isaac, *supra* note 4, at 194 (“The tone of Uber’s culture was being set from the top . . . The result was a workforce that largely reflected Kalanick.

25 <sup>30</sup> Isaac, *supra* note 4, at 167.

26 <sup>31</sup> *Id.*

27 <sup>32</sup> Ben Smith, *Uber Executive Suggest Digging Up Dirt On Journalists*, BUZZ FEED (Nov. 17, 2014)  
<https://www.buzzfeednews.com/article/bensmith/uber-executive-suggests-digging-up-dirt-on-journalists>.

28 <sup>33</sup> *Id.*

<sup>34</sup> *Id.*; Isaac, *supra* note 4, at 129.

<sup>35</sup> Susan Fowler, *Reflecting on One Very, Very Strange Year at Uber*, SUSAN J. FOWLER, (Feb. 19, 2017),  
<https://www.susanjowler.com/blog/2017/2/19/reflecting-on-one-very-strange-year-at-uber>.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

1 girlfriend was having an easy time finding new partners but he wasn't. He was trying to stay out of  
2 trouble at work, he said, but he couldn't help getting in trouble, because he was looking for women  
3 to have sex with."<sup>38</sup> Ms. Fowler felt it "was clear that he was trying to get [her] to have sex with  
4 him, and it was so clearly out of line that [she] immediately took screenshots of [the] chat messages  
5 and reported him to" Human Resources.<sup>39</sup> Uber Human Resources and "upper management" told  
6 her that "even though this was clearly sexual harassment and he was propositioning [her], it was this  
7 man's first offense, and that they wouldn't feel comfortable giving him anything other than a  
8 warning and a stern talking-to."<sup>40</sup> Upper management told her that her manager "was a high  
9 performer," so "they wouldn't feel comfortable punishing him for what was probably just an  
10 innocent mistake on his part."<sup>41</sup> Upper management told Ms. Fowler that she had two choices, join  
11 a new Uber team, or stay on her team, under the manager who propositioned her, but she "would  
12 have to understand that [the manager] would most likely give [her] a poor performance review when  
13 review time came around, and there was nothing [Human Resources] could do about that."<sup>42</sup> She  
14 was told that by Human Resources that if she chose to stick with the team she was on, that a poor  
15 review by her then manager wouldn't be retaliation because she had "been given an option."<sup>43</sup>  
16 Because working under a harassing manager was untenable to Ms. Fowler, she chose to switch  
17 teams.<sup>44</sup> She eventually learned, by talking to other women employees at Uber, that many of them  
18 had similar sexual-harassment stories and that the manager who sexually harassed her had sexually  
19 harassed others before he sexually harassed her.<sup>45</sup> That is, she learned that Human Resources and  
20 upper management had been mendacious with her. "Within a few months, [the harasser] was  
21 reported once again for inappropriate behavior, and those who reported him were told it was still his  
22 'first offense.' The situation was escalated as far up the chain as it could be escalated, and still  
23 nothing was done" by Uber.<sup>46</sup>

24 44. With the bad press Uber was getting because of the sexual assaults, Mr. Michael's

25 <sup>38</sup> *Id.*

26 <sup>39</sup> *Id.*

27 <sup>40</sup> *Id.*

28 <sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Fowler, *supra* note 52.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*



1 comments, and the Sarah Fowler affair, Uber realized it needed to appear that it was making changes  
2 and trying to eradicate its toxic-male culture, so it held a company-wide meeting to announce  
3 changes. At the meeting, when Uber announced that it was going to increase its diversity and  
4 sensitivity by adding a female board member, David Bonderman, another Uber board member,  
5 chimed in, announcing to the company that the addition of a woman to the board meant “it’s much  
6 likelier [there will] be more talking on the board.”<sup>47</sup> Uber’s “culture was poisoned from the very  
7 top.”<sup>48</sup> Indeed, John William Gurley was a longtime board member of Uber and a close confidant  
8 of Mr. Kalanick. He sat on his hands and watched silently as Uber put in place a culture and policies  
9 that have hurt many innocent women, including Plaintiffs.

10 45. In an attempt to buff its tarnished reputation, Uber also hired former Attorney  
11 General Eric Holder and his law firm, Covington & Burling LLP, to investigate Uber’s culture and  
12 work-place environment.<sup>49</sup>

13 46. During his investigation, as detailed in the publicly released “Holder Report,”  
14 Attorney General Holder uncovered “a winding, repetitive list of infractions that had occurred across  
15 hundreds of global offices, including sexual assault and physical violence.”<sup>50</sup>

16 47. Uber’s sexual-assault and harassment problems have become so big and so public  
17 that it has made pale and perfunctory attempts to act as though it is trying to confront them. In May  
18 2018, Uber acknowledged its “deeply rooted problem” of sexual assault. It proclaimed it was  
19 committed to solving the problem, stating that “we’re making some important changes today.”<sup>51</sup>  
20 Included in these “important changes” was Uber’s promise to publish a “safety transparency report  
21 that will include data on sexual assaults . . . that occur on the Uber platform.”<sup>52</sup>

22 48. Despite these promises, no data on sexual assaults for another year and a half.

23 49. When Uber finally released the report in December 2019, it was forced to

24 <sup>47</sup> Mike Isaac and Susan Chira, *David Bonderman Resigns From Uber Board After Sexist Remark*, N.Y. TIMES, June  
25 13, 2017, at A16 (available at <https://www.nytimes.com/2017/06/13/technology/uber-sexual-harassment-huffington-bonderman.html?hp=&action=click&pgtype=Homepage&clickSource=story-heading&module=inline&region=top-news&WT.nav=top-news>); Isaac, *supra* note 4,

26 <sup>48</sup> Isaac, *supra* note 4, at 280.

27 <sup>49</sup> Covington & Burling, LLP, *Covington Recommendations* (available at  
<https://drive.google.com/file/d/0B1s08BdVqCgrUVM4UHBpTGROlXM/view.>)

28 <sup>50</sup> Isaac, *supra* note 4, at 271.

<sup>51</sup> Uber, *Turning the Lights On*, <https://www.uber.com/newsroom/turning-the-lights-on/>.

<sup>52</sup> *Id.*

1 acknowledge that in 2018 alone there were 3,045 sexual assaults in the United States during Uber  
2 trips — 235 sexual assaults of the “most serious kind.”

3 50. Uber has not publicly disclosed any sexual assault data since that December 2019  
4 report. Tony West, Uber’s chief legal officer since October 2017 made, and continues to make, the  
5 decision of whether and when to release sexual assault data following Uber’s acknowledgement of  
6 its deeply rooted sexual assault problem. Mr. West continues to withhold the data that would alert  
7 Uber passengers and the public to the fact that sexual assaults by Uber drivers continue to occur at  
8 an unacceptable and alarming rate.

9 51. Uber became aware of its sexual assault problem long before it released the Holder  
10 report. Uber’s operations team “dealt with thousands of misconduct cases every year, including  
11 instances of sexual assault.”<sup>53</sup>

12 52. Uber “had so lowered the bar to become a driver that people who might have been  
13 prevented from driving in the official taxi industry could easily join Uber.”<sup>54</sup>

14 53. As described earlier, these decisions to lower the bar were made by Travis Kalanick  
15 and other officers, directors, and managing agents.

16 54. But it was not that Uber simply lowered the bar. It failed to take adequate steps to  
17 make its rides safe; it failed to provide everything necessary for safe transportation of its passengers.  
18 For example, Uber failed to install video cameras in the cars. Such a step would have chilled the  
19 wantonness of potential predators. It failed to provide an option in the Uber App that allowed female  
20 riders to select to be driven by female drivers. And it failed to adopt adequate training of its drivers  
21 on issues of sexual assault and sexual harassment. That is, it failed to provide adequately trained  
22 drivers. These policies to fail to make its rides safe were put in place by Travis Kalanick and other  
23 officers, directors, and managing agents of Uber.

24 55. Mr. Kalanick’s successor, Dara Khosrowshahi, continued the policy of not requiring  
25 third-party operated cameras in Uber vehicles.

26 56. Mr. Kalanick, Mr. Khosrowshahi, and other officers, directors, and managing agents  
27 of Uber knew that if they put cameras in cars less sexual assaults during Uber rides would occur.

28 <sup>53</sup> Issac, *supra* note 4, at 166.

<sup>54</sup> *Id.* at 177.

1 They knew that if they provided an option that would allow female passengers to choose to be driven  
2 by female drivers, fewer sexual assaults during rides would occur. They knew that if they better  
3 trained their drivers in sexual-assault prevention, less sexual assaults would occur during Uber rides.  
4 They intentionally refused to put these safety policies in place with actual and constructive  
5 knowledge that not putting these policies in place made it highly probable that harm to female Uber  
6 passengers would result.

7 57. Uber's response to the driver sexual assaults that were reported to the company also  
8 evidenced the conscious disregard of Uber executives, including Mr. Kalanick and Mr.  
9 Khosrowshahi. A 2019 Washington Post investigative piece revealed Uber maintained a three  
10 strikes policy for its drivers.<sup>55</sup> Investigators hired by Uber to investigate the more serious passenger  
11 complaints about drivers, such as drug use, physical violence, and sexual assault reported, "A driver  
12 would only be deactivated under three circumstances: 1) if it was the second or third reported  
13 offense; 2) if there is corroborative evidence like video or a police report; 3) if the driver admits to  
14 the assault."<sup>56</sup> Even with a three-strikes policy, Uber executives would make exceptions to keep  
15 dangerous drivers on the road. "For instance, a New York-area driver allegedly made three separate  
16 sexual advances on riders, said an investigator assigned to the case. After an executive overruled  
17 the investigator, the driver was allowed to continue working until a fourth incident, when a rider  
18 claimed he raped her."<sup>57</sup>

19 58. As Uber became more popular, more people realized Uber had so lowered the bar  
20 that people with checkered backgrounds could drive for Uber. People also realized that Uber had  
21 not provided everything necessary for safe rides, that is, everything that might make it more difficult  
22 to get away with sexual assaults, like video cameras in cars. In addition, they recognized Uber was  
23 at the same time marketing itself to women as a safe mode of transportation, including after drinking.  
24 Because of these factors, Uber became a magnet for sexual predators — men who knew that driving  
25 for Uber meant they would get to drive around intoxicated women late at night. These men started  
26 sexually assaulting women at alarming rates, as the Holder Report shows. And, as stated earlier,

27 <sup>55</sup> <https://www.washingtonpost.com/technology/2019/09/25/ubers-investigations-unit-finds-what-went-wrong-rides-its-never-companys-fault/>

28 <sup>56</sup> *Id.*

<sup>57</sup> *Id.*

1 Uber and its officers, directors, and managing agents — including Travis Kalanick — had actual  
2 knowledge that these sexual assaults were going on, on the platform and women were being hurt.  
3 But they did nothing. They failed to start screening drivers better and failed to place video cameras  
4 in cars. They intentionally refused to implement these safety measures despite actual knowledge of  
5 the problem, and these officers, directors, and managing agents — including Travis Kalanick — had  
6 actual or constructive knowledge that refusing to do so meant there was a high probability that more  
7 female passengers would be harmed, which is what ended up happening to Plaintiffs.

8  
9 **B. The Attack on Plaintiffs**

10 59. This suit arises from the serious harm Plaintiffs suffered (set forth in more detail  
11 below) as a result of the wrongful acts and omissions of Defendants.

12 **1. Jane Doe SSS 14**

13 60. On or about February 11, 2022, Plaintiff Jane Doe SSS 14 (“SSS 14”) requested an  
14 Uber through the Uber App in Chino Hills, California to take her safely to her destination. Rather  
15 than drive SSS 14 safely to her destination, the Uber driver drove around in circles, parked his  
16 vehicle and began sexually assaulting SSS 14 by placing his hands up Plaintiff’s dress to fondle and  
17 digitally penetrated her vagina while attempting to rape SSS 14. This disgusting and depraved attack  
18 by the Uber Driver humiliated, violated, and robbed SSS 14 of her dignity and personal safety.

19 61. By failing to take reasonable steps to confront the problem of multiple rapes and  
20 sexual assaults of Uber passengers by Uber drivers, Uber has acted in conscious disregard of the  
21 safety of its passengers, including SSS 14, has breached its duty of reasonable care, and has breached  
22 the implied and express covenants arising from its contract with its passengers.

23 62. The Uber driver who perpetrated the above-described assault, sexual assault, and/or  
24 attack on SSS 14 in the course and scope of his employment with Uber and while he was still under  
25 Uber’s direction and control. These acts caused Plaintiff pain and suffering that persists to this day.

26 63. The Uber driver was acting on behalf of, for the benefit of, at the direction of, and  
27 within the course and scope of employment with Uber and engagement by Uber. Uber provided the  
28 Uber driver with access to its ride-sharing app platform, a tool necessary for Uber drivers to perform  
the work Uber assigned. Uber, through the Uber App, directed the Uber driver regarding the location

1 of the pickup, time of the pickup, and routes for both the pickup of Plaintiff and transportation to  
2 her destination, and much more, as discussed below.

3 64. The Uber driver who assaulted SSS 14 was an agent or employee of Uber, which is  
4 a common carrier. His duties were directed at the comfort and protection of passengers in his car,  
5 including SSS 14.

6 65. Uber derived a monetary benefit from every ride assigned to said Uber driver through  
7 its app, including the Plaintiff's ride during which she was sexually harassed, sexually battered, and  
8 sexually assaulted.

9 **2. Jane Doe SSS 15**

10 66. On or about November 13, 2021, Plaintiff Jane Doe SSS 15 ("SSS 15") requested an  
11 Uber through the Uber App in Perris, California to take her to her destination in Corona, California.  
12 Rather than drive SSS 15 safely to her destination, the Uber driver drove SSS 15 to a location,  
13 stopped the vehicle, entered the back seat of the vehicle, and fondled SSS 15's breasts before  
14 overpowering her SSS 15 and raping her. This disgusting and depraved attack humiliated, degraded,  
15 violated, and robbed SSS 15 of her dignity and personal safety.

16 67. By failing to take reasonable steps to confront the problem of multiple rapes and  
17 sexual assaults of Uber passengers by Uber drivers, Uber has acted in conscious disregard of the  
18 safety of its passengers, including SSS 15, has breached its duty of reasonable care, and has breached  
19 the implied and express covenants arising from its contract with its passengers.

20 68. The Uber driver who perpetrated the above-described incident, assault, sexual  
21 assault, and/or attack on SSS 15 in the course and scope of his employment with Uber and while he  
22 was still under Uber's direction and control. These acts caused Plaintiff pain and suffering that  
23 persists to this day.

24 69. The Uber driver was acting on behalf of, for the benefit of, at the direction of, and  
25 within the course and scope of employment with Uber and engagement by Uber. Uber provided the  
26 Uber driver with access to its ride-sharing app platform, a tool necessary for Uber drivers to perform  
27 the work Uber assigned. Uber, through the Uber App, directed the Uber driver regarding the location  
28 of the pickup, time of the pickup, and routes for both the pickup of Plaintiff and transportation to  
her destination, and much more, as discussed below.

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70. The Uber driver whose actions resulted in SSS 15 being sexually harassed, sexually and/or sexually assaulted was an agent or employee of Uber, which is a common carrier. His duties were directed at the comfort and protection of passengers in his car, including SSS 15.

71. Uber derived a monetary benefit from every ride assigned to said Uber driver through its app, including SSS 15, the Plaintiff’s ride where she was sexually harassed and/or sexually assaulted.

**3. Jane Doe SSS 16**

72. On or about June 6, 2022, Plaintiff Jane Doe SSS 16 (“SSS 16”) requested an Uber through the Uber app to take her to her destination safely. Rather than drive SSS 16 safely to her destination, the Uber driver picked up SSS 16, convinced her to sit in the front seat, and drove her to her destination where Uber driver parked the vehicle and proceeded to forcefully fondle and kiss her and pulled down her pants to digitally penetrate and batter SSS 16. This disgusting and depraved attack frightened, humiliated, degraded, violated, and robbed SSS 16 of her dignity and personal safety.

73. By failing to take reasonable steps to confront the problem of multiple rapes and sexual assaults of Uber passengers by Uber drivers, Uber has acted in conscious disregard of the safety of its passengers, including SSS 16 has breached its duty of reasonable care, and has breached the implied and express covenants arising from its contract with its passengers.

74. The Uber driver who perpetrated the above-described assault, sexual assault, and/or attack on SSS 16 in the course and scope of his employment with Uber and while he was still under Uber’s direction and control. These acts caused Plaintiff pain and suffering that persists to this day.

75. The Uber driver was acting on behalf of, for the benefit of, at the direction of, and within the course and scope of employment with Uber and engagement by Uber. Uber provided the Uber driver with access to its ride-sharing app platform, a tool necessary for Uber drivers to perform the work Uber assigned. Uber, through the Uber App, directed the Uber driver regarding the location of the pickup, time of the pickup, and routes for both the pickup of Plaintiff and transportation to her destination, and much more, as discussed below.

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76. The Uber driver who assaulted SSS 16 was an agent or employee of Uber, which is a common carrier. His duties were directed at the comfort and protection of passengers in his car, including SSS 16.

77. Uber derived a monetary benefit from every ride assigned to said Uber driver through its app, including the Plaintiff’s ride during which she was sexually harassed and/or sexually assaulted.

**4. Jane Doe SSS 17**

78. On or about October 1, 2021, Plaintiff Jane Doe SSS 17 (“SSS 17”) ordered an Uber through the Uber app to take SSS 17 to her destination safely. Rather than take Plaintiff safely to her destination, the Uber driver began masturbating in the driver’s seat while SSS 17 sat in the passenger seat and proceeded to force SSS 17’s to perform oral sex on Uber driver while Uber driver held down SSS 17’s head. Uber driver then digitally penetrated SSS 17. This depraved and disgusting attack frightened, humiliated, degraded, violated, and robbed SSS 17 of her dignity and personal safety.

79. By failing to take reasonable steps to confront the problem of multiple rapes and sexual assaults of Uber passengers by Uber drivers, Uber has acted in conscious disregard of the safety of its passengers, including SSS 17, has breached its duty of reasonable care, and has breached the implied and express covenants arising from its contract with its passengers.

80. The Uber driver who perpetrated the above-described assault, sexual assault, and/or attack on SSS 17 in the course and scope of his employment with Uber and while he was still under Uber’s direction and control. These acts caused Plaintiff pain and suffering that persists to this day.

81. The Uber driver was acting on behalf of, for the benefit of, at the direction of, and within the course and scope of employment with Uber and engagement by Uber. Uber provided the Uber driver with access to its ride-sharing app platform, a tool necessary for Uber drivers to perform the work Uber assigned. Uber, through the Uber App, directed the Uber driver regarding the location of the pickup, time of the pickup, and routes for both the pickup of Plaintiff and transportation to her destination, and much more, as discussed below.

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82. The Uber driver who assaulted SSS 17 was an agent or employee of Uber, which is a common carrier. His duties were directed at the comfort and protection of passengers in his car, including SSS 1.

83. Uber derived a monetary benefit from every ride assigned to said Uber driver through its app, including the Plaintiff’s ride during which she was sexually harassed and/or sexually assaulted.

**5. Jane Doe SSS 18**

84. In or around September 18, 2021, Plaintiff Jane Doe SSS 18 (“SSS 18”) ordered an Uber through the Uber app to take SSS 18 to her destination safely. Rather than drive SSS 18 safely to her destination, the Uber driver began driving SSS 18 to her destination, stopped the vehicle, and began fondling SSS 18’s thighs while placing his hands on her neck to kiss her while attempting to digitally penetrate and rape her. This disgusting and depraved attack frightened, humiliated, degraded, violated, and robbed SSS 18 of her dignity and personal safety.

85. Rather than take Plaintiff safely to her destination, the Uber driver attempted to rape SSS 18. This depraved and disgusting attack frightened, humiliated, degraded, violated, and robbed SSS 18 of her dignity and personal safety.

86. By failing to take reasonable steps to confront the problem of multiple rapes and sexual assaults of Uber passengers by Uber drivers, Uber has acted in conscious disregard of the safety of its passengers, including SSS 18, has breached its duty of reasonable care, and has breached the implied and express covenants arising from its contract with its passengers.

87. The Uber driver who perpetrated the above-described assault, sexual assault, and/or attack on SSS 18 in the course and scope of his employment with Uber and while he was still under Uber’s direction and control. These acts caused Plaintiff pain and suffering that persists to this day.

88. The Uber driver was acting on behalf of, for the benefit of, at the direction of, and within the course and scope of employment with Uber and engagement by Uber. Uber provided the Uber driver with access to its ride-sharing app platform, a tool necessary for Uber drivers to perform the work Uber assigned. Uber, through the Uber App, directed the Uber driver regarding the location of the pickup, time of the pickup, and routes for both the pickup of Plaintiff and transportation to her destination, and much more, as discussed below.





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94. Given the heightened duty Uber has as a common carrier, to the extent it failed or refused to implement procedures, policies, and app functions that it knew or should have known would prevent assaults such as those suffered by Plaintiffs, as Plaintiffs have alleged herein, Uber is liable for the above-described tortious acts of its drivers, which caused harm to Plaintiffs.

95. Further, the heightened duty Uber has as a common carrier is a non-delegable duty. Under the common law, Uber has a non-delegable duty to safely transport its passengers from the place it picks them up to their destination. This duty cannot be delegated to Uber drivers. When an Uber driver assaults a passenger, Uber is liable for the driver's actions due to its non-delegable duty.

96. Uber drivers are largely nonprofessional, untrained, and use their own vehicles. Uber employs and engages its drivers, including Uber Driver, in traditional at-will relationships, in which:

- a. Uber has the discretion to fire its drivers for any reason and at any time; that is, Uber maintains the right to discharge its drivers at will, and without cause;
- b. Drivers are not charged a fee by Uber to apply to become employees;
- c. At all times relevant, there was no agreement between Uber and driver designating the driver as an independent contractor;
- d. Drivers are not charged a fee to download the app or to receive notifications from Uber that customers want rides;
- e. Fare prices for rides are set exclusively by Uber;
- f. Drivers have no input on fares charged to consumers;
- g. Drivers are not permitted to negotiate with consumers on fares charged;
- h. Uber can and does modify charges to consumers; for example, if Uber determines that a driver has taken a circuitous route to a destination;
- i. Uber takes a fee of every ride charged to a consumer;
- j. Uber retains control over customer-contact information;
- k. Uber controls its drivers' contacts with its consumer base and considers its consumer list to be proprietary information;
- l. In some instances, Uber controls the hours a driver works;
- m. Drivers are not permitted to answer passenger inquiries about booking future rides outside of the Uber App;

- n. Driving for Uber is not a specialized skill;
- o. Uber’s business model depends on having a large pool of non-professional drivers;
- p. Drivers must abide by a list of regulations to drive for Uber;
- q. Uber requires its drivers to pick up Uber customers on the correct side of the street;
- r. Uber forbids its drivers from talking on their cell phones while the drivers are driving customers;
- s. Uber tracks drivers’ speed and braking and sends drivers reports based on how many times the driver had to brake hard;
- t. Uber drivers are not allowed to ask Uber customers for their contact information;
- u. Drivers who reject too many ride requests risk facing discipline, including suspension or termination;
- v. Consumers give feedback on rides they have taken, and rate drivers on a scale from one to five stars. These ratings are used by Uber to discipline and terminate drivers; and
- w. Such other acts of control that discovery will show.

97. Uber actively markets itself as a safe company that provides safe rides. Both before 2014 and after, Uber actively and aggressively marketed the supposed safety of its transportation services. These efforts continue to this day, and include email messages sent to every Uber customer, including Plaintiffs.

98. Over the years, Uber has launched a number of marketing campaigns specifically marketing its transportation services to, among others, young women too intoxicated to drive.

99. Uber represented to its customers, including Plaintiffs, on its website all of the following:

- a. “How we help keep you safe – We’re committed to helping you get where you want to go with confidence, whether it’s building emergency features in the app or making it easy for you to check your ride.”
- b. “Ride with confidence – The Uber experience was built with safety in mind. Through incident prevention tools, insurance coverage, and technology that keeps you connected, we’re dedicated to helping you move safely and focus on what matters most.”

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- c. “Ride with confidence – Designing a safer ride – driver screenings – All potential drivers in the US must complete a screening before becoming an Uber driver-partner, and current drivers continue to be vetted for criminal offenses.”
- d. “Ride with confidence – Designing a safer ride – On every trip, you can tap a button for safety tools and get help whenever you need it.”
- e. “Ride with confidence – Designing a safer ride – An inclusive community – Through our joint efforts with cities and safety experts and by working together, we’re helping to create safe journeys for everyone.”
- f. “Our commitment to safety – You deserve to be able to move safely. To look forward to the opportunities ahead. To be connected to people and places that matter most. Which is why we’re focused on your safety, from setting new standards to developing technology with the goal of reducing incidents.”
- g. “How safety is built into your experience – Safety features in the app – Tap a button for emergency assistance. Share your trip details with loved ones. Our technology helps put peace of mind at your fingertips.”
- h. “How safety is built into your experience – An inclusive community – Millions of riders and drivers share a set of Community Guidelines, holding each other accountable to do the right thing.”
- i. “How safety is built into your experience – Coverage on every trip – We’ve put insurance from leading companies in place for every ride.”
- j. “Building safer journeys for everyone – Rider safety – Uber driver-partners in the US go through a multi-point screening check for their driving and criminal history before they are authorized to take trips through the app. Every rider has access to safety features built into the app and a support team if you need them.”
- k. “The future of safety – More than 200 Uber employees, from researchers and scientists to designers and engineers, are focused on building technology that puts safety at the heart of your experience.”

1 1. “Safe rides around the clock – Affordable, reliable transportation can help make roads  
2 safer. Need a late-night ride and can’t drive yourself? Request a ride with Uber.”

3 100. Uber actively and publicly markets its transportation services to be safe and reliable  
4 services.

5 101. Uber has cultivated an image among its customers of safety and superiority to public  
6 transportation and traditional taxis. Because of aggressive marketing, most Uber customers are  
7 generally unaware of the real risks associated with Uber rides and continue to believe a ride with  
8 Uber is a safer and better alternative.

9 102. In 2016, Uber agreed to pay \$28.5 million to settle a class action lawsuit over its  
10 fraudulent marketing of its security screening as “industry-leading.”

11 103. Riders, including Plaintiffs, reasonably rely on Uber’s representations and promises  
12 regarding safety and security measures. Riders, including Plaintiffs, choose to ride with Uber as a  
13 result of this reliance.

14 104. Uber markets its ride hailing service to female riders as a safer alternative to  
15 traditional taxis.

16 105. Uber advertised, “driving change for women’s safety” on its website to specifically  
17 represent and promote women’s safety while using Uber, which states “[s]exual assault and gender-  
18 based violence don’t belong anywhere in our communities, which is why Uber is committed to help  
19 stop incidents before they happen”.

20 106. In 2015, Uber released a report with Mothers Against Drunk Driving “MADD” that  
21 states “The Uber App was created to ensure reliable access to safe rides.” The report states that with  
22 Uber, intoxicated persons can find “a safe, reliable ride home” that is “always within reach.”<sup>59</sup>

23 107. The safe image that Uber aggressively cultivates suggests to customers, including  
24 Plaintiff, which riding while intoxicated with Uber is safe. Uber does not inform riders, like  
25 Plaintiffs, that hailing a ride after drinking puts riders in peril from the drivers themselves. By  
26 marketing heavily to young women who have been drinking, and promising safe rides, Uber puts  
27 riders in peril.

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<sup>59</sup> Uber and MADD Report, “More Options. Shifting Mindsets. Driving Better Choices,” January 2015.

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108. Uber knew its representations and promises about rider safety were false and misleading yet continued to allow riders to believe in the truth of these representations and promises and continued to profit from riders’ reliance on those representations and promises.

109. Unfortunately, an Uber driver sexually assaulting a passenger is not an isolated or rare occurrence. A safety report Uber released in December 2019, showed there were thousands of sexual assaults during Uber rides in 2018 alone.<sup>60</sup> Tony West, Uber’s Chief Legal Officer, said in response to that report, the “numbers are jarring and hard to digest.”<sup>61</sup>

110. Uber employs a vast network of drivers. But, at all relevant times, Uber provided its drivers with inadequate training regarding sexual assault, sexual relations, sexually inappropriate behavior, sensitivity, and customer relations.

111. Uber has also provided inadequate background checks and screening of its drivers. Among other things, it does not fingerprint its drivers, it does not run the applicant drivers against all available public databases, and it does not do international background checks.

112. Uber lobbies state and local governments to limit what is required of Uber with respect to driver background checks. Uber also lobbies local government entities to continue allowing Uber to perform its own background checks of its driver applicants, rather than municipalities performing the more stringent screening they do for traditional taxi drivers.

113. Uber has successfully persuaded lawmakers in several states, including California, to keep background check requirements for its drivers limited.

114. As a direct result of Uber’s lobbying efforts, those entities largely self-enforce hiring standards for their drivers. Whereas, in cities where municipalities perform the screening, such as in Houston, Texas and Seattle Washington, hundreds of driver applicants Uber approved are ultimately rejected by the municipality.

115. Even where authorized to do so, Uber generally does not perform driver background checks and instead outsource the checks to a third-party vendor that often limits the extent of its background check and that does not verify the information provided by the applicant is accurate or complete. The turnaround time for an Uber background check is often under 36 hours.

<sup>60</sup> New York Times, “Uber says 3,045 sexual assaults were reported in U.S. rides last year,” December 5, 2019.

<sup>61</sup> *Id.*

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116. The application process to become an Uber driver is simple, fast, and designed to allow the company to hire as many drivers as possible while incurring minimal associated costs. Uber fought for and implemented a less robust hiring process knowing it would be at the expense of passenger safety.

117. Although Uber claims its drivers are not employees, Uber engages its drivers as part of its business and the Uber drivers are charged with the responsibility of safely transporting Uber passengers to their destination.

118. Unfortunately, an Uber driver sexually assaulting a passenger is not an isolated or rare occurrence. A safety report Uber released in December 2019, showed there were thousands of sexual assaults during Uber rides in 2018 alone.<sup>62</sup> Tony West, Uber’s Chief Legal Officer, said in response to that report, the “numbers are jarring and hard to digest.”<sup>63</sup>

119. Uber employs a vast network of drivers. But, at all relevant times, Uber provided its drivers with inadequate training regarding sexual assault, sexual relations, sexually inappropriate behavior, sensitivity, and customer relations.

120. Uber has also provided inadequate background checks and screening of its drivers. Among other things, it does not fingerprint its drivers, it does not run the applicant drivers against all available public databases, and it does not do international background checks.

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122. Uber has successfully persuaded lawmakers in several states, including California, to keep background check requirements for its drivers limited.

123. As a direct result of Uber’s lobbying efforts, those entities largely self-enforce hiring standards for their drivers. Whereas, in cities where municipalities perform the screening, such as in Houston, Texas and Seattle Washington, hundreds of driver applicants Uber approved are ultimately rejected by the municipality.

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<sup>62</sup> New York Times, “Uber says 3,045 sexual assaults were reported in U.S. rides last year,” December 5, 2019.  
<sup>63</sup> *Id.*

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124. Even where authorized to do so, Uber generally does not perform driver background checks and instead outsource the checks to a third-party vendor that often limits the extent of its background check and that does not verify the information provided by the applicant is accurate or complete. The turnaround time for an Uber background check is often under 36 hours.

125. The application process to become an Uber driver is simple, fast, and designed to allow the company to hire as many drivers as possible while incurring minimal associated costs. Uber fought for and implemented a less robust hiring process knowing it would be at the expense of passenger safety.

126. Although Uber claims its drivers are not employees, Uber engages its drivers as part of its business and the Uber drivers are charged with the responsibility of safely transporting Uber passengers to their destination.

**DELAYED DISCOVERY AND FRAUDULENT CONCEALMENT**

127. The discovery rule applies to toll the running of the statute of limitations until Plaintiffs knew, or through the exercise of reasonable care and diligence, should have known of the existence of their claim against Uber.

128. Plaintiffs were not aware of the foreseeability of the sexual assault they endured because Uber intentionally concealed the fact that Uber drivers had been regularly sexually assaulting women since at least 2014 and instead represented that Uber was a safe mode of transportation.

129. A reasonable investigation by Plaintiffs at the time of their sexual assault would not have revealed the factual basis of their causes of action against Uber. This is because Uber, through marketing and more, took actions to conceal that its drivers regularly and frequently assaulted women. This is also because Uber has publicly claimed that it does not control its drivers and that its drivers are not Uber employees. As such, despite reasonable diligence, Plaintiffs were unable to discover Uber's negligent or wrongful conduct, which brought about or contributed to bringing about the sexual assault suffered.

130. Furthermore, the running of any statute of limitations has been equitably tolled by reason of Uber's intentional representations and fraudulent concealment and conduct.



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131. Through its affirmative misrepresentations and omissions, Uber actively concealed from Plaintiffs the true risks associated with using the Uber App and riding in an Uber, specifically, the risk of being kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked.

132. As a result of Uber’s actions, Plaintiffs were unaware, and could not reasonably know or have learned through reasonable diligence that Uber could be held liable for the risks its drivers posed as alleged herein and that those risks were the direct and proximate result of Uber’s acts and omissions.

133. Plaintiffs did not learn of Uber’s negligent or wrongful cause in bringing about the sexual assault until after they saw advertisements for legal help, so their claims are not time barred.

134. Furthermore, Uber is estopped from relying on any statute of limitations because of its concealment of the truth about its failure to adequately employ measures to ensure the safety of its passengers. Uber had a duty to disclose the true character, quality and nature of its background checks and the incidence of Uber drivers sexually assaulting or otherwise attacking passengers, because this was non-public information over which Defendants had, and continue to have, exclusive control, and because Defendants knew this information was not available to Plaintiffs, Uber passengers/customers, and/or the general public.

**CAUSES OF ACTION**

**COUNT ONE– GENERAL NEGLIGENCE**

*(As to all Plaintiffs)*

135. The preceding paragraphs of this Complaint are incorporated by reference.

136. By providing transportation to the general public using its application and network of drivers, Uber owed a duty to act with due and reasonable care towards the public and in particular its own passengers, including Plaintiffs.

137. Uber has been on notice that its drivers have been sexually harassing, sexually assaulting, and raping its passengers since at least 2014. Uber was aware or should have been aware that some Uber drivers would continue to sexually assault, stalk, harass, kidnap, physically assault, rape, and/or otherwise attack their vulnerable Uber patrons and passengers.

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138. Since learning of the sexual assaults perpetrated by its drivers, Uber never adapted or improved its safety procedures in any meaningful way.

139. Uber does not require video monitoring of its drivers that cannot be turned off, nor does it provide emergency notification to Uber and the authorities when a driver drastically veers off course from the passenger’s destination, abruptly cancels the ride, or ends the ride at the intended destination but GPS data indicates the passenger remains in the car for a significant period of time.

140. At all times relevant, Uber was well aware of the dangers its drivers posed, yet it still induced, and continues to induce, the public, including Plaintiffs, to rely on Uber as a safe means of transportation. In doing so, Uber failed to warn passengers, including Plaintiffs, of the possibility of being kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver.

141. At the time Plaintiffs were assaulted, Uber did not require sexual harassment/assault training for its drivers, nor did it have any policies in place for immediate termination if a driver engages in sexual misconduct.

142. Uber does not cooperate with the police when a driver commits an illegal sexual attack on its passengers. Despite having the express right to disclose driver information at Uber’s sole discretion, Uber requires that extensive standards be met before the company will even consider law enforcement requests for information. Even after a report of sexual assault has been made, Uber generally requires a subpoena before it will release information. Uber’s policy of noncooperation discourages police agencies from making recommendations to District Attorneys’ offices to file complaints against Uber drivers and provides Uber’s predatory drivers with tacit assurance that their illegal attacks will not be detected by law enforcement.

143. When hiring new drivers, Uber does not verify driver identities with biometric background checks. Uber does not correct for false negatives created by its name-based screening procedures. Uber does not provide industry-standard background checks which would provide the most comprehensive means of screening applicant drivers. Uber does not invest in continuous monitoring of its drivers and is not immediately alerted when one of its drivers is implicated in criminal acts.

1 144. Uber does not have a consistent, reliable system for addressing passenger reports of  
2 sexual assault by its drivers and continues to let dangerous predators drive for and earn money for  
3 Uber.

4 145. For the above reasons and others, Uber breached its duty of reasonable care to  
5 Plaintiffs.

6 146. As a legal and direct result of Uber’s aforementioned conduct and omissions,  
7 Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked,  
8 harassed, and/or otherwise attacked by an Uber Driver, which humiliated, degraded, violated, and  
9 robbed Plaintiffs of their dignity and personal safety. The assaults on Plaintiffs caused them to suffer  
10 psychological and physical harm from which some or all may never fully recover.

11 147. As a direct and legal result of Uber’s general negligence, Plaintiffs suffered damages,  
12 both economic and general, non-economic damages, according to proof.

13 **COUNT TWO – NEGLIGENT HIRING, SUPERVISION, AND RETENTION**

14 *(As to all Plaintiffs)*

15 148. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
16 allegations.

17 149. Uber engaged and retained or otherwise employed Uber drivers who sexually  
18 assaulted, stalked, harassed, kidnapped, physically assaulted, raped, and/or otherwise attacked  
19 Plaintiffs as described above.

20 150. Uber did not interview, check the references of, provide training to, or advise the  
21 Uber drivers of any anti-sexual assault policies when hiring them. Uber had no reasonable basis for  
22 believing Uber drivers in general were fit to drive vulnerable women around, particularly at night,  
23 and failed to use reasonable care in determining whether each driver was fit for the task. Uber  
24 should have known of the unfitness of the Uber drivers involved in the assaults described herein but  
25 failed to use reasonable care to discover their unfitness and incompetence.

26 151. Despite failing to reasonably endeavor to investigate the incompetence of Uber  
27 drivers, including the ones who harmed Plaintiffs, for transporting vulnerable and or intoxicated  
28 women late at night in a moving vehicle, Uber hired said drivers to do exactly that.

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152. Uber knew or should have known that assigning the task of transporting vulnerable passengers late at night to an inadequately screened driver created an unreasonable risk of harm to Uber’s passengers, including Plaintiffs, particularly when Uber had been on notice of the string of sexual assaults committed by Uber’s drivers.

153. Uber failed to employ measures to adequately supervise its drivers.

154. Uber failed to adequately record, investigate, and respond to passenger reports of unsafe conduct such as sexual harassment and sexual assault by Uber drivers.

155. Uber was negligent in failing to terminate drivers it knew or reasonably should have known were a threat to passengers, including but not limited to Plaintiffs and other vulnerable female passengers traveling alone.

156. The Uber drivers who assaulted Plaintiffs were, and/or became, unfit to perform the work for which they were hired as they improperly and illegally took advantage of Plaintiffs when they attempted to use the service for a safe ride to their destinations, thereby causing psychological and or physical harm.

157. Because of the Uber drivers’ unfitness to perform the task of transporting Plaintiffs, Plaintiffs were sexually assaulted, harassed, sexually battered, raped, falsely imprisoned, and/or otherwise attacked which humiliated, degraded, violated, and robbed Plaintiffs of their dignity and personal safety.

158. Uber’s negligence in hiring, retaining, and or supervising Uber drivers, including the drivers who harmed Plaintiffs, caused Plaintiffs to be kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by their Uber drivers, which humiliated, degraded, violated, and robbed Plaintiffs of their dignity and personal safety. The depraved attacks on Plaintiffs caused Plaintiffs to suffer both physical and or psychological harm from which some may never fully recover.

159. As a direct and legal result of Defendants’ negligent supervision, hiring, and retention of Uber drivers, including the drivers who harmed Plaintiffs, Plaintiffs have suffered damages, both economic and general, non-economic damages according to proof.

**COUNT THREE – COMMON CARRIER NEGLIGENCE**

*(As to all Plaintiffs)*

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3 160. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
4 allegations.

5 161. At the time Plaintiffs were falsely imprisoned and sexually assaulted, Uber was a  
6 common carrier as it provided transportation to the general public.

7 162. Uber provides transportation through a digital application made available to the  
8 general public for the purpose of transporting its users, the passengers, from place to place for profit.  
9 Uber has widely offered its services to the general public and charges standard fees for its services  
10 through its application. Uber does not allow discrimination against passengers on the basis of race,  
11 color, national origin, religion, gender, gender identity, physical or mental disability, medical  
12 condition, marital status, age, or sexual orientation. Any member of the public can use Uber’s  
13 services for transportation.

14 163. As a common carrier, Uber must carry its passengers, including Plaintiffs, safely.

15 164. Uber has a duty to employ the utmost degree of care and diligence that would be  
16 expected of a very cautious company. Uber has a duty to do all that human care, vigilance, and  
17 foresight reasonably can do under the circumstances to avoid harm to passengers, including  
18 Plaintiffs.

19 165. Uber must use reasonable skill to provide everything necessary for safe  
20 transportation, in view of the transportation used and the practical operation of the business.

21 166. Despite complaints to Uber of sexual assaults committed by Uber drivers and  
22 lawsuits against Uber for sexual assault, Uber has failed to implement safety precautions that would  
23 adequately address its sexual assault problem.

24 167. Uber does not provide a consistent and reliable way for passengers to report sexual  
25 abuse and rape.

26 168. Uber does not warn passengers of the dangers of riding with Uber and fails to warn  
27 passengers of past complaints regarding Uber drivers.

28 169. Uber does not have an effective program in place to deal with the sexual predator  
crisis posed by some of its drivers.

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170. Uber knows its female passengers are in a uniquely vulnerable situation enclosed in a moving vehicle and that a subset of its drivers are sexual predators.

171. Uber has not exercised reasonable care to protect its passengers from harassment, assault, and rape by Uber’s drivers.

172. Uber has not exercised the utmost degree of care in order to protect its passengers from the danger posed by sexual predators who drive for Uber. If Uber had used the highest degree of care, Uber could have prevented or dramatically reduced the likelihood of the sexual assault of its passengers, including Plaintiffs.

173. Uber failed to safely transport Plaintiffs.

174. Uber failed to use the utmost care and vigilance to protect Plaintiffs from its own drivers who sexually assaulted, stalked, harassed, kidnapped, physically assaulted, raped, and/or otherwise attacked Plaintiffs while they were being transported by Uber.

175. Uber failed to take reasonable precautions to protect its vulnerable female passengers, including Plaintiffs, from the foreseeable and known risk of sexual assault, harassment and/or rape by its drivers. If Uber had used the highest degree of care, Uber could have prevented or reduced the likelihood of the sexual assault of its passengers, including Plaintiffs.

176. As a legal and direct result of the aforementioned conduct and omissions of Uber, Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver, which humiliated, degraded, violated, and robbed Plaintiffs of their dignity and personal safety. The depraved attack on Plaintiffs caused Plaintiffs to suffer both physical and or psychological harm from which some or all may never fully recover.

177. As a direct and legal result of Uber’s negligence as a common carrier, Plaintiffs have suffered damages, both economic and general, non-economic damages according to proof.

**COUNT FOUR – NEGLIGENT FAILURE TO WARN**

*(As to all Plaintiffs)*

178. Plaintiffs hereby incorporate by reference the preceding causes of action and factual allegations.

1           179. Uber’s conduct created a risk of physical or emotional harm to its passengers,  
2 including Plaintiffs.

3           180. In operating its business, Uber knew and had reason to know that its passengers were  
4 at risk of sexual assault and abuse by Uber’s drivers since at least 2014. Since then, Uber has  
5 received frequent passenger complaints about driver misbehavior, has been notified of police  
6 investigations of drivers’ criminal conduct while acting within their capacity as Uber drivers, and  
7 has been the subject of numerous civil suits alleging the sexual harassment and sexual assault of  
8 Uber’s passengers by Uber’s drivers.

9           181. Despite the knowledge of the danger its enterprise created, Uber prioritized profits  
10 over passenger safety and did not alert its passengers, including Plaintiffs, to the risk of sexual  
11 assault by Uber drivers. In fact, Uber continued to market itself as a service that provides “safe”  
12 rides, even to unaccompanied and/or intoxicated passengers, knowing sufficient measures had not  
13 been employed to keep passengers safe from being sexually assaulted.

14           182. Uber itself represented to its passengers that riding with Uber is safe, implying it is  
15 free of risk from sexual assault.

16           183. Uber did not warn that its criminal background checks of Uber drivers were limited,  
17 nor did it warn that it sometimes allows drivers to continue driving for Uber even after a passenger  
18 report to Uber she was sexually assaulted.

19           184. Uber had reason to know that passengers would be unaware of the risk of sexual  
20 assault by Uber drivers.

21           185. A warning to its passengers that they were at risk of sexual assault by Uber drivers  
22 would have reduced the risk of harm to passengers, including Plaintiffs, who could have arranged  
23 for alternative transportation or taken additional safety precautions and avoided the assaults they  
24 suffered at the hands of Uber drivers.

25           186. Plaintiffs would not have ridden alone in an Uber had Uber provided an adequate  
26 warning regarding the risk of being kidnapped, sexually assaulted, sexually battered, raped, falsely  
27 imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver.

28           187. As a legal and direct result of Uber’s aforementioned conduct and omissions,  
Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked,

1 harassed, and/or otherwise attacked by an Uber driver, which humiliated, degraded, violated, and  
2 robbed Plaintiffs of their dignity and personal safety. The depraved attacks on Plaintiffs caused  
3 Plaintiffs to suffer both physical and or psychological harm from which some or all may never fully  
4 recover.

5 188. As a direct and legal result of Defendants’ negligent failure to warn, Plaintiffs have  
6 suffered damages, both economic and general, non-economic damages, according to proof.

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8 **COUNT FIVE – VICARIOUS LIABILITY/**  
9 **LIABILITY FOR THE TORTS OF UBER’S DRIVERS**  
10 *(As to all Plaintiffs)*

11 189. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
12 allegations.

13 190. Uber is vicariously liable for the torts of its drivers through the theories of *respondeat*  
14 *superior*, nondelegable duties, agency, and ostensible agency. Uber’s liability for the acts of its  
15 drivers is not contingent upon the classification of its drivers as employees.

16 191. Under the doctrine of *respondeat superior*, Uber is responsible for the torts of its  
17 employees committed within the scope of employment. The modern rationale for the theory is that  
18 an employer who profits from an enterprise which, through the torts of his employees, causes harm  
19 to others should bear the costs of the injury instead of the innocent injured Plaintiffs.

20 192. Uber profits from transporting vulnerable passengers late at night. Uber encourages  
21 intoxicated passengers to use its services. At the same time, Uber does not take reasonable steps to  
22 protect its passengers or warn them of the dangers of riding with Uber. Uber should bear the costs  
23 of injuries that result from torts such as sexual assault, kidnapping, and rape, not the victims of  
24 Uber’s negligence, willful wrongdoing and intentional omissions made at the expense of passenger  
25 safety.

26 193. Uber drivers are employees and agents of Uber. Uber reserves the right to control  
27 the activities of Uber drivers. Uber controls the prices charged to customers, controls contact with  
28 the customer base, controls the ability of a driver to see where he will be driving before he accepts  
a ride, and reserves the right to terminate drivers with or without cause.



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194. The kidnapping, sexually assault, sexually battery, rape, falsely imprisonment, stalking, harassment, and/or other attack Plaintiffs suffered was perpetrated by Uber Drivers within the scope of their employment and authority. The kidnapping, sexual assault and/or rape of intoxicated and unaccompanied women who have been placed in an improperly screened Uber driver’s car with little to no supervision is incidental to and a foreseeable result of the act of transporting passengers.

195. Uber may maintain that its drivers are contractors and not employees. Nevertheless, whether Uber drivers are characterized as contractors, employees or agents, Uber has a non-delegable duty to transport its passengers safely.

196. The doctrine of nondelegable duty recognizes that for public policy reasons, certain duties cannot be delegated to a third party. It operates to ensure that when a harm occurs the injured party will be compensated by the party whose activity caused the harm and who may therefore properly be held liable for the acts of his agent, whether the agent was an employee or an independent contractor. The doctrine recognizes that an entity may not delegate its duties to a contractor in order to evade its own responsibilities. This is especially so when allowing delegation would incentivize the employers to hire incompetent contractors in order to further the employer’s pecuniary interests.<sup>64</sup>

197. In advertising to passengers, including Plaintiffs, that Uber provides them a safe ride to their destinations, and by profiting off women who use Uber for that very purpose but then are attacked, Uber has a duty to its passengers that cannot be delegated. To allow Uber to delegate the liability for the assaults committed by its drivers to anyone else would encourage Uber to continue to utilize the cheapest, fastest, and most haphazard safety procedures. Uber would be disincentivized from hiring only competent drivers, since the more drivers Uber has, the more money Uber makes.

198. Further, Uber drivers act as agents of and operate as extensions of Uber. Uber drivers represent Uber’s business and further Uber’s pecuniary interests.

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<sup>64</sup> See, for example, *Barry v. Raskov* (Ct. App. 1991) 232 Cal. App. 3d 447, 454, where the court recognized that allowing a broker to delegate the liability for the fraudulent torts of its contractor property appraiser would incentivize the broker to hire potentially insolvent contractors, to the detriment of the public.

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199. Uber drivers display the Uber logo when interacting with passengers, and in many cases Uber drivers are the only people with whom Uber’s passengers have direct contact. Uber drivers provide the service that Uber claims to provide-- transportation.

200. By allowing Uber drivers to represent Uber’s business, Uber creates the impression that its drivers, including Uber Driver, were Uber’s employees and/or agents.

201. Plaintiffs reasonably believed that their Uber driver was an employee or agent of Uber, and, relying on this belief, got in a vehicle with him in exchange for a fee and suffered harm as a result of their contact with the driver.

202. For these reasons and others, Uber is vicariously liable for the tortious acts of its drivers, regardless of whether Uber’s drivers are employees, agents, apparent agents, or contractors of Uber.

203. As a direct and legal result of the Uber driver’s tortious conduct, Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked which humiliated, degraded, violated, and robbed Plaintiffs of their dignity and personal safety. The depraved attacks on Plaintiffs caused Plaintiffs to suffer both physical and psychological harm from which some or all may never fully recover.

204. As a direct and legal result of Uber Drivers’ tortious conduct for which Uber is legally liable, Plaintiffs have suffered economic and general, non-economic damages according to proof.

**COUNT SIX – VICARIOUS LIABILITY FOR SEXUAL ASSAULT**

*(As to all Plaintiffs)*

205. Plaintiffs hereby incorporate by reference the preceding causes of action and factual allegations.

206. At the times each Plaintiff was sexually assaulted, the Uber Driver involved intended to cause harmful and offensive contact with Plaintiffs and Plaintiffs were in reasonable apprehension of imminent, harmful, and offensive contact. The Uber drivers involved in each assault intentionally and recklessly did acts which placed Plaintiffs in apprehension of imminent harm, including being sexual assaulted, battered and/ or raped.

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207. These Uber drivers committed these tortious and wrongful acts while acting in the course and scope of their employment with Uber as an employee/agent of Uber. Therefore, Uber is liable for the Uber drivers’ sexual assaults of Plaintiffs and is responsible for damages caused by said conduct under the principles of vicarious liability, including the doctrine of *respondeat superior*. Even if the Uber drivers had not been employees, Uber’s duty to provide transportation free of assault is nondelegable, and Uber is liable for its drivers’ actions, because to allow Uber to delegate its duty of providing the safe transportation it promises would incentivize Uber to create a greater risk of harm to the public.

208. For these reasons and others, Uber is vicariously liable for the sexual assaults Plaintiffs suffered at the hands of their respective Uber driver.

209. As a direct and legal result of the Uber drivers’ sexual assaults, Plaintiffs were humiliated, degraded, violated, and robbed of their dignity and personal safety. The depraved attacks on Plaintiffs caused Plaintiffs to suffer both physical and psychological harm from which some or all may never fully recover.

210. As a direct and legal result of the Uber drivers’ sexual assault for which Uber is vicariously liable, Plaintiffs have suffered economic and general, non-economic damages according to proof.

**COUNT SEVEN – SEXUAL BATTERY**  
*(As to all Plaintiffs)*

211. Plaintiffs hereby incorporate by reference the preceding causes of action and factual allegations.

212. In the instance of each above-referenced Plaintiff, the Uber driver involved made harmful and offensive contact with the Plaintiff. None of the Plaintiffs consented to the contact. Plaintiffs were each harmed and offended by the respective Uber drivers’ contact. The Uber drivers intentionally and recklessly committed acts that resulted in harmful contact with the respective Plaintiff’s person, including but not limited to sexual molestation and or penetration, touching of a sexual body part without consent, touching of Plaintiff in a sexual manner, forced kissing without consent, and or forcing Plaintiff to touch the drivers in a sexual manner.



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221. At the time Plaintiffs were kidnapped, sexually assaulted, sexually battered, falsely imprisoned, stalked, harassed, and/or otherwise attacked, they had downloaded the Uber application and had an account with Uber.

222. Uber represented to Plaintiffs and the general public that safety was Uber's top priority, and it was Uber's goal to make every ride safe, comfortable, and reliable. At the same time, Uber already knew that a number of its drivers had preyed on vulnerable female passengers by sexually molesting, assaulting and/or raping them.

223. Uber made intentional misrepresentations of fact to all users of the Uber app, including Plaintiffs, which were known by Uber to be false including the false statements Uber made, stating it would provide Plaintiffs with a safe ride to their destinations.

224. These representations regarding safety were made to Uber customers, including Plaintiffs, through periodic emails Uber sent to its customers, social media advertisements, and Uber's own website and app. Plaintiffs relied upon several advertisements and statements wherein Uber proclaimed it would provide a safe ride. Plaintiffs read Uber's self-promoting statements regarding safety both before and after Plaintiffs were sexually assaulted, harassed, sexually battered, falsely imprisoned, and/or otherwise attacked by their Uber drivers.

225. Prioritizing profits over passenger safety, Uber made these intentional misrepresentations of material fact to induce women, including Plaintiffs, into using Uber's services.

226. Uber made these representations to Plaintiffs and the general public despite knowing it had chosen not to take the measures necessary to provide a safe ride to her intended destination and as a result, continued sexual assault of its passengers by its drivers was a foreseeable occurrence.

227. Uber made these representations to induce women, like Plaintiffs, into using Uber's services and to derive profit from women like Plaintiffs.

228. In ordering and getting into an Uber vehicle, Plaintiffs reasonably relied on Uber's representations that it would get them safely to their destination.

229. In trusting and relying on Uber's representations, Plaintiffs were placed in a uniquely vulnerable position that was taken advantage of by Uber drivers who kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked Plaintiffs.

1           230. As a legal result of Uber’s intentional misrepresentations, Plaintiffs were kidnapped,  
2 sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise  
3 attacked by an Uber driver which humiliated, degraded, violated, and robbed Plaintiffs of their  
4 dignity and personal safety. The depraved attacks on Plaintiffs caused Plaintiffs to suffer both  
5 physical and psychological harm from which some or all may never fully recover.

6           231. As a legal result of Uber’s intentional misrepresentations, Plaintiffs have suffered  
7 damages, both economic and general, non-economic damages according to proof.

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9                                   **COUNT TEN – NEGLIGENT MISREPRESENTATION**

10                                  *(As to all Plaintiffs)*

11           232. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
12 allegations.

13           233. Uber represented to Plaintiffs and the general public that safety is Uber's top priority,  
14 and that it is Uber's goal to make every ride safe, comfortable, and reliable. At the time of the  
15 assaults alleged herein, Uber knew that a number of its drivers had previously preyed on vulnerable  
16 female passengers by sexually molesting, assaulting, and/or raping them.

17           234. Uber continued to represent that its services were safe to further Uber’s own  
18 pecuniary interests.

19           235. In representing to its customers/users that its services were safe, Uber had a duty to  
20 provide correct and accurate information about the actual safety of its services.

21           236. Uber knew or should have known that it could not provide the safe ride that it  
22 represented it could.

23           237. Knowing of the incidence of sexual assault of its passengers by its drivers and  
24 knowing that Uber had not implemented adequate precautions, Uber had no reasonable grounds for  
25 believing that it could provide Plaintiffs and other passengers a safe ride home as represented.

26           238. In getting into the Uber, Plaintiffs reasonably relied on Uber's representations that it  
27 would get them safely to their intended destination.

28           239. In trusting and relying on Uber's representations, Plaintiffs were placed in a uniquely  
vulnerable position that was taken advantage of by an Ubers employee, an Uber driver, who

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kidnapped, sexually assaulted, sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked Plaintiffs.

240. As a legal result of Uber’s aforementioned conduct, Plaintiffs were sexually assaulted, harassed, sexually battered, raped, falsely imprisoned, stalked, kidnapped, and/or otherwise attacked by their Uber driver, which humiliated, degraded, violated, and robbed them of their dignity and personal safety. The depraved attacks on Plaintiffs caused them to suffer both physical and psychological harm from which some may never fully recover.

241. As a legal result of Uber’s negligent misrepresentations, Plaintiffs have suffered damages, both economic and general, non-economic damages according to proof.

**COUNT ELEVEN – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

*(As to all Plaintiffs)*

242. Plaintiffs hereby incorporate by reference the preceding causes of action and factual allegations.

243. For several years prior to each Plaintiff being sexually assaulted by an Uber driver, Uber was fully aware that other female passengers had been sexually assaulted and raped by Uber drivers. Since at least 2014, Uber has received frequent passenger complaints about driver misbehavior, has been notified of police investigations of the criminal conduct of drivers acting within their capacity as Uber drivers, and has been the subject of numerous civil suits alleging the sexual harassment and sexual assault of Uber’s passengers by Uber’s drivers.

244. Uber made a conscious decision not to implement procedures that would effectively screen its drivers and monitor its drivers to identify and terminate drivers who were sexual predators.

245. Safety precautions such as enhanced background checks, biometric fingerprinting, job interviews, electronic monitoring systems, warnings to passengers of the dangers of being attacked by Uber drivers, and cooperation with law enforcement when a driver attacks a passenger would have cost Uber money and reputational damage. Because of this, Uber decided not to implement such precautions and instead continues to place its passengers at greater risk of sexual assault and rape by Uber’s own drivers.





1     **COUNT THIRTEEN – STRICT PRODUCT LIABILITY BASED ON DESIGN DEFECT**  
2     **OF THE UBER APP AND FAILURE OF THE UBER APP TO MEET MINIMUM**  
3     **REASONABLE CONSUMER SAFETY EXPECTATIONS**

4                     *(As to all Plaintiffs)*

5             253. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
6     allegations.

7             254. Uber manufactured and distributed the Uber App.

8             255. The Uber App did not perform as an ordinary consumer would have expected it to  
9     perform when used or misused in an intended or reasonably foreseeable way, because the Uber App  
10    falsely led Plaintiffs to form a reasonable minimum safety expectation that was not met.

11            256. The Uber App did not include safety features such as a GPS tracking system that  
12    would alert Uber, to the early termination of a ride, substantial deviation from the intended route, or  
13    a passenger continuing to travel in the Uber vehicle after the driver ended the ride in the app. It also  
14    did not include the automatic activation of the camera in drivers’ smart phones when a ride is in  
15    progress.

16            257. The Uber App also failed to communicate with Plaintiffs a true expectation of the  
17    lack of safety in using Uber.

18            258. These flaws in the design of the Uber App, were a substantial factor in causing harm  
19    to the Plaintiffs, which included being kidnapped, sexually assaulted, sexually battered, raped,  
20    falsely imprisoned, stalked, harassed, and/or otherwise attacked by Uber Driver, which humiliated,  
21    degraded, violated, and robbed Plaintiffs of their dignity and personal safety. The depraved attacks  
22    on Plaintiffs caused Plaintiffs to suffer physical and or psychological harm from which they may  
23    never fully recover.

24            259. As a legal result of Uber’s aforementioned acts and omissions, Plaintiffs have  
25    suffered damages, both economic and general, non-economic damages, according to proof.

1                    **COUNT FOURTEEN – STRICT PRODUCT LIABILITY BASED ON FAILURE TO**  
2                    **WARN OF THE RISKS POSED BY THE UBER RIDESHARING APP**

3                    *(As to all Plaintiffs)*

4                    260. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
5 allegations.

6                    261. Uber manufactured and distributed the Uber App.

7                    262. The Uber App presented potential risks of introducing each driver to a passenger  
8 who, because of the nature of the ridesharing arrangement created and facilitated by the Uber App,  
9 could neither escape from the Uber driver’s vehicle nor control the place where the driver would  
10 take the passenger, which could result in the sexual assault of that passenger; these are risks that  
11 were known or knowable at the time of manufacture and distribution of the Uber App.

12                    263. The potential risks presented a substantial danger when the Uber App was used or  
13 misused in an intended or reasonably foreseeable way.

14                    264. Ordinary consumers such as Plaintiffs would not have recognized the potential risks.

15                    265. Defendant Uber failed to adequately warn consumers, including Plaintiffs, of these  
16 potential risks.

17                    266. Uber’s failure to provide passengers, including Plaintiffs, with sufficient warnings  
18 regarding the risk of harm to which they were being exposed with each Uber ride was a substantial  
19 factor in causing the harm suffered by Plaintiffs, including being kidnapped, sexually assaulted,  
20 sexually battered, raped, falsely imprisoned, stalked, harassed, and/or otherwise attacked by an Uber  
21 driver which humiliated, degraded, violated, and robbed Plaintiffs of their dignity and personal  
22 safety. The depraved attack on Plaintiffs caused Plaintiffs to suffer physical and or psychological  
23 harm from which some may never fully recover.

24                    267. As a legal result of Uber’s aforementioned acts and omissions, Plaintiffs have  
25 suffered damages, both economic and general, non-economic damages according to proof.  
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**PUNITIVE DAMAGES**

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2 268. Plaintiffs hereby incorporate by reference the preceding causes of action and factual  
3 allegations.

4 269. As stated above, Uber knew that it faced an ongoing problem of sexual predators  
5 driving for Uber and assaulting its passengers. As early as 2014 Uber knew that its drivers were  
6 sexually assaulting female passengers. Since 2014, Uber has received frequent passenger complaints  
7 about driver sexual misconduct, including sexual assault and rape, it has been notified of police  
8 investigations of the criminal sexual conduct of drivers acting within their capacity as Uber drivers,  
9 and it has been the subject of numerous civil suits alleging the sexual harassment and sexual assault  
10 of Uber’s passengers by Uber’s drivers.

11 270. Nevertheless, even though Uber was fully aware of its sexual predator problem it  
12 failed to take safety precautions to protect its passengers.

13 271. Even after Uber was aware some Uber drivers were using driving for Uber as an  
14 opportunity to get unsuspecting women into their vehicle and to sexually assault them, Uber and its  
15 executing officers made the conscious decision not to implement more thorough vet its drivers  
16 before and after hiring them.

17 272. The decision not to implement more thorough and persistent background checks was  
18 driven by Uber Executives desire for rapid expansion and increased profits, because the more drivers  
19 driving for Uber, the more money there was to be made.

20 273. Prioritizing profits over safety, Uber and its executive officers also made the  
21 conscious decision not to warn its customers/users of the risk of being sexually assaulted even after  
22 they were fully aware of this risk.

23 274. Safety precautions such as enhanced background checks, biometric fingerprinting,  
24 job interviews, electronic monitoring systems, ongoing monitoring of Uber drivers and rides through  
25 available technology including cameras and GPS; a zero tolerance policy for drivers who deviate  
26 from expected behavior by leaving the vehicle with passengers, or by deviating substantially from  
27 the assigned route, a warning system for when a driver significantly deviates from the intended route  
28 or prematurely terminates a ride, a system for checking in with and verifying a passenger’s safety  
when a driver prematurely terminates a ride or significantly deviates from the intended route ; a

1 zero-tolerance program for sexual assault and guidelines mandating immediate termination; a zero  
2 tolerance policy for fraternizing with passengers, creating and instituting a system encouraging  
3 customer reporting; and adequate monitoring of customer complaints by well-trained and effective  
4 customer service representatives, warnings to passengers of the dangers of being attacked by Uber  
5 drivers, and cooperation with law enforcement when a driver attacks a passenger would have cost  
6 Uber money and reputational damage. Because of this, Uber, at the direction of its corporate  
7 officers, decided not to implement such precautions and instead has continued to place its passengers  
8 at greater risk of kidnapping, sexual assault, rape, and exploitation by Uber’s own drivers.

9 275. Prioritizing profits over passenger safety, Uber and its executive officers acted, and  
10 continues to act, recklessly and in knowing, conscious disregard of the safety of its passengers,  
11 including that of Plaintiffs, and the public.

12 276. As a legal result of the aforementioned negligent, reckless and grossly negligent  
13 conduct of Uber, Plaintiffs were kidnapped, sexually assaulted, sexually battered, raped, falsely  
14 imprisoned, stalked, harassed, and/or otherwise attacked by an Uber driver, which humiliated,  
15 degraded, violated, and robbed them of their dignity and personal safety.

16 277. The depraved attack on Plaintiffs caused Plaintiffs to suffer serious emotional  
17 distress as well as physical and or psychological harm from which she may never fully recover.

18 278. As a result of Uber’s misconduct as stated above, Plaintiffs pray for exemplary  
19 damages to punish Uber for its misconduct and to deter future misconduct.

20 **PRAYER FOR RELIEF**

21 279. For these reasons, Plaintiffs pray for judgment against Defendants Uber  
22 Technologies, Inc., Rasier, LLC, and Does 1-50 inclusive. They ask that this judgment be inclusive  
23 of all Defendants, and that they be held jointly and severally liable, as follows:

- 24 a. For special damages, according to proof;
- 25 b. For past and future general damages, including physical pain, mental anguish,  
26 disfigurement and physical impairment, according to proof;
- 27 c. For past and future lost earnings and/or earning capacity, according to proof;
- 28 d. For medical expenses, past and future, according to proof;

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- e. For punitive and exemplary damages, according to proof;
- f. For prejudgment interest from the date of each Plaintiffs’ respective incidents to the date of judgment, as provided by law, according to proof at the time of trial;
- g. For costs of litigation incurred herein;
- h. For attorney’s fees;
- i. For such other and further relief as this court may deem just and proper.

Dated: July 13, 2022

SLATER SLATER SCHULMAN LLP



By: \_\_\_\_\_  
Michael W. Carney  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a jury trial on all issues so triable.

Dated: July 13, 2022

SLATER SLATER SCHULMAN LLP



By: \_\_\_\_\_  
Michael W. Carney  
*Attorneys for Plaintiffs*

**From:** [Ionin, Jonas \(CPC\)](#)  
**Cc:** [CTYPLN - COMMISSION SECRETARY](#); [CTYPLN - SENIOR MANAGERS](#); [YANG, AUSTIN \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#)  
**Subject:** CPC Calendars for July 21, 2022  
**Date:** Friday, July 15, 2022 3:33:35 PM  
**Attachments:** [20220721\\_cal.docx](#)  
[20220721\\_cal.pdf](#)  
[Advance Calendar - 20220721.xlsx](#)  
[CPC Hearing Results 2022.docx](#)

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Commissioners,  
Attached are your Calendars for July 21, 2022.

Cheers,

**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](#)



# CPC Hearing Results 2022

To: Staff  
 From: Jonas P. Ionin, Director of Commission Affairs  
 Re: Hearing Results

**NEXT MOTION/RESOLUTION No: 21144**

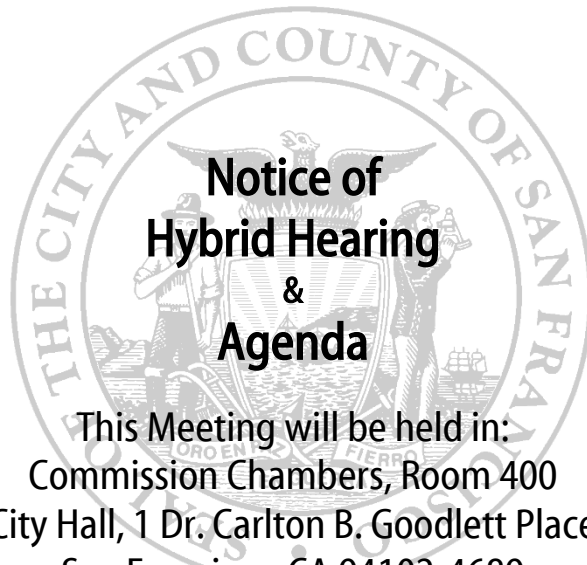
**NEXT DISCRETIONARY REVIEW ACTION No: 792**

DRA = Discretionary Review Action; M = Motion; R = Resolution

## July 14, 2022 Regular Hearing Results:

Action No.	Case No.		Planner	Action	Vote
	2021-012569DRM	<b>1 La Avanzada Street</b>	Horn	Continued to August 25, 2022	<b>+7 -0</b>
	2019-022830AHB	<b>3055 Clement Street</b>	May	Continued to September 1, 2022	<b>+7 -0</b>
	2022-003902PCA	<b>Neighborhood Commercial and Mixed-Use Districts (Board File No. 220340)</b>	Starr	Continued to August 25, 2022	<b>+7 -0</b>
	2021-006295DRP	<b>766 Duncan Street</b>	Winslow	Withdrawn	
M-21135	2021-012857CUA	<b>2110 Chestnut Street</b>	May	Approved with Conditions	<b>+7 -0</b>
M-21136	2022-002780CUA	<b>3908 24<sup>th</sup> Street</b>	Sacchi	Approved with Conditions	<b>+7 -0</b>
M-21137	2021-008697CUA	<b>4400 17<sup>th</sup> Street</b>	Pantoja	Approved with Conditions	<b>+7 -0</b>
		<b>Draft Minutes for June 23, 2022</b>	Ionin	Adopted	<b>+7 -0</b>
		<b>Draft Minutes for June 30, 2022</b>	Ionin	Adopted	<b>+7 -0</b>
M-21138	2018-008588CWP	<b>Southeast Station Study: Final Report and Recommendations</b>	Johnson	Adopted a Resolution Endorsing, Urging and Prioritizing	<b>+7 -0</b>
M-21139	2009.0159ENV-03	<b>1500-1540 Market Street (One Oak)</b>	Foster	Adopted Findings and a Statement of Overriding Considerations	<b>+4 -3</b> (Ruiz, Imperial, Moore against)
M-21140	2021-007611SHD	<b>1500-1540 Market Street (One Oak)</b>	Foster	Adopted Shadow Findings	<b>+4 -3</b> (Ruiz, Imperial, Moore against)
M-21141	2021-007611DNX	<b>1500-1540 Market Street (One Oak)</b>	Foster	Approved with Conditions	<b>+4 -3</b> (Ruiz, Imperial, Moore against)
	2021-007611VAR	<b>1500-1540 Market Street (One Oak)</b>	Foster	Acting ZA closed the PH, and indicated an intent to Grant	
M-21142	2021-012952CUA	<b>2030 Union Street</b>	Agnihotri	Approved with Conditions	<b>+7 -0</b>
M-21143	2021-008851CUA	<b>728 Geary Street</b>	Guy	Approved with Conditions	<b>+7 -0</b>
DRA-791	2020-002325DRP-02	<b>11 Burnett Ave N (313 Burnett) / 407 Burnett (333 Burnett)</b>	Winslow	Took DR and Approved with Staff Modifications	<b>+7 -0</b>

# SAN FRANCISCO PLANNING COMMISSION



## Notice of Hybrid Hearing & Agenda

This Meeting will be held in:  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, July 21, 2022**

**1:00 p.m.**

## Regular Meeting

Commissioners:

Rachael Tanner, President  
Kathrin Moore, Vice President  
Sue Diamond, Frank Fung, Theresa Imperial,  
Joel Koppel, Gabriella Ruiz

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](mailto: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 [sotf@sfgov.org](mailto:sotf@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](http://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](mailto: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](mailto: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.

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45<sup>th</sup> Supplement to her February 25, 2020, emergency proclamation, it is possible that some members of the Planning Commission may attend this meeting remotely. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at <https://sfplanning.org/>. Instructions for providing remote public comment are below.

### 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](mailto: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: 2487 856 8516*

*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: Rachael Tanner  
 Vice-President: Kathrin Moore  
 Commissioners: Sue Diamond, Frank Fung, Theresa Imperial,  
 Joel Koppel, Gabriella Ruiz

**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.

1. 2020-005176DRP (D. WINSLOW: (628) 652-7335)  
45 BERNARD STREET – south side between Taylor and Jones Streets; Lot 030 in Assessor’s Block 0157 (District 3) – Request for **Discretionary Review** of Building Permit No. 2020.0822.2415 to construct a rear addition; alter the exterior of the existing building; and to legalize an existing residential unit 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: Do Not Take Discretionary Review and Approve*  
 (Continued from Regular hearing on May 26, 2022)  
**(Proposed for Continuance to August 25, 2022)**
  
2. 2021-007672DRP (D. WINSLOW: (628) 652-7335)  
237 JUANITA WAY – south side near Del Sur Avenue; Lot 022 in Assessor’s Block 2971 (District 7) – Request for **Discretionary Review** of Building Permit 2021.0602.1495 to construct a front and rear horizontal addition to an existing three-story, one-family residence within a RH-1(D) (Residential House, One-Family-Detached) 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\(h\)](#).  
**WITHDRAWN**

**B. COMMISSION MATTERS**

3. 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.

**C. DEPARTMENT MATTERS**

4. Director’s Announcements

5. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

#### D. 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.

#### E. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; when applicable, followed by a presentation of the project sponsor team; followed by public comment. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

6. [2022-001032PCA](#) (A. MERLONE: (628) 652-7534)  
CONDITIONAL USE APPEALS (BF 220130) – Planning Code Amendment – Ordinance amending the Planning Code, sponsored by Supervisor Melgar, to allow the signatures of Verified Tenants to count towards the threshold needed to permit an appeal of a Conditional Use Authorization; clarifying timelines applicable to appeals of Conditional Use Authorizations; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.  
*Preliminary Recommendation: Approve with Modifications*
7. [2021-012246PCA](#) (A. MERLONE: (628) 652-7534)  
PLANNING CODE – SINGLE, TWO AND THREE-FAMILY HOME BONUS PROGRAM (BF 211234) – **Planning Code Amendment** – Ordinance amending the Planning Code, sponsored by Supervisor Safai, to create a density bonus program in RH-1 (Residential, House, One-Family), RH-2 (Residential, House, Two-Family), and RH-3 (Residential, House, Three-Family) Zoning Districts; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.  
*Preliminary Recommendation: Approve with Modifications*
8. [2022-004725PCA](#) (V. FLORES: (628) 652-7525)  
TEMPORARY SAFE OVERNIGHT PARKING AND CANNABIS RETAIL USES [BF 220542] – **Planning Code Amendment** – Ordinance amending the Planning Code, sponsored by Supervisor Safai, to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; extending the date for expiration of temporary cannabis retail uses to January 1, 2024; 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, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

*Preliminary Recommendation: Approve*

9. [2018-004217GPA](#) (D. NGO: (628) 652-7591)  
2022 SAFETY AND RESILIENCE ELEMENT UPDATE – Consideration of a Resolution to **Initiate amendments** to the San Francisco General Plan – Pursuant to San Francisco Charter Section 4.105, Planning Code Section 340(c) and Section 306.3, the Planning Commission may consider adopting a Resolution to Initiate amendments to the General Plan, a proposed revision of the 2012 Community Safety Element, and schedule a public hearing to consider adopting the proposed General Plan amendments. This initiation hearing is to consider when the adoption hearing will be held. If the Planning Commission passes the initiation resolution, the Commission will consider the content at the adoption hearing date of their choosing. The Department staff propose the adoption hearing to be scheduled on or after August 25, 2022.

*Preliminary Recommendation: Adopt a Resolution to Initiate*

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](http://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, 14<sup>th</sup> 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](mailto: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, 14<sup>th</sup> 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.

<b>Case Type</b>	<b>Case Suffix</b>	<b>Appeal Period*</b>	<b>Appeal Body</b>
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](mailto: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](http://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

3:34 PM 7/15/2022



**To:** Planning Commission  
**From:** Jonas P. Ionin , Director of Commission Affairs  
**Re:** Advance Calendar  
*All items and dates are tentative and subject to change.*

July 21, 2022			
Case No.			Planner
2020-005176DRP	<b>45 Bernard Street</b> <i>Public-Initiated DR</i>	fr: 5/26 to: 8/25	Winslow
2021-007672DRP	<b>237 Juanita Way</b> <i>Public-Initiated DR</i>	WITHDRAWN	Winslow
2022-001032PCA	<b>Conditional Use Appeals</b> <i>Planning Code Amendment</i>		Merlone
2021-012237PCA	<b>Single- and Two-Family Home Bonus Program</b> <i>Planning Code Amendment</i>		Merlone
2022-004725PCA	<b>Temporary Safe Overnight Parking and Cannabis Retail Uses</b> <i>Planning Code Amendment</i>		Flores
2018-004217GPA	<b>Safety Element</b> <i>General Plan Amendment - Initiation</i>		Ngo
July 28, 2022			
Case No.			Planner
2021-004987DRP	<b>2760 Divisadero Street</b> <i>Public-Initiated DR</i>	fr: 1/27; 2/24; 4/14; 5, to: 10/6	Winslow
2019-017272ENV	<b>PG&amp;E Power Asset Acquisition Project</b> <i>Appeal of PMND</i>	fr: 3/31 WITHDRAWN	Moore
2022-001892CUA	<b>98 Mission Street</b> <i>accessory office use (private gym for an existing tenant) at the ground floor</i>	CONSENT	Vimr
2022-000313CUA	<b>2027 Chestnut St</b> <i>Expand existing formula retail (Pacific Catch) to adjacent vacant storefront to accommodate seatin</i>	CONSENT	Agnihotri
2022-004718CUA	<b>2209 Chestnut St</b> <i>Establish Formula Retail store (Malin + Goetz) in vacant retail space</i>	CONSENT	Agnihotri
	<b>Progress on the Equity Resolution</b> <i>Informational</i>		Chion
2018-015785GPRGPA	<b>Transbay Block 4 - 200</b> <i>Adoption</i>		Snyder
2021-005342ENX	<b>925 Bryant Street</b> <i>State Density Bonus project with 218 group housing units</i>	fr: 6/2	Feeney
2020-006679CRV	<b>1196 Columbus Ave</b> <i>SB330/State Density Bonus Project 56 group housing rooms</i>		Hoagland
2017-013784CUA	<b>2976 Mission Street</b> <i>demolish the existing construct a six-story, mixed use building</i>		Giacomucci
2020-010283CUA	<b>2308 Vicente Street</b> <i>Demolish existing 1-story church, subdivide to two parcels and construct two 3-unit buildings</i>		Jimenez
2017-011878PHA-09PFA-03	<b>Potrero Power Station (420 23rd St)</b> <i>phasing amendment and an adjustment to their previous office allocation</i>		Giacomucci
2021-002487DRP-02	<b>3624 Scott Street</b> <i>Public-Initiated DR</i>		Winslow
August 4, 2022 - CANCELED			

# CPC ADVANCE CALENDAR

3:34 PM 7/15/2022

Case No.		Planner
<b>August 11, 2022 - CANCELED</b>		
Case No.		Planner
<b>August 18, 2022 - CANCELED</b>		
Case No.		Planner
<b>August 25, 2022 - CLOSED</b>		
Case No.	Tanner - OUT	Planner
2021-013037CUA	<b>140 2nd Street</b> <i>rooftop micro WTS site</i>	CONSENT Wendt
2022-003902PCA	<b>Neighborhood Commercial and Mixed Use Districts (Board File 22 fr: 5/26; 6/30; 7/14</b> <i>Planning Code Amendment</i>	Starr
2022-005505PCA	<b>Tenderloin Neon Special Use District</b> <i>Planning Code Amendment</i>	Flores
	<b>Tenderloin</b> <i>Informational</i>	Chion
2020-004398PRJ	<b>SFO Shoreline Protection Program</b> <i>Informational</i>	Li
2018-004217GPA	<b>Safety Element</b> <i>General Plan Amendment - Adoption</i>	Ngo
2021-010332IMP	<b>375 Laguna Honda</b> <i>IMP</i>	Ajello
2020-005514PRJ	<b>1010V Mission Street</b> <i>nine-story residential building with 57 SRO units on a vacant lot</i>	Salgado
2016-010626CUA	<b>6227 3rd Street</b> <i>CUA for UDU removal by merger</i>	Samonsky
2021-012569DRM	<b>1 La Avanzada Street</b> <i>Recladding of Sutro Tower horizontal elements</i>	fr: 6/2; 7/14 Horn
2016-000302DRP	<b>460 Vallejo Street</b> <i>Public-Initiated DR</i>	fr: 9/30; 11/18; 1/13; : Winslow
2020-005176DRP	<b>45 Bernard Street</b> <i>Public-Initiated DR</i>	fr: 5/26, 7/21 Winslow
2021-009356DRP	<b>2845 Fillmore Street</b> <i>Public-Initiated DR</i>	Winslow
<b>September 1, 2022</b>		
Case No.	Tanner - OUT	Planner
2022-004159CUA	<b>3334 Sacramento Street</b> <i>legalize an approximately 900 sf Personal Service use</i>	CB3P Gunther
2019-020057ENXOFA-02	<b>424 Brannan Street</b> <i>LPA to construct two autonomous seven-story office buildings with ground floor retail</i>	Westhoff
2019-022830AHB	<b>3055 Clement St</b> <i>HOME-SF project</i>	fr: 6/23; 7/14 May
2021-002738CUA	<b>485 Duncan Street</b> <i>Demolition of a SFH and new construction of Two-family Dwelling</i>	Horn

# CPC ADVANCE CALENDAR

3:34 PM 7/15/2022

2021-000182DRP	<b>140 20th Avenue</b> <i>Public-Initiated DR</i>	Winslow
2021-000997DRP	<b>801 Corbett Avenue</b> <i>Public-Initiated DR</i>	Winslow
2021-007934DRP	<b>3682-3686 16th Street</b> <i>Public-Initiated DR</i>	Winslow

## September 8, 2022

Case No.		Planner
2019-022404ENXCUASHD	<b>1458 San Bruno Av</b> <i>State Density Bonus for seven story residential building containing 232 dwelling units</i>	Samonsky
2021-008991CUA	<b>200 Rhode Island Street</b> <i>Conditional Use Authorization to allow 2 stories of office use in Article 10 Landmark Building</i>	Westhoff
2021-011698CUA	<b>424 Texas Street</b> <i>demolition of a single-family home</i>	Samonsky
2018-008802MAP	<b>68 Nantucket Ave</b> <i>rezoning of two parcels from P to RH-1</i>	Pantoja
2021-000659DRP	<b>485 Day Street</b> <i>Public-Initiated DR</i>	Winslow
2021-007319DRP	<b>1 Castendada Avenue</b> <i>Public-Initiated DR</i>	Winslow

## September 15, 2022

Case No.		Planner
	<b>Sunset Forward / Cultural Districts</b> <i>Informational</i>	Chion
2019-015384CUA	<b>731 Treat Ave</b> <i>Demolition of two-unit property, and construction of new four story three unit bldg and one ADU</i>	Westhoff
2021-000607DRP	<b>525 Leavenworth Street</b> <i>Public-Initiated DR</i>	Winslow
2020-007991DRP	<b>445 Liberty Street</b> <i>Public-Initiated DR</i>	Winslow
2021-005053DRP	<b>1334 12th Avenue</b> <i>Public-Initiated DR</i>	Winslow

## September 22, 2022

Case No.		Planner
2022-000267DRP	<b>3059 25th Street</b> <i>Public-Initiated DR</i>	Winslow
2020-010011DRP	<b>3753 21st Street</b> <i>Public-Initiated DR</i>	Winslow

## September 29, 2022 - CANCELED

Case No.		Planner

## October 6, 2022

Case No.		Planner
2021-012562PRJ	<b>77 Beale and 50 Main Streets</b> <i>Informational</i>	Vimr
2021-004987DRP	<b>2760 Divisadero Street</b> <i>Public-Initiated DR</i>	fr: 1/27; 2/24; 4/14; 5, Winslow

## October 13, 2022

# CPC ADVANCE CALENDAR

3:34 PM 7/15/2022

Case No.		Planner
2020-009836DRP	<b>133 Grand View Ave</b> <i>Public-Initiated DR</i>	Winslow
	<b>October 20, 2022</b>	
Case No.		Planner
	<b>Housing Element</b> <i>Informational</i>	Chion
	<b>October 27, 2022 - CANCELED</b>	
Case No.		Planner
	<b>November 3, 2022</b>	
Case No.		Planner
	<b>November 10, 2022</b>	
Case No.		Planner
	<b>November 17, 2022</b>	
Case No.		Planner
	<b>November 24, 2022 - CANCELED</b>	
Case No.		Planner
	<b>December 1, 2022</b>	
Case No.		Planner
	<b>December 8, 2022</b>	
Case No.		Planner
	<b>December 15, 2022</b>	
Case No.		Planner
	<b>December 22, 2022 - CANCELED</b>	
Case No.		Planner
	<b>December 29, 2022 - CANCELED</b>	
Case No.		Planner
	<b>January 5, 2023</b>	
Case No.		Planner

Case No.	<b>January 12, 2023</b>	Planner
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Case No.	<b>January 19, 2023</b>	Planner
	<b>Housing Element EIR</b>	White
	<i>Certification</i>	
	<b>Housing Element 2022 Update</b>	Caltagirone
	<i>Adoption</i>	

Case No.	<b>January 26, 2023</b>	Planner
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Case No.	<b>February 2, 2023</b>	Planner
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Case No.	<b>February 9, 2023</b>	Planner
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**From:** [Sue Hestor](#)  
**To:** [Tanner, Rachael \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Ruiz, Gabriella \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [CPC-Commissions Secretary](#)  
**Cc:** [Foster, Nicholas \(CPC\)](#); [Schuett, Rachel \(CPC\)](#)  
**Subject:** One Oak project - record must be reopened  
**Date:** Thursday, July 14, 2022 12:58:46 PM  
**Importance:** High

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

The Planning Commission inappropriately closed the hearing on the One Oak project on June 30, and continued the hearing until July 14. The record must be reopened and the public given additional time for comment on the modified One Oak project.

The staff report to public and Commission did NOT state that the **One Oak FEIR certified 6/15/17** was part of the record and must be reviewed by Planning Commission to make the motions offered. It was not provided or linked. AFTER THE RECORD WAS CLOSED 6/30/22, on 7/1/22 at 12:44 Mr. Foster sent Commissioners a link on how to locate the original FEIR and related documents so they could understand the 6/7/22 Addendum.

Planning staff should also submit a report on the negotiated settlement between developer and Hayes Valley community with Supervisor Breed in 2017. Commissioners and staff were provided a copy of press release by the Supervisor's office addressing both affordable housing, wind effects on bicyclists and operations by Transportation Network Companies. (Uber etc)

Information provided to Commission ignored 2017 agreement.

The continued hearing should allow time for staff to provide information on the modified project in light on the 2017 agreement with BUILD.

Sue Hestor